SENATE—*Thursday, July 15, 1993*

(Legislative day of Wednesday, June 30, 1993)

The Senate met at 9 a.m., on the expiration of recess, and was called to order by the Honorable HARLAN MATHEWS, a Senator from the State of Tennessee.

PRAYER

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

Let us pray:

Blessed is the nation whose God is the Lord * * *.—Psalm 33:12.

Almighty God, we have come a long way since our birth as a Republic. But we have wandered somehow. Our Founding Fathers held freedom of religion as fundamental. We have translated their deep conviction into freedom from religion.

We have become technological giants, and spiritual and moral dwarfs. We are sophisticated in scientific progress, primitive in spiritual development. We are knowledgeable in the ways of the world, and ignorant in the ways of God. We live as though man is the center of the universe, and God is a peripheral invention of pious enthusiasts. We are abundantly rich in material resources, and abysmally poor in spiritual and moral capital.

Dear God, help us get our act together before it is too late.

In the name of Him Who is the Way, the Truth, and the Life. 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 bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 15, 1993.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HARLAN MATHEWS, a Senator from the State of Tennessee, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. MATHEWS thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

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 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

The Senator from South Dakota [Mr. DASCHLE] is recognized.

Mr. DASCHLE. I thank the Chair.

PRIVILEGES OF THE FLOOR

Mr. DASCHLE. Mr. President, I ask unanimous consent that Peter Hanson and Richard Hess of my staff be accorded the privileges of the floor during morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE FLOODING IN THE MIDWEST

Mr. DASCHLE. Mr. President, many of us who represent States in the Midwest have felt the need over the last couple of days to report to the Senate on the current situation involving the devastation from the historic floods throughout many of our States. I want to describe the crisis.

I would like to commend the administration thus far for their work, and I would like to urge that we respond as immediately as we possibly can.

Put simply, the devastation is as vast as anything I have seen in South Dakota during my time in public life. The land has been inundated with water as far as the eye can see.

The best land, in fact, the most productive land that we have within our borders, in many cases has been lost for the foreseeable future. Farms have been abandoned and homes have been destroyed. And the rain continues.

The weather forecast for today is for more rain over the entire State of South Dakota and the Upper Midwest. Farmers, businessmen, and families have all been affected by this disaster. In some cases, they now have no income. In some cases, they have experienced severe damage to land, buildings, and their equipment. In some cases, they are distraught and demoralized.

I see their concern. You can fully appreciate the depth of that concern as you see the deep lines in their faces as they peer out over that destruction, as they look at the destruction to their buildings, their offices, and their homes, and as they realize the magnitude of their lost income and look at their children with little hope and little expectation that life can be normal any time in the foreseeable future. These people are looking for answers.

In a normal year, grains in our State are planted by May 1. This year, only one-third of the grain was planted by that date.

Furthermore, crop insurance provides us with a catch-22, Mr. President. You are not entitled to crop insurance benefits if you have not planted. But, in many cases, because of the rain, farmers have not been able to plant, thereby making themselves ineligible for any assistance provided through the crop insurance program.

In a normal year 2.7 million acres of corn are planted in South Dakota. This year, almost 1 million of those corn acres were too wet to plant or flooded. Normally, South Dakota plants 1.9 million acres of soybeans. This year, 1.2 million of those soybean acres were too wet to plant or flooded.

South Dakota, we are told, is one of the hardest hit, with damage estimates in excess of one-half billion dollars for prevented planting alone. However, the problem is now growing worse in South Dakota, and those areas, which were able to plant, are likely to have a crop failure. The reality of this is that farm income will plummet.

I get hundreds of letters from constituents from across our State who have been relegated to describing the situation and asking in humiliating ways for whatever assistance we can provide. Farmers who have survived everything else are not sure they are going to survive this. They are urging that we act quickly; farmers with heartfelt expression of deep concern about where they go from here.

Vera and Richard Perry are farmers like that. They recently wrote an urgent letter and this is what they had to say:

> We have never previously requested Federal assistance for any of our farm problems. But now, we have no choice. We need your help, and we need you to bring it to the attention of President Clinton, Secretary Espy, the U.S. Senate, and the U.S. Department of Agriculture.
>
> The never-ending rainfall and now the flooding by the Vermillion River in Turner County have prevented us from planting soybeans or corn and destroyed the planted crops over much of our 1,137 acres of farmland.
>
> Please understand that we are not newcomers. Our parents and our grandparents have weathered previous floods and drought for some 100 years. But this flooding has created far more damage. It is too late in the

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

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growing season to take advantage of any of the ASCS identified procedures designed to assist disaster stricken producers. We need help to pay taxes, the cost of seed, herbicides, fuel, fertilizers and so forth, for which there will be no more than minimal income.

Thank you in advance for your effort to make every assurance that we will receive some understanding of the problems we face. We do not need low interest loans which simply add to our debt.

That, above all, is what farmers tell me, Mr. President. They need real help, not more debt, not more loans, not more of the same of that which they have received from the Government for too long.

I compliment the administration thus far on the work and the clear understanding that they have shown for the consequences of the problems that these people face. The President and the Vice President have now been out several times. The President cut short his short vacation in Hawaii to go back again. Secretary Espy, over the last 2 weeks, has now visited the area four times. They have seen the devastation, the flooded fields, the homes destroyed, and the towns washed away. They have that clear understanding.

I commend the Federal Emergency Management Administration as well. For so long they have been criticized, understandably, for the lack of response and the difficulties that they have experienced in attempting to address disasters in the past. Thus far, I think they have done a remarkable job in responding to this one.

I am encouraged by the administration's response overall. No administration to my memory has been more responsive. We need now to assess whether the administration's proposal is adequate, given the changing circumstances. The President himself just this morning has indicated that we may need to do more. We will be meeting with him this afternoon to talk about just that fact.

We do not know exactly what we need. There are things we do know we need. We need to accurately assess the damage. We need to determine the eligibility of those who may need assistance immediately. We need to direct that assistance as soon as humanly possible. I hope in the process we can simplify the means by which we determine the amount of assistance for which disaster sufferers would be eligible.

I do not object to using the same standard as in past disasters, but we must learn from the mistakes of past disasters. And one mistake is the complicated process by which disaster victims are asked to calculate their payments. That must be changed, and we must change it this time.

In summary, let me say this. Let no one minimize the situation. It is extremely grave and it is getting worse. The administration has shown clearly that they understand, and they are prepared to help. Now let us here in the Congress act, and let us act soon.

Mr. President, I yield such time as he may require to the distinguished Senator from South Dakota [Mr. PRESSLER].

The ACTING PRESIDENT pro tempore. The Senator from South Dakota [Mr. PRESSLER] is recognized.

THE FLOODS IN SOUTH DAKOTA

Mr. PRESSLER. Mr. President, I thank my colleague and commend him on his remarks.

If there were a quiz show and the question was asked, "Which State is hardest hit by the floods?" What would the answer be? Would it be Illinois or Iowa, where the President has visited? Would it be Minnesota or Missouri, where the Vice President has visited? The fact is, the hardest hit, according to an economist at the Federal Reserve Bank in Minneapolis, is going to be South Dakota, in terms of total impact, because of the economic impact agriculture has in South Dakota, and because of the nature of the losses in eastern South Dakota.

We do not hear much about that. Because we are not a population center, the national media has not focused as much on South Dakota. So my first point is, let us not forget about South Dakota in this whole process.

Second, we are all working together on a bipartisan basis for some disaster relief for the flood victims. Yesterday, the Governor of South Dakota was in my office and we met with FEMA and SBA officials and the rest of our congressional delegation. We will be working with the President of the United States on a bipartisan basis to do what we need to do.

When there is a hurricane in Florida or an earthquake in California, there is immediate assistance and there is a lot of attention. Just because an area is smaller or because there are fewer people in an area does not mean the disaster is any less to the taxpayers individually in that area.

South Dakota's numbers are staggering: 33 South Dakota counties have been declared disaster areas by Governor Miller. Assistance will be provided in 41 counties.

Mr. President, 12,580 South Dakota farmers have not been able to plant this year's crops or have flooded acres; 2,351,900 acres are affected—1,116,200 corn acres and 1,235,700 soybean acres.

Farm losses are expected to exceed $500 million and 1,465 personal homes have been damaged or destroyed. Personal property damage is likely to exceed $10 million. Hundred of miles of roads and numerous bridges need repairing. Total economic losses for South Dakota could exceed $1 billion. That is a lot of money. That is a lot of money in South Dakota. It is a lot of money anyplace, but especially so in South Dakota.

During yesterday's meeting, I learned from a high-level official of the Federal Emergency Management Agency that they would be recommending to President Clinton to declare areas of South Dakota as Presidential disaster areas. That announcement will immediately make available much needed assistance. This will bring hope to many South Dakotans.

Mr. President, we are just beginning to understand the magnitude of this disaster. We probably will not have full assessment until the water recedes and this year's harvest is finished. This disaster has impacted every farmer, rancher, and business in South Dakota. We must carefully plan relief efforts. We must work on a bipartisan basis to get disaster assistance to areas devastated by the flood conditions. I am committed to this effort.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota [Mr. WELLSTONE] is recognized.

THE FLOODING IN MINNESOTA AND THE MIDWEST

Mr. WELLSTONE. Mr. President, I rise on the floor of the Senate today to make the plea to the President and to all Members of the House of Representatives and Senate, Democrats and Republicans alike, for support and assistance to the men, women, and children whose lives have been devastated by the recent flooding and torrential rains in the Midwest.

The President yesterday announced that he would request a minimum of $2.4 billion in disaster relief from Congress, and he himself said that was just a beginning figure. I have to say, I think that the President, Secretary of Agriculture Espy, and the Director of FEMA, Mr. James Lee Witt, are doing all that is humanly possible at the moment. A word about Mr. Witt and FEMA. I am very impressed at the responsiveness of Mr. Witt and FEMA. When you talk to the people in the communities that are struggling with this, they are very pleased. I want to say that on the floor of the Senate.

I do not rise on the floor of the Senate today to be critical. I do have some questions, however, some things that I am worried about.

Remember that above and beyond all of the public infrastructure—and FEMA has been very helpful there—in my State, we are talking about over a million unplanted acres. What acres are planted, when you look at the corn and soybeans, all too often are in terrible shape. We are also talking about maybe 1 billion dollars' worth of damage right now. Small businesses also figure into this equation. That is another one of my concerns.

But I also want to say to the President that when he spoke yesterday about what he had seen in Iowa, when he talked about the flooding in Des

Moines, the visibility of it, the pain of the people, I want to emphasize to President Clinton this afternoon—and I think he will be receptive to this because I think he deeply cares about what has happened to people—that in rural Minnesota, in the agricultural parts of our State, in southern Minnesota, the economic devastation and the pain is more hidden than what you see in a city like Des Moines. But it is no less real. It is no less real.

I was in Martin County in southwest Minnesota, in Fairmont, and visited with Keith and Sue Wilken on their farm. Keith Wilken was speaking to me. A group of farmers came out, and he said to me, "I am fine on the outside, but I am really hurting on the inside."

I could continue to try to translate these statistics into human terms, but I do not think I need to because I think the conscience of the Nation has been enjoined. I think people are genuinely horrified by what they have seen on the TV screen and I hope there will be a direct and a very strong response on the part of the President and on the part of the Senate and the House, on the part of Democrats and Republicans alike.

I have to say that I think this original request of $2.4 billion will not be the ceiling. I think the estimates are going to go up. And I am concerned about what might be the formula for the distribution of disaster relief to the farmers.

The usual formula, as I understand it, is that there is a coverage of an average yield of 65 percent of the farmer's land, the farmer being responsible for the other 35 percent. Then farmers are eligible for compensation for damages on 60 or 65 percent of the target price on damages, depending on whether or not they have crop insurance. Apparently, sometime in the early nineties, that formula for compensation was dropped down to 50 percent. So if it is 50 percent of the dollar on only 65 percent of the average yields of the acres of farm, then I am very worried that will not be enough to provide the kind of assistance that farmers and their families need to keep going on.

So I think we have our work cut out for us. I have been gratified at the response of my colleagues, because I do not know of one Senator whom I have talked to who has not directly felt this pain.

If there ever was a role for the Federal Government, it is to respond to people in this hour of dire need. I know that when we speak on the floor of the Senate, people sometimes think, "People are hurting, we have a disaster, and our Senators are giving speeches," but I do not think anybody here today is giving a speech for the sake of words. All of us care fiercely about this. If you have been out there with people, you feel the pain. You want to come through for people; you want to do well for people. That is why we are here in the U.S. Senate.

I really hope, in working with the President of the United States, that Democrats and Republicans alike will be able to come together and provide people with the kind of relief that will enable them to keep going in this difficult time.

Mr. President, I yield the floor.

Mr. GRASSLEY addressed the chair.

The ACTING PRESIDENT pro tempore. The Senator from Iowa is recognized.

THANKS TO THE PRESIDENT

Mr. GRASSLEY. Mr. President, I very much appreciate the comments that the good Senator from Minnesota just made about a problem that everybody in America is just beginning to understand. I thank him, and I know that he feels for his constituents as all Americans feel toward the problems of the people in the Midwest.

I also want to thank President Clinton for coming out to Iowa and particularly for saying that our response as a Government to the crisis in the Midwest is going to be on the same basis and with the same fairness and same equity as other U.S. natural disasters, particularly the recent Hurricane Andrew.

So, I thank the President for that standard he has set, and I think that the legislation he submitted yesterday is a start in meeting that goal. We all know, however, that the full extent of the damage will not be known until the fall harvest. It is hoped, for the good of our Nation, as well as the Treasury, there will not be any more damage. As the President noted, if we find out there is more damage and his current response proves to be inadequate, he will come back to suggest the appropriate additional measures. As is the case with every natural disaster, there will be those who question the need for any type of national response. For several decades, our Government has had a policy—maybe not a stated policy but at least an implicit policy—a policy of self-insurance. In the case of crops, we do have a crop insurance program, but not one that can anticipate all natural disasters. We do have a flood insurance program, but not one that can anticipate all the possible damage that can be done.

So above and beyond that, we have a policy of self-insurance, which is basically that we have some disaster programs that are on the books and have been on the books for a long time. We do not have to authorize programs for specific disasters, whether it is a hurricane, whether it is an earthquake, or whether it is a flood situation, both rural and urban. We have programs on the books that we do put some money in at the beginning of a fiscal year in the budget to finance some of these programs.

But when those disasters are greater than we anticipate at the beginning of the fiscal year, we just supplement that. We had been doing that in times of the sixties and seventies when the deficit was under control; and we do that in times when we might be borrowing money for the natural disasters. This year we are under the budget caps by $12 billion; hence, you could argue there is some leeway in the budget to take money for disasters.

But also we know our budget laws provide that when we are over those caps, that the emergency provisions of the budget agreement can be triggered and we can meet our responsibilities. It is not some ad hoc political decision that is made from time to time. It has evolved into a very good policy of self-insurance on the part of the American people toward natural disasters anywhere in our country. We might remind the American people sometimes for natural disasters even beyond the borders of America when we have tried to help people with earthquakes in Armenia and other places, Italy, et cetera, in past years.

Mr. President, by virtue of almost round-the-clock television coverage. I doubt there is a person in this body or even in this country who does not know about the recent problems in the upper Midwest, and particularly in my State of Iowa. We have all heard about the crippled water plan in Des Moines and the quarter million Iowans who will be without drinking water for at least 30 days; about our city of Davenport anxiously awaiting the Mississippi to crest; about the Saylorville and Red Rock Reservoirs which are filled to capacity, unable to stop the rising waters.

Iowans, I assure you, would prefer anonymity and dry weather over rising rivers and national attention. The images on TV, however, do not portray the despair now gripping the citizens of my State.

The statistics of the number of inches of rain, the thousands and thousands of acres flooded, do not convey the lost sense of hope many are now feeling. The pictures of barren fields awash in water where corn was chest high but a year ago, failed to capture the human suffering that will be caused by the flood. Beyond the statistics, the pictures, the sound bites are real people fighting for their survival.

For instance, a farmer contacted my office who is still digging out from the farm credit crisis of the 1980's. He speculates that the floods of 1993 will drive more farmers off the farm than last decade's credit crunch. At his most optimistic, he says he thinks he can survive. He refuses to speculate as to what may happen to him and his family under any other scenario.

Then there is a 70-year-old farmer in southeast Iowa who has had water

standing in his field since March. He never got into his field once to plant a crop. His farm borders a tributary of the Mississippi. The Mississippi is over 60 miles from his farm. Because the Mississippi is so high, neither the local river nor his fields can drain. The irony is that levies built long ago to keep the water out now keep the water in. There will be nothing to harvest for him this fall.

Or I heard from the farmer who has been a loyal purchaser of crop insurance for the past several years, who has spent thousands and thousands of dollars on premiums over the years but stands to collect nothing on the acres that he was unable to plant.

I will not go into any detail about my own farming operation in Butler County; I do not think it is appropriate to discuss this on the floor. But my son, Robin, and I, who farm together, have felt all the frustrations, and experienced all the tribulations of farmers all over the Midwest. There is not a single field in which we have been able to go from one end to the other, or a single field that we have been able to get entirely planted. Our lot is not as bad as other farmers in Iowa and elsewhere. But this is the most unusual year that I have ever seen since I started farming in 1960.

I wish to yield the floor to my other colleagues who want to speak on this subject, but I have just one last thought. Like my colleagues, I could go on and on. The point is that the Nation should not—this Chamber should not—lose sight of the human side of this tragedy, of the farmers with loans and bills and other obligations; farmers with spouses and children, farmers with hopes and dreams. Though I sincerely appreciate the attention recently given to my State by President Clinton and Secretary Espy, and I appreciate the much needed sense of hope that their presence conveyed, I know the need is just as great in other parts of the upper Midwest. I pledge my efforts in a bipartisan manner to provide the assistance that our people so desperately need.

I yield the floor.

ORDER OF PROCEDURE

Mr. WALLOP addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

Mr. WALLOP. Mr. President, I ask unanimous consent that I might be permitted to yield to the Senator from Illinois and that I be recognized at the conclusion of his remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SIMON. Mr. President, I wish to take 2 minutes, and I appreciate the kindness of my colleague from Wyoming.

FLOOD DEVASTATION IN THE MIDWEST

Mr. SIMON. Mr. President, first, we have to understand the huge devastation my colleague, Senator GRASSLEY, has just described. Senator CAROL MOSELEY-BRAUN and I have visited in Illinois, and you have to see it to believe it. The devastation is just not the water coming in. After that water recedes—and I have been in flood territories before—then you have the stench, you have the silt, you have all the problems that go with that. The devastation is just unbelievable.

Second, there is a tremendous amount of cooperation from people. In Andalusia, IL, people living up on the hill, not threatened at all, are down there filling those sandbags, doing everything. The mayor of Quincy, IL, Charles Schultz, says they are using a parking lot from Quincy College to fill sandbags. He says, "I don't know where we are going to get the money to pay for all this, but we have to help people." And they are helping people 30, 40 miles away, as well as people in Quincy. So the cooperation has been terrific.

Finally, I would just add to my colleagues real candidly, I support the President's request for $2.5 billion. But we should not fool ourselves that that is going to be the end of the costs to the Federal Government on this because, for example, the President has $45 million in levees. Well, you could absorb that $45 million in Iowa real easily. We could do it very easily in Illinois, and I am sure the same would be true for other States. So there will be some additional long-term costs that we are going to have to face up to.

But I appreciate the help of my colleagues. I was pleased to help in South Carolina and Florida and Hawaii when they had problems, and I appreciate the offers of our colleagues to help when we have problems in the Midwest.

I thank my colleagues from Wyoming for his courtesy, and I hope I have not exceeded the 2 minutes.

Mr. WALLOP. I thank the Senator from Illinois.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming is recognized under the previous order for a period not to exceed 10 minutes.

CONSOLIDATION OF FEDERAL GOVERNMENT POWER

Mr. WALLOP. Mr. President, last year I spoke about the growing tendency of the Federal Government to consolidate its power, especially over State natural resources, especially water, and the unfortunate willingness of the States to permit this consolidation.

I wish that I could report that the trend has been reversed, but so far as I can see, it is accelerating. The administration's proposals to date indicate that Washington thinks those of us living west of the 100th meridian are anachronisms fit only for museums and ancient history courses.

The administration has proposed a surcharge on water users in the West for deficit reduction. Note that they did not propose a general tax on all water users such as the many corps of engineers projects all across the Midwest and east coast, but only those in the West.

Congress has begun discussions on reauthorization of the Clean Water Act. Some proponents join the administration in trying to make the administrator of EPA the effective water master for the entire West. EPA clearly wants express authority to override traditional water law throughout the West and set minimum flow requirements, notwithstanding doctrines of prior appropriation or the limitations of interstate compacts.

As you may know, the clean water legislation introduced last year by the Senator from Montana defined "hydromorphic modifications" as a conventional pollutant, which would make it subject to abatement. "Hydromorphic modification" means any change in a stream—any dam, diversion, or irrigation ditch. Thus, the entire economy of the 17 Western States will be based on what the Federal Government will have determined to be a pollutant.

The ability of the Federal Government to intrude into the affairs of State and local government looms ever larger. A few weeks ago, the House subcommittee considering legislation concerning Yellowstone National Park adopted one of the more inane proposals which has yet been offered. As you know, this entire debate revolves around concern that the church universal and triumphant in Montana would develop a water right which might affect the geothermal features of Yellowstone National Park.

Despite the fact that the National Park Service already possesses ample authority to obtain injunctive or other relief to protect park resources and that no scientific nexus has been demonstrated, I understand the concern which motivates the legislation.

I am one who believes that if any uncertainty exists, we should be safe rather than sorry. The park should be protected against any risk, however small. Where I differ from the advocates of the legislation, is with regard to the appropriate remedy. The Constitution demands that, and I think property owners should be compensated when their property rights are taken by the Federal Government for a public purpose and that Congress should address a specific problem directly. The House seems to believe that regulation to extinction is the preferred alternative.

House Members also decided that the States of Wyoming, Idaho, and Montana need to enact comprehensive ground water laws which are to be approved by the Secretary of the Interior. Moreover, they want State authority over ground water suspended until the Secretary of the Interior has "found that the State has the necessary legal authority and qualified personnel for the regulation and management of regulated resources outside Yellowstone National Park consistent with the requirements of this act."

Apparently Governor Sullivan would have to submit the resume of the State engineer and all the employees of that office and the attorney general's office to Secretary Babbitt to see if we are wise enough to manage our own resources.

I am also concerned over the lack of balance in the appointments which the President has made. When Governor Babbitt came before the Senate Energy and Natural Resources Committee, I specifically questioned him as to who would be appointed to fill certain important positions in the Department. The committee was assured that we were going to see a Bruce Babbitt who would seek balance in his appointments. Frankly, I have not seen that balance.

Maybe George Frampton, John Leshy, and others will turn out to be honest brokers who seek to faithfully administer the laws. I hope so, but I am not encouraged so far. I am especially troubled by some of the appointments who I had believed would take a more moderate approach.

For example, I specifically asked the Secretary as well as Betsy Rieke during her confirmation hearings to be Assistant Secretary for Water and Science, as well as Dan Beard during his confirmation hearings to be Commissioner of the Bureau of Reclamation, whether they intended, as Secretary Babbitt had earlier stated, to open the sacred scrolls of the law of the river. I was assured that they did not have such an agenda.

Those assurances evaporated as soon as the oath of office was administered. Earlier this month, the Assistant Secretary gave a speech at the Natural Resources Center in Colorado and I want to quote several paragraphs:

In addition to supporting promising efforts, the Department of the Interior should patiently leverage change at the local, State, regional, and Federal level, where there is undue resistance to change—where there is fear of giving up the certainty of what someone has today for the uncertainty of tomorrow.

An example of a region where the Department must patiently leverage change is the Colorado River Basin, particularly the Lower Colorado Basin. The Colorado River, the river of controversy, has been locked up in the chains created by the law of the river, a complex body of law that purportedly only lawyers and other experts can decipher. That body of law makes basinwide planning for municipal growth, shortages, endangered species protection, cost effective salinity control, and the like extraordinarily difficult to achieve.

It is time to figuratively melt those chains and to put on the table everyone's creative ideas for revamping the rules for managing the Colorado River.

The process is already under way, but it is time to accelerate it. Just how we do that remains to be seen. But the Secretary is a committed advocate for comprehensive change, not piecemeal solutions that focus on just one aspect of the problem, such as banking water in Lake Mead or in Arizona's aquifers, or straightening out the central Arizona project's financial dilemma.

The Federal Government must recognize that change threatens to rend the very fabric of certain long-established western ways of life—the only existence many loggers, miners, cattle growers, and farmers have known. Thus, where we can afford to do so, we need to provide transitional aid to those communities to reduce the pain of change.

I have to tell you that those words do not make me feel comfortable. The seven basin States already have the ability to sit down together and work out the water allocation problems facing us. Apparently that is not good enough for the Secretary. He wants to leverage us to do what he and his fellow bureaucrats want rather than what is good for our residents. The Secretary seems to be operating on the assumption that he alone knows what is good for the farmers, ranchers, miners, and those other anachronisms which he finds so distasteful.

So the Secretary will leverage the States, reallocate our heritage, and satisfy his particular breed of special interests. And when he has destroyed our economies, driven our people off their land, and eliminated our productive capacity, then we can all move to Los Angeles, or Phoenix, or wherever the Secretary decides our water will go and become wards of the Federal Government.

We can retain our loggers to wait tables in macrobiotic restaurants while our ranchers can run dude ranches. We will not need farmers since we can import all the food we need, and the Governor can go begging to the Federal Government for annual funds to provide for what is left of our population.

We do not need the Federal Government to leverage the States along the Colorado River. What we need is for the Federal Government to understand that it is the servant of the people, not the reverse. The upper basin of the Colorado River can market water into the lower basin if that is what the States want to do. The Colorado Ute Indians have full authority to market once Colorado agrees to lift its export ban.

Change will come as it always has. We do not need the Federal Government, whether it is the Secretary of the Interior or the Administrator of EPA, to decide to eliminate the certainty of Western water law and deference to State jurisdiction to create some peculiar form of anarchy solely to pander to their pet special interests.

I am not sanguine about what the next few years hold. I see ever increasing efforts to consolidate and enlarge power and control at the Federal level. I hope that the States will not give into Secretary Babbitt's leverage or blackmail. I hope that the environmental and user concerns of reclamation projects are resolved through honest efforts on all sides and not be drowned out and discarded because those efforts do not advance a particular Federal objective.

I hope that we will see some vestige on federalism emerge from this administration. I still have hope, but I suggest that while we not abandon all hope, the West had better start to circle the wagons.

I thank the Chair.

Ms. MOSELEY-BRAUN addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Illinois [Ms. MOSELEY-BRAUN] is recognized.

Ms. MOSELEY-BRAUN. Thank you very much, Mr. President.

FLOODING IN ILLINOIS

Ms. MOSELEY-BRAUN. Mr. President, last Monday, I joined Vice President AL GORE and FEMA Director James Witt on an inspection of the Mississippi River flood damage in the metro-east region of Illinois and Missouri, and in Jersey County, IL. In Grafton, IL, where the Illinois and Mississippi Rivers come together, we toured the flooded areas by helicopter and boat. I witnessed the impact of flooding on people who live and work along the river. The destruction is devastating. We saw homes, grain elevators, businesses, and acres of farmland under water.

You can imagine how shocking it is to see what was a grain elevator and all you can see is the tip of the very top of it not submerged under water. That is the kind of thing we saw on our tour of the river of damaged cities. Entire towns have been evacuated—residents have had to move in with relatives or wait out the water in temporary shelters.

People's lives have been thrown into shambles. I was told by the mayor of Grafton that this is the worst flooding this town has seen in 20 years.

In fact it is some of the worst flooding that the entire Midwest has ever seen. In Illinois alone: Twelve counties have already been declared Federal disaster areas—and several more counties will likely join that list; over 10,000 residents have been forced from their homes by flooding; there are 1.5 million acres of farmland under water; close to half a billion dollars in agriculture related losses are expected for the Midwest—this includes potential income from crops that cannot be harvested, as well as equipment and structure damage, and grain in storage that has

spoiled because of the flood; eight levees have been broken by the floodwaters and several others are currently in a very precarious stage.

I would add that we just as recently as last night saw the levees at Quincy and at Hardin break. So we are continuing to see even greater damage since my visit 2 days ago.

Almost all commercial use of the Mississippi, as well as other rivers in the region, has come to a halt, and many freight shipments by railroad have been canceled or rerouted, causing severe delays in reaching manufacturing sites.

I might add that the barge industry has ground to an absolute standstill because of the condition of the Mississippi River.

But in the face of this devastation, I must share with you how inspiring it was to witness a fierce determination to overcome the odds by the people who are most affected by this flood. A cooperative spirit has arisen among people in these communities. I want to commend those who have heard the call for help and have responded so quickly. The coordinated response of the Federal, State, and local governments, in cooperation with social service agencies and volunteers, has been incredibly impressive. This tragedy has brought my State and the entire Midwest and the entire country together—neighbors are helping neighbors, and communities are assisting nearby communities.

People are helping each other through the tragedy of this flood. I have been told that volunteers from as far as 100 miles away have arrived to help those who have lost so much. Thousands of people are working hand in hand to deal with this crisis and to start rebuilding all that has been lost.

Mr. President, the people in communities like Grafton, IL, have lost almost everything. But they still have hope that once the river subsides, the help will continue. Local officials told me how impressed they have been with the Federal response to this tragedy. They have seen a commitment to expedite assistance quickly—without the bureaucratic redtape of the past. There is a feeling of human compassion they have never seen before.

This administration has expeditiously released information on programs that are available to help the Midwest recover from the effects of the recent severe storms, heavy rains, and flooding.

I would like to talk about that assistance because I think there is a sense by some of the people I have talked to that they really do not know what is out there, what is available to help them.

This assistance includes: Rental payments for temporary housing; grants for making repairs to homes; grants to individuals to help meet disaster related needs not covered by other Federal programs; unemployment payments for workers who have temporarily lost jobs due to this disaster; low-interest loans to cover uninsured private and business property losses; small business loans that have suffered from disaster-related problems; and loans for farmers to cover production and property losses.

Mr. President, just as those along the Mississippi, as well as northern Illinois and other parts of the Midwest have come together, I call on the Members of this body and the entire country to come together, to hear the call of those who now suffer from this disaster. We must provide the assistance needed to help the recovery begin.

Farmers in flood stricken areas need our help now. A number of proposals will come before this administration and Congress to modify existing agriculture programs or create new initiatives. I would like to expand on two examples of relief we can provide:

First, we must provide for funding flexibility in the agriculture portion of disaster support. Without a final estimate on the cost of this disaster, any bill that comes before Congress should allow for additional spending, if necessary.

Second, we must extend the maturity date of the Commodity Credit Corporation loans. Many producers of 1992 grain are faced with loan maturities in the mid to late summer. Because of serious transportation problems in the Midwest, farmers will be unable to sell their grains to pay off the loans. This extension will provide the time they need in order for the water and rail transportation that work to return to full operation.

Finally, Mr. President, yesterday President Clinton called on Congress to consider emergency funding for many of the programs I have mentioned, and for other critical disaster assistance programs. Just as the flood victims have joined efforts, I hope my colleagues will hear the call for assistance. We must come together to provide the financial help that the flood-ravaged communities so desperately need to cope with the floodwaters now, and to recover from this disaster once the floodwaters have receded.

President Clinton asked for $2.5 billion. We are hearing estimates now in the area of $5 billion. It may even be higher than that. We will not know until the floodwaters have finally receded and we can get an accurate assessment of the magnitude of this problem.

I can tell you that from my tour of the area, the devastation is horrifying. But the spirit is inspiring, and the people have come together. It is now incumbent upon us in this body, in this Congress, to come together to support our President, to support his efforts, and the administration's efforts to provide real and meaningful relief to the people who are so brave in the face of this terrible tragedy.

With that, Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Washington [Mr. GORTON] has reserved 10 minutes.

Mr. GORTON. I thank the Chair.

(The remarks of Mr. GORTON pertaining to the introduction of S. 1232 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. REID. Mr. President, I ask unanimous consent that I be allowed to proceed for 10 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

VISIT TO SHELDON NATIONAL WILDLIFE REFUGE

Mr. REID. Mr. President, we hear so much about what Government does that is not right. I think it is important, on occasion, to talk about what Government does that is right. We hear about so often how much money is wasted in Government. It is important, occasionally, to talk about how money is not wasted in Government.

THE AREA

I, this past Friday, saw Government at its best in the most remote part of the United States in the lower 48 States. The most sparsely populated parts of the United States I traveled through, with the exception of Florida, this past Friday.

Mr. President, I visited this unique place in Nevada. And while visiting, I had the opportunity to see some of the most beautiful land anyplace in the United States, or perhaps in the world, in the most sparsely populated parts of the lower 48. And I also saw one of the finest examples of public land management anywhere in the United States.

I speak, Mr. President, of something referred to as the Sheldon National Wildlife Refuge. This refuge is located in a remote area of far northwestern Nevada near the California-Oregon borders.

I was born and raised in the State of Nevada, and to indicate how large some of the Western States are, I indicate that my place of birth in the southern part of the State of Nevada is some 700 miles from where I visited on Friday.

This wild and beautiful country covers over 575,000 acres of high desert habitat as a representative area for native plants and wildlife. In addition to natural habitat, the area covers historic mining sites and many sites of archeological significance. Its remote setting, scenic vistas, rugged landscape, and unique ecosystem represent what is best and most worthy of conservation, not only in the Western part of the United States, but all over the United States.

GEOLOGY OF THE REGION

Perhaps 20 million years ago, this area was covered with pine forests and grasslands. The climate was milder then, with more than 50 inches of rainfall annually. Camels, saber-toothed cats, ancient antelope, and three-toed horses roamed the land. But the area and climate changed. Volcanoes erupted and mountains were thrust up along fault lines. You can still see enormous lakes that covered the great basin, and glaciers and erosion have left their mark on the land.

EVOLUTION OF THE NEED FOR CONSERVATION

Archeological evidence places humans living in this region perhaps 10,000 years ago along the shores of the now extinct basin lakes left behind by the last major ice age. And 1,500 years ago, the Northern Paiute and Shoshone Indians were hunters and gatherers in this region.

The original nonnative use of this area was for trapping. We do not know what famous trappers came through the area—Jedediah Smith, maybe. But this area has been used for ranching, and ultimately for Fort McGarry, established as a cavalry outpost in 1866. The harsh environment and remote location made this area unsuitable for most of the economic enterprises of man.

The few human activities soon took their toll completely on this fragile area. Range deterioration resulted from excessive use, which can still be seen, Mr. President, with the wall-to-wall sagebrush, which is not native, growing in in that fashion. This deterioration resulted from excessive use until both the ranching industry and the native wildlife and plantlife were in danger. Native wildlife had been exploited for food and was unable to compete with domestic livestock for depleted rangeland.

California bighorn sheep totally disappeared; the mule deer population declined drastically; antelope numbers fell to almost nonexistence; sage grouse and other native birds became rare.

In particular, the antelope population's decline in the late 1800's and early 1900's began to concern both residents and conservation groups. It was occurring the early part of this century.

HISTORY OF THE REFUGE

There were many people who felt that antelope were going to become extinct in just a few years. It was because of this that a club called the Boone and Crockett Club sought land in this area and, in fact, purchased the first tract of land in 1918. They did this through raising money through their own organization.

They worked thereafter with the Audubon Society. And in 1931, through a donation from the Boone and Crockett Club, approximately 40,000 acres were given to the Federal Government for creating an antelope refuge to preserve and to stop the antelope from becoming extinct. It was just 5 years later that President Franklin Roosevelt created Sheldon Antelope Refuge and added thereto about 500,000 acres.

These areas were combined in one administrative unit. The grazing was regulated by the BLM, and the rest of it by the National Fish and Wildlife Service.

CURRENT USES

Current uses that have transpired in this almost 60 years, in this harsh environment and sometimes extreme conditions, have shown that there are some really nice amenities that can be available for public use—campsites; motor bike and all-terrain vehicle roads; horseback riding; fishing; boating and rafting; and hunting, in a restrictive fashion.

To show how extreme and harsh these conditions are, I would ask, Mr. President, that you fix your mind's eye on the experiences that took place this past winter when a young man and his wife, with a baby, in an effort to get to the funeral of one of the grandparents in a snowstorm, not being used to the West, decided to take a shortcut because the main freeway was stopped. They went through the refuge and were stopped in the snow on a dirt road, where they waited in their car for 5 or 6 days. After becoming desperate, as you might recall, the man started a heroic walk to safety. He walked over 50 miles in blizzards through the Sheldon Antelope Range and miraculously was saved.

I talked to the men from the Bureau of Land Management and the National Fish and Wildlife Service that were there and helped rescue the woman and the baby. But you have to be there to understand how remote this is.

These people were there 8 days and never saw another human being, and it was fortunate that they were saved. There is going to be a movie made of the husband's heroic efforts to save his wife and baby, and also to show the heroism of this young mother and her baby.

Well, this area, we have established, is remote.

WETLANDS AND WILDLIFE

Wetlands and wildlife are of critical importance to humans, and of most importance to wildlife in this high desert environment. The very limited amount of riparian habitat that exists provides food sources and cover for over 80 percent of the species found on the refuge.

Over 270 wildlife species make use of this remote part of the United States, including 10 species of waterfowl, sage grouse, pronghorn antelope, bighorn sheep, wild horses and burros, 15 species of reptiles and amphibians, mule deer, and many others.

As I left, driving 80 miles on a dirt road to another remote part of the State of Nevada, Mr. President, I saw, 40 miles into my exit from the antelope range and 40 miles into the antelope range, a huge buck antelope. These antelope, which at one time were becoming extinct, now number, in the United States, almost 2 million. And the reason, of course—one of the reasons—is we have done things like this national refuge in a remote part of the United States, located in Nevada. As I left, I saw this huge buck proudly, even arrogantly, Mr. President, gazing upon me, a visitor to his home.

RESTORATION ACTIVITIES

My visit to this remarkable area impressed upon me deeply the trust by which we hold the remaining wild areas of this country that are our legacy from us to our children and all future generations. There are our lands. It is in our hands as to whether that legacy is tarnished and depleted, or whether it is a lasting tribute to our vision of the future.

This is a great area, Mr. President. It is a microcosm of the environmental future we leave successive generations, and this future can only be guaranteed by the aggressive actions of this body regarding restoration and preservation of areas like Sheldon.

The riparian zones on the refuge are only at 10 to 15 percent of potential at this time. Upland areas are at about 50 percent of potential. We have the unique opportunity to increase these potentials through the restoration of 75 miles of creeks and streams, and through the preservation of our wild antelope herds, which have recently increased significantly in this area of the Western United States.

Mr. President, we, the Federal Government, have done a good job in preserving this unique and beautiful part of our public lands. We can do better in the future, and I encourage my colleagues to assist in these efforts.

The PRESIDING OFFICER (Mr. DORGAN). The time of the Senator has expired.

The Chair recognizes the Senator from Missouri [Mr. BOND].

Mr. BOND. Mr. President, I thank the Chair.

UPDATE ON MIDWEST FLOODING

Mr. BOND. Mr. President, I wanted to update my colleagues and those who are interested in the flooding situation in the Midwest on the condition. Having received reports today, unfortunately, I cannot tell you they are getting any better. In fact, they are getting worse.

Last night in northwest Missouri, which has already largely been declared a disaster area, 4½ inches of rain fell. In the town of Trenton, MO, which is not even a county declared a disaster area yet, a 30-foot earth dam holding back a very small river has been topped. There is a highway bridge across the Missouri, the 159, that is in danger of being washed out.

Volunteers, National Guardsmen, and prisoners from the corrections institution are working sandbagging the major highways going into Jefferson City, our capital city, to attempt to keep the roads open into the capital.

On the eastern edge of the State, a brand new lake, the Mark Twain Lake and the Clarence Cannon Dam has reached the point where it can take no more water and it is going to have to start discharging water, which will run very quickly down the South Fork River into the Mississippi, which is already flooded.

We are looking at flood crests which a couple of days ago were supposed to hit on Friday in the central part of the State and Sunday in St. Louis and a little later down the river. But with the continued rain, the heavy downpours, and no place for the rivers to go, we do not yet know how high the crests will be or how long they will last.

There is a growing problem with levees which have been water soaked. There is not a levee left along the Grand River in north Missouri.

Much of our best farmland is flooded out. Almost 2 million acres have either been damaged or flooded out. Twenty percent of our corn crop, 20 percent of our soybean crop, and 15 percent of our wheat crop is gone.

Unfortunately, no end is in sight. The Governor of Missouri has called out a record number of guardsmen; 1,600 National Guardsmen have been called out. That is a record, I know, because I had the previous high when I called out 1,200 guardsmen to deal with the 1973 floods.

Yesterday, I was advised by the Federal Emergency Management Agency coordinator for Missouri that all Federal resources are being coordinated from the Department of Defense to the Department of Transportation, to the Public Health Service. These resources are going to be needed. We are going to be facing public health problems because water sewage treatment plants all along these rivers have been wiped out and, as a result, there is no treatment for the sewage. We are going to have tremendous cleanup problems.

We were gratified yesterday and extremely grateful that the President sent up a request for $2.48 billion for relief. Unfortunately, as the letter said from the Office of Management and Budget, that is for relief along the Mississippi River. Well, there is real devastation along the Mississippi River but, as I pointed out before, we have problems along the Missouri, the Osage, the Grand, the 102, the Black Water, and the rivers whose names I have a hard time recalling and certainly you have not heard of.

But we appreciate very much the prompt response of the President. I hope that he will be able to visit our State in the near future.

The people who have been displaced from their homes have an amazing strength, valor and vitality. The sandbaggers are exhausted. We are straining resources to the limit all throughout the State. And, as I said earlier, the rains keep coming.

This morning, I was contacted by a local radio station, WMZQ. They wanted to know how they could help. This is most gratifying, Mr. President, because we have seen volunteers from other communities coming out to help on the sandbagging. And they are very tough, dirty jobs that have to be done, with people all over this country who are asking how they can help.

Obviously, we have to have emergency relief for Missouri and the Midwest like we did for south Florida. For those individuals who want to help, I suggest the best thing they can do is to provide assistance to the disaster relief efforts of the Red Cross and the Salvation Army.

I have had the responsibility for many years to visit disaster sites in my State, and I know that the first people there, in addition to the Federal and State officials are the Red Cross and the Salvation Army. They are being overwhelmed with the costs and expenses to sustain the volunteers and the staff people who are working in our State, Iowa, Illinois, and elsewhere. Someone who really wants to help could do no better than provide assistance to those agencies.

If you are able bodied and you like to sandbag, we have lots of places where healthy, young people can get some great exercise and do a lot of good. Yesterday, the General Services Administration made $7 million worth of sandbags available. Unfortunately, we are going to use all of those.

Mr. President, I express my thanks again, on behalf of the people of my State, for the tremendous concern and the tremendous outpouring of assistance and the desire to help.

I also thank my colleagues for their interest and their willingness to act quickly on a very, very important relief package that the President has presented to us. It will be larger than $2.48 billion, I regret to say. How large, we do not yet know. The crests will be coming at the end of this week and early in the next, and we will report later.

I appreciate the time and the interest. I thank my colleagues and I yield the floor.

The PRESIDING OFFICER. The time of the Senator has expired.

The Chair recognizes the Senator from Minnesota [Mr. DURENBERGER].

Mr. DURENBERGER. Mr. President, I ask unanimous consent that I might use 7 minutes of the time allotted to my colleague from South Dakota, Senator DASCHLE, to speak on the flood.

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

The Senator is recognized for 7 minutes.

THE DISASTER IN THE HEARTLAND

Mr. DURENBERGER. Mr. President, I rise to join in expressing the concerns of my colleagues from the Upper Midwest for the consequences of the natural disaster that has befallen our constituents.

I would also like to begin by thanking my colleague from South Dakota, Senator DASCHLE, for arranging special time for all of us this morning.

I thank the Secretary of Agriculture for coming to Minnesota, South Dakota, and Iowa very early on, so that he could express personally to President Clinton the anguish that those of us in the upper part of the Midwest were experiencing several weeks ago and continue to experience.

And, finally, I thank President Clinton. A group of Senators are going to meet with the President this afternoon, and we can personally express our appreciation to him for his personal concern and his commitment to helping the flood-stricken victims in the Midwest.

Mr. President, as you and others in this Chamber know, when a disaster visits the heartland of America, it is different from a lot of other so-called natural disasters, because in the heart of this country—and I think the President knows this as well as most people would because he has lived as close to the Mississippi River as most Presidents we have had lately—the food and fiber which sustains this Nation is produced. People all over the world depend on North Dakotans and Minnesotans and Nebraskans and South Dakotans for their food. Though we are few in number compared to all the rest of the people in the country and certainly all of the rest of the people in the world, there are an awful lot of folks in the world that cannot do without us.

So when we are devastated, it is different. It is really like taking the heart of the economy of this country. It is much more than the pictures of the flood. It really is the pictures of the anguish on the part of the people and the realities that if you do not have a crop, no matter what the price is, you do not eat and you cannot feed.

The second issue that relates to the heart that I would like to speak about this morning is the heart of the country. I talked to our colleague, CHUCK GRASSLEY, who has spent a lot of time visiting with people. He said people's spirits are up. Nobody is talking about when the Government is going to deliver the check and things like that.

There is a heart out there in the heartland that right now is doing the sandbagging and replacing the water supplies. There is a heart represented by farmers helping farmers, and people

helping people that is unique in this country.

When we finish the matter before us—the Hatch Act—we are going to be moving to the President's recommendations for national and community service.

I am going to suggest to the President this afternoon that he try to combine a part of this into the Midwest disaster assistance. There are elements of the National Community Service Act that he has proposed that are applicable to the kinds of efforts that are being put in our communities right now to save them, such as volunteers, and voluntary organizations. There are a whole lot of people doing for others what they would expect these people to do for them under similar circumstances.

I cannot think of a better opportunity for the President to tie national and community service together than with this particular tragedy. And I hope that he finds a way to use some of the elements of his proposed act to help us through this disaster.

The third element of heart—and this is little more heart and mind—is whether or not we, as Americans, are going to take some responsibility for the $2 billion, $3 billion, $4 billion, $5 billion, $6 billion that we are going to reinvest in the heartland of America.

I went back and looked at the May 21, 1992, vote on the L.A. riot emergency supplemental. I found the vote was 61 to 36 to spend $1.94 billion in new budget authority; $494.7 million to be directed to Los Angeles to repair damage for rioting, to Chicago to repair damage from flooding, all this kind of thing. There was urban terrorism in one case and urban neglect in another and we decided to spend $1.94 billion without asking any American to pay for it. In effect, we sent the bill on to another generation.

A couple of months later, after Hurricane Andrew and Hurricane Iniki in Hawaii, this body voted 84 to 10 to send $1.2 billion in direct aid to Hawaii, and we agreed to spend $10.538 billion in disaster aid and loans for Florida, Louisiana, Guam, and Hawaii. Not a penny of this was paid for by a living person in the United States. Instead we sent the bill to our grandchildren. Our hearts went out to the people in Hawaii and Florida and places like that, but not our money. Nobody had to worry about any of this because our children and their children would pay for this at some point in time in the future.

This is hard for me to stand up here and say. All my people need help—Minnesotans need a part of this $1 billion, $2 billion, $3 billion, $4 billion. But the people of this country are going to benefit from that reinvestment in South Dakota and Nebraska and in Minnesota. And I think the people of this country need to find a way to participate.

I have one final point, and I direct this to my colleague from South Dakota in particular because he has been so helpful. If in fact we were all participating today in the remedies, we would all be participating in the need to prevent this sort of thing from happening again. We have a Federal Crop Insurance Program that does not work. It may work in the South, but it sure does not work in the North.

In my State, in North Dakota, South Dakota, Nebraska the Federal Crop Insurance Program does not work. I have a farmer in Jackson County, MN, who has paid over $21,000 in premiums in the last 6 years for crop insurance. Even though he sustained a very major loss in 3 of those 6 years he has only gotten back $2,100. The system does not work.

Senator DASCHLE and I worked on our proposal for the first 6 months of 1992, came up with a plan that would be fair to everybody across the country so that farmers actually would want to invest in crop insurance. We presented it last year as the Federal Crop Insurance Fairness Act, reintroduced it with my colleague from South Dakota and others on March 9, 1993, as the Federal Crop Insurance Fairness Act. Our bill would reform the yield average, the late planting coverage, the preventive planting coverage, of the Federal Crop Insurance Corporation. It is supported by the national corn, soy bean, wheat, barley, and oat associations. If our farmers had the opportunity to invest in this kind of insurance program, and if the people of the country had encouraged the farmers of America and the politicians of America to invest in this kind of a program, a lot of this debate would not be necessary about whose dollars we are spending.

So, I just want my colleague from South Dakota in particular to know that I appreciate all his help in developing this and I will certainly look forward to the help he can be to all of us. Perhaps when this emergency supplemental comes along maybe we could even think in terms of an amendment that would incorporate provisions of the Federal Crop Insurance Fairness Act into this program, so at least a part of this program that comes down the line will be new policy that farmers can benefit from as they look ahead to 1994.

Mr. DASCHLE. Will the Senator yield?

Mr. DURENBERGER. I will be pleased to yield.

Mr. DASCHLE. Mr. President, I rise only to commend my colleague for his determination over the years to find ways in which to resolve this problem. As he has so well stated, we have a problem relating to taking responsibility each and every time one of these situations occurs. Again, as he indicated, we are passing on this responsibility to the next generation.

We, this generation, ought to take that responsibility and that is really one of the fundamental needs that I think we find in advocating this crop insurance reform.

But there is also a second, and that is the degree of certainty. Farmers like to be able to calculate just what happens under certain sets of circumstances. They cannot do that under the current set of circumstances. They do not know whether they are going to get a disaster payment, whether they are going to be ignored, whether there is going to be some kind of farm program that will adjust at some point in the future whatever problems they may be incurring. Crop insurance gives them a management tool, it gives them a degree of certainty in management that they do not have today, and that certainty is very, very important.

Third, as the Senator said, the inequity of the current system is just mind-boggling when you think about it. They are in a catch-22. They would like to take out crop insurance to cover their losses, but they are prevented from doing so. Because they are prevented from doing so, they have no coverage, no protection whatsoever, making crop insurance completely meaningless for a lot of these farmers this year.

So we have to enhance the tools more effectively; we have to give them more certainty; and we certainly have to take the responsibility. And that is what the Senator's bill does and that is why I am an enthusiastic supporter.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DURENBERGER. I thank my colleague for his comments as well as for his lucid explanation of the problems. I say to my colleagues, be prepared to deal with this issue when the emergency supplemental comes along because we hope to make some positive contributions, not only to our constituents but to public policy.

Mr. President, I ask unanimous consent to have printed in the RECORD a copy of S. 534, and I yield the floor.

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

S. 534

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 "Federal Crop Insurance Fairness Act".

SEC. 2. LEVELS OF COVERAGE IN EXCESS OF 75 PERCENT OF RECORDED OR APPRAISED AVERAGE YIELD.

Subsection (a) of section 508 of the Federal Crop Insurance Act (7 U.S.C. 1508(a)) is amended to read as follows:

"(a) AUTHORITY TO OFFER INSURANCE.—

"(1) IN GENERAL.—If sufficient actuarial data are available, as determined by the Board, the Corporation may insure producers of agricultural commodities grown in the United States under any plan or plans of insurance determined by the Board to be

adapted to the agricultural commodity involved.

"(2) CAUSES.—The insurance shall be against loss of the insured commodity due to unavoidable causes, including drought, flood, hail, wind, frost, winterkill, lightning, fire, excessive rain, snow, wildlife, hurricane, tornado, insect infestation, plant disease, and such other unavoidable causes as may be determined by the Board.

"(3) PERIOD.—

"(A) IN GENERAL.—Except in the case of tobacco, insurance shall not extend beyond the period the insured commodity is in the field.

"(B) DEFINITION OF FIELD.—For purposes of subparagraph (A), in the case of aquacultural species, the term 'field' means the environment in which the commodity is produced.

"(4) STANDARD YIELD COVERAGE.—

"(A) IN GENERAL.—Subject to subparagraph (B), any insurance offered against loss in yield shall make available to producers protection against loss in yield that covers 75 percent of the recorded or appraised average yield of the commodity on the insured farm for a representative period.

"(B) ADJUSTMENTS.—Average yields established under subparagraph (A) shall be subject to such adjustments as the Board may prescribe to the end that the average yields fixed for farms in the same area, that are subject to the same conditions, may be fair and just.

"(5) LESSER YIELD COVERAGE.—In addition, the Corporation shall make available to producers lesser levels of yield coverage, including a level of coverage at 50 percent of the recorded or appraised average yield, as adjusted.

"(6) ADJUSTED YIELDS.—In the case of any commodity for which the Agricultural Stabilization and Conservation Service has established for the farming unit involved an adjusted yield for the purposes of programs administered by the Service (or a yield for crop insurance purposes under this title), if the yield is greater than the recorded or the appraised yield, as established by the Corporation, of a commodity on the farming unit, insurance coverage may be provided to cover against the loss in yield of the commodity on the basis of the adjusted yield for the commodity established by the Service rather than the recorded or appraised yield as established by the Corporation.

"(7) ADDITIONAL PREMIUMS.—Additional insurance under this subsection shall be provided for an additional premium (for which no premium subsidy or administrative subsidy may be provided) set at such rate as the Board determines—

"(A) appropriate to reflect accurately the increased risk involved; and

"(B) actuarially sufficient to—

"(i) cover claims for losses on the insurance; and

"(ii) establish a reasonable reserve against unforeseen losses.

"(8) LEVELS OF COVERAGE IN EXCESS OF 75 PERCENT OF RECORDED OR APPRAISED AVERAGE YIELD.—The Corporation may make available to producers on a farm located in a growing area a level of coverage in excess of 75 percent of the recorded or appraised average yield, as adjusted, if the Corporation determines that normal variations in yield in the growing area have not resulted in the payment of claims for losses while the level of coverage is limited to 75 percent.

"(9) MAXIMUM LEVEL OF COVERAGE.—Except as provided in paragraphs (6) through (8), the Corporation may not make available to producers any level of coverage in excess of 75 percent of the recorded or appraised average yield, as adjusted.

"(10) PROJECTED MARKET PRICE OPTION.—One of the price elections offered shall approximate (but be not less than 90 percent of) the projected market price for the commodity involved, as determined by the Board.

"(11) UNINSURED LOSSES.—Insurance provided under this subsection shall not cover losses due to—

"(A) the neglect or malfeasance of the producer;

"(B) the failure of the producer to reseed to the same crop in areas and under circumstances where it is customary to so reseed; or

"(C) the failure of the producer to follow established good farming practices.

"(12) INSURANCE RISKS.—The Board may limit or refuse insurance in any county or area, or on any farm, on the basis of the insurance risk involved.

"(13) AGRICULTURAL INCOME IN COUNTIES.—Insurance shall not be provided on any agricultural commodity in any county in which the Board determines that the income from the commodity constitutes an unimportant part of the total agricultural income of the county, except that insurance may be provided for producers on farms situated in a local producing area bordering on a county with a crop-insurance program.

"(14) ANNUAL REPORTS.—The Corporation shall report annually to Congress the results of the operations of the Corporation as to each commodity insured.

"(15) PROJECT MARKET PRICE LEVEL.—Beginning with the 1992 crop year, the Corporation shall establish a price level for each commodity on which insurance is offered that shall not be less than the projected market price for the commodity, as determined by the Board.

"(16) PRICE ELECTION.—Insurance coverage shall be made available to a producer on the basis of any price election that equals or is less than that established by the Board. The coverage shall be quoted in terms of dollars per acre.".

SEC. 3. LATE PLANTING COVERAGE.

Section 508 of the Federal Crop Insurance Act (7 U.S.C. 1508) is amended by adding at the end the following new subsection:

"(n) LATE PLANTING COVERAGE.—

"(1) IN GENERAL.—Producers on a farm entering into a crop insurance contract under this Act shall be offered late planting coverage that would permit planting after the final planting date for a commodity by up to 25 days for coverage under the contract.

"(2) REDUCTION OF COVERAGE.—If the producers on a farm purchase late planting coverage under paragraph (1), the yield guarantee shall be reduced by—

"(A) 1 percent per day for each of the 1st through 10th days planting is delayed beyond the normal final planting date;

"(B) 2 percent per day for each of the 11th through 25th days planting is delayed beyond the normal final planting date; and

"(C) such other amounts as can be demonstrated to offset the additional insurer risk of providing the coverage.

"(3) PRESUMPTION OF COVERAGE.—The producers on a farm shall have late planting coverage as part of a basic policy of insurance under this Act unless the producers notify the Corporation that the producers waive late planting coverage.

"(4) RAISES IN PREMIUMS.—If the Corporation determines that late planting coverage would raise premiums to such an extent as to discourage participation in the program established by this Act, the Corporation shall offer late planting as a separate endorsement.".

SEC. 4. PREVENTED PLANTING COVERAGE.

Section 508 of the Federal Crop Insurance Act (7 U.S.C. 1508) (as amended by section 3 of this Act) is further amended by adding at the end the following new subsection:

"(o) PREVENTED PLANTING COVERAGE.—

"(1) IN GENERAL.—Producers on a farm entering into a crop insurance contract under this Act shall have prevented planting coverage as part of the basic policy of insurance under this Act.

"(2) COVERAGE.—If the producers on a farm are prevented from planting a crop of a covered commodity as the result of excess moisture, drought, or other natural disaster, the producers shall be eligible for coverage equal to 50 percent of the guaranteed level of coverage for the crop.

"(3) SUBSTITUTE CROP.—The producers on a farm shall have the option of planting a substitute crop, in lieu of an insured crop, as part of the basic policy of insurance under this Act. The value of the substitute crop shall offset the remaining guaranteed level of coverage for the insured crop.

"(4) PRESUMPTION OF COVERAGE.—The producers on a farm shall have prevented planting coverage as part of a basic policy of insurance made available under this Act unless the producers notify the Corporation that the producers waive prevented planting coverage.

"(5) RAISES IN PREMIUMS.—If the Corporation determines that prevented planting coverage would raise premiums to such an extent as to discourage participation in the program established by this Act, the Corporation shall offer prevented planting as a separate endorsement.".

SEC. 5. ELIMINATION OF PENALTY FOR DE MINIMIS YIELDS.

Section 508 of the Federal Crop Insurance Act (7 U.S.C. 1508) (as amended by section 4 of this Act) is further amended by adding at the end the following new subsection:

"(p) DE MINIMIS YIELDS.—The Corporation shall, to the extent practicable, establish a procedure under which a producer of an insured crop that has suffered a disaster loss shall not have deducted from the indemnity payment attributable to the loss any amount for actual production of the crop if the estimated market value of the actual production is less than the cost to the producer of harvesting the production.".

SEC. 6. YIELD AVERAGES.

Section 508A(b) of the Federal Crop Insurance Act (7 U.S.C. 1508a(b)) is amended by adding at the end the following new paragraph:

"(4) YIELD AVERAGES.—

"(A) IN GENERAL.—Yield coverage under this section shall be based on the average of a producer's actual proven crop yields for a commodity over no less than 4 crop years and no more than 10 crop years, as determined under this paragraph.

"(B) ESTABLISHING A MINIMUM LEVEL OF INSURANCE PROTECTION.—The Corporation shall establish a minimum level of insurance protection for those covered producers who have had reduced yields due to natural disasters.

"(C) USE OF TRANSITIONAL OR ACTUAL YIELDS.—Transitional yield data may only be used to establish a yield for the producers on a farm to the extent the producers have not established actual production history for the first 4 crop years the producers operate the farm. After producers establish actual production history for the first 4 crop years the producers operate the farm, yield coverage under this section shall be based only on the actual production history for the commodity for the farm.

"(D) USE OF YIELDS FOR PREVIOUS CROP YEARS.—In the case of producers on a farm who operate a new parcel of land, for crop insurance purposes, the producers may elect to apply—

"(i) the previous yield history for the land, if the Corporation determines the yield data to be actuarially sound; or

"(ii) transitional yield data to the parcel of land.

"(E) NONSTANDARD CLASSIFICATION PROCEDURES.—The Corporation shall make adjustments in the Nonstandard Classification procedures established under subpart O of part 400 of chapter IV of subtitle B of title 7, Code of Federal Regulations, to account for producer yield declines due to recurrent natural disasters.

"(F) DEFINITION OF TRANSITIONAL YIELD.—For purposes of this paragraph, the term 'transitional yield' means the countywide average used by the Corporation to establish a yield for the producers on a farm if there are no actual production records available for the producers.".

The PRESIDING OFFICER. The Chair recognizes the Senator from Nebraska [Mr. KERREY].

Mr. KERREY. Mr. President, are we in morning business?

The PRESIDING OFFICER. The Senator is correct. The Senator from Nebraska has an order this morning for 20 minutes and the Chair recognizes the Senator from Nebraska.

HOMOSEXUALS IN THE U.S. ARMED FORCES

Mr. KERREY. Mr. President, I come to the floor this morning to discuss a decision the President is going to have to make in the next 24 hours, and that is whether to accept the recommendation made by the Secretary of Defense, Secretary Aspin, on the issue of homosexuals in the U.S. Armed Forces.

Let me say first of all I recognize, at least in Nebraska, that people say that the economy is more important, the deficit is more important, the flood that is going on right now and the disaster that is occurring around the flood, is more important.

I acknowledge that this issue is not very high on most people's charts. However, it is something that we must deal with. I have come to the floor today to talk a bit about this issue for the purpose of informing some of my colleagues as to what my own thoughts and feelings are, and perhaps providing a context within which others might make decisions.

The central question is whether or not a homosexual man or homosexual woman is going to be allowed to serve this country, yes or no. Will they be allowed, if they are qualified in all other respects, to wear the uniform of the United States of America in the Army, Air Force, Navy, Marine Corps, Coast Guard—will they be able to serve.

It is critical as we begin this consideration to ask ourselves what is it that our Armed Forces do? What is their role? Their role is to defend America. It is a much different role than ours here in Congress, a much different role than someone working for the Environmental Protection Agency or for the U.S. Department of Agriculture. Defense of the Nation has caused us to develop rather special considerations when we ask people whether or not they want to serve. We have very high standards, in short, Mr. President. And we ought not lower those standards under any circumstances, in my judgment, in order to satisfy some economic or social or sometimes even political consideration.

This is not a question of lowering standards. We have the Uniform Code of Military Justice in place to make sure that those who enter the Armed Forces understand that they are under a higher standard. Indeed, we have the Geneva Conventions, that the United States has led, which have the United States military saying that we are going to set a higher standard and an example for the world, in fact.

Our military serves much more than merely to defend us. Our military serves as an organization that has the highest standards in the world. In addition, no one should suffer under the illusion that personnel policies do not matter. They do matter. The personnel policies of our military have and will have an impact upon our capacity to carry out our mission.

They will determine whether or not we will be successful. They are not an irrelevant consideration. They are far more important, again, inside of the military than they are in any other organization.

But, Mr. President, one of the arguments that I hear people use very often is that if we allow homosexuals in the military, that it will have an adverse effect upon unit morale. My research on this issue has taught me something, in fact, that I did not know before; that is, for the approximately 217 years since we have been organizing a military in this country to defend us, in the first instance, to defend us and to gather our freedom, we have had not a policy based upon unit cohesion, but a policy based upon concerns for the individual.

All of us who lived in the sixties, all of us who have watched our military policy in the seventies and eighties understand that. We have heard people come to the floor of this body and say, we need special legislation to provide compensation for an individual who we consider to have been wronged. Oliver North, in this particular instance, is the individual who comes to my mind.

But all of us in our offices understand that we get requests from constituents who say, "We don't want our son or daughter to go to Desert Storm because they have a family consideration." Our policies have been individually centered.

Yes, it matters that we have unit cohesion. All of us who have been in the military understand that when we enter a particular unit, we take pride in that unit. But the policies have us training as individuals, and the policies have been individually centered.

Make no mistake about it. There is a great argument to be made to have personnel policies that emphasize unit cohesion, there is a great argument to be made that you ought to rotate as a unit, you ought to train as a unit, but if that is going to be our policy, Mr. President, all of us who hear from constituents who say they want individual exceptions made are going to have to say, no, we train as a unit, we have unit policy, you understand that, and we are going to have to abide by it.

I make no apology for my own personal experience in the military. It caused me to drift toward the military point of view on this issue. I could not and still have some difficulty trying to find out how someone who is homosexual serves in a U.S. Navy SEAL team, an organization I participated in over 20 years ago. It is difficult for me to figure that out.

From my own personal experience, as well as my experience with some of the extremists who are out there arguing that the policy ought to be changed, I tended to lock up and say, "Well, let the ban remain." I am prepared, as a matter of fact, to say some of the extremists in Act Up or Queer Nation ought to be permanently banned. If you want to have a stipulation that people who act in reprehensible and extreme fashion cannot meet the high standards of our military, I am prepared to accept that, in fact, Mr. President.

I was drifting, in short, toward accepting the ban, the sort of status quo, saying, "Well, this is a relatively minor problem, why do anything about it?" It is a minor problem. I suspect there are no more than a few thousand openly homosexual people in the State of Nebraska. That is the way it is with civil rights issues. That is the way it is when you have a single individual who says the Government is doing something bad to me. It is easy to say you are just one small businessman, why should I intervene? You are just one working family who had a Government say you cannot have health care, why should I intervene? Just one person, for gosh sakes. I put together coalitions when I run for office. What is a couple thousand people, for gosh sakes, people hardly in the mainstream today? This is not the sort of thing that wins you applause lines, Mr. President, obviously, and it was easy for me to drift and say, "Let the status quo go, I have other things on my plate."

Mr. President, General Schwarzkopf and Col. Fred Peck appeared before the Armed Services Committee not long ago. Colonel Peck did a remarkable thing. Colonel Peck presented to the American people in an unscripted presentation the fact that his own son was

homosexual, which he had discovered a few days earlier. It was a very moving moment, Mr. President.

In the midst of that moment, Colonel Peck said, "I still want the ban in place. I still do not want my son to serve in the U.S. Marine Corps," a corps that he had served in for 27 years. But why did he not want his son to be in there? Was it unit cohesion? Was it the morale of the fighting forces of the U.S. Marine Corps? No, Mr. President. He said he was afraid for his son's life; that maybe he would be beaten up, maybe he would be hurt.

I must tell you, Mr. President, in that moment, I said, "Time out." It is time for the military to change. This is not a social experiment, that Scott Peck should feel safe in the Marine Corps. It is one thing to say you are concerned about the fighting spirit of our forces. It is quite another to say that somehow you are afraid that your son might not survive the organization.

I must tell you that I believe the capacity for tolerance inside our Armed Forces is much higher. I believe they have the ability to recognize that the quality that is most important to add to unit cohesion is reliability. When the bullets start, will the individual retreat, will they freeze up? Are they someone upon whom you can depend? Will they be there when you need them the most? Are they someone upon whom you can count when the chips are down? Will they lay down their life for you, if necessary? These are the values that are important.

I must tell you, Mr. President, I had no experience with homosexuality when I was in the SEAL team, but in my own examination of the issue, I realized that if I had the No. 1 soldier, the No. 1 operator in our unit who we all regarded as the best come to me today and say, "Senator, I'm homosexual," I would not conclude that he should be kicked out of SEAL team, that he should be kicked out of the Armed Forces. My own thinking is upside down, I must say, in all this arguing and fear that we have about tackling an issue that we know to be controversial.

Another concern I hear raised very often is there is a national security concern. The whole policy has sort of changed over the years. It started off in the 1940's, when homosexuality was regarded as a mental illness. In the fifties, it was a national security issue. And in the sixties, when I was drafted, I do not remember anybody asking me if I was gay at the time. If there was a ban in place, I was not aware of it. But there was a ban in place, as it turns out. It was just that the draft made it unnecessary to ask.

It would be interesting, in fact, to bring back the draft today for a couple of months. I suspect some supporters and opponents might switch sides on this debate, if the requirement was that everyone serve in our Armed Forces, without exception.

So the reason for the policy over the years has changed, but one of the things that remains to the present is this fear that somehow maybe national security is going to be compromised.

For my colleagues' consideration on this issue, if you are using that argument, I called up the Central Intelligence Agency and asked them: "What would you do if somebody who was openly homosexual applied for a top secret clearance?" They said that would not be a problem.

I said, "What would you do if they were not openly homosexual, but you knew it and a background investigation determined it?" That is a problem, Mr. President. Then they are at risk. What that says to us is that if we are going to keep a ban in place, and acknowledge people are going to remain in the closet, then we have a security risk problem with those who are in the closet today in the military.

Now I daresay, very few people are going to come down here and say that the military's policy ought to be to routinely screen and give polygraph tests from the top all the way down on an annual basis; certainly, we cannot trust the declaration made by an 18-year-old when they come in. If we are really concerned about national security, we ought to administer a polygraph test on an annual basis to determine whether or not someone has a homosexual desire.

I do not think anybody is going to propose that kind of personnel policy in the Armed Forces. I believe most of us would understand that that is a violation of civil rights; that that would, indeed, interrupt unit cohesion and unit morale.

Mr. President, if there are Members of this body concerned that the national security of this Nation is going to be jeopardized as a result of perhaps having people compromised as a result of their sexual orientation, we cannot afford to have a policy then that says that they cannot tell. Disclosure should be the order; otherwise, I think, at least according to the Central Intelligence Agency's assessment of when they would give top security clearances, we would indeed be at risk.

As I said at the beginning, I understand that this is not an issue that is high on anybody's list. But also I understand that rarely is the case. Some of the most important things that I have done in the over 4 years, going on 5 years that I have served the people of Nebraska have been instances where I responded to a letter or a call from someone who had suffered an injury. As an amputee myself, I am called upon from time to time to talk to people who have suffered injuries like that. Some of the most important things I have done is call somebody in the hospital or visit with them in the hospital and try to give them, not so much guidance, but some understanding that I care about them.

That is not an act based upon some desire to put together, as I said, a coalition. That does not show up on an opinion poll. It never does. We cannot afford to allow any of our personnel policies, whether it is in the Congress or in the military, to be guided by intolerant behavior, whether that intolerant behavior is religious or otherwise.

I believe it is time for the military to change its policies. I acknowledge that it is a traumatic change. I suspect that time will show it is not as traumatic as we, or at least some, are saying it is going to be. It is time for the military to change, and those Americans who want to serve their country, those Americans who say their sexual orientation is homosexual and want to serve their country, if they can satisfy all other requirements, if they meet all other standards, we should allow them to serve.

I thank the Chair, and I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The time of the Senator from Nebraska has expired. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. DOLE. Was leader time reserved?

The PRESIDING OFFICER. Leadership time has been reserved.

DELAYED RELEASE OF MIDSESSION BUDGET REVIEW

Mr. DOLE. Mr. President, there are reports that Leon Panetta, Director of the Office of Management and Budget, plans to delay release of the administration's required mid-session review of the budget. Apparently, the administration wants to wait for more accurate budget information—information that apparently will not be available until after Congress has dealt with the budget reconciliation bill.

Now, I have great respect for Leon Panetta, and I know he is doing his best to make terrible economic policy look good, but I am afraid that what we are seeing here is just another magic act from the White House. The administration's spin magicians know that the only way to make their massive tax increase look like something wonderful is to turn on the smoke machine, wave a magic wand, and convince you not to worry while they are busy sawing you in half.

Fortunately, Senator DOMENICI, the ranking Republican on the Senate Budget Committee, is blowing all the

smoke away so that the American people can see what is really going on.

So here is the trick. The White House is planning a time out, a delay, a retreat, so it can hide the fact that the deficit has already fallen as much as $50 billion this year. That is a $50 billion reduction without any new taxes.

If that is true, we may still have time to convince enough Democrats in Congress that a record tax increase is the last thing the American people and the American economy need right now.

So let us look at some facts: First, long-term interest rates have remained low—thanks in large part to the policies of the Bush administration. Second, Senate Republicans were able to derail the President's original $16 billion spending stimulus proposal by insisting that new spending be paid for with cuts in other programs, instead of just charging it up to the deficit as the Clinton administration demanded.

A pared-down stimulus bill was adopted, but in the end, blocking the President's original deficit increase proposal will keep $11 billion from being added to this year's deficit.

Still, we are getting a lot of mixed signals about the economy and a lot of mixed signals from the White House. First, the President claimed credit for the economy's strong performance in the fourth quarter of 1992—before he even took the oath of office. The same White House that complained the recovery was jobless in February, took credit for creating 700,000 new jobs in April and May, and dismissed reports of job losses in June, now seems to be lowering expectations across the board.

For instance, we know from statements by Council of Economic Advisers Chairwoman Tyson and Secretary Bentsen that the White House plans to drop its official economic growth forecast for this year from a 3.1 percent to about 2.5 percent.

If expectations and forecasts are nosediving, the White House has more reason that ever to take another look at its economic plan—a tax-now, cut-spending-later plan that calls for anywhere from $245 to $275 billion in higher taxes during the next 5 years.

All this talk about taxes in Washington—for deficit reduction and later for health care has paralyzed the American economy, forcing investors, entrepreneurs, employers, and businessmen and women up and down main street to put off any plans to expand or hire new workers.

The mid-session review is legally due today. While there is no official penalty for delay, I agree with Senator DOMENICI, that Director Panetta and his magic consultant, David Gergen, should give the smoke machine a rest and rethink their strategy.

All Members of Congress—Democrats and Republicans—should demand that the administration provide us with the best possible information about the status of the budget and the health of the economy before we are asked to vote on the President's deficit reduction plan.

In fact, we are going to conference today. I think the first conference started this morning at 10 o'clock. We will be meeting in subconferences this afternoon at 2 o'clock, at least the one I am a member of, the so-called Ways and Means-Finance Committee conference, and we would like to have that information.

I would like to include in the RECORD at this point an editorial which appeared in this morning's Wall Street Journal entitled "The Dog Ate It." They are talking about the midsession review, what happened to it, why are we not being told what the efforts are. The President says we can have—in fact, he is quoted as saying the deficit may be $20 billion less because of lower interest rates. That is not what CEO says. They tell us if it is because of not as much spending in the bank bailout, Medicare, other programs. Revenues were up.

So it just seems to me, if people are concerned about the deficit, and if we do not need more taxes, we should not have more taxes. If the deficit is not as big as it was for whatever reason, and we eliminate $50 billion in taxes, it seems to me that will certainly be a step in the right direction.

I ask unanimous consent that the editorial be printed in the RECORD.

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

[From the Wall Street Journal, July 15, 1993]

THE DOG ATE IT

John Maynard Keynes, probably the only dead white male popular in the Clinton inner circle, once said to somebody belaboring him about a flip-flop, "When the facts change, I change my mind. What do you do, sir?" (Apologies to the exact words.)

President Bill Clinton had no trouble changing his mind about offering a middle-class tax cut after he got a load of CBO's January deficit update. "I have to put everything back on the table," he said at the time. "The deficit is now about $50 billion bigger over five years than it was thought to be in August." Thus was the Clinton budget plan born, the table now a veritable groaning board of new tax increases.

Now, however, his own White House budget office, in a report that by law must be released today, is expected to reveal that the deficit will actually be $50 billion smaller than expected in this fiscal year alone.

So does Mr. Clinton change his mind again? Naaaah. The report is being shoved behind a file cabinet at OMB, in defiance of the law. The word around Washington this week has been that it'll stay there until the House-Senate conferees finish the Clinton budget. Why confuse these folks with data? If this subterfuge were Ronald Reagan's doing in 1986, David Obey would be calling for his impeachment.

Pete Domenici, a Republican and certified deficit hawk, suggested on the Senate floor yesterday that the Clintonites are afraid the good news will give wavering Democrats an excuse to jump ship. No doubt, but there's a deeper conundrum here for the Clintonites. OMB's projections are likely to show the deficit shrinking this year, when Mr. Clinton is doing nothing, then shooting up in the out-years, when his program is kicking in. Not exactly the best advertisement for a program that's supposed to slash the deficit. Somebody might catch on.

As if they haven't got enough clues already. Three major "deficit reduction" packages have been inflicted on the economy since 1983, and not a single one led to anything but upward revisions in later deficit calculations. It must finally be admitted that Congress does not enact higher taxes to curb the deficit but to increase spending. Mr. Clinton's turn on this treadmill won't turn out any differently.

Like Inspector Clouseau, the Clintonites are busy searching overseas for the culprit behind the economy's refusal to spin out the usual post-recession job growth. You can't pick up a newspaper these days without becoming instantly aware that the rain of taxes and mandates coming down from Washington is the real reason employers aren't hiring. The budget plan's soak-the-rich taxes will be murder on small business, investors and job creation.

And if Treasury didn't already suspect that these taxes won't yield much in revenues, the fruits of the 1990 budget deal are now in. Turns out that raising taxes on the "rich" actually prompted revenues to shrink for the first time in eight years. Collections from the "rich" went down, while collections from everybody else went up. Maybe OMB could pull out its report long enough to notice one reason why this year's deficit is smaller. "Flukey timing of paychecks," a CBO budgeteer tells us. That's a polite way of saying folks have been moving up income to beat the Clinton taxes.

Joseph Minarik, OMB's deputy chief, recently poked his head out from behind the file cabinet to say lower interest rates were principally behind the shrinking deficit numbers. The Congressional Budget Office disagrees. CBO says slower growth in Medicare, Medicaid and bank bailouts were the reason for the deficit shrinkage, plus an uptick in revenues. Interest rates had almost nothing to do with it. This is the kind of confusion you get when you make "the deficit" the centerpiece of your economic thinking—instead of revenues, expenditures and the incentives they create.

Virtually no one in Washington really believes in the Clinton plan, as you can plainly derive from the formula the Beltway establishment is using to justify voting this arsenic into the economy. The Democrats are reduced to peddling a sob story about how failing to pass the package will doom the "young Clinton presidency." Obligingly, the media is running over its banks with stories about the chemistry between Rosty and Pat, the Odd Couple on whose broad shoulders and pointy head rest the onus of rescuing Bill's political manhood.

On the evidence of the shrinking but invisible deficit, though, it seems to us that Bill's manhood would emerge in fine shape if he said, "The facts have changed, so I'm changing my plan." Put plainly: The U.S. does not need a tax increase.

THE HATCH ACT REFORM

Mr. DOLE. Mr. President, I would like to include in the RECORD another editorial that appeared in this morning's New York Times.

I certainly have been critical of the New York Times' editorial policy because many of their editorials are aimed directly at me, and maybe with some justification.

But this editorial is called "Save the Hatch Act". It is going to be pending here on the Senate floor in just a few a minutes.

I will read just the first paragraph:

It is greed time in the Nation's Capital. Congressional Democrats, grateful for years of generous campaign giving by Federal and postal union political action committees—and eager for more help in the future—are about to relax Hatch Act restrictions on "active" partisan political activity by Federal employees.

Mr. President, we have offered a compromise. We hoped it could be received. We know that sooner or later the so-called Hatch Act reform will pass this body. We think the Senate bill is much preferable to the House bill. But in any event, I think this editorial does make some points. I hope my colleagues on both sides of the aisle will take a close look at it.

I ask unanimous consent that it be printed in the RECORD.

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

[From the New York Times, July 15, 1993]

SAVE THE HATCH ACT

It's greed time in the nation's capital. Congressional Democrats, grateful from years of generous campaign giving by Federal and postal union political action committees—and eager for more help in the future—are about to relax Hatch Act restrictions on "active" partisan political activity by Federal employees.

From the public's standpoint and that of Federal workers who would face pressures to give money and time to partisan causes, it's a bad idea. But the House approved a bill in March, and President Clinton says he will sign any Hatch Act revision that Congress serves up. Thus, some weakening of the 1939 act seems inevitable this year.

The extent of the overhaul is now squarely before the Senate. The Senate majority leader, George Mitchell, and his Democratic colleagues can show character by accepting a reasonable Republican proposal that would maintain current Hatch Act restrictions for the most sensitive Government posts and agencies, and keep all Federal employees out of the political fund-raising game.

Critics of the Hatch Act complain it stifles the political rights of Federal employees. But even "Hatched" workers can vote, make political contributions and participate in their off hours in nonpartisan political activities. While some of the rules are needlessly complex, the remaining curbs on partisan activity, designed to protect the public from a politically tainted Civil Service, have been upheld by the Supreme Court.

Unlike the aggressively misguided revision rushed through the House in March, the measure proposed in the Senate by John Glenn, Democrat of Ohio, would still prohibit Federal employees from running for partisan elected office and soliciting political contributions from the public. However, like a similar measure wisely vetoed in 1990 by President Bush, the Glenn bill would allow civil servants to serve after working hours as active party and campaign workers and, more troubling, to solicit co-workers for contributions to their union's PAC's Mr. Glenn provides penalties for coercion, but they are inadequate to protect Federal employees, who can now turn aside political overtures by saying, "Sorry, I'm Hatched."

The Senate minority leader, Bob Dole, and Senator William Roth, Republican of Delaware, have now proposed a reasonable compromise. Their amendment would exempt from the proposed relaxation on partisan politicking high-ranking career employees across Government who work closely with political appointees. It also excludes the intelligence services and other sensitive agencies like the Justice Department and Internal Revenue Service, where maintaining the perception and reality of nonpartisanship is crucial. All Federal employees would be barred from soliciting, accepting or receiving political contributions.

For now, Senate Democrats seem determined to get Federal civil servants in the business of hustling political contributions from their co-workers. That makes it plainer than ever: The Democrats' biggest concern here isn't free speech or good government but political money and influence.

SALUTE TO TOM NOTTINGHAM

Mr. DOLE. Mr. President, one of the true privileges of serving as Senate Republican leader is the fact that I am able to temporarily occupy a very historic suite of offices.

At various times in our Nation's history, the space where my office is now located has served as the floor of the House of Representatives, the Library of Congress, Chambers for Supreme Court Justices, and the Office of the Vice President.

And over the past few years, I have been happy to play tour guide to the men, women, and children, who come into my office for a meeting or a photograph. I long ago lost count of how many folks sign our guest book, but I do know that my efforts as a tour guide pale in comparison to those of Tom Nottingham.

As my colleagues know, Tom retired on June 30 after more than three decades of service to the U.S. Capitol and to America.

Tom has worked in the U.S. Capitol Guide Service the past 30 years—the last 22 of those as chief guide. It is estimated that during those years, approximately 90 million visitors have toured the Capitol.

Tom may not have personally welcomed all of those 90 million visitors on personal tour, but his leadership and guidance have helped to ensure that a visit to the Capitol is a rewarding and inspiring experience.

Tom faced a lot of pressures in his job—most of them coming from the fact that he had 435 Congressmen and 100 Senators asking that their constituents receive VIP treatment. That was no problem for Tom, because he insisted that everyone receive VIP treatment.

Tom knew that this building does not belong just to those of us who work here—it belongs to all Americans, regardless of political party.

I was honored to join Senator MITCHELL in sponsoring Senate Resolution 125, which commended Tom for his outstanding service, and my wife, Elizabeth, joins with me in wishing Tom and his family the best of success in his retirement.

Mr. President, I reserve the remainder of my time.

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. BAUCUS. 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. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I ask unanimous consent to speak in morning business for 7 minutes.

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

SUPEREFFICIENT REFRIGERATORS

Mr. BAUCUS. Mr. President, on several occasions over the past few weeks I have spoken about the linkage of our environment and our economy. Companies everywhere are beginning to understand that to stay competitive they must consider the environment in everything they do.

Today, I want to speak about a breakthrough in technology that has the potential to help every American. It can lower utility bills for families while it reduces energy consumption and protects our atmosphere. This is not some new space-age hardware; it is a technology that you do not have to look far to find: the refrigerator.

Refrigerators use one-fifth of the energy consumed in American homes. Overall, some 7 percent of our total energy consumption is for home refrigeration.

Add to that the damage caused to the ozone layer by the CFC's they use, and the common refrigerator becomes an obvious place to start looking for environmental improvement.

That is why 27 forward-thinking utility companies banded together to search for an energy-efficient refrigerator that uses no CFC's. These power companies, which serve a third of American homes, recognize that energy conservation is often a more efficient way of ensuring an adequate energy supply in the future than constructing new powerplants.

Each of these companies contributed money to a winner-take-all competition for the best refrigerator design.

A number of companies, large and small, participated in this contest.

Last week, the sponsors announced that a design by Whirlpool, which uses

two-thirds less energy than a conventional refrigerator, won the competition.

But the real winners are the consumer and the environment. By reducing a major source of CFC's, we can also reduce the destruction of the Earth's protective ozone layer. And by reducing energy demand, we can also cut down on emissions of carbon dioxide, thereby reducing the greenhouse effect.

The new refrigerators, which will cost about the same as today's refrigerators, will save the average consumer $150 a year in electricity bills. This is a refrigerator that will pay for itself in a few years, and then go on to save consumers even more over the rest of its life.

When the superefficient refrigerator project was first started, the utilities were not sure whether any American firms would meet their strict criteria. They worried that they might have to open the competition to foreign companies to be able to pick a winner.

But American ingenuity paid off. Whirlpool's design puts America in the lead of this market, and the export potential is tremendous.

CONCLUSION

Mr. President, this reinforces my belief that if companies think about the environment when they design new products—instead of waiting until after they have built them—we can maximize business opportunities, jobs, and achieve a cleaner environment.

That is why, tomorrow, I will chair the third in a series of hearings to take stock of the relationship between the environment and the economy. The purpose of this hearing is to examine the accomplishments and shortcomings of our current environmental laws and how to apply the lessons we have learned to achieve a sustainable future.

Last year, at the U.N. Conference in Rio, leaders of governments from all over the world agreed that sustainability should be the goal of all of our environmental and economic policies. Now is the time to turn that goal into reality.

Mr. President, I yield the floor.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from New York [Mr. D'AMATO].

ORDER OF PROCEDURE

Mr. D'AMATO. Mr. President, I realize morning business ends at 11 o'clock, so I ask unanimous consent that I be permitted to extend the time for morning business by 5 minutes.

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

THE BUDGET DEFICIT

Mr. D'AMATO. Mr. President, I do not know if I am going to take 5 minutes. I do not think it is necessary. But I do think it is necessary to make some remarks today, July 15, to call to the attention of this body and put into the RECORD publicly some very important facts. While we are struggling to come to terms with a tax-and-spend package labeled "the deficit reduction package," we are actually raising taxes on everything that moves and some things that do not. We are going along with business as usual with the rhetoric of reducing deficits and covering up why it is that we are raising taxes on the middle class. While we are breaking promises made to the middle class by raising taxes on gasoline; raising taxes on small businesses by up to 37 percent, and increasing spending, we are not prepared to take advantage of the fact that the budget deficit may be lower than expected. If the budget deficit is lower than expected, then the middle-class tax increases become even less convincing. The President's office of OMB had predicted that the deficit would come in at something in the area of $322 billion this year. Their midyear report, which is being delayed weeks beyond its legal deadline, could show the deficit to be about $30 billion smaller. Estimates by CBO suggest the deficit may come in at $50, $60, or even $70 billion less than earlier estimates.

It seems to me that this information is rather important. It seems to me that, while the House and Senate conferees on this budget and tax package are meeting, we should know if the deficit is $30 to $70 billion less.

Yesterday on this floor, Senator PETE DOMENICI, ranking member of the Budget Committee, brought forth some facts that are rather startling and revealing. The fact is that expenditure levels have been capped and have come in at a rather modest increase of some 2 percent. Revenues have come in at 6 percent. The deficit now looks like it will be anywhere from $30 to $70 billion less than what OMB originally estimated for 1993.

Let me ask you: Why do we then want to raise taxes on working middle-class families? Why do we want to go after small businesses? Administration officials have also indicated that a slower growth rate could mean that less tax revenue would be collected from tax proposals now on the table.

Mr. President, let me talk to another issue. Why do we want to wage class warfare? This administration is waging class warfare. Get the rich. Get them. Let us raise your taxes and put a surtax on you. We have made success and targeted success as something bad. It is implied that there are no good people who have accumulated wealth. Somehow, we have stigmatized them.

That is anti-American and flies in the face of what this country is about. I think it is about people having the opportunity to climb the ladder of success on hard work and energy and a work ethic. When we begin this class warfare, this business of getting the wealthy, that is wrong, and that is what we are doing. That is only 2 percent of the vote, so let us pile it on.

If we do that, we do a great disservice about what this country is about. This country is the land of hope and opportunity, where people can rise above the most humble and modest of economic circumstances, because we do provide people with opportunity. But when Government begins to come in and say we are going to penalize you—not that you are going to pay your fair share, but we are going to get you—that implies there is something wrong with the rich guy who makes more than $1 million, and then do not let corporations deduct it. Pile it on because they have not paid their fair share.

Nonsense. In Europe they charge more for gasoline taxes, and all of a sudden Europe has become the paragon. I did not think we wanted to conform ourselves to what European countries tax. Do we want to adopt their living standards as well? Would we impose them on our people? I do not think so.

I say there is something terribly wrong, when we are talking about reducing deficits, not to consider that we have $30 billion to $70 billion that we do not have to raise in additional taxes. Why not do away with the gas tax, if that is the case, or the tax on small businesses, which is going to stifle jobs and job creation. No country has ever taxed itself into prosperity. No country moves ahead and moves economically by going after any one class and using them as the target by which to move forth their programs. That is what we are doing here.

I do not think there is any reason whatsoever why we do not have the facts. OMB is supposed to make a report. And to use the excuse that past administrations have not made that report available to us so that we could look at and ascertain the true facts and financial condition of the economy as we go into this important conference is something that is defensible.

I applaud Senator DOMENICI. I think the media is doing itself a terrible disservice by not demanding what the numbers really are but by sitting by and allowing business as usual. It is not good enough to say past administrations slipped this by. We should not be doing this during this difficult time.

I yield the floor.

I suggest the absence of a quorum.

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

The bill 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.

EXTENSION OF MORNING BUSINESS

Mr. DORGAN. Mr. President, I ask to extend morning business and that I may speak for 7 minutes.

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

ARE WE WILLING TO TAKE A RISK?

Mr. DORGAN. Mr. President, last week I presented a medal on behalf of the Marine Corps to a young woman in North Dakota. I was thinking about that today as I listened to some of my colleagues on the floor. The medal was for heroism and bravery.

This is a young 20-year-old woman from Jamestown, ND, a lance corporal in the Marine Corps. She, at her base in Pendleton, CA, was on the telephone speaking to her family in Jamestown, ND, when a man came into the building with a gun and began to pursue another young female marine. The man with the gun shot the marine a number of times, and this young woman from North Dakota, Lance Corporal Balvik, told her folks to hold on for a minute. She dropped the phone and began running after the man who was shooting at the other female marine.

The man ran out of bullets. His gun was empty. He stopped to reload. The other marine had already been wounded severely, and Lance Corporal Kairouan Balvik approached the man and began talking to the man to try to get him to agree to put down his weapon. The man reloaded, and then began pursuing Lance Corporal Balvik and shot her seven times.

Miraculously, both young marines lived; one shot six times, and Lance Corporal Balvik shot seven times. I presented her with a medal that the Marines awarded to this young woman for bravery and heroism.

I was thinking about this. In times of stress and in times of calamity and emergency, what would we all do? If someone comes into a room you are in, firing a pistol, trying to kill somebody else deliberately, do you stop and say, "Wait a second, let me intervene and see if I can try and stop this. Let me risk my life and take seven bullets to see if I can get involved to prevent this killing." Or, do you go behind a desk someplace, or do you get behind a closed door to save your life?

I do not know what it is in the heart of this young woman from Jamestown, ND, that persuades her to drop the phone and say, "just a minute" and go pursue this fellow that is shooting, and take seven bullets and lie in a hospital for months. But that is courage and bravery.

None of us know how we will react under those circumstances. None of us quite know what is inside us until there are times of emergency and panic, and you decide what is in your heart and what it allows you or persuades you to do.

The reason I was thinking about that—and I am pleased to tell my colleagues about this remarkable, brave young woman from Jamestown, ND—I was thinking about courage in this Chamber, with public policies and numbers and programs and challenges. We face some enormous challenges in this country. To deal with some of these challenges appropriately, it requires courage and requires us to step up and say I am willing to risk just a bit of my popularity, a bit of my career to do what is right to solve these problems.

So I have to say that, as I listened to some of the discussion around here, it seems to me that it is much of the same old-same old, and I am not here as a disciple for spending cuts across the board or tax increases across the board. I am here to say that we just have a to make decisions. We have to make tough decisions to fix the problems that confront us.

I have heard today from several people—you know, the deficit is getting much better. It used to be $350 billion; it might turn out to be only $300 billion, so therefore, let us do nothing.

Where is the courage here? Where is the good sense? Where is the requirement that we all step up here and decide we have trouble in this country and it is our responsibility to drop the phone and go meet it and deal with it?

That is our responsibility, Mr. President, and I hope that in the days ahead we cannot gloat about the fact that the deficit is being reduced just slightly. We have a deficit that is far out of control. We have a debt that is crushing and crippling this country's future, and it is our responsibility to deal with it.

Let me mention while I have the floor two other issues this morning.

RECONCILIATION

Mr. DORGAN. Mr. President, in the conference that started about an hour ago on reconciliation to try to deal with the menu of spending cuts and tax increases, there is something called enterprise zones put in the House of Representatives.

When I was in the House of Representatives, in every case where the House passed enterprise zones I included something that is called rural development investment zones. It is not included in what the House passed this time I guess because I was not there. But I want to make sure that if enterprise zones come out of that conference to the floor of the Senate and House it includes not just enterprise or empowerment zones within urban areas with high poverty but it also includes rural development zones for those counties in rural America where they have an overflow and outmigration of people. We are losing population. My home county lost 20 percent of its population in the last decade.

We need enterprise zones just as much as in an urban area that has unemployment needs enterprise zones. Our outmigration of people, the loss of people, shows up as a loss of people in a rural area.

I want to make sure if enterprise zones are part of the conference report, when we finally vote on it, includes rural development investment zones for rural America.

SUGAR PRODUCTION

Mr. DORGAN. Mr. President, I just finished testifying this morning at a hearing with the Department of Agriculture on a subject that the person currently occupying the chair is well familiar with, and that is the allocations that have been established for U.S. sugar production.

I must tell you coming from sugar beet country what the U.S. Department of Agriculture has done is fundamentally unfair, especially to our region of the country. In my judgment, the actions taken by USDA do not meet the test of law. The 1990 Act suggests that allocations are appropriate only when we are not going to meet the minimum imports of sugar. Surely we are going to meet the minimum imports and clearly, in my judgment, USDA acted outside the extent of the 1990 law. Not only that, if they cleared the hurdle believing they have the legal authority to go ahead with sugar allocations and allotments, they have a responsibility to do it fairly.

It is my judgment not to take base years in which we had a 100-year drought in our part of the country, use that criteria of what kind of allocation is going to apply.

I think we have a situation that is going to be devastating to our part of the country, to sugar beet growers in the Red River Valley who are going to see $90 billion loss as a result of these actions.

I truly hope the Secretary of Agriculture and USDA will make the right decision to change course and decide not to impose these allocations that they have previously announced and on which there was a hearing this morning.

Mr. President, I yield the floor and suggest the absence of a quorum.

Mr. GRASSLEY. Will the Senator withhold?

The PRESIDING OFFICER. Will the Senator withhold the suggestion of the absence of a quorum?

Mr. DORGAN. I am happy to.

The PRESIDING OFFICER. The Senator from Iowa.

EXTENSION OF MORNING BUSINESS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that we continue morning business.

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

Mr. GRASSLEY. Thank you, Mr. President.

THE LOWER DEFICIT AND HIGHER TAXES

Mr. GRASSLEY. Mr. President, I want to make a brief comment as my colleague from North Dakota just did on the reconciliation process we are going through and the conference committee on reconciliation and the opening session of that conference committee has just ended with opening statements.

I did not attend that opening briefing but I would like to now voice my comments that I would have made there if I had not had a conflict with the Judiciary Committee meeting. And my comments are directed toward what is a phenomenon now that is appearing in the budget that we did not anticipate a few months ago, and that is the lower than expected deficit for the current year. In fact, most of the time we consider the later you get into the fiscal year the more that deficit might be rather than being smaller.

If you ask for my estimation, Mr. President, the lower deficit now appears to mean less of a need for austerity, not on the expenditure side but in the form of increased taxes.

If you remember the debate of why the increased taxes, it was because we are going to have in January and February all of a sudden a bigger deficit than we anticipated so we had to increase taxes to do that. That was the President's reason for spending money and raising taxes beyond what he said during the campaign.

So there is no longer a compelling need to roll back the clock and increase these marginal tax rates and it means that there is no longer a compelling need to place a tax burden on the back of middle-class Americans.

The reason why we do not need a middle-class tax increase now was given by the President himself. He told working men and women that the tax was needed when he proposed it in January because the deficit was bigger than expected. Well, now the deficit is smaller than expected. And so the obvious policy is to drop the middle-class tax increase. If the President and this conference committee that is going to be meeting over the next several days fail to do that it will advocate a policy devoid of any rational or moral foundation.

Let me also say that there is a political aspect to this. We should not make policy based upon politics. I am not advocating that but there is always a history that is behind a lot of decisions that are made here in Washington and I think one that my colleagues and even the President know.

President Clinton ought to remember that Jimmy Carter was rejected in his reelection effort by the American people in large part because of prohibitive marginal tax rates so prohibitively high that with inflation interjected into the formula for taxes, people were ending up with less take-home pay the following year than the previous year. So at that point it is not taxation, at that point it is confiscation.

But what happened after we did lower the tax rates, and this was then with a new President, and it was a policy that was supported, Mr. President, by both sides of this aisle—there was a very small minority that voted against those tax bills in 1981—we saw our economy after a sound tax policy grow robustly.

Other countries observed our actions and they liked what they saw in America and they knew if they did not do something that they would be left out in the cold, and they did likewise. During the 1980's these countries reduced their tax rates: West Germany, Japan, Australia, New Zealand, India, Denmark, and even Sweden.

We have—those of us on this conference committee that is going to be deliberating over the next few days—are going to face the question of whether to raise marginal tax rates on the American worker and on small business. And we will face the question of raising taxes on the middle class.

Will we turn the clock back?

Will we argue with the success of lower marginal tax rates, and they were successful?

Will we raise these taxes even though the justification no longer obtains?

I am one of those, Mr. President, who adheres to the adage "once bit, twice shy." I intend to make it emphatically clear, as often as possible, that I am not going to partake in marginal tax rates. And I will not support a middle-class tax hike—especially since there is no longer a basis.

Lower marginal rates have caused neither the deficit nor the economic slowdown. Neither has the middle class. In fact, both are our greatest assets for getting the economy moving again, and lowering the deficit. So why are we taxing the middle class? I urge my colleagues to take the pulse of the Nation and respond appropriately—by rejecting these prohibitive taxes.

The economy is not growing the way it should grow, as I detected from my town meetings in 22 different countries last week during the recess, because the people who create jobs—middle-class, small business people—do not know what the future holds on taxes.

And so if we want to get jobs expanded, we need to not increase these taxes and we need to take the questioning of whether or not there is going to be tax increases out of the formula.

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

The PRESIDING OFFICER. The absence of a quorum having been suggested, the clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

IN MEMORY OF DAVE JENKINS

Mrs. FEINSTEIN. Mr. President, Dave Jenkins, for decades a leader of organized labor and in the advancement of education for working men and women, died on June 28, 1993, in San Francisco after a long illness. He was 79 years old.

I first met Dave Jenkins in 1969. He was an exceptional man, with a wonderful family, who had a jocular sense of humor and a roaring laugh. Throughout his professional years, he distinguished himself as a man committed to improving the lives of the men and women he represented, earning a fitting reputation as a leader among leaders.

In terms of the history and legacy he leaves behind, Dave Jenkins was a rare and unique man, singular in his abilities to organize and forge consensus. To the people who knew and loved him, he was admired, respected, and beloved. The simple fact is that you don't find many Dave Jenkins' in this world.

To honor the life and work of Dave Jenkins, with unanimous consent, Mr. President, I would like to submit to the RECORD, a testimonial written about him on the occasion of his being recognized with an honorary doctorate from San Francisco State University.

To quote:

> Most persons touch a few lives, only a rare few touch many, challenging the complacent, comforting the distressed, molding opinions, shaping ideas, disdaining the obsolete, identifying the promising, seeking, searching, forever widening horizons—his as well as all who knew him. This is Dave Jenkins.

Mr. President, this is the David Jenkins that I knew and this is the Dave Jenkins that the city of San Francisco will never forget, and I ask unanimous consent that the testimonial be printed in the RECORD.

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

TESTIMONIAL

Most persons touch a few lives, only a rare few touch many, challenging the complacent, comforting the distressed, molding opinions, shaping ideas, disdaining the obsolete, identifying the promising, seeking, searching, forever widening horizons—his as well as all who know him. This is David Jenkins.

A working stiff, blue collar, laboring in mines, in ships, in warehouses, born in New York, a San Franciscan most of his life, Dave, as he is known universally throughout the City, has been a profound influence, a reverberating force, a driving, hammering presence. Far beyond the halls of organized

labor, in politics, in the arts, in the social and academic life of San Francisco, he has been confidant, benefactor, sponsor, advisor, innovator, advocate.

A school dropout, but a life-long educator, essentially self taught, but always a prolific teacher, Dave, from his earliest days as a labor organizer and seafarer, has been an anchor chain between the rough-knuckled world of sweat labor and the sanctuary of higher learning.

Always reading, constantly inquiring, seeking out new ideas, arguing, questioning not only his colleagues in the workplace, but writers, poets, dramatists, philosophers, professors—his realm of acquaintances and associates is endless—Dave, as only the best teachers can, has ignited the imaginations and inspired the efforts of dockhands and governors, historians and dishwashers.

He left school when he was 15, but he never abandoned learning. Born January 25, 1914, he found an uninterrupted classroom in life itself—as a teenager in the ferment of The Village in New York with its artists and intellectuals in perpetual disputation and, as the 1930's collapsed into the despair of the Great Depression, as an advocate of reform and grassroots activism and a youthful organizer of the unemployed and the disadvantaged. First for the Teachers Union in New York (as a recreational instructor, he taught boxing and basketball to the youngsters of Hells Kitchen), then as an organizer of maritime workers in Virginia, Dave, by the late 1930's, was educational director of the National Maritime Union in New York.

As such, he manifested what became, for him, a life commitment to continuing education. He succeeded in getting shipowners to put more on the shelves of ships' forecastles than dime novels, insisting on the histories and the great literature that informs and stretches the minds.

He shipped out often, sailing into the ports of the world, itself an education, following the ways of his mariner grandfather, who, Dave boasts, "was illiterate in seven languages." On shore, he attended classes in various so-called peoples' colleges, an electric sampling of courses—history, literature, the arts, even metaphysical poetry.

In 1939, he came west to San Francisco, still shipping out as World War II made each voyage dangerous, on shore organizing waterfront workers and, in 1942, making even more emphatic his convictions that the doors to learning should be closed to no one. He became director of the California Labor School in San Francisco, recruiting faculty from Stanford and U.C. Berkeley, establishing campuses in Oakland and Los Angeles, himself going into the classroom to teach labor economics, Jewish History and a course pioneering for its time, Black History.

In his eight years as director, some 56,000 students enrolled in classes that were offered at hours which war workers could attend. The Labor School was a forerunner for the community colleges that offer courses in the practical how-to-do world of vocational training as well as the abstract world of thought and imagination.

Dave unified those two worlds. His own rambunctious intellect, kicking through ideas, stomping on some, lifting up others, his ability to recite the libretto of Rigoletto and most other operas and discern the brush strokes of a Monet or a Manet, his resolute conviction in the principles of justice and the rights of working men and women combined in a force of personality that broke down barriers and opened avenues between labor and academia.

His marriage in 1942 to a San Francisco poet and teacher, Edith Arnstein, her mother a distinguished poet and educator and her father a leader in public health, gave added strength and new dimension to his powerful embrace of town and gown. Dave and Edith's four children testify to the diversity and intensity of their household. Daughter Becky is a radical therapist; Margaret is a renowned dancer and choreographer; son Davis is a professional mediator and a Flamenco guitarist; and Rachel is a psychotherapist. Seven grandchildren enliven gatherings with violin solos and robust songs of the waterfront, crayon drawings of rainbows and smiling giraffes and endless questions about social justice and change.

The Jenkins home on Belvedere Street, not too far from the tumultuous Haight-Ashbury District, itself is a unique salon for poetry readings, musical recitals, political caucuses, fund raisers for racial justice and world peace where persons from all walks of lives gather to enjoy and laugh, sometimes cry in shared sorrow and, inevitably, to debate and argue and explore. The Jenkins' Thanksgivings are legendary with a potluck of immediate family and an extended family of union presidents and rank and file, politicians and poets, musicians and mechanics, radicals and conservatives. It's a wonderful universe of affection and comradeship, of raucous stories and hearty toasts, of youngsters laughing and of memories retold. Always, however, there runs through each gathering a strong current of concern for those in need. There, consistently, is that well spring of commitment for the underdog and the persecuted.

After the Labor School, Dave became educational director of the California State Congress of Industrial Organizations, organizing extension courses and summer school classes in history, politics and journalism.

In 1950, he joined the International Longshoremen's and Warehousemen's Union, an association he continues to this day. He organized the defense committee to fight the Federal government's efforts to deport the union's founding president, Harry Bridges, a fight that was carried victoriously to the Supreme Court.

In the dark days of McCarthyism, when suspicion and intimidation tried to silence this nation into dismal conformity, Dave, with his booming voice and explosive disdain for the status quo, fought unrelentingly against persecution. For a time, he worked for Marine Cooks and Stewards in San Francisco and then for Mine, Mill and Smelter Workers in Denver when those unions came under attack. But the ILWU was his real home, and there he fought for better housing and jobs for Afro Americans and other minorities and was one of the first in the struggle for equality in the workplace for women and for women's rights.

The ILWU, since its founding after the General Strike in San Francisco in 1934, had been one of the few unions to open its doors and positions of leadership to Afro Americans, and in the 1960's it became a leader in developing affordable, integrated housing. Dave was a principal in working with the Redevelopment Agency to use union funds for the construction of St. Francis Square, a national model for racial harmony and neighborliness.

Dave worked to bring new vitality to downtown with construction and jobs along the Embarcadero and neighboring Financial District. He took time off from work on the waterfront to attend meetings of city agencies and the Board of Supervisors, sometimes showing up in bibbed overalls, work stained and rumpled, to advocate for jobs and housing and a break for working men and women.

He was one of the first in labor to reach out to environmentalist and try to forge consensus from old arguments that pitted jobs and construction against conservation and preservation. In 1971, he organized the first conference in San Francisco on jobs and the environment, and, since 1984, Dave has been a member of the San Francisco Bay Conservation and Development Commission.

With the ILWU, Dave helped forge closer ties between organized labor and City Hall, acting as a close advisor and consultant to the succession of mayors since the mid-1960's—Jack Shelley, Joe Alioto, George Moscone, Dianne Feinstein and Art Agnos. There is probably not a Rolodex in City Hall in which Dave isn't included, and his involvement with political leaders spans decades and includes Congressmen from Phil Burton to Nancy Pelosi, Senators Alan Cranston and John Tunney, Assembly Speaker Willie Brown and Governors since Pat Brown.

His politics are progressive, liberal Democrat for the most part, forged in the intense crucible of the Depression and World War II, always with a cutting edge to move forward and open new paths and opportunities for people, never to hold back or remain sheathed and inert.

More than ideology, however, is his faith in the capacity and reach of working men and women. To him, education is the ignition to opportunity and fulfillment, and his abiding quest has been to see that education is not the cloistered privilege of the well-to-do but is the raw resource with which ordinary people can direct and energize their lives.

From his early battle to replace cheap pulps with the classics in ship's libraries and from teaching Black History and racial justice to war workers at the Labor School, Dave has believed that true learning is a "yeasty"—a word he often uses—experience. It comes from the interaction of intellectuals and workers, artists and academics, racial minorities and old-line families, sailors on the waterfront and society women from Pacific Heights getting together, coming to terms with one another, learning from each other. Prejudice and misunderstanding give way to understanding; closed minds are opened to new ideas and the excitement of discovery. Horizons broaden and invite the imagination.

A "yeasty" relationship between community and campus is what prompted Dave's interest in developing labor studies at San Francisco City College in the early 1970's and to work with the Labor Archives at San Francisco State University and, currently, to put his massive energy behind the creation and the funding of the University's Urban Institute where the vast intractable problems of city life—homelessness, inadequate health care, unemployment—can be addressed and incorporated into the academic core of faculty and studentbody. (The relationship of the Jenkins family with SFSU is remarkably close—daughter Becky, a master's in social work, wife Edith, a master's in English literature, and mother-in-law Flora Arnstein were all enrolled at the same time).

Reciprocally, it's this same "yeasty" relationship that prompted San Francisco State, Stanford, U.C. Berkeley and Santa Cruz and the Brookings Institute in Washington D.C. to overlook Dave's lack of diplomas and degrees and to invite him to lecture on labor

and politics. And it no doubt was the reason noted historical Page Smith sought out Dave to help formulate his chapters on the labor and progressive movements for "Redeeming the Time," on the 1920's and the New Deal, the eighth volume of his "People's History" of the United States.

Dave's contribution to the intellectual and academic life of this city covers some 60 remarkably productive years. His will be a lasting and indelible imprint on the character and quality of education in this city, forever linking working men and women to the promise of continuing education. Although he dropped out of school at an early age, he never lost the zest for learning, insatiably reading (his and Edith's den sag with hundreds of books), at concerts and in museums, in foreign travel (he led the first exchange visits of U.S. and Soviet labor leaders) and continuously, uproariously, provocatively in lively discourse. No matter the topic, Dave everlastingly evokes controversy, sometimes laughingly, other times with angry conviction, pushing, probing, advocating, drawing the best from himself and those around him, as only a born teacher can do, always reaching for wider vistas. His California Labor School set precedents now followed in the community college movement, and courses he established and personally taught blazed new trails of academic concern and involvement.

Dave knew from experience that the light in the forecastle of an old freighter far at sea was dim, but that the real light came from the ideas that books could offer and education could provide. He brought books to the seafarers and education to the welders and dockworkers of World War II San Francisco, and his contribution to education in this city has continued to this day.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, as of the close of business on Tuesday, July 13, the Federal debt stood at $4,335,589,907,030.89, meaning that on a per capita basis, every man, woman, and child in America owes $16,879.26 as his or her share of that debt.

SAMMY CAHN—A GREAT LOSS

Mr. KENNEDY. Mr. President, earlier this year, America lost one of its greatest composers with the death of Sammy Cahn after a long and brilliant career. Sammy Cahn wrote songs that made the world smile—and sing along. He was a prolific songwriter and gifted lyricist who has given us a legacy of enduring classics.

His life in the music industry spanned over 60 years. Many of his songs were featured in films and Broadway shows. His colleagues in the industry honored him with an incredible 31 Oscars nominations, and he won the Oscar four times—for songs which are continuing favorites for countless Americans, "Three Coins in the Fountain," "All the Way," "High Hopes," and "Call Me Irresponsible." He also earned an Emmy Award for the popular song, "Love and Marriage." During President Kennedy's campaign in 1960, he offered a variation of "High Hopes" which was quickly accepted as the campaign theme and which captured the imagination of the country as the New Frontier began.

Sammy Cahn's work was often in comedy, very often romantic, and always brilliant. He was a quintessentially American composer who defined the essence of our national character and won the hearts of music lovers everywhere. He was also a committed citizen who gave generously of his time, talent, and energy to many humanitarian causes.

I remember him also as a friend who enlivened every occasion with his extraordinary and infectious ability to burst into song at a moment's notice. His heart was as big as his native New York. Another of his most famous songs was "Come Fly With Me." With Sammy our spirits always soared. He has left us an unparalleled repertoire of beautiful music and warm memories, which are priceless gifts for all Americans to cherish. We mourn his loss, and celebrate his life.

Mr. President, I ask unanimous consent that articles describing Sammy Cahn's unique contributions to American music be placed in the RECORD.

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

[From the Boston Globe, Jan. 16, 1993]

SAMMY CAHN, 79; LYRICIST, WROTE POPULAR SONGS, WON FOUR OSCARS

(By John Horn)

LOS ANGELES.—Sammy Cahn, the prolific lyricist who won Oscars for the songs "Call Me Irresponsible," "Three Coins in a Fountain," "High Hopes" and "All the Way," died yesterday of congestive heart failure. He was 79.

Mr. Cahn collaborated with Saul Chaplin, Jimmy Van Heusen and Jule Styne on hundreds of popular songs.

Frank Sinatra immortalized many Cahn tunes, including "Love and Marriage," which was awarded a special Emmy from a musical version of Thornton Wilder's "Our Town."

Sinatra also sang Mr. Cahn's "Come Fly With Me," "My Kind of Town," "Tender Trap," "Three Coins in a Fountain," "High Hopes," "Time After Time" and "Saturday Night is the Loneliest Night of the Week."

In 1974, he took the stage in the Broadway show "Words and Music," a reminiscence of his musical career. He played on the London stage in a show of the same name in 1987, but illness forced him to cut short its run.

Mr. Cahn's first international hit came by accident. He heard a black duo singing the Yiddish song "Bei Mir Bist Du Schoen." He translated the song, reworked the tune, and gave it to bandleader Tommy Dorsey. Dorsey said no, but a few weeks later The Andrew Sisters spotted the song at Mr. Cahn's house and made it a 1937 smash.

Among his best-known works were "Rhythm is Our Business," "Let it Snow, Let it Snow," "I'll Walk Alone," "Love and Marriage," "Second Time Around," "Pocketful of Miracles," and "All That Love Went to Waste."

As a film composer, his credits numbered "Anchors Aweigh," "April in Paris,," "Meet Me in Las Vegas," "The Tender Trap," "It Happened in Brooklyn," "Romance on the High Seas," "Peter Pan," "Pal Joey," "High Time," "How the West Was Won," "Robin and the Seven Hoods," "A Touch of Class," "Paper Tiger," "The Duchess and the Dirtwater Fox" and "Thoroughly Modern Millie."

On Broadway, Mr. Cahn worked on "High Button Shoes," "Two's Company," "Skyscraper," "Walking Happy," "Words and Music" and "Falling in Love Again."

Mr. Cahn also wrote music for the children's television show "Sesame Street."

The songwriter was born Samuel Cohen in New York City. An early student of the violin, he started playing in a local orchestra at weddings, bar mitzvahs and other parties.

He continued playing the violin at burlesque houses and wrote his first lyrics at age 16. Before going to Hollywood, he scored short films.

He was a president of the National Academy of Popular Music and was a member of the board of the American Society of Composers, Authors and Publishers.

He won Academy Awards in 1954 for "Three Coins in the Fountain" from the film of the same name, in 1957 for "All the Way" from the film "The Joker is Wild," in 1959 for "High Hopes" from "A Hole in the Head" and in 1963 for "Call Me Irresponsible" from "Papa's Delicate Condition."

"Call Me Irresponsible" also won an Emmy award.

He was nominated for Oscars 30 times.

In the 1992 book "Going Strong," on what keeps accomplished older people going, Mr. Cahn said: "My ambition is to make 87, because I want to see the year 2000 and how the world will celebrate."

There was no immediate word on survivors or funeral arrangements.

[From the New York Times, Jan. 16, 1993]

SAMMY CAHN, WORD WEAVER OF TIN PAN ALLEY, DIES AT 79

(By Stephen Holden)

Sammy Cahn, one of the last American songwriters to embody the scrappy can-do spirit of Tin Pan Alley, died yesterday at Cedars-Sinai Medical Center in Los Angeles. He was 79.

He had been hospitalized two-and-a-half weeks ago for congestive heart failure, said Ron Wise, a hospital spokesman.

A lyricist whose most important collaborators were the composers Jule Styne, Jimmy Van Heusen and Saul Chaplin, Mr. Cahn wrote the words for dozens of songs that became hits, including "All the Way," "Day By Day," "Time After Time," and "Three Coins in the Fountain." The typical Cahn lyric was brashly assertive and often unabashedly sentimental. "When somebody loves you, it's no good unless she loves you all the way," went his opening line for "All the Way," from the 1957 film "The Joker Is Wild." The song became a No. 1 hit for Frank Sinatra and won the year's Oscar.

"Three Coins in the Fountain," "High Hopes" and "Call Me Irresponsible," were the other songs with Cahn lyrics to win Academy Awards. They, too, were hits for Mr. Sinatra, a singer with whom Mr. Cahn had been closely associated since the 1940's. And except for "Three Coins," which had a melody by Mr. Styne, all had music by Van Heusen.

An outspoken champion of the pre-rock songwriting tradition, Mr. Cahn was famous for being able to come up at the spur of the moment with a lyric for any occasion. He wrote special material for the nightclub acts of Mr. Sinatra, Dean Martin, Paul Anka,

Sammy Davis Jr., Tony Bennett and many other stars, and was especially well known for his parodies and adaptations of his own and other people's lyrics. "High Hopes," with his rewritten lyrics, became a campaign song for John F. Kennedy in 1960.

At the time of his death, Mr. Cahn was the president of the National Academy of Popular Music (also known as the Songwriters Hall of Fame). It was a post he had held since 1973.

Mr. Cahn, whose original name was Samuel Cohen, was the son of Jewish immigrants on the Lower East Side of New York. He studied the violin as a child, and in his teens worked as an itinerant fiddler with semi-professional bands, playing for weddings, bar mitzvahs and other parties around the city. With his first songwriting collaborator, Saul Chaplin, he wrote special material for vaudeville acts. They had their first hit in 1935 with "Rhythm Is Our Business," which was written for the bandleader Jimmie Lunceford and later became Lunceford's signature song.

In 1938, Jack Kapp, a producer for Decca Records, asked them to write an English-language version of a song from the 1933 Yiddish musical "I Would if I Could." The result, "Bei Mir Bist du Schoen," started the recording career of the Andrews Sisters and became a No. 1 hit for them. Among the other Chaplin-Cahn hits were "Please Be Kind" and "Until the Real Thing Comes Along."

A NEW PARTNER

Mr. Cahn and Chaplin moved to Los Angeles in the early 1940's to write songs for Columbia Pictures, but they split up after trying unsuccessfully to come up with more hits. While Mr. Chaplin went on to become a well-known orchestrator of Hollywood musicals, Mr. Cahn began a songwriting collaboration with Jule Styne. Between 1942 and 1951 they wrote songs for 19 films, including "Anchors Aweigh" (1944) and "Romance on the High Seas" (1948), which gave Doris Day her first No. 1 recording, "It's Magic."

Many of the team's 1940's songs became synonymous with wartime nostalgia. Among them are "I'll Walk Alone," "Guess I'll Hang My Tears Out to Dry," and "It's Been a Long, Long Time."

A high point of their collaboration was the 1947 hit Broadway musical, "High Button Shoes," whose score included "Papa, Won't You Dance With Me," "I Still Get Jealous," "You're My Girl," and "On a Sunday by the Sea." In 1954, two years before dissolving their collaboration, they wrote the Oscar-winning title song for the film "Three Coins in the Fountain," which in addition to putting Mr. Sinatra in the Top 10 was a No. 1 hit for the Four Aces.

During this period, Mr. Cahn did not write exclusively with Mr. Styne. Other partners included Axel Stordahl and Paul Weston with whom he wrote two of Mr. Sinatra's biggest 1940's hits, "Day by Day" and "I Should Care"; Gene DePaul ("Teach Me Tonight"), and Nicholas Brodszky (the Mario Lanza hits "Be My Love" and "Because You're Mine," and "I'll Never Stop Loving You," for Doris Day).

SINATRA'S COLLABORATORS

In 1956, after Mr. Styne decided to devote his energies to the Broadway stage, Mr. Cahn began a full-time collaboration with Van Heusen. The two concentrated so heavily on material for Mr. Sinatra, who had brought them together to write the title song for his film "The Tender Trap," that they were almost considered to be his personal songwriters.

Their collaborations for Mr. Sinatra included "Love and Marriage," "All the Way," "High Hopes," "Call Me Irresponsible," "The Second Time Around," "My Kind of Town" and the title songs for four classic Sinatra albums: "Come Fly With Me," "Come Dance With Me," "Only the Lonely" and "September of My Years."

The team also wrote two unsuccessful Broadway musicals, "Skyscraper" (1965) and "Walking Happy" (1966), and the score for the 1967 film "Thoroughly Modern Millie." In 1970, Mr. Cahn reunited with Mr. Styne to write the Broadway musical "Look to the Lillies," which was also unsuccessful. And in 1974, Mr. Cahn opened at the Golden Theater on Broadway in his own one-man retrospective, "Words and Music," which ran for nearly nine months and toured extensively.

His autobiography, "I Should Care," was published in 1974.

Mr. Cahn is survived by his second wife, the former Tita Curtis, a one-time fashion coordinator for the clothes designer Donald Brooks; a son, Steve Kahn of New York; a daughter, Laurie Cahn of San Francisco, and two grandchildren.

THE OTHER HALF OF SEVERAL MUSICAL TEAMS

Sammy Cahn's work has touched anyone who has ever sung in the shower or hummed a tune on the way out of a Broadway or movie musical. These are some of his most successful songs and partnerships.

With Saul Chaplin

Bei Mir Bist du Schoen;
Please Be Kind;
Rhythm Is Our Business;
Until the Real Thing Comes Along.

With Jule Styne

Five Minutes More;
Guess I'll Hang My Tears Out to Dry;
I Fall in Love Too Easily;
I Still Get Jealous;
I'll Walk Alone;
It's Been a Long, Long Time;
It's Magic;
I've Heard That Song Before;
Let It Snow, Let It Snow, Let It Snow;
Saturday Night Is the Loneliest Night of the Week;
The Things We Did Last Summer;
Three Coins in the Fountain;
Time After Time;
Papa, Won't You Dance With Me.

With Paul Weston and Axel Stordahl

Day By Day;
I Should Care.

With Nicholas Brodszky

Be My Love;
I'll Never Stop Loving You.

With Gene DePaul

Teach Me Tonight.

With Jimmy Van Heusen

All the Way;
Call Me Irresponsible;
Come Fly With Me;
High Hopes;
Love and Marriage;
My Kind of Town (Chicago Is);
The Second Time Around;
September of My Years;
The Tender Trap.

[From the Riverside (CA) Press-Enterprise, Jan. 15, 1993]

AWARD-WINNING LYRICIST SAMMY CAHN DIES

(By John Horn)

LOS ANGELES—Sammy Cahn, the prolific lyricist who won Oscars for the songs "Call Me Irresponsible," "Three Coins in the Fountain," "High Hopes" and "All the Way," died yesterday. He was 79.

Mr. Cahn, who lived in Beverly Hills, died of congestive heart failure at Cedars-Sinai Medical Center, hospital spokesman Ron Wise said. Mr. Cahn had been hospitalized since Dec. 30.

Mr. Cahn collaborated with Saul Chaplin, Jimmy Van Heusen and Jule Styne on hundreds of popular songs.

Frank Sinatra immortalized many of Mr. Cahn's tunes, including "Love and Marriage," now heard on television's "Married . . . With Children." The song was awarded a special Emmy for a musical version of Thornton Wilder's "Our Town."

Sinatra also sang Mr. Cahn's "Come Fly With Me," "My Kind of Town," "Tender Trap," "Three Coins in the Fountain," "High Hopes," "Time After Time," and "Saturday Night is the Loneliest Night of the Week."

In 1956, after Styne decided to concentrate on writing Broadway musicals, Mr. Cahn began a fulltime collaboration with Jimmy Van Heusen. The two concentrated so heavily on material for Sinatra—who had brought them together to write the title song for his film, "The Tender Trap"—that they were almost considered to be his personal songwriters.

Mr. Cahn sang his own songs, too. In a 1963 interview, he said he considered himself the most expensive singer in the world. "I sing a song once and if you like what you hear, you owe me $12,500," he said.

In 1974, he took the stage in the Broadway show "Words and Music," a reminiscence of his musical career. He played on the London stage in a show of the same name in 1987, but illness forced him to cut short its run.

Mr. Cahn's first international hit came by accident. He heard a black duo singing the Yiddish song "Bei Mir Bist Du Schoen," He translated the song—it means "To Me You Are Beautiful"—reworked the tune, and gave it to bandleader Tommy Dorsey. Dorsey said no, but a few weeks later the Andrew Sisters spotted the song at Mr. Cahn's house and made it a 1937 smash.

Among his best-known works were "Rhythm Is Our Business," "Let it Snow, Let it Snow, Let it Snow," "I'll Walk Alone," "Second Time Around," "Pocketful of Miracles," "My Kind of Town," and "All That Love Went to Waste."

As a film composer, his credits included "Anchors Aweigh," "April in Paris," "Meet Me in Las Vegas," "The Tender Trap," "It Happened in Brooklyn," "Romance on the High Seas," "Peter Pan," "Pal Joey," "High Time," "How the West Was Won," "Robin and the Seven Hoods," "A Touch of Class," "Paper Tiger," "The Duchess and the Dirtwater Fox" and "Thoroughly Modern Millie."

Gene Kelly, who appeared in "Anchors Aweigh" called Mr. Cahn "a great talent.

"His list of hits speaks for itself," Kelly said.

Composer Burt Bacharach said: "He was always interested in what he was doing, and stayed alive to write and perform. He never really retired, and I loved that about him, too."

A high point of the Styne-Cahn collaboration was the 1947 hit Broadway musical "High Button Shoes," with a score that included "Papa Won't You Dance With Me," "I Still Get Jealous," "You're My Girl," and "On a Sunday by the Sea." In 1954 they wrote the title song for the film "Three Coins in the Fountain," which was a No. 1 hit for the Four Aces and a Top 10 song for Sinatra.

During this period, Mr. Cahn did not write exclusively with Styne. Other partners included Axel Stordahl and Paul Weston, with

whom, he wrote two of Sinatra's biggest 1940's hits, "Day by Day" and "I Should Care"; Gene DePaul ("Teach Me Tonight"); and Nicholas Brodzsky (Mario Lanza's first hit, "Be My Love").

Mr. Cahn also wrote music for the children's television show "Sesame Street."

The songwriter was born Samuel Cahn in New York City. An early student of the violin, Mr. Cahn started playing in a local orchestra at weddings, bar mitzvahs and other parties.

He continued playing the violin at burlesque houses and wrote his first lyrics at age 16. Before coming to Hollywood, he scored short firms.

He was a president of the National Academy of Popular Music and was a member of the board of the American Society of Composers, Authors and Publishers.

He won Academy Awards in 1954 for "Three Coins in the Fountain" from the film of the same name, in 1957 for "All the Way" from the film "The Joker is Wild," in 1959 for "High Hopes" from "A Hole in the Head" and in 1963 for "Call Me Irresponsible" from "Papa's Delicate Condition."

"Call Me Irresponsible" also won an Emmy award.

He was nominated for an Oscar 30 times.

In the 1992 book "Going Strong," on what keeps accomplished older people going, Mr. Cahn said: "My ambition is to make 87, because I want to see the year 2000 and how the world will celebrate."

Mr. Cash is survived by his wife, Tita, son, Stephen, and daughter, Laurie. Funeral services will be private, and a memorial service will be announced at a later date.

[From the Los Angeles Times, Jan. 16, 1993]

SAMMY CAHN, OSCAR-WINNING LYRICIST, DIES

(By Myrna Oliver)

Sammy Cahn, the burlesque violinist who grew up to write some of America's favorite songs and win four Academy Awards for such tunes as "Three Coins in the Fountain" and "All the Way," died Friday. He was 79.

Cahn died at 1 p.m. in Cedars-Sinai Medical Center, where he had been under treatment since Dec. 30 for congestive heart failure, hospital spokesman Ron Wise said.

In addition to the award for "Three Coins in the Fountain," written for the 1954 film of the same title, the lyricist garnered Oscars in 1957 for "All the Way," written for the film "The Joker Is Wild"; in 1959 for "High Hopes," for the film "A Hole in the Head," and in 1963 for "Call Me Irresponsible," for the film "Papa's Delicate Condition."

Cahn also won an Emmy in 1955 for the witty song "Love and Marriage," written with composer Jimmy Van Heusen for a musical version of Thornton Wilder's "Our Town." The song is now the theme song of the popular television series "Married—With Children." Cahn also wrote music for the children's television show "Sesame Street."

Cahn penned lyrics for such Broadway musicals as "High Button Shoes" in 1947 and "Skyscraper" in 1965, and in 1974 staged a Broadway revue of his songs, titled "Words and Music."

He was considered the nation's highest-paid songwriter, often earning more than $1,000 a word.

Cahn, once described by Barbra Streisand as looking "like a Jewish dentist," was proud of the hucksterism he used to sell his songs.

"I am the king of the demonstrators," he said. "When we finish a song, my collaborator . . . and I get down to what we consider the most important work. We learn the song—woodshedding, we call it—find the right tempo and phrasing, the right attitude. Then comes the moment of truth the demonstration."

Of all vocalists, Cahn was most associated with Frank Sinatra. He wrote such signature songs as "My Kind of Town" and "September of My Years." Sinatra also popularized Cahn's "Come Fly With Me," "Tender Trap," "Time After Time" and "Saturday Night Is the Loneliest Night of the Week."

Cahn began working with Sinatra when the singer was with the Tommy Dorsey Orchestra in the 1930s and later wrote songs for a dozen of Sinatra's films. Sinatra could not be reached for comment late Friday, spokeswoman Susan Reynolds said.

"I can't imagine him not being here," commented Doris Day, for whom Cahn co-wrote her first movie, "Romance on the High Seas."

"I started in movies because of Sammy Cahn and Jule Styne. They wrote so many fabulous songs for me," she said. "(Sammy) was really ageless. I thought he would live to be at least 120. He was truly invincible, in his spirit."

Composer Burt Bacharach said Cahn offered to co-write a song with him when he was an unknown, something he always appreciated although the song was never written.

"Sammy was a great lyric writer who always kept going," Bacharach said. "He was always interested in what he was doing, and stayed alive to write and perform. He never really retired, and I loved that about him too."

Bacharach's partner and lyricst Carol Bayer Sager added, "Great songwriting and Sammy Cahn are one and the same. He's an inspiration to songwriters everywhere because his songs have stood the test of time. As a lyricist, he set a standard that all other lyricists can only hope to aspire to."

Dancer, singer and actor Gene Kelly, who starred in the Cahn film "Anchors Aweigh," which featured a hit song of the same name, called him "a great talent." Over 33 years, 26 numbers with lyrics by Cahn were nominated for Academy Awards as best song of the year, and in four separate years, two of his songs competed for the award.

The Oscar contenders were written with several composers, most notably Jule Styne and Van Heusen. His many other collaborators included Sammy Fain and George Barrie.

Cahn's highly successful association with Styne led Time magazine to say the team was as important to popular music as Richard Rodgers and Oscar Hammerstein II were to the theater. Their tunes read like a hit parade—"I've Heard That Song Before," "Let It Snow! Let It Snow! Let It Snow!," "I'll Walk Alone," "Give Me Five Minutes More," "Time After Time," "It's Been a Long, Long Time" and "It's Magic."

The lyricist was born Samuel Cohen on June 18, 1913, in New York.

His mother got her wish that he learn violin, but gave up trying to make him a doctor or lawyer after he dropped out of high school to play in Bowery burlesque and vaudeville houses. The teen-age Cahn often made up ribald parodies for the strippers, and soon formed his own dance band, persuading his pianist, Saul Chaplin, to take over composing chores.

"I played the violin so badly," Cahn told The Times years later, "I was almost forced into making up songs. It was easier than going to work."

Cahn, who at 18 wrote his first lyric—"Like Niagara Falls, I'm Falling for You," achieved almost instant success when he teamed up with Chaplin. The duo wrote "Rhythm Is Our Business" for Cahn's boyhood chum Jimmy Lunceford who was appearing at the Apollo Theater, and the tune was recorded for Decca, scoring an immediate hit.

The partners soon won a contract with Warner Bros. Vitaphone Studios in Brooklyn, which Cahn often cracked, had the motto "We don't want it good—we want it by Thursday!"

Hearing the Yiddish song "Bei Mir Bist Du Schoen" performed at the Apollo, Cahn wrote English lyrics for it and Chaplin composed a new arrangement. Bandleader Tommy Dorsey rejected the tune, but a new trio called the Andrews Sisters recorded it for Decca. The tune and the trio became a smash hit in 1937.

When Vitaphone closed in 1940, Cahn and Chaplin moved to Hollywood, but got no more assignments from Warner Bros. They worked briefly for Columbia, but soon split up.

Cahn's attempt to enlist in the service during World War II failed because he suffered from ulcers. He later worked for the USO, entertaining troops.

At Cahn's first encounter with Styne, he put the composer in agony by exclaiming at the first tune he played. "I've heard that song before!" No, he assured Styne, he had never heard the melody; those were simply the lyrics he felt, belonged with it. The collaboration had begun.

Although Cahn teamed up with several other composers when Styne did a stint on Broadway in the late 1940s, Sinatra got them back together in 1954 for the 20th Century Fox film "Pink Tights." The film was shelved because Sinatra's co-star, Marilyn Monroe, backed out, but 20th Century Fox soon offered them "Three Coins in the Fountain."

Cahn paired with Van Heusen in 1955 to create several Sinatra classics including the theme song for his film "The Man With the Golden Arm" in 1956. The partnership, which lasted until 1969, also produced a four part television spectacular in 1959 titled "The Frank Sinatra Show."

In addition to supplying Sinatra with songs, Cahn wrote material recorded by Dean Martin, Sammy Davis Jr., Vic Damone, Tony Bennett and Rosemary Clooney.

For fun as well as profit, he wrote parodies and original material for show business friends, politicians and corporations. His parody of his own, "High Hopes" became John F. Kennedy's presidential campaign song in 1960.

Cahn's autobiography, "I Should Care: The Sammy Cahn Story," was published in 1974.

Elected to the Songwriters Hall of Fame in 1972, Cahn served as its president. He also served as president of the National Academy of Popular Music and was a member of the board and a vice president of the American Society of Composers, Authors and Publishers.

"Sammy was one of our greats and a devoted and dedicated part of the ASCAP family," ASCAP President Morton Gould said Friday. "As a lyricist, to paraphrase one of his famous lyrics, we would call him irreplaceable."

Cahn is survived by his second wife, Tita; his son, Stephen, who lives in New York; his daughter, Laurie Cahn of San Francisco, and two grandchildren.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

HATCH ACT REFORM AMENDMENTS

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the bill, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 185) to amend title V, 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.

The Senate resumed consideration of the bill.

Mr. SIMPSON. Mr. President, I rise to speak in regard to the Hatch Act reform legislation.

While the manager and sponsor is here, let me commend him. He is a very able legislator, a very lovely friend, and he is dogged in his duties and devotion to this cause.

I know the feeling. I have been involved in that same intensity of activity with regard to immigration legislation, and Senator GLENN has been involved for many years of his legislative life in efforts to reform the Hatch Act. He has presented his proposal, but still to me, it is not acceptable, for reasons that have nothing to do with the ability and skill of the sponsor.

I have seen many things since I have been involved in politics. My father, who was involved in politics for many years, also saw some very remarkable things that happened to people, things which were motivated by small-minded people in politics. Unfortunately there are plenty of those in both the Democratic Party and the Republican Party who are solely dedicated to seeing how they can "diddle" the other party. Those types of people forget that the real mission of politics has something to do with governing or trying to work together in a bipartisan way. And people who love to spend all their waking hours stiffing their fellow man and woman in political ways are going to find that this bill creates a haven for that type of activity, once again. This is why over 50 years ago the Hatch Act was enacted—to stop that precise type of activity.

I come at this issue with a graphic remembrance of my father. After having been elected Governor, he went to Cheyenne. There was an interesting cadre of Republicans that went through the parking lot of the Capitol building to find out what bumper stickers there were on the cars. The purpose: To see if anyone was going to still be working who might have worked for my father's opponent.

It was difficult to tell who had which bumper sticker, except by knowing the size of the candidates' stickers. You could still determine, through the dirt and road debris, the original size of the sticker, even when it had been removed. So, therefore, you could find who had voted against Milward L. Simpson, the new Governor of Wyoming. Then these folks could go through these employees' dossiers and "sack them"—"send them packing" because of their conduct.

If you do not think that similar activity is going to happen under this bill you are very wrong. This is the way small-minded people in politics do their business. It does not have anything to do with laudatory motives like ensuring the individual's rights of expression, or ensuring people the right to participate in a democracy. Those are marvelous phrases, but they do not have anything to do with small-minded people who love to play vicious little political games.

So I think this is an issue that we should be ever so careful about. Small-minded political motivations will never be subdued. Notwithstanding how this bill differs from the bill President Ford vetoed during his term—we are still repealing the heart and soul of the Hatch Act.

With this legislation, I think we all are witnessing a collective amnesia of the way things were for Federal employees prior to 1939. It seems clear to me that the Senate is now ready to simply ignore the reality of human nature and revert to the days when many Federal employees had to "sell their souls" to the "powers that be" if they wanted to work for the Federal Government.

The Hatch Act had its genesis in 1907, when President Theodore Roosevelt issued an executive order which prohibited employees from "taking an active part in political management or political campaigns." That, my friends, is the keystone and the absolute essence of the Hatch Act, which represents the codification of that principle. So when we refer to this as an exercise in reform, we must remind ourselves of what is really happening here.

Page 15 of this bill, under section 7323, takes all of the wisdom and the vision from our predecessors and simply tosses it into the nearest trash can. On page 15, you will find these words:

"An employee may take an active part in political management or in political campaigns .*.*.* and may knowingly solicit, accept, or receive a political contribution from any person who is a member of the same Federal labor organization."

Now, there it is—the exact opposite of Teddy Roosevelt's original executive order. In fact, they changed the words from "may not" to "may." You cannot flip it on its head any better than that.

So why is it that many of us feel compelled to gut the Hatch Act? Is it a "front-burner" issue for most of the American people? Is it a real gut issue for the Federal employee work force? It is not.

The fact is, this issue has not even captured the attention of its primary target, and that is the Federal worker. Only 32 percent—according to apparently reputable polls—of Federal employees favor this bill. The rest either oppose it or could care less. They do not want this change.

So who is lobbying for this change? I think we know who they are. They are the inside-the-beltway Federal employee union activists who will take the latitude provided in this bill and run with it, and love it. They have been waiting a long time for it. And they are going to get some version of it and it will be very pleasing to them. It is just that kind of latitude that we will give them in this legislation and it will be used and abused by them. Those at the top will use that latitude for raw political purposes at the expense of some pretty fine public servants, who were thinking if they could just have a bumper sticker on their car, or if they could just do this, or or whatever else they feel that they may have been deprived of. Unfortunately, those folks won't receive much benefit here.

Lobbyists for Hatch Act reform love to tell us that times have changed—a new era. We have all heard that one over and over again. Thank heavens for this enlightened age.

Well, times have changed, but human beings have not. We all know that there are enough partisan political wackos all across the United States who are waiting in the wings at this very moment. They are waiting to jump-start the old political hack machines that used to run so well—with a lot of oil and plenty of gas—before the Hatch Act was passed.

Two main reasons are cited as the basis for supporting this bill. The first is that the Hatch Act represents an abridgement of first amendment rights. The second is that the Hatch Act is too confusing. All this after 50-plus years.

When it comes to real confusion, those who argue that this bill is needed for first amendment reasons are either confused themselves or trying to confuse others. The Hatch Act does not abridge the freedom of political expression or any other first amendment right.

The U.S. Supreme Court, in its enduring wisdom, has, for over half a century, declined to strike down the act. On two occasions, they ruled the act was constitutional. Further, they stood up and sent a clear message to all Federal employees that the Hatch Act was necessary, as well. Make no mistake, that interpretation did not begin with me.

The issue here is not political participation or the first amendment or freedom of expression. It never has been. The issue is coercion. And it does

not matter what kind of language you put in there, human beings will find a way around those provisions which say coercion will not be tolerated.

The other reasons are really nothing more than artificial flavors that are intended to make this whole big ball of stuff easier to swallow.

Yes, the President has indicated his support for this bill. He will sign it into law. But, we should never miss the fact that the issue here is the coercion of Government employees by those engaged in political activity. Do not miss that. We tend to forget that, because that has been the least of our worries since Congress first passed the Hatch Act in 1939.

But there was a time when we did have to worry about it, and that is why we have the existing statute.

And, as I have said, I remember these issues so well from my own experiences in politics, and from my father's when he was Governor and a U.S. Senator. It is the real reason why the Hatch Act is so desperately needed. And I have recounted the experiences in the parking lot at the Capitol.

Interestingly enough, when my father was defeated for reelection, they went back through the parking log again, and the Democrats then found out who had been supporting Milward L. Simpson. They then went through the Capitol Building and sacked those poor souls, too.

That is the way it worked in Tammany Hall. That is the way it worked in some of the toughest machines in the United States. And that is why we have a Hatch Act.

I remember one of the Republican faith—I would not want to give an example of coercion by a member of the same party as the occupant of the chair—who had helped my father get elected—approached my father soon after his election. He had a list in his hand, and he was trembling with anticipation and glee. And he said: "Here is the list, Governor, of the people who ought to be sent packing." He was slavering as he said it.

My father asked why they should be dismissed if they had been there 20 or 30 years. He had not been Governor for 20 or 30 years, he had been Governor for just 20 or 30 minutes.

He said, "Are they good workers?" Think of it, an unheard-of statement like that to come from a politician; an unheard-of thing. He said, "Are they good workers?"

And he was told by this quivering man, who was administering his political venom, that even though they were darned good workers, and even if some of them had received awards, they were still on the other side.

That was the end of the inquiry. That was it. That was all. Whether or not the worker had done a good job and had been recognized as tops among his or her colleagues, that did not matter one whit.

I am proud to say that my father did not take any part in that game. It hurt him, too, when he ran for reelection. He said, "I am not going to get into that. I know those people. This is a small State. That woman has been here for 30 years. Her husband died. That is her job. She's good at it. She's 45 years old—get out of here." And they remembered that my father did not play the game.

Plenty of others played it. They would roll them right out of the State capitol building. And at the Federal level, before the Hatch Act, that was the same name of the game. It was called coercion and patronage.

In conclusion, I wonder how politicizing the Federal work force can somehow be liberating for the Federal employee. I am under no illusion. This bill will pass. It may have a stall along the way, but it will eventually pass. And when it finally does become law, then brownie points—and not hard work—will once again be the grounds for promoting Federal workers. This is inevitable. That is what will occur. And for me this is a very disturbing result because I could think of nothing more restrictive and distasteful than a Federal worker having to endure bowing to partisan pressures with which he or she may disagree—and do not think they will not be here. There is no language on Earth that you can craft to keep zealous pinheaded Republicans and zealous pinheaded Democrats from doing in their fellow man out of pure partisan reasons.

When you consider the terrible consequences of this legislation, it only makes one wonder what is the underlying reason for pushing it through the Congress? And some say, what is the underlying reason for Republicans to resist? I have several reasons. I have just shared them. Others of my faith say, "I cannot believe it. These political action committees give 90 percent of all Federal union PAC money to Democrats." Most likely that has a little something to do with it.

We surely do not need help from Sherlock Holmes to figure that one out. I certainly would agree that Democrats will need all the help they can get for the 1994 elections, but browbeating and belittling Federal employees is certainly not the place to start. I think they will sort it out and perhaps they will see that what was intended for the best of reasons as reform may turn out to be something which lessens them in status, which will leave them anxious and weary at the end of a day. Instead of an employee just kicking off his or her shoes and heading home, they will be asked by their superior to grab their banner, get their checkbook, head out to the old company picnic, and get aboard. And if they do not, their name will be entered upon the rolls and they will be visited by three goons—or should I say "spirits"—but it won't necessarily be at Christmastime.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Mr. COHEN. Mr. President, I rise today to express my opposition to S. 185, the Hatch Act reform amendments. It is unwise, in my view, for the Senate to take this step toward politicizing the Federal work force at a time when public confidence in the Federal Government is at one of the lowest points in our history.

Americans have grown distrustful of their Government and the way in which it conducts its business. It seems ironic that not long after the Congress called for tighter ethics laws for all three branches of Government, and as the Senate just recently completed its debate on campaign finance reform, we are ready to undermine the Hatch Act, a law that has been widely accepted as an important symbol of Government integrity for more than half a century. I believe it is very dangerous for the Congress to further erode public confidence in the Federal Government by allowing partisan political activities to become widespread within the Federal civil service.

The Hatch Act has served to protect not only the interests of the public by ensuring the impartial administration of the laws, but has also protected Federal workers from the subtle coercions and the pressures in the workplace to become involved in partisan politics. In short, the Hatch Act gives Federal workers the right to say no to the importunings of their superiors who may want them to participate in, or support, partisan politics. It is a system that has worked well, and one that should be retained.

Proponents of this legislation have suggested that the current prohibitions on the political activities that Federal employees may engage in are an infringement on their rights as citizens—that these individuals are being unfairly denied the rights that the rest of our citizenry enjoys. On more than one occasion, the limitations on political activity imposed by the Hatch Act have been found constitutional by the U.S. Supreme Court.

Certainly, democracy is promoted by political participation and in fact there are a number of political activities which Federal employees are allowed to engage in under current law. For over 200 years Federal employees have been recognized as different from ordinary citizens. They have civil service job protection, a limited ability to strike, and are responsible for the administration and the implementation of our Nation's laws. The nature of the work of these employees makes them different in this regard from ordinary citizens. The Hatch Act is just one of many ways in which Federal employees are treated differently than other Americans.

I do not agree with those who argue that other provisions of Federal law provide adequate protections for Federal employees from coercion. These provisions do not adequately shield Federal workers from the many subtle means that superiors could employ to retaliate against subordinates for participating or refusing to participate in political activity. Promotions, job assignments, and job evaluations can all be used as means of coercion and retaliation. The current Hatch Act was enacted to prevent such pressures, that usually occur well outside the sight of any witness and which are very difficult to prove, but which are very easy for the Federal employee to feel.

I do, however, believe that there is merit to the claim that the regulations issued under the Hatch Act are confusing, and that such confusion may prevent Federal employees from engaging in the political activities that are permissible under the act. The proper response to this concern, in my view, is to clarify the guidance that is given to Federal employees on what is acceptable and unacceptable under the existing law. To discard the entire Hatch Act simply because its interpretation and implementation needs to be improved would be a gross overreaction and would, in the long run, severely harm the public's trust in, and perception of, its Government.

While I oppose this legislation and do not believe that our civil servants should be allowed to engage in the expanded political activities that this bill allows, the reality is that some form of this legislation is likely to become law this Congress. At a minimum, I believe that employees who perform certain sensitive or investigatory activities should be exempted from this legislation. Employees in sensitive positions such as those involved in tax collection, law enforcement, the awarding of Government contracts and intelligence activities should not, in my view, become identified with partisan political parties and causes. President Theodore Roosevelt noted the importance of ensuring that employees of the Department of Justice do not appear to be subject to partisan political influence in a letter to Attorney General William H. Moody in 1904 in which he said:

> Of all the officers of the government, those of the Department of Justice should be kept most free from any suspicion of improper action on partisan or factional grounds so that there shall be gradually a growth, even though a slow growth, in the knowledge that the federal courts and the representatives of the Federal Department of Justice insist on meeting out even-handed justice to all.

David Burckman, Secretary for the Association of Former Internal Revenue Executives, during his testimony before the Governmental Affairs Committee on S. 185 reminded us of the times when rank and file IRS employees were permitted to take part in politics on their own time. Senior positions in the IRS at this time were filled by political appointees. Scandals erupted and congressional investigations were called.

The results of those inquiries were quite disturbing because they clearly showed that because of the political pressures brought to bear on the employees of the IRS, taxpayers were treated unfairly and a number of revenue service employees were indicted in embezzlement charges. Do we really want to return to those times? Even if the types of past abuses that Mr. Burckman describes do not reoccur, I believe that if an IRS auditor engages in partisan political activities that the public's perception of the impartiality of the IRS will be affected and the agency's ability to do its job will be called into question.

Recently, I came to the floor to raise my concerns about what has come to be known as Travelgate. The issue of appearing to misuse the FBI is not a trifling matter. We should not forget the uproar that was created when the Nation learned how the White House had attempted and, indeed, had used the Director of the FBI to serve the President's political ends during Watergate.

I would like to quote from a letter I recently received from the Director of the FBI concerning this issue. The letter said: and I quote:

> I could not agree with you more that the FBI's investigative mission must be free from even the hint of partisan politics.

I also recall my reaction during the last campaign when we learned that the State Department had been called upon to check out the passport of then-candidate Bill Clinton. Most of the American people were justifiably outraged about the attempt, or the appearance of an attempt, to use the State Department to achieve a political objective. Those individuals who were involved were either forced to resign or were, indeed, fired.

What is at issue here is maintaining the integrity of neutral instruments of Government. The American people are justifiably angry when they sense that one of those instruments has been, or appears to have been, used to achieve a political purpose. We cannot allow the FBI, the IRS, or other Government agencies that are charged with the neutral, impartial administration of our laws to be used to serve political ends.

The proponents of this legislation argue that this is simply a modest reform, but I would suggest something that is quite to the contrary. We should make no mistake about it. There is much more involved here than a modest reform.

Since the beginning of our Republic, the importance of limiting the political activities which our civil servants may engage in has been recognized. It has been recognized by the Supreme Court on several occasions. This legislation substantially reverses the process of insulating our Federal employees from the kind of not only overt pressures that can be brought to bear, but the subtle, the unseen pressures that can be brought to bear.

You can have a situation in which one of the superiors of an individual in the Federal civil service is told: "By the way, we're taking up a collection to support the campaign of Senator Bill Cohen," or his opponent. "You don't have to contribute, but everybody else is." This legislation will do nothing to protect against the kind of not-so-subtle attempt to influence that particular individual's conduct.

Or, members of the same office are going down to raise funds, or to contribute support in some other way, and a superior says: "You don't have to go, you don't have to come, you don't have to contribute, but everybody else is."

The very hint that one's future prospects within that bureaucracy might be at stake is something that I think we do not, and cannot, and in any way legislatively protect against in this bill.

So, Mr. President, I ask unanimous consent that articles that have appeared in Maine newspapers and also, if it has not been done so already, the lead editorial in today's New York Times, be printed the RECORD. It is captioned, "Save the Hatch Act." At the very end of the editorial, it calls upon the Democratic majority to accept the proposals recommended by the Senator from Delaware [Mr. ROTH] and Senator DOLE; to accept this compromise proposal, or be charged with engaging in something other than modest reform.

It concludes by saying:

> For now, Senate Democrats seem determined to get Federal civil servants in the business of hustling political contributions from their coworkers. That makes it plainer than ever: The Democrats' biggest concern here isn't free speech and good Government but political money and influence.

That comes not from the Washington Times but comes from the New York Times and has caught the attention of many, certainly on this side of the aisle, because of the importance of that paper and the role that it plays in influencing people's opinions.

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

[From the Bangor (ME) Daily News, Mar. 16, 1993]

HATCH ACT REPEAL

While most of the country was preoccupied with the Clinton budget, base closures and the prospect of higher energy taxes, a determined group of congressmen pushed through a bill that would remove important provisions of the Hatch Act which for 53 years has protected the federal system and its workers from the consequences of entanglement in partisan politics.

Although opponents of the act believe this is an excellent time to attack the act—pushing amendments through a new Congress and

past a new president—just the opposite is true.

Given the unprecedented level of public unhappiness with elected officials and widespread cynicism about government generally, an assault on the precepts of the Hatch Act, wrong under any circumstances, would be a serious mistake. In this political climate, it could create a destructive backlash that would serve no interest, and possibly place additional restrictions on political participation by federal employees.

The Hatch Act, named for Sen. Carl Hatch, D-New Mexico, was passed in 1939 in reaction to complaints and stories about New Deal workers who had been forced to work in behalf of political incumbents. The country had addressed the worst aspects of the spoils system more than 50 years earlier, but it was clear that the federal government and its employees needed additional protection from the pressures of partisan politics.

Federal workers retained the right to vote, to belong to political parties and make monetary contributions to candidates, but under Hatch they were prohibited from holding party offices, working in campaign offices or managing political campaigns. They can't solicit funds from others in behalf of candidates, or run for elected office.

That's a lot to give up, but the return is substantial: Workers can't be pressed into service in behalf of politicians, or risk losing their job. In the opinion of Common Cause, it "strike an appropriate balance between the federal worker's ability to participate in political activities and the public's right to fair and impartial administration of government."

The Hatch Act has been challenged three times, but upheld on each occasion by the Supreme Court. In its 1973 decision, Justice Byron White observed that it was "in the best interest of the country (that) . . . the political influence of federal employees on others and on the political process should be limited."

Repeal efforts that made it through Congress were vetoed twice, once in 1973 by President Ford and again in 1990 by President Bush. The House this year approved of its repeal, the Senate was awaiting appointment of a new attorney general before making a decision.

The Senate should stand firm against gutting the Hatch Act which despite its cumbersome rules and administration has provided this country with protection against the partisan politicizing of its federal work force.

[From the Lewiston (ME) Sun-Journal, Mar. 14, 1993]

KEEP HATCH ACT

When federal workers say they're "Hatched," they're not talking about their mode of entry into this world. They mean they are prohibited from running for partisan political office, managing compaigns or raising money for partisan candidates—activities forbidden under the Hatch Act passed in 1939.

Congress is on the verge of "unhatching" federal workers. The House passed a bill that guts the Hatch Act earlier this month. The Senate will hold hearings in April.

If a bill passes both houses, as a similar one did in 1990, odds are that President Bill Clinton will sign it, say Washington observers. President Bush vetoed the 1990 version.

Overhauling the Hatch Act would be a serious mistake. The law protects federal employees from being coerced by their unions, supervisors or colleagues into actively supporting political candidates. It also protects citizens from intimidation by bureaucrats administering government programs.

The bill that passed in the House would allow federal employees to run for local office, manage political campaigns and solicit contributions on their own time. But suppose an Internal Revenue Service employee asks you for a contribution while your return is being audited. Does it really matter if the request occurs during or after business hours?

The argument that employees would be protected from arm-twisting doesn't wash either. Coercion doesn't have to be blatant to be effective. Subtle means, a little "friendly persuasion" shall we say, can be used to pressure reluctant employees into making contributions or stuffing envelopes.

Some federal employees resent being "Hatched." But many others like having a hassle-free excuse for not getting actively involved in politics. Federal employees are still free to vote, belong to political parties and make contributions. What they're not free to do currently is intimidate fellow employees or citizens into supporting candidates. That's how it should remain.

[From the New York Times]

SAVE THE HATCH ACT

It's greed time in the nation's capital. Congressional Democrats, grateful for years of generous campaign giving by Federal and postal union political action committees—and eager for more help in the future—are about to relax Hatch Act restrictions on "active" partisan political activity by Federal employees.

From the public's standpoint and that of Federal workers who would face pressures to give money and time to partisan causes, it's a bad idea. But the House approved a bill in March, and President Clinton says he will sign any Hatch Act revision that Congress serves up. Thus, some weakening of the 1939 act seems inevitable this year.

The extent of the overhaul is now squarely before the Senate. The Senate majority leader, George Mitchell, and his Democratic colleagues can show character by accepting a reasonable Republican proposal that would maintain current Hatch Act restrictions for the most sensitive Government posts and agencies, and keep all Federal employees out of the political fund-raising game.

Critics of the Hatch Act complain it stifles the political rights of Federal employees. But even "Hatched" workers can vote, make political contributions and participate in their off hours in nonpartisan political activities. While some of the rules are needlessly complex, the remaining curbs on partisan activity, designed to protect the public from a politically tainted Civil Service, have been upheld by the Supreme Court.

Unlike the aggressively misguided revision rushed through the House in March, the measure proposed in the Senate by John Glenn, Democrat of Ohio, would still prohibit Federal employees from running for partisan elected office and soliciting political contributions from the public. However, like a similar measure wisely vetoed in 1990 by President Bush, the Glenn bill would allow civil servants to serve after working hours as active party and campaign workers and, more troubling, to solicit co-workers for contributions to their union's PAC's. Mr. Glenn provides penalties for coercion, but they are inadequate to protect Federal employees, who can now turn aside political overtures by saying, "Sorry, I'm Hatched."

The Senate minority leader, Bob Dole, and Senator William Roth, Republican of Delaware, have now proposed a reasonable compromise. Their amendment would exempt from the proposed relaxation on partisan politicking high-ranking career employees across Government who work closely with political appointees. It also excludes the intelligence services and other sensitive agencies like the Justice Department and Internal Revenue Service, where maintaining the perception and reality of nonpartisanship is crucial. All Federal employees would be barred from soliciting, accepting or receiving political contributions.

For now, Senate Democrats seem determined to get Federal civil servants in the business of hustling political contributions from their co-workers. That makes it plainer than ever: The Democrats' biggest concern here isn't free speech or good government but political money and influence.

Mr. COHEN. I yield the floor.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. GLENN. Mr. President, I was not expecting to speak at any length this morning because we thought we were going to have an agreement worked out.

So that people know where we stand on this, we are still trying to work out an agreement. We made a proposal to the other side and they are responding at the present time. While that is still in process, I will respond briefly to some of the remarks just made by the distinguished Senator from Maine and the prior remarks by the distinguished Senator from Wyoming.

The distinguished Senator from Wyoming indicated that it was going to be a terrible thing that Federal employees might be solicited for a political contribution. I point out to him, although he has left the floor, but I want the record to show that that is done right now. That is in current law. That is nothing new. That is not changed by anything we are proposing here on the floor.

The way it is done right now is there is a prohibition against Federal employees asking anyone for a contribution, even their colleagues. What they actually do de facto is, they have one of their retirees who raises money for the PAC. And that retiree, or group of retirees, goes around and asks for contributions. That is absolutely legal. There is nothing wrong with that. They still have an interest in their colleagues. They still have an interest in the country they served through long careers in the civil service, and so they go out and they ask for contributions for the political action committees. It is all legal as can be.

So what the Senator from Wyoming was disagreeing with is already happening except it has to be done by a dodge. But it is all absolutely legal. So there has to be, I suppose some people might determine, a little subterfuge here that occurs as they go out and ask people for contributions for a political action committee, which every other business in this country can form, any

other union can form, any group of private citizens can get together and say we want to form a political action committee, we want to raise money for it, and if people are so inclined, they can contribute to that committee. This is done in this case, and that is exactly the way the political action committees of Government unions have worked. So that is nothing new. You can do that now.

What we do with this legislation is we do not really change that except we say we do not have to go through that dodge; we do not have to go through that dodge of bringing somebody else in to do this for us to keep this legal. We are just saying you can have someone in the union designated for this. They cannot intimidate a subordinate, nor can they coerce them.

The distinguished Senator from Wyoming also talked about going back to the original days of the Hatch Act. No one is proposing that the Hatch Act be repealed. I have repeated that over and over on the floor. As many times as I say it, it seems just as many times they say again: "Well, this is repeal of the Hatch Act," and so on. This is not repeal of the Hatch Act. It is an attempt to make the Hatch Act a little bit more fair than it is right now and to cut out some of the abuses that are in the Hatch Act right now.

As far as protections of people that are in civil service now and the difference from back in those days when the Hatch Act was established in 1939, there are many, many protections.

It was said how the Federal employees, if we alter this, would somehow be left unprotected.

Nothing could be further from the truth. Since those days in 1939, we have a civil service that has developed on merit lines. And if there is any violation of people being promoted on a merit system, they can take what they see as a slight to them and their career or on something they have been dealt with unfairly, and they can go ahead and file a complaint with the Merit Systems Protection Board which hears that complaint and makes their judgment on that complaint. So they are protected that way. Office of Special Counsel also can take up these differences that they may have with the system. So we have all of that.

Not even the Merit Systems Protection Board and the Office of Special Council, however—those are not the sole protections of people who may feel aggrieved in their civil service positions.

I have eight different citations of the United States Code that deal with different efforts to threaten, to intimidate, to coerce, people who want to vote a certain way, to force them to vote a certain way. There is a stiff penalty for that: $1,000 fine, a year in jail, or both.

People who would try to interfere in the nomination or election of a candidate, President, Vice President, Senate Member, House of Representatives and other citations under the United States Code—that one is 595. The first one was under title 18 United States Code, that is 594. The next one was 18 U.S.C. 595 on the nominations.

Another one is 18 U.S.C. 599, trying to influence through promises or pledges the appointment or employment, either one. Stiff fine for that one also. That one goes up $10,000 and 2 years.

Title 18, United States Code, section 600: If you are promising an employment position, compensation, contract, or any other benefit—any benefit, as a matter of fact—in return for the support of, or opposition to, any candidate or political party. That one is $10,000, again, 1 year or both.

Title 18, United States Code, section 601: If you attempt to cause any person to make a contribution of anything of value, including services, for the benefit for or against, or deny or deprive people working for somebody else they may want to work for, that once again is covered by a fine, and a year in prison, or both.

Title 18, United States Code, section 602: It is unlawful for an officer or employee or any person receiving a salary or compensation from the Treasury, to solicit any contribution from any other officer, employee or person. Anybody who violates that can be fined not more than $5,000 or imprisoned, no more than 3 years or both.

Now, they get around that right now by having retirees do the soliciting.

Title 18, United States Code, section 607:

> It shall be unlawful for any person to solicit or receive any contribution * * * in any room or building occupied in the discharge of official duties * * * or in any Navy yard, port, or arsenal.

In other words, people cannot come in and make a contribution to you in an office right here. I believe that we have designated people who can do that. But can a person solicit or receive contributions on that type Federal property? The answer is no.

Title 18, United States Code, section 610, which would be added by this bill, if this bill is passed, says this. This is part of S. 185. This has not been passed yet, but I hope that this does become law. It says:

> It shall be unlawful for any person to intimate, threaten, command, or coerce, or attempt to intimidate, threaten, command, or coerce any employee of the Federal Government * * * to engage in, or not to engage in, any political activity, including, but not limited to, voting or refusing to vote for any candidate or measure in any election, making or refusing to make any political contribution, or working or refusing to work on behalf of any candidate. Any person who violates this section shall be fined not more than $5,000 or imprisoned not more than 3 years, or both.

I should also indicate another section provides that any person who shall do any of those things will also lose their employment in civil service immediately.

So we find very stiff penalties in this not only in the Merit Systems Protection Board area or the Office of Special Counsel that have grown up since those days of 1939 when the Hatch Act was put in, but also these citations I just read out of the United States Code indicate the stiff penalties that have developed for any violations since those days in 1939.

We do not repeal any of those. We do not alter those. I wish to leave those in. If anything, I would strengthen them, as we did yesterday when we accepted one of the proposals from my distinguished colleague, Senator ROTH, floor manager on the other side, who indicated there should be dismissal immediately for violations instead of making it the second violation. I did not disagree with that. Fine with me. If they want to toughen this thing up in that area so we do not have violations, I will support such toughening up of the Hatch Act.

That is basically what we do to the Hatch Act with this bill. All these things that bring up all these extraneous matters regarding the Hatch Act and how we should not return to the days of partisan politics, I agree with 100 percent. I am a backer of the Hatch Act. I favor the Hatch Act. I do not favor repeal of the Hatch Act.

What I do favor is making the Hatch Act workable and making it fair. And what we do by this legislation is we say basically that on the job—on the job—we tighten up the Hatch Act. We strengthen current prohibitions against on-the-job political activity by Government employees. We beef up penalties for violators such as I just read. And we say there will be no political activity on the job. There are no exceptions to that. There will be no political activity of any kind on the job.

How about off the job? Now, we say, still with major restrictions, major controls, that off the job we should allow America's 2.5 to 3 million civil servants to reclaim their constitutional rights by participating in our Nation's political process, voluntarily, on their own time, as private citizens, nonpartisan, not as Republicans or Democrats. They cannot run for partisan office. In that area, we still keep exactly the same restraint.

Now, could they be active in party politics? Yes, sure. What is wrong with being a precinct committeeman, a ward committeeman, something like that. I see nothing wrong with that.

What we do also is eliminate or clarify current rules that are confusing, that are really nonsensical, that are contradictory.

So things are different, as I said, in 1993 than they were in 1939 because of the Merit Systems Protection Board, because of the Office of Special Counsel

activities, and because of the United States Code where we have had the passage of laws through the years that do protect civil servants and restrict civil servants from any of the activities I indicated a moment ago.

This is a professional civil service. It is well established. It is merit based. And there are protections if anyone thinks they can get away from that merit-base protection.

There is one thing I would have to point out, and that is one of the greatest and most confusing things that has come up around the Senate bill, the fact that the House of Representatives passed their own version of Hatch Act reform which, I have to admit, comes a lot closer to Hatch Act repeal than does this bill we have in the Senate now before us. The bill over in the House would let people run for partisan political office—very few restrictions on that. It would let people solicit contributions, solicit them from the general public. Civil servants out soliciting from the general public, I cannot agree with that. So I disagree with the House bill.

There are those who would deliberately confuse us. I heard a lot of the editorials from around the country that were quoted here, some from my home State of Ohio, as a matter of fact. Some of those editorials even started off saying "If the Senate agrees with the House bill." Then they go ahead and criticize the House bill and me indirectly, of course, because I somehow am advocating passage of this bill that they presume is somehow going to get watered down and be the House bill before we get finished with this bill. That is just not the case.

So let us deal with facts. The facts are that this bill is not the House bill. The facts are that this is a bill that we should be considering on its own. It is not the House bill. I have already advised my colleagues, some of them over in the House, that if the House bill would prevail and I would have to bring that back out of conference, I do not think there would be a bill because there is much objection to it in the Senate.

So they are separate. They have very different provisions. What the Senate bill does is bring some clarification.

Through the years, under the Hatch Act, there have been some 1,500 different rules and regulations and interpretations that have grown up. Many are conflicting, many are unclear. Some have been corrected and some have not.

Let me just give a couple of examples that are still conflicting and unclear.

We already have been through them a couple times in the last couple days of debate.

Anybody in this country is free to give up to $1,000 to any Federal candidate, the candidate of your choice. People in the gallery, people on the floor, civil servants, anybody else, by law you can give $1,000 to anybody you want. If you are a civil service person, you are over here in one of the agencies, you want to contribute to the President or Senator or Congressman who is running, you can do that, $1,000.

Now, let us say that out in Bethesda, a suburb of Washington, you have a couple of civil service people living side by side, one with a large family, one does not, say, and the person with a large family wants to give $1,000, and they do.

The person next door has just as much political interest in that same candidacy, whichever party it may happen to be, the second person has a couple of kids in college. A lot of people who are within the sound of my voice know how expensive that is these days.

So you say, "Well, OK, we have a couple of kids in college. So we don't have that much money but I have just as much interest in that candidate. I have just as much interest in my country. I have just as much interest in the processes that every American should feel free to participate in. I have every bit as much interest as anybody else. I just don't have the cash. So I will tell you what I am going to do. In lieu of having the cash, I am going to go down and I will stuff envelopes, help whoever the candidate is down at the headquarters."

It may be a Presidential race. Maybe I will drive a car in a campaign. Can you do that? No. The present law says no. If you have money, you can contribute, but you cannot contribute anything else in kind. Is that fair? Is that right? I certainly do not think so.

I think that in-kind contributions—stuffing envelopes, licking stamps, driving a car in a campaign—should people who have an interest but do not have the thousand dollars to contribute be permitted to participate in our political system? Should they be prohibited from doing that just because they happen to be in civil service? Well, I do not think they should be prohibited, myself.

Let us take another example. You have a political rally down here tonight. Here is a person who is going to go to that political rally. That is legal in the civil service. You can go to that rally if you are a civil servant. You are interested in that same campaign I talked about a little bit. You went down and got some yard signs, brought them up home and put them up in your yard. You maybe put 50 yard signs in support of whomever it is in your front yard. There is no doubt about where you stand. That is for sure. You even save 10 out there. You put 10 of them—bumper stickers all over the car. You are driving around like a mobile billboard in support of the candidate of your choice. That is fine. When you drive downtown in that car, it has stickers, bumper stickers, windshield stickers, card signs all over it in support of a candidate, and you park it right out front and you stand there beside it. You walk in inside, and here is the rally going on inside. You are standing back in the hall as that civil servant. You stand back in the hall and you are standing there and someone comes by and says, "Hey. Hold this sign a minute"—the same sign you have on the car outside. "Hold this sign a minute." Got you. If somebody sees you do that, they want to file a charge against you. You cannot at a political rally hold a sign. That is illegal. You can have it all over your car, you can have signs all over the house, all over your front yard. You can put them anywhere you want to put them. But you go to a political rally and hold that same sign, just one of them, you are in violation, and you can lose your civil service job because of that. Does that make any sense? That is the kind of inconsistency that has grown up around this.

Another one. The law says now Federal employees can publicly express their opinions. Good, fine, they can express their opinions about political candidates. They can express their opinions. But the law also says you cannot make a speech on behalf of that candidate.

Well, when we think of a speech, we think of a big crowd, and so on. But let us define that speech so people will have some idea of what they are permitted to do or what they are not permitted to do. What is a speech? Does it mean 2 people in front of you—3, 5, 5,000? What if you are standing there by yourself and a reporter walks up and sticks a microphone in front of you. You start talking about the candidate of your choice into that microphone. Is that a speech? It may be going out to 100,000 people or 1 million people over television of radio. Is that a speech? Or is it only a speech if the size of the crowd is defined? If you go out on TV or radio, is that OK? Or let us say it is only a print reporter so it is not going to be your voice going out, but your views are going to be expressed and that goes out to a couple of million people on the wire service. Is that a speech? If it is a print reporter or no others are listening, is that OK? You can see what kind of a situation we are into.

Let me give another one.

You are not supposed to have political activity on the job. But right now you can go to work as a civil servant, you can have a campaign button on. There is nothing that says a campaign button has to be as big as your little fingernail or it can be a foot across if you want to have a button that big. That is a pretty big button I must admit. You can have any size button. If you walk in with that button on, that is absolutely legal. But we are talking

about coercion here. What I am talking about is the boss can walk in with a great big sticker on that says "Bush-Quayle" or "Clinton-Gore" or whatever the campaign is. And I would say if that does not border on coercion, I do not know what does because the boss is parading around the office with lapel buttons on—campaign buttons on. If that does not give somebody a little hint about what they had better believe, then I missed my diagnosis of that.

And this bill would prevent that. This bill would say on the job, you can do absolutely nothing political. You cannot have a campaign button on. You cannot do anything. The point of this is there is so much in current law that is inconsistent. It is confusing, and we desperately need to overhaul just to clarify it. That is what this would do.

Under this bill, Federal employees would still be barred from running for partisan political office. They could be active as a ward or in the political party. They could not run for partisan political office. And they would still be barred from soliciting political contributions. The House permits both of those things to still happen.

We say that for coercion—that word has been bandied about here on the floor the last couple of days. Coercion of subordinates would not only still be banned but subject to greatly increased penalties, which the House does not do, up to $5,000 fine and 3 years in prison.

In short, this bill, not the House bill, this bill makes a long-needed, clear distinction between political activity on the job and political activity off the job.

Those who rise on this floor and keep saying over and over again, keep referring to repeal of the Hatch Act, and that we should not go back to the days of 1939, I agree with them 100 percent. I do not know what they are arguing about. They are not referring to this S. 185, to this bill because that is not what this bill does. It does not repeal the Hatch Act.

What it does is make it so people will know what the Hatch Act permits and does not permit. On the job, nothing. You cannot have any political activity, even wearing something as innocuous as a campaign button on the job. Off the job, you have a little bit more freedom to participate in a campaign—to stuff envelopes if you do not have that $1,000 and want to make an in-kind contribution, which permits some things like that. That is basically what this bill does. It does not undo the protections of the Hatch Act. I want to keep the protections of the Hatch Act also. And I have committed that many times here on the Senate floor over the last couple of days.

Mr. President, I yield the floor.

I know there are others waiting to speak.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I ask unanimous consent to speak out of order.

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

IN SUPPORT OF THE SELECTIVE SERVICE SYSTEM

Mr. THURMOND. Mr. President, in the fall of 1940, as the war clouds rumbled across the globe, President Roosevelt signed the Selective Service and Training Act. By this signature, the President gave birth to our modern Selective Service System and instituted the Nation's first peacetime draft.

Today, we are fortunate to no longer need a draft, however, the Selective Service System still provides the Nation with an inexpensive national defense insurance policy. The registration system managed by the Selective Service is an unqualified success. Nearly 99 percent of the Nation's draft eligible men, ages 20 through 25, are registered. Additionally, because of the Agency's ongoing program and continuous mobilization planning, the System is ready to resume a draft at a moment's notice, should the Congress and the President decide that conscription is needed in an emergency.

While the peacetime registration program is an important and highly visible part of the Selective Service Agency's mission, its primary mission is mobilization readiness. At present, Selective Service is capable of placing the first draftees in uniform within 13 days of being given the legal go-ahead. The high compliance afforded by peacetime registration guarantees that any future draft, if needed, would be the fairest and most equitable in history.

In anticipation of future needs, the Selective Service System is completing plans for a standby health care draft. It is prepared to respond immediately to any congressional and Department of Defense requirement to provide large numbers of health care personnel in a crisis. The health care personnel delivery system is being developed at the request of the Congress because of a justifiable concern that there would be a critical shortage of medical specialties and health care personnel in a war involving high casualty rates.

We all hope and pray that our Nation is never again involved in a crisis of such magnitude that a draft becomes necessary. However, we must maintain the capability of mobilizing America's manpower should it be needed. The Selective Service System provides that capability, a hedge against the unknown.

Mr. President, last month the House Appropriations Committee reduced the funding for the Selective Service. If the Senate follows suit, it would be a travesty. The Selective Service provides an enormous emergency capability for a relatively small, annual budget. For over 50 years, it has provided critical functions in the areas of peacetime draft registration, mobilization and, most recently, a health care personnel delivery system. Since it is impossible to forecast the military challenges which lie ahead and the Nation is drastically reducing the size of its military services, it is imperative that we maintain the capabilities of the Selective Service System.

Mr. President, I urge my Senate colleagues to vigorously oppose any attempt to eliminate the Selective Service System. It is our Nation's insurance policy for future mobilization, and like any insurance policy, if we want the benefit, we must pay the bill.

HATCH ACT REFORM AMENDMENTS

The Senate continued with the consideration of the bill.

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER (Mr. SHELBY). The Senator from Delaware.

Mr. ROTH. Mr. President, in the last few days there has been considerable discussion as to what the impact is of S. 185, the Senate proposal to modify the Hatch Act. It has been argued by the distinguished chairman and others that it does not represent a revocation of the Hatch Act which, since 1939, has so effectively protected the interests of Federal employees and has assured the American public that the laws are administered in a neutral, nonpartisan way.

In this discussion, I have mentioned a number of times that many distinguished organizations, like the Federal Bar or Common Cause, to just mention two, as well as a number of newspapers, have editorialized against any changes or any basic reform of the Hatch Act.

The chairman has argued that these editorials are essentially directed at the House bill which, admittedly, goes much further than the Senate bill. Nevertheless, many of the editorials, including one that appears this morning in the New York Times, make it very clear that they are editorializing against both the House and Senate legislation. As they say, "If it ain't broke, don't fix it."

The New York Times of this morning has an editorial in it. The lead editorial is entitled "Save the Hatch Act."

In the first paragraph, it very sharply points out why there is such interest in this legislation. I read from the New York Times editorial of today:

> It's greed time in the Nation's Capital. Congressional Democrats, grateful for years of generous campaign giving by Federal and postal union political action committees and eager for more help in the future, are about to relax Hatch Act restrictions on active

partisan political activity by Federal employees.

It continues:

From the public standpoint and that of Federal workers, who would face pressure to give money and time to partisan causes, it's a bad idea. But the House approved a bill in March, and President Clinton says he will sign any Hatch Act revisions that Congress serves up. Thus, some weakening of the 1939 act seems inevitable this year.

Well, Mr. President, I think this chart here shows why the majority side is so interested in promoting PAC's within Government. As this chart points out, the Federal and postal worker PAC's, in the 1990 and 1992 election cycles, gave 89 percent of their funds to Democrats—89 percent. And only 11 percent went to Republicans. No wonder the New York Times starts their editorial by saying that it is greed time in the Nation's Capital.

Is it not ironic that at the very time we are talking about campaign reform and doing away with PAC's as a means of financing campaigns, that this so-called reform package, S. 185, would open up, would extend permissible conduct in connection with PAC's directly contrary to what many of us voted in the recent campaign reform legislation?

As the New York Times article points out, it seems inevitable that some weakening of the 1939 act will happen this year. And then it goes on to challenge the Democratic leadership to accept what it calls a reasonable Republican proposal that would maintain current Hatch Act restrictions for the most sensitive Government posts and agencies, and keep all Federal employees out of the political fundraising game.

So we think this is a good idea. Frankly, I personally would prefer that there would be no major reform of the Hatch Act, because it has been a successful piece of legislation.

But it does seem to me that if there is going to be a relaxation of the rules and the Federal employees are going to be permitted to become involved in partisan political action—exactly the opposite of what is the case now—we should take steps to ensure that the relaxation does not apply to those employees in sensitive positions and that we should continue to keep all Federal employees out of political fundraising.

Mr. President, we offered to the Democrats, in a letter from the Republican leader to the majority leader, a number of core amendments which the New York Times categorizes as reasonable and urges the Democrats, the majority, to accept.

The third one, as I said, would prohibit Federal employees from soliciting, accepting, or receiving a political contribution. The bill provides that employees who belong to the same employee organization currently operating a PAC may solicit from one another. As I pointed out, this is exactly contrary to the spirit, the intent, of campaign reform where we are trying to limit, if not outright restrict, such PAC's. The bill language makes clear the overt special-interest character of this legislation because, as I said, Federal employees may not—may not—currently solicit political contributions at all. That is the way it should be. The legislation accepts this principle in general but makes a glaring exception for labor employee PAC's.

This legislation has the potential to create extremely powerful national Federal and postal PAC's. It would clearly create the situation where far more money could be collected than is currently possible. And, as I said, is it not ironic, that at the same time the Congress is considering campaign finance reform, including the possibility of eliminating PAC's altogether—I might point out the Senate voted to ban PAC's—this legislation would do just the opposite. It would expand PAC's to make it possible for Federal employees to solicit other Federal employees for contributions to a PAC.

Not only would this legislation expand PAC's, but when one examines where Federal and postal PAC contributions go, one begins to understand the very impetus behind this legislation. Of the total political contributions given by these PAC's in 1990 and 1992, 89 percent went to Democratic candidates and 11 percent went to Republicans. In 1987 and 1988, 88 percent went to Democrats and 12 percent went to Republicans. In 1985 and 1986, 92 percent went to Democrats and 8 percent went to Republicans.

This legislation will expand by almost 1 million individuals the number of persons who could solicit contributions for these PAC's. Congress will have created a much greater political force in Federal and postal employee organizations, and, on the basis of our previous political experience, it would be our judgment that this new political force would devote its efforts primarily to electing Democratic Party candidates. For us, this explains why Democratic Senators seem to be oblivious to all the considerations raised in these issues. Why else, why else would anyone disregard principles of a nonpolitical civil service which have evolved over two centuries and works so well?

Just let me point out on this chart in greater detail how the contribution from the various Federal and postal worker PAC's have been distributed. These involve the 1990 and 1992 election cycles.

The National Association of Letter Carriers, 88 percent to the Democrats, 12 percent to the Republicans; American Postal Workers Union—let me point out these are not small sums. In the case of the letter carriers, it was over $3 million for Democrats, $407,000 for Republicans; the American Postal Workers Union, $1.7 million for the Democrats, only $107,000 for Republicans, or 94 percent to 6 percent; National Rural Letter Carriers Association, again 87 percent for the Democrats, 13 percent for the Republicans. Skim over to the American Federation of Government Employees here, $319,000 for the Democrats, $14,000 for the Republicans, again a comparison of 96 percent for the Democrats and only 4 percent for the Republicans.

Overall, all these Federal and postal workers in this period of 1990–92 gave a total of $7.277 million to the Democrats, $925,000 to the Republicans, for a comparison of 89 percent to the Democrats and only 11 percent to Republicans.

So, as I said, one can understand why the other side is so interested in expanding these PAC's because the expansion will mean greater funds, greater sums, and, of course, they are overwhelmingly going to be given to the Democratic side.

I would emphasize that in the interest of neutral administration of the laws, in order to gain greater respect on the part of the American public for their Government, it is crucially important that the Federal employees not be involved in soliciting or accepting contributions for partisan purposes. And it was for that reason, as we included in our proposal to the majority, that we would prohibit all Federal employees from soliciting, accepting, or receiving a political contribution. As I pointed out earlier, the New York Times agreed that that is a valid idea and one that should be accepted by the majority.

Mr. President, as has been pointed out in the New York Times editorial, there are two areas of concern to review. The New York Times editorial admits that there is going to be some relaxation, some weakening of the 1939 Hatch Act, which they do not support either in the form of the House legislation or the Senate legislation, but they urge and challenge the majority to accept the reasonable Republican proposal, which, as I have already pointed out, would keep all Federal employees out of the political fundraising game.

But the other two proposals that were part of the core amendments that we urged the majority to accept deal with the problem of maintaining the current Hatch Act restrictions for the most sensitive Government posts and agencies.

In our proposal of core amendments, one amendment would exempt high-ranking career employees across Government from the relaxation, the weakening, of the Hatch provisions. The second one would exempt Federal employees employed by national security and law enforcement agencies from the legislation.

Specifically, in exempting high-ranking employees across Government, we

would exempt career senior executive service employees, high-level managers and supervisors, administrative law judges, and contract appeal board members. Our amendment would protect the band of high-ranking career employees who make many important Governmental decisions and work closely with political appointees, such as at the Cabinet level or, in the case of the administrative law judges, serve as independent adjudicators or judges within the executive branch.

We think this exception to the weakening of the Hatch Act makes great sense, because these career employees would sort of provide a band of protection from permitting the executive branch to be politicized. They are the ones, of course, that work with the Presidential appointees.

Frankly, one of the concerns we have is that when you have a change of administration from one party to the other—and it makes no difference whether it is from Democrat to Republican or Republican to Democrat—but when a new administration of the opposite party comes into power, the fact is that if the senior executives have been involved in partisan politics of the opposite party, they are not going to be trusted by the new administration.

Even under the Hatch Act today, many people feel that this is a problem that is only going to be accentuated by the so-called Hatch Act reform when the Federal employees are not only permitted but encouraged to be involved in partisan politics. All that will do is complicate transitions from one administration to the next. For that reason, we think it is critically important that there be this buffer zone by exempting the senior executives.

It is also important, from the standpoint of being fair to the Federal employees below the senior executive, it is important that the Federal employees think that their promotions and assignments and careers are controlled not by, or are determined not by, partisan politics but by merit, by how well they perform.

We are greatly concerned that, under this legislation, there will be subtle pressures for many Federal employees to become involved in partisan politics if they are going to move up the ladder.

Again, it makes no difference whether you are talking about a Democratic or Republican administration. The fact is that if there is freedom to be involved in partisan politics, it is going to be read by many Federal employees that if I want to get ahead, if I want to succeed, if I want to move up the ladder, I better please my superiors who are of one political party or the other.

That should not be the case. The Federal employees—and we have a great group of them—should be judged by their performance and not by how active or inactive they are in partisan politics.

The other paragraph of sensitive employees deals with the Federal employees that are employed by national security and law enforcement agencies. Again, we think they should be exempt from the coverage of the Hatch Act. In other words, they should continue to be Hatched.

Specifically, we propose that certain agencies which perform sensitive missions should be exempt from the relaxation of the Hatch provisions.

We would exempt the Internal Revenue Service. Does the average American want to have his or her return audited by someone who at night is politically active, and then expect justice to be done to them in the daytime, particularly if they are an active member of the other political party?

We would exempt the Central Intelligence Agency, the National Security Agency, the Defense Intelligence Agency, all sensitive missions that should not be involved in partisan politics. The same is true of the Department of Justice, the Federal Bureau of Investigation, the Secret Service, the Customs Services, the Bureau of Alcohol, Tobacco and Firearms, the Merit System Protection Board, and the Office of Special Counsel.

In our group of core amendments that we offered to the majority, we urged that these employees in sensitive positions should be exempt and not be permitted to become involved in partisan activity.

As Common Cause, in a letter to us dated March 8, 1993, writes.

> Repeal of the Hatch Act basic protections as proposed in S. 185 will increase the potential for widespread abuse and open the way for implicit coercion against which there can be no real protection. With basic restrictions on partisan activity repealed, no procedural or other safeguards will be sufficient to protect against subtle forms of political favoritism or coercion of Federal workers.

Mr. President, over the past decade, the Hatch Act debate has been framed in terms of broad themes—the first amendment rights of Federal employees, versus the need to protect employees from coercive pressures to become active in partisan politics against their will. Unfortunately, this level of debate has failed to identify concerns which apply to specific aspects of this legislation—primarily, the impact this legislation would have on, as I say, employees within the executive branch who perform particularly sensitive missions, missions which must be performed in an absolutely nonpartisan fashion if our Government is to be recognized as serving all the American people fairly and in an even-handed manner.

Mr. President, I ask unanimous consent that selected editorials from the series be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. ROTH. Mr. President, to go back, just briefly, to the New York Times, the editorial that appeared in the morning paper under the title, "Save the Hatch Act," it points out that critics of the Hatch Act complain it stifles the political rights of Federal employees. But then the editorial goes on to note that:

> * * * even "Hatched" workers can vote, make political contributions and participate in their off hours in nonpartisan political activities. While some of the rules are needlessly complex, the remaining curbs on partisan activity, designed to protect the public from a politically tainted Civil Service, have been upheld by the Supreme Court.
>
> Unlike the aggressively misguided revision rushed through the House in March, the measure proposed in the Senate by John Glenn, Democrat of Ohio, would still prohibit Federal employees from running for partisan elected office and soliciting political contributions from the public. However, like a similar measure wisely vetoed in 1990 by President Bush, the Glenn bill would allow civil servants to serve after working hours as active party and campaign workers and, more troubling, to solicit co-workers for contributions to their union's PAC's. Mr. Glenn provides penalties for coercion, but they are inadequate to protect Federal employees, who can now turn aside political overtures by saying, "Sorry, I'm Hatched."
>
> The Senate minority leader, Bob Dole, and Senator William Roth, Republican of Delaware, have now proposed a reasonable compromise. Their amendment would exempt from the proposed relaxation on partisan politicking high-ranking career employees across Government who work closely with political appointees. It also excludes the intelligence services and other sensitive agencies like the Justice Department and Internal Revenue Service, where maintaining the perception and reality of nonpartisanship is crucial. All Federal employees would be barred from soliciting, accepting or receiving political contributions.
>
> For now, Senate Democrats seem determined to get Federal civil servants in the business of hustling political contributions from their co-workers. That makes it plainer than ever: The Democrats' biggest concern here isn't free speech or good government but political money and influence.

Just let me say in closing, that we are in the process of negotiating the so-called core amendments with the majority side. I am hopeful that we can make some resolution of this matter so that we improve upon the reform package which, admittedly, is likely to go through in some form. As the New York Times editorial points out, that being the case, it is critically important to this Government that we agree on these areas in order to ensure to the American people that there will not be a return to the spoils system, and that we will not permit partisan politics to interfere with the neutral nonpartisan administration of our laws.

I yield the floor.

EXHIBIT 1

[From the Lewiston (ME) Sun-Journal, Mar. 14, 1993]

KEEP HATCH ACT

When federal workers say they're "Hatched," they're not talking about their

mode of entry into this world. They mean they are prohibited from running for partisan political office, managing campaigns or raising money for partisan candidates—activities forbidden under the Hatch Act passed in 1939.

Congress is on the verge of "unhatching" federal workers. The House passed a bill that guts the Hatch Act earlier this month. The Senate will hold hearings in April.

If a bill passes both houses, as a similar one did in 1990, odds are that President Bill Clinton will sign it, say Washington observers. President Bush vetoed the 1990 version.

Overhauling the Hatch Act would be a serious mistake. The law protects federal employees from being coerced by their unions, supervisors or colleagues into actively supporting political candidates. It also protects citizens from intimidation by bureaucrats administering government programs.

The bill that passed in the House would allow federal employees to run for local office, manage political campaigns and solicit contributions on their own time. But suppose an Internal Revenue Service employee asks you for a contribution while your return is being audited. Does it really matter if the request occurs during or after business hours?

The argument that employees would be protected from arm-twisting doesn't wash either. Coercion doesn't have to be blatant to be effective. Subtle means, a little "friendly persuasion" shall we say, can be used to pressure reluctant employees into making contributions or stuffing envelopes.

Some federal employees resent being "Hatched." But many others like having a hassle-free excuse for not getting actively involved in politics. Federal employees are still free to vote, belong to political parties and make contributions. What they're not free to do currently is intimidate fellow employees or citizens into supporting candidates. That's how it should remain.

[From the New Bedford (MA) Standard-Times, Mar. 10, 1993]

HATCH ACT REPEAL WILL LEAD US TO A RICH VEIN OF CORRUPTION

For the past half century, the federal bureaucracy has been immunized against infestation by political hacks by the Hatch Act, which sharply restricts the employees political activities.

In place of the corrupt environment the Hatch Act was enacted to repair, we now have a federal work force that, it can be argued, is quite professional. Robert Tobias of the National Treasury Employees Union proudly told a House panel. "We are not political cronies."

This, evidently, is unacceptable to the House and to President Clinton, who are determined to eviscerate the Hatch Act and turn the clock back to the days when getting a federal job or a federal promotion often meant carrying out blatant political favors.

Although the provision of the Hatch Act were upheld by Supreme Court decisions in 1947 and 1972, a vague notion that the Hatch Act is unconstitutional, or at least un-American, propels this ill-advised repeal movement.

How convenient for the political power structure. Loosen the restrictions of the Hatch Act by allowing federal employees to raise political money, conduct campaigns, and even run for office, and—presto! Three million people are suddenly available for enlistment in congressional and presidential campaigns. (But they can't run for Congress. That would be going too far.)

And they will be enlisted, make no mistake. Fifty years of the Hatch Act hasn't changed human nature, and that claim of professionalism in the ranks is directly traceable to the fact that when the boss or the congressman came around looking for political favors, the employee could simply say, "Get lost." Repeal the Hatch Act, and these people will start getting fund-raising ticket books in the mail from their politically connected bosses, representatives and unions—in their off-hours, of course.

Meanwhile, even though the law still will prohibit political activity while on duty, there will be political activity on duty. Ask anyone on Beacon Hill. They know.

Beyond that, federal employees at all levels will be left to wonder whether this or that promotion or transfer was because of some favor he or she did or didn't do for someone. Perhaps this is why a 1992 survey found only 30 percent of federal employees wanted relaxation of the Hatch Act, while 30 percent were opposed and 40 percent were neutral. Perhaps 70 percent of the federal workforce realizes that the Hatch Act is at least as good as it is bad—for them personally, and for the nation.

This backsliding couldn't come at a worse time for the country. No sooner had we started thinking seriously about program cuts, military base closings, and all the other hard budget decisions, then Congress and President Clinton set out to unleash a political army with a vested interest in the status quo. What congressman is going to take a hacksaw to a federal bureaucracy that runs thick with potential contributors and campaign workers? What employee, or group of employees, would fail to take advantage of the new political leverage they will have against threats to their public sector jobs? At a state and local level, what happens when tax auditors, prosecutors and the like start taking jobs on public boards or political committees? How would we like it if the U.S. attorney were chairman of the Democratic Party in Massachusetts, or the manager of a Senate campaign in his "spare time"?

Those who contend that there won't be abuses—enormous abuses—are deluding themselves. After 50 years of the Hatch Act, we have not experienced the kind of institutional corruption that produced it. When we look at the size of the federal bureaucracy today, and the vast machinery of politics, the removal of restraints is positively frightening in its possibilities.

Presidents Reagan and Bush rightly vetoed previous attempts to dismantle the Hatch Act. What they did was good for the nation, and enabled that union representative to maintain a credible claim of untarnished professionalism. Those claims will vanish overnight if the Hatch Act is repealed, to be replaced by a whole new layer of suspicion and political manipulation.

Doubt it? Do you want to risk giving it a try? Democratic Reps. Barney Frank and Gerry Studds evidently do, since they were among the 331 eager Democratic votes for repeal (there were two defectors). Rep. Peter Blute, the freshman Republican, was one of the 86 courageous "no" votes. Now all that stands in the way of Hackerama II is the Senate. Brace yourself.

[From the Atlanta Journal, May 4, 1993]

HATCH ACT CHANGES MEAN RETURN OF THE SPOILS SYSTEM

In 1939, under a Democratic president and through a Democratic Congress, an abuse that had plagued America since its founding finally was fixed. The Hatch Act was passed to protect federal employees from political coercion and the rest of us from what Thomas Jefferson called "electioneering" and succeeding generations called the spoils system.

Since 1939, the Hatch Act has stood as a bulwark against political padding of the federal payroll and it has given citizens reason to have confidence in what Sen. Bill Roth (R-Del.) calls "non-partisan administration of government." The law prohibits federal workers from active involvement in campaigns.

Now 54 years of reform are in jeopardy. With little fanfare in March, the House passed a bill that virtually repeals the Hatch Act. The Senate, led by Sen. John Glenn (D-Ohio) has begun hearings on its own version. President Clinton favors the bill, which won a majority vote in the Senate just three years ago.

The political support of the measure and the push for it by organized labor flies in the face of surveys of federal workers sound common sense. The workers know that repeal of Hatch would allow union leaders and politicians to force them into campaign work. As Mr. Roth notes, "employees will feel obligated to participate in partisan campaigns in order to gain a promotion or a bonus." Federal workers might even join campaigns they don't believe in simply to better their position at work.

Washington is moving slowly to give federal managers more authority to hire, fire, promote and demote in the name of productivity. Repealing the Hatch Act while giving managers more authority is a dangerous brew. And it is made more dangerous by the monopoly bargaining status given to key unions.

The bills before Congress attempt to make a distinction between off-duty activities and behavior at work. But pressure at work can lead to campaign activity off-duty. The bills' supporters cast their cause as a First Amendment issue, but no one's right to speech is unlimited. Repeal of the Hatch Act confuses speech and the vote with direct action.

Repeal of the Hatch Act is an issue that has been flying beneath the public radar. As it draws closer, senators are going to need to know their constituents are concerned.

[From the Boston Herald, Mar. 8, 1993]

HATCH ACT ENDANGERED

Feeling their oats after last year's election, the unions which represent federal workers are moving to gut the Hatch Act. This attempt to inject politics into the federal workplace must be defeated.

Last week, the House voted 333 to 86 to allow government employees to openly endorse candidates for public office and even to organize fund-raisers—on their own time, sponsors assure us. If the Senate concurs, all that will be left of Hatch is the prohibition against federal workers actually running for partisan office.

The Hatch Act has always been a necessary protection against politicization of the federal workforce. It was enacted in the 1930s, after considerable arm-twisting of government workers to enlist them in electoral causes.

U.S. Supreme Court Justice Byron White, a Democratic nominee to the bench, put the matter well: "It is in the best interest of the country, indeed essential, that * * * the political influence of federal employees on others and on the political process should be limited."

Federal workers themselves perceive the utility of Hatch, which protects them from

forcible political recruitment. In a 1989 poll of government workers by the Merit Systems Protection Board, only 32 percent favored weakening the law.

If President Clinton is serious about getting federal spending under control, he will have to tackle the bureaucracy. Giving federal unions more political clout will make that task next to impossible.

The Hatch Act has served the nation well for more than half a century. Due to their positions of trust—as well as their vulnerability to partisan coercion—federal employees need the protection it affords. Perhaps now more than ever.

[From the Tampa Tribune and Times, Mar. 21, 1993]

KEEP THE HATCH ACT INTACT

Back in 1939, a United States senator from New Mexico, Democrat Carl Hatch, introduced a measure that for more than half a century has served this nation well by forbidding federal employees from engaging in partisan political activity.

A series of newspaper articles depicting New Deal workers being coerced into supporting incumbents had influenced Hatch's enthusiasm for reform. The series won a Pulitzer Prize and the Hatch Act went a long way toward cleaning up American government.

Now Hatch's Democratic descendants on Capitol Hill, influenced by the labor lobby, seek to eviscerate the Hatch Act and permit the 3 million government employees once again to engage in partisan political activity, including running for office, as long as they do it on their own time.

On the surface, the thinking behind the attack on the Hatch Act has some appeal. Why, foes of the act ask, should government employees be denied the same freedom to indulge in politics that the rest of us enjoy? Is that not discriminatory on its face?

Rep. Pat Schroeder, D-Colorado, has said repeal of the Hatch Act would finally make federal employees "full-class citizens." In fact, so appealing is this argument that earlier this month the House of Representatives passed the repeal legislation by a wide margin, 333 to 86, with 85 Republicans joining the majority.

It now awaits action in the Senate and, if it passes there, the signature of President Clinton that would make it the law of the land. He has indicated he will sign it, given the opportunity.

But if federal employees are to perform their non-partisan duties unimpeded by the need to tailor their activities to some political agenda, then they can't be given the same political rights as their fellow citizens. To do so is to create a clear conflict of interest, and while many, perhaps even most, of these employees might choose to remain apart from the political process, there is no way they could all escape the pressure to join what will be seen as the good cause.

This is the third time in recent years that Congress has attempted to dismantle the Hatch Act, but President Bush vetoed the repeals the two previous times. The act is so sound and so sensible that it has also survived three challenges before the Supreme Court.

Judging by a 1989 survey, few government employees who would gain the right to engage in politics through the repeal of the act actually favor the change. Instead, the push is largely coming from public employee union leadership (government employees who now cite the Hatch Act as their reason for refusing to contribute financially to political campaigns would no longer be able to use it as an excuse) and politicians who seek or even depend upon union support.

Among the repeal's more persuasive opponents is Common Cause, a public interest group most Americans regard as more liberal than conservative. There's nothing progressive about a return to the old-fashioned spoils system, which is what the Hatch Act was designed to destroy.

The repeal is expected to sail through the Senate and land on the President's desk. Those who are convinced, as we are, that his signature on this measure would set American politics back 50 years should make their voices heard. President Clinton, after all, has vowed to be the President who listens to America. Let's give him an earful on this one.

[From the Stuart (FL) News, Feb. 23, 1993]

HATCH STILL ON GUARD

Employment applications that stress squooshy "experience" over concrete knowledge already have made the federal workforce less of a meritocracy. But the politicization of the bureaucracy will take a quantum leap if Congress much dilutes the 1939 Hatch Act.

Passed after Scripps Howard reporter Thomas Stokes revealed how New Deal politicos were forcing federal workers to campaign for Democratic candidates, the act insulates government employees from partisan politics.

Essentially, these employees cannot work in campaigns, run for office or solicit political donations from fellow workers. Our believe is that most Americans support such restrictions, which foster public trust in the impartiality of the nation's civil servants.

What of the government workers themselves? Some claim that Hatch abridges their First Amendment right to free expression, though they can still vote and discuss politics. The Supreme Court, however, has upheld the act, Justice Byron White noting that "the political influence of political employees on others and on the electoral process should be limited." Besides, most federal workers must enjoy protection from bosses' shakedowns.

Presidents Ford and Bush vetoed congressional attempts to water down Hatch, but President Clinton endorses the idea. Legislation sponsored by Sen. John Glenn, D-Ohio, and Rep. Bill Clay, D-Mo., would send federal workers down the partisan path by allowing them during off-hours to carry posters at political rallies and to distribute campaign materials. Bad business. Another revision, permitting work in voter-registration drives, seems unobjectionable.

The core of Hatch should not be disturbed, however, because it reminds bureaucrats that their first job is to serve the public's abiding interest, not politicians and their lieutenants. Already the Justice Department is investigating whether State Department staffers crossed this line by searching for passport dirt on presidential candidate Bill Clinton.

Perhaps President Clinton will ponder that sort of abuse when the latest attempt to hobble Hatch lands on his desk.

[From the St. Petersburg (FL) Times, Mar. 21, 1993]

GUTTING THE HATCH ACT

Democrats, seeing a friendly face at the other end of Pennsylvania Avenue for the first time in more than a decade, are trotting out all the bills they couldn't get past Ronald Reagan and George Bush.

There are some good ones, like the family leave legislation recently signed by President Clinton. And there are some bad ones, like the proposal (HR 20) now moving through the House of Representatives to rescind the Hatch Act. The proposal had been blocked by both Presidents Reagan and Bush. Clinton supports the revision, as does organized labor.

The Hatch Act was passed in 1939 to protect the expanding federal work force from political exploitation. Named for a senator from New Mexico, the act prohibits federal workers from actively participating in partisan politics. But the Hatch Act doesn't cut federal employees out of the electoral process. They can still contribute money to candidates of their choice, volunteer in off hours for non-partisan political activities, and they can vote.

The House bill, and its companion in the Senate, still would prohibit federal workers and postal employees from running for political office and soliciting public funds, but it would open the door to lots of other political activities. Employees could become active in partisan campaigns, attend political conventions and be open to solicitation for political action committees of the various federal employee unions.

While easing those prohibitions may seem benign on the surface, there are dangers here. Government workers in state and local elections are often intimidated into contributing to and working for their elected bosses. There is no reason to believe that same situation wouldn't happen at the federal level if the Hatch Act is gutted.

Not everyone who opposes HR 20 is a neanderthal Republican, as some proponents of the bill suggest. Common Cause, the citizens advocacy group, thinks repeal is a terrible idea.

"With basic restrictions on partisan activity repealed, no procedural or other safeguards will be sufficient to protect against subtle forms of political favoritism or coercion of federal workers," says Common Cause president Fred Wertheimer.

What about federal workers? Are they dying to snap the chains of the Hatch Act? The Merit Systems Protection Board, a quasi-judicial agency that oversees federal-employees issues, conducted a survey last year that found only 30 percent of the federal workers wanted the legal right to engage in partisan politics, with the remainder either neutral or opposed to repeal of the Hatch Act.

Given the current political climate, some revisions of the act appears inevitable. Some proposals, including those which allow federal workers greater involvement in local political issues, are reasonable enough. As things stand, however, advocates of the repeal see no reason to compromise.

In this season of change and catch-up, the old-fashioned ideas at the heart of this 54-year-old law are worth keeping.

[From the Ocala Star-Banner, Mar. 24, 1993]

KEEP ACT INTACT

For half a century, the Hatch Act has prohibited federal employees from taking active roles in partisan politics.

To ease a restriction that has worked successfully in behalf of the federal workers themselves and the general public would be a damaging mistake. Yet the House has pulled the rug from under the Hatch Act.

The Senate should refuse to go along with the lower chamber's action that would open the door to federal employees serving as officers of a political party, soliciting contributions for partisan political purposes or running as partisan candidates for public office.

If the Senate does vote to gut the act, President Clinton should refuse to sign the legislation, although frankly his close ties to Big Labor leave little hope of this happening. Union leaders are anxious to gain political control over the nearly 3 million federal workers.

Repealing the act will open the door for the rampant abuses that resulted in its enactment in 1939. Before the act was passed, many government employees supposedly while working for the public were actively involved in actions designed to perpetuate the power of the ruling clique and the individual office-holder they worked for.

Federal employees were forced to perform endless hours of political services or to make political contributions they couldn't afford under pressure of losing their jobs.

Surely, our nation does not want to return to such shenanigans. The Hatch Act protects federal workers and the public alike. It is to the credit of many of those workers that they recognize the value of keeping the act intact. A recent survey by the Federal Merit Systems Protection Board resulted in 68 percent of the participating employees supporting the Hatch Act.

Employment and promotions with the Federal table of organizations should not depend on political preference. Federal employees should and must be free from pressure to perform political chores.

[From the Durango (CO) Herald, Mar. 10, 1993]

DON'T WEAKEN THE HATCH ACT

The Hatch Act, when passed by Congress in 1939, was designed to protect civil servants, whose numbers were rapidly increasing under FDR's New Deal, from political interference.

It has worked well, by and large.

Under the act, federal employees are prohibited from partisan political activity. In turn, they have the protection of civil service so that when administrations change, their jobs remain secure.

Today, in the name of free speech, there is a move in Congress to weaken the Hatch Act. Proponents of H.R. 20, designed to amend the act, say that it limits the rights of federal employees. They should be able to run for office, solicit political contributions and, in general, behave as private citizens do politically, the argument goes.

"Wait a minute," say opponents of the proposed change, "You want a fellow working for the IRS auditing your tax return coming over in the evening asking for a campaign contribution for one of his buddies in the service?"

It's an argument worthy of thought.

Fear of a politicized body of civil servants has existed from the beginning of the republic.

Thomas Jefferson opposed electioneering by federal workers. He said it was "inconsistent with the Constitution."

Hatch has been challenged three times before the Supreme Court since its passage.

That came about because in Depression-ridden Kentucky a number of federal employees were pressured to support, financially and otherwise, the re-election bid of a U.S. senator. After a series of news stories told of the coercion and fraud, Congress acted.

Surveys of federal employees show that the overwhelming majority like the protection of the Hatch act. Most belong, however, to unions and union leadership wants the partisan advantage.

President Clinton has said he wants to reduce the federal work force through attrition by 100,000 over four years. He will never accomplish that goal, nor will any other president, if the Hatch Act is weakened and the public employees unions become political machines.

Any belief in a bureaucrat as a public servant is gone.

[From the Arizona Republic, Mar. 4, 1993]

HATCH ACT "REFORM": POLITICS AT WORK

If the proposed reform of the federal Hatch Act, now on the congressional fast track, is the kind of change to be expected from Bill Clinton's Washington, Americans can be excused if they yearn for the good old days of gridlock.

The Hatch Act, for those rusty on their poly-sci, was enacted more than a half-century ago to protect the public and government workers from a politicized federal bureaucracy. The rapid expansion of the New Deal had been accompanied by an exponential growth of the federal work force, and political appointees were making concerted efforts to compel federal workers into actively supporting incumbent politicians and their programs.

Since its adoption, the Hatch Act has worked pretty much as intended and continues to do so. It has insulated the bureaucracy and government workers from the ravages of a political spoils system, simultaneously keeping the public from being overwhelmed by the self-interest of highly partisan public servants.

In exchange for accepting modest and prudent restrictions on certain types of political activity, federal workers won protection from a civil service system that goes to great lengths to provide a measure of job security uncommon in the private sector. The act prohibits most federal employees from active participation in political campaigns, running for office or soliciting political donations from fellow workers or the public, though they may make voluntary contributions to political causes and candidates.

According to several recent surveys, most rank-and-file federal workers have scant interest in modifying the Hatch Act. Nonetheless, leaders of several public employee unions, including the powerful National Association of Letter Carriers, want all political restrictions removed. Democrats in Congress and some within the Clinton administration say they are ready to oblige.

The potential for mischief should be obvious. As Supreme Court Justice Byron White pointed out some years back when the Hatch Act restrictions were unsuccessfully challenged: "It is in the best interests of the country, indeed essential, that * * * the political influence of federal employees on others and on the political process should be limited."

Joe Vacca, president of the Letters Carriers union, has a different opinion. Until the Hatch Act is changed, he says, federal employees will never win the right to strike.

Other backers of Hatch Act "reform" include all the usual suspects—special interest groups and supporters of the leviathan state in and out of Congress. They fairly smack their lips at the thought of enlisting the 3.1 million-strong federal work force in the endless campaign to confiscate whatever tax dollars Washington allows the private sector to retain for its own use.

Even Common Cause, the liberal lobby, warns that the proposed change "opens the door to implicit coercion and abandons the fundamental concept of an unpoliticized civil service." Considering the heavy price Americans pay to fund the federal bureaucracy, the least they have a right to expect are public employees who serve the public, not narrow partisan interests.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, in some of the editorials and some of the remarks made on the floor here, both today and yesterday, I wish I recognized S. 185. Because it does not do a lot of the things purported to it. The New York Times editorial, when they say my bill "would still prohibit Federal employees from running for partisan elective office and soliciting political contributions from the public," they are absolutely right.

They do not go ahead to say that it would tighten up existing Hatch Act restrictions of on-the-job things people do right now on the job: Campaign buttons, bumper stickers, whatever. It tightens up on that, makes a tighter Hatch Act. I would think the New York Times and all the rest of the people and my colleagues on the other side of the aisle would be falling all over themselves to support that. Tightening up the Hatch Act, more protection, and cutting out some of these foolish ambiguities in the law that I have read off repeatedly here over the last couple of days.

We have been in negotiation on this. Before my distinguished colleague from Delaware leaves the floor, if I could have his attention for just a moment, we have been in negotiation on this, and negotiation, and negotiation, and negotiation, and negotiation. I hope we can get an answer back.

I would point out it was 3:30 on Wednesday afternoon, almost 24 hours ago, since the last amendment was submitted. I do not know whether this is filibuster by negotiation, a new tactic, or filibuster by silence or what. I have not wanted to go to the third reading or something, but I know the majority leader is not going to want to just go on and on with this. Whether it is cloture or whatever, we made another proposal several hours ago here, and now I am told we are still waiting to get something like, I was told, 30 or 40 pages copied before we can consider something. We thought there were about three pages that needed to be looked at and that is it.

So I suggest the distinguished minority leader on S. 185 here, pointed out these things that have been proposed. I think maybe the best way to go on this is just go ahead and propose them and we can vote them in turn and get on with it. Unless we can come to some agreement. I thought we were very close to this. I was surprised at the remarks, because I thought we were just about on the verge of having this. But if we are going to negotiate on and have filibuster by negotiation, I think we ought to just go ahead and call up the amendments and get on with votes, do whatever has to be done, file cloture, and so on.

Mr. ROTH. Will the distinguished chairman yield?

Mr. GLENN. I hope my colleague could give me some idea when we will have an answer here so we will know whether we can go ahead with the compromise or not.

Mr. ROTH. It has been my thought, I would say to the distinguished chairman, that both sides have been and are negotiating in good faith. We did make a written proposal last night. We got the response from the majority side at 11 o'clock this morning. We have had further discussions seeking some kind of a resolution of the differences that remain between us. I remain hopeful that will work out.

But I do want to point out that the response came at 11 this morning. It took us some time to analyze that, as you understand, because these are complex matters. And we did at a subsequent time discuss, at the staff level, our counterproposal. We hope to be able to proceed along this line and reach agreement.

Mr. GLENN. OK. The majority leader will, I am sure, when he comes out of the meeting he is in, be wanting to take some action to move things along here on the floor. I hope the distinguished minority leader on this bill could get an answer back to us as soon as possible, here, so we could move on.

The PRESIDING OFFICER (Mrs. MURRAY). The Chair recognizes the Senator from Delaware.

Mr. BIDEN. Madam President, I ask unanimous consent that I may proceed as in morning business for 15 minutes.

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

CONFIRMATION PROCESS FOR RUTH BADER GINSBURG

Mr. BIDEN. Madam President, next week the Senate Judiciary Committee will convene hearings on the nomination of Ruth Bader Ginsburg, to be a Justice to the U.S. Supreme Court. Today, I would like to lay out for my colleagues, and those who have inquired, the process the committee will pursue in conducting these hearings.

I ask unanimous consent that at the end of my statement a copy of a speech I made on June 25, 1992, relative to reforming the confirmation process, be printed in the RECORD.

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

(See exhibit 1.)

Mr. BIDEN. Madam President, because of the speech I made roughly a year ago on how I thought we should reform the process and because I made specific proposals, I would like the Senate to understand how I plan, as chairman of the committee, to implement those proposals relative to the upcoming hearing.

As I said, today I will lay out the process the committee will pursue in conducting these hearings.

The confirmation process, at its best, is a debate over the most fundamental issues that shape our society, a debate about the nature of our Constitution, in both the literal and symbolic sense. We will ask and should ask what kind of people are we? What rights do we respect and reserve to each individual American? What power do we cede to our Federal Government, and what responsibilities do we expect, under the Constitution, our Government to assume?

The answers to these questions determine the shape of our lives, and who we put on the Supreme Court will impact upon the shape of our lives in a more profound way, with all due respect, than either the Presiding Officer or the Senator from Delaware will, because they will be there for a lifetime. The only issues that basically get to the Supreme Court are the most contentious, divisive, and important issues facing the country. They affect our ability as individuals to fulfill our dreams, to make critical choices about our families, if we will have families; about our children, if we will have children; about our jobs and our rights that pertain to our employment.

Similarly, the answer to these questions determine the responsibility of Government to regulate the economy and to what extent it can do that, assure the safety of workplaces and our homes, protect our environment, and safeguard our most individual reforms.

Madam President, some of the most arcane questions in the mind of the public have profound constitutional consequences on our lives. For example, there is a new debate under the takings clause of the fifth amendment as to what constitutes a legitimate Government taking, requiring the Government to compensate the individual for having taken their property.

We all know how it works for highways. A highway goes through your yard, they can take your property if it is for the public good under the fifth amendment, but they have to compensate you. Historically, there has been a position for 200 years that where the public interest is at stake, where the police powers of Government are raised as reasons for making you do something relative to your property, then what happens is the Government does not have to compensate you. The Government does not have to compensate you right now if it says in your residential neighborhood you cannot build a 22-story skyscraper. They do not have to say we are preventing you from building a skyscraper and the value of the skyscraper will be $10 million, $20 million, or $100 million and the value of your home is only $200,000, ergo, the Government has to pay you $1 million, $2 million, $500 million to keep you from building that skyscraper.

The way the clause has always been read, to oversimplify in the interest of time, has been the police powers are at stake, the ability of the neighborhood to be safe, roads, congestion—all of those are reasons enough for the Government to say you cannot build there, under our zoning law, that particular type of building.

There are those who believe the takings clause should take on a role that the 14th amendment did pre-Lockner era and say that no matter what is done relative to your property, that the police powers should be viewed in a very different way. So, therefore, in our environmental laws, if we say out in the Northwest you cannot put an effluent into a stream because it has two parts per billion of a carcinogenic substance, right now the courts say, "Well, that is a police power."

Under the proposal many are making and constitutional scholars are arguing, they have to maybe meet a tort standard, which is a much higher standard to meet. Therefore, if you wanted to stop Company X from dumping into the Puget Sound, they would have to pay Company X tens of millions of dollars to keep them from doing that because that would be the cost of them having to put in machinery to keep that from happening.

These are profound questions, although arcane in the minds of most people, and the next Justice will decide upon those kinds of questions.

So, literally, Madam President, the questions that we raise and should be raised in the context of a Judiciary Committee hearing and on the Senate floor with regards to a nominee can literally shape the specific circumstances of our life. It is the Justices of the Supreme Court who will ultimately decide how the broad concepts in our Constitution are brought to bear on our day-to-day lives.

Everybody thinks the Constitution is really clear and crystal clear. What does liberty mean in the 14th amendment? What does the liberty clause mean? Does that apply to women? Does it apply only to blacks because it was a Civil War amendment? Does it apply to women with the same standard that it applies to minorities? These broad concepts of liberty and due process have a methodology by which each Justice interprets them, and how they are interpreted literally, literally determines our ability to run our lives in ways which we may want to remain or not want to.

The confirmation process, thus, provides a unique opportunity to debate these questions, and to ask the nominee, how she or he will go about deciding these global issues. Through this process, we debate the very nature of our future as a people and as a nation. So it is important to make sure that the confirmation process works, that the Senate has confidence in the confirmation process and the American people think it is fair and it does, in fact, shed light and not darkness.

Although it is clearly within the authority of the Senate to examine a Supreme Court nominee, not only for his or her personal fitness, but also on the basis of his or her constitutional vision, when that examination becomes caught up in a political effort to radically reshape the Court to one ideological extreme, it does damage to the process. For this reason, the recent contentiousness of the confirmation process has been very troubling to me personally and I think troubling to the Senate generally. While a variety of factors ultimately contribute to this result, the instigating factor, in my view, is that prior White Houses over the past decade have ignored the historical tradition that had governed Supreme Court nominations in previous divided Governments.

By divided Government, I mean when one party controls the White House and the other controls the Senate. To set it straight, the Constitution says the U.S. Senate has equally as much authority and power to determine the third branch of the Government and its makeup as does the President. That is the process. That is how it is supposed to be under the Constitution. When we have had divided Government—that is, the two political bodies deciding who should sit on the nonpolitical body—we have, in the past, the distant past, reached certain accommodations.

These two traditions—that is, that the one in the past where we would have negotiation when we had a divided Government and one where there was no such consultation—these two traditions were, first, where different parties controlled the White House and the Senate in the past, Presidents commonly took the Constitution at its word and asked for the Senate's advice and consent. Past Presidents, for example, did consult with the Senate prior to making nominations.

The second tradition, that these Presidents also balance their nominations so that no single ideology would dominate the Court. In so doing, they recognized that the American people had not sanctioned control of the Court by any one party, since one party was controlled by the President and one party controlled by the Senate.

Thus, conservative Republican Herbert Hoover named conservative Chief Justice Charles Evans Hughes, but he also named moderate Owen Roberts and liberal Benjamin Cardozo, the latter choice in particular reflecting the then Senate's strongly expressed views. There was compromise. There was consultation.

Similarly, President Eisenhower's choices for the Court included conservative Justices Harlan and Charles Whittaker, moderate Potter Stewart and liberals Earl Warren and William Brennan, all from the same President, Madam President, when we had a divided Government.

More recently, President Nixon moderated his Supreme Court choices, balancing conservatives Warren Burger and William Rehnquist with moderate Republicans Harry Blackmun and conservative Democrat Lewis Powell.

But this was not the model Presidents Bush and Reagan followed. They departed from the historic precedent. They refused to consult with the Senate on the selection of Supreme Court nominees, and they refused to moderate their choices. Instead, they publicly announced their intention to reshape the Supreme Court by moving it far to the right, which is their right to attempt to do. What is always right is not always wise. What is a right someone has is not always wise to exercise.

Throughout the past decade, many of us in the Senate had called for consultation and moderation. We asked each of the two Presidents to restore the historic tradition of consulting with the Senate on Supreme Court nominees during periods of divided Government, and we recommended a return to the formerly common practice of seeking ideological balance, of choosing nominees who represent the full spectrum of the philosophic and jurisprudential views of both parties in a divided Government.

Last year, in fact, prior to the election, I advised both then President Bush and nominee—now the President of the United States—Clinton, I advised whomever won the White House to abide by two traditions I had mentioned in order to heal what had become a troubled Supreme Court confirmation process.

Now, even though we are no longer in a period of divided Government in a historic sense, even though the American people have put one party in control of both political branches that will make this decision for the Supreme Court, and the same party in control of the appointments to the Court, President Clinton has done what I had advised.

Notwithstanding there is not a divided Government, on his first Supreme Court nomination, he has acted to enhance the confirmation process by consulting with both parties in the Senate.

His consensus choice is Ruth Bader Ginsburg. Her nomination reflects the partnership envisioned by the Founders when they so astutely wrote the advice and consent clause into the Constitution.

I do not mean to suggest that President Clinton must choose a moderate candidate in every instance. But in making his initial appointment following the period in which the confirmation process has been subject to extraordinary stress, I believe the President has acted wisely to reaffirm the integrity and the critical importance of the confirmation process. And in so doing he has begun to repair some of the damage of the last decade.

Indeed, his nomination of Judge Ginsburg has met with greater acclaim and less controversy across the political spectrum than any nominee in recent years.

Now that we have the nominee, what more can we do to make the confirmation process work to return to the American people this great opportunity for reflection on the most serious issues of our time?

My answer to that question, Madam President, is that our overriding goal as we proceed is to provide a fair process in which the Senate can perform its constitutional duty to review the fitness, the character, and the constitutional philosophy of the nominee. And toward that end, we should keep several thoughts in mind, in my view.

First, we can appreciate what the hearings are supposed to be—not a dramatic spectacle, which they have become, not a trial, but a legislative proceeding that is but one part of the consideration of a nominee's fitness for office. The determination of Senators and the public about a nominee should be based not only on the hearings but also on his or her record of service, writings, and speeches, on background checks and investigations, on a review of the nominee's experience and credentials, and on a weighing of the views of the nominee's peers and the nominee's colleagues.

The hearings, as important as they are, Madam President, in the Senate Judiciary Committee, are only a part of the full process, and that part should not be confused with the whole. In this respect, it is useful to recall that testimony before the Judiciary Committee by Supreme Court nominees is a new phenomenon.

Appearance before the committee became a standard part of the confirmation process only in the year 1955, with John Marshall Harlan. No Supreme Court nominee testified personally until 1925, when Attorney General Harlan Fisk Stone responded to allegations of prosecutorial misconduct in the investigation of a Senator.

The next five nominees did not testify at all, and it was not until 1938 that Stanley Reed appeared. The next year, Felix Frankfurter testified, but William O. Douglas waited outside the committee hearing room without ever being called in as a witness. And in 1949, Sherman Minton was called to testify at the hearing on his nomination to the Court. He refused to appear on the grounds that his record as a Senator and as appellate judge spoke for itself. He refused to come. He was called before the committee in 1949. He refused to come and he was confirmed by the Senate.

Now, Madam President, I am not trying to denigrate the role of the Judiciary Committee, but I point out it is not the only thing to be considered.

Thinking about the nomination currently before the Senate shows why

personal testimony was for so long considered unnecessary. Judge Ginsburg has an extensive record and a long and distinguished career in public life. Her record and her career can be evaluated by every Senator, if they have the time or inclination to review it. Nothing Judge Ginsburg says at her hearing will be nearly so important as what she has done the past 30 years.

Of course, the hearings are the most public part of the confirmation process, the part where the citizens of this country can most easily discover and evaluate the character and views of the nominee. It is during the hearings that the debate on the nominee and on the meaning and character of our Constitution widens to include each and every one of us in this country, the time when "We the people," in the words of the Constitution, can most easily hear and be heard. And so, the hearings themselves must proceed in such a way as to enable and encourage the most responsible and forthright debate, in a way that allows the confirmation process to serve its intended function.

As I have said, the hearings are not a trial, nor are they, no matter how long, how fruitful, or how thorough, the entire process. Put another way, we have hearings, Madam President, not to prove the case against a nominee, but, rather, to give the nominee a fair chance to explain his or her record and writings to the committee. Thus, the hearings can be and should be the crowning jewel of this evaluation process, a final chance to clear up confusion or firm up soft conclusions. But they cannot be the entire process itself.

Anything that we can do to broaden the base on which Senators make their decision will be a valuable improvement in the confirmation process. This means, first, that the debate on judicial philosophy and values must be full and open without in any way intruding on the ethical obligations of the nominee not to predecide any case or controversy. It means that debate must ensure without imposing rigid ideological standards of litmus test that the nominee has the necessary intellect and temperament to serve on the Court, and, further, that the nominee will bring to that ultimate forum of our law a sound approach to interpreting the Constitution under which we govern our lives.

In my view, the public is served best by questions that initiate a dialog with the nominee, not about how she will decide any specific case that may come before her, but about the spirit and the method she will bring to the task of judging.

There is a real difference, Madam President, between questions that focus on specific results or outcomes, the answers to which would risk compromising a nominee's independence and impartiality, and questions on judicial methods and philosophy. The former can undermine the dispassionate and unprejudiced judgment we expect the nominee to exercise as a Justice. But the latter are essential and contribute critically to our public dialog.

Some cynical observers of the Bork confirmation hearings have concluded that less discussion or vague answers are in the best interests of the nominee. The facts dispute such a conclusion. Judge Bork's nomination was defeated by the extreme nature of his views as fully documented in his public record before any hearing was ever held, not by his discussion of his views at the hearing. Justices Kennedy and Souter, both confirmed by the Senate by large margins, both supported by the chairman of the committee, came before the committee and discussed in some detail their philosophies of various constitutional doctrine, including such matters as substantive due process, the role of precedents, and the theory of original intent. In contrast, Justice Thomas, who decline to discuss most subjects, had several Senators vote against him, in part because of his reticence to discuss his philosophy. Such reluctance, in my view, serves no one. The Senate is deprived of a meaningful opportunity to exercise advice and consent, the public is deprived of its opportunity to hear a nominee describe his or her vision of the Constitution and of our system of government, and the nominee is deprived of the opportunity to show how his or her confirmation will contribute to the continuing definition, now more than two centuries in the making, of what American democracy is and what it ought to be.

The final, no less critical step toward restoring the integrity of the hearings relates to the manner in which the committee handles investigative matters.

I can assure my colleagues who is presiding, we could have the Lord Almighty be nominated, and someone in this country will communicate to the chairman of the committee and the committee something negative about that person, in this case the Lord Almighty. And it is very important we handle these investigative matters in a way that is fair to the nominee and does justice to an investigation. And I believe it is important to improve the public confidence and to protect the legitimate rights of the nominee in our investigation.

So we have changed certain policies. I plan on changing certain policies concerning Supreme Court nominees as it relates to the investigative side. I laid out these investigatory reforms, which I will now intend to follow after the Thomas hearing last year. And they are in the speech that I asked to be put in the RECORD.

First, as in the past, the committee will review all, and fully, FBI reports on the nominee. Staff, and only staffers with security clearance predesignated, will review that file and other investigative materials on a confidential and bipartisan basis. An important change in procedure that I am going to implement, Madam President, has been adopted to ensure that the Judiciary Committee will not again be placed in the difficult position of possessing information about a Supreme Court nominee from a source unwilling to share that information with all other Senators.

So I want everyone to understand—everyone should understand this, and the press should know it, and my colleagues—any source, any individual, who comes to the Judiciary Committee with allegations against the Supreme Court nominee is now notified that all that information will be placed in the nominee's confidential file and shared, on a confidential basis, with all U.S. Senators, not just those on the committee, before the Senate votes on that nomination.

Second, because ultimately the questions with respect to investigations of Supreme Court nominees is the credibility and character of the nominee, the committee will conduct a closed session with all future nominees starting with Judge Ginsburg. No issues of policy or jurisprudence will be discussed in this closed portion of the hearing. The purpose of the session will be to ask the nominee face to face on the record under oath about any investigative issues that have been raised. The hearing will be conducted in accordance with Senate rule XXVI, which permits the committee to go into closed session to protect the privacy of the nominee in considering confidential information. And any Senator under the Senate rules who violates the confidentiality of that hearing is subject to expulsion from the U.S. Senate. A closed hearing will be conducted for each and every nominee whether or not there has been any investigative matter raised. It will be routine. So the holding of the closed hearing as part of the public hearing will be routine. And every single nominee, as long as I am chairman, will be part of that closed process I described.

The transcript of that session will be made part of the confidential record of the nomination and made available to all Senators under penalty of expulsion if they divulge the information. The closed session for Judge Ginsburg will be held on Friday, July 23. We will start the open session on Tuesday, July 20. That is when the hearing will begin. We will go into closed session routinely on this nomination and every other one several days into the hearing so any investigative matter can be dealt with in a closed session.

Third, to ensure that all Senators are aware of any charges in the committee's possession, the committee will

hold a closed, confidential briefing session for Senators on all Supreme Court nominations; Senators only, no staff. So every Senator should be put on notice. Before we close down the nomination hearing, in the Senate Judiciary Committee room—closed—any Senator, just like with the CIA material, will be able to come over himself or herself and sit down on a day designated with the investigative staff sitting there and ask any question about anything that has been raised and made available to them—all that has been raised.

At this briefing, all Senators will be invited, under rigorous restrictions to protect confidentiality, to inspect all the documents and reports we will have compiled. The briefing will be offered following the completion of the committee action and before the nomination goes to the floor. I intend these three steps to help restore the confidence in our investigative procedures and to reassure the public about the seriousness with which we take such matters as a part of the confirmation process and, equally important, to protect the integrity and privacy and the rights of the nominee.

I also hope that the whole of this nomination and confirmation process will contribute to enhance the confidence of the American people in the women and men who will serve on the Supreme Court.

I intend in these next few weeks to do all that I can to further these goals. I ask my colleagues in the Senate and on the Judiciary Committee to join me in considering the nomination of Ruth Bader Ginsburg fairly, efficiently, and with the public good foremost in our mind.

I thank the Chair.

I yield the floor.

EXHIBIT 1

REFORMING THE CONFIRMATION PROCESS: A NEW ERA MUST DAWN

(By Senator Joseph R. Biden, Jr., Chairman, Senate Judiciary Committee, June 25, 1992)

Seven years ago, Harvard Law School Professor Laurence Tribe reflected on what was then the second oldest Supreme Court in history and wrote, "A grayed Supreme Court is . . . a sort of Halley's Comet in our constitutional universe: a rare apparition arriving only once in each lifetime, burning intensely in our legal firmament for a brief period, before returning to the deep space of constitutional history." He added that a quiet period, in which there were just two Supreme Court nominations in 15 years, was "the calm before the constitutional storm that surely lies ahead," predicting that "sometime in this decade we will be tossed into the turbulent process that has gripped this nation in the past."

Today, after the naming of seven men to fill five vacancies on the Court in just five years, we find ourselves in the midst of the storm Professor Tribe forecast. In those five years, the United States Senate has endured three of the most contentious confirmation fights ever:

The 1986 nomination of William Rehnquist, who was confirmed with the most votes cast against any Justice in history;

The 1987 rejection of Robert Bork—at the end of an epic conflict between competing constitutional visions—and the subsequent withdrawal of Douglas Ginsburg just days after his selection to succeed Bork as the nominee;

And the fierce fight, in 1991, over Clarence Thomas's confirmation to the Court, which broke Chief Justice Rehnquist's record for receiving the most negative votes in Senate history.

The immediate product of these conflicts—the change at the Court over the past few years—has already been dramatic, but, as Duke University Professor Walter Dellinger has pointed out, there is every reason to believe that we may see as many as five more Justices retire within the next four years.

In all likelihood, then, we stand at only the half-way point in the remaking of the Supreme Court, with as many confirmation controversies in the coming Presidential term as we saw over the past two terms combined.

By the time we arrive at the next election year, in 1996, there is a substantial chance that no member of the Court who was serving in June of 1986 will remain on the bench. Such a complete replacement of the Court in just 10 years has only one precedent since the Court was permanently expanded to nine members over 100 years ago.

Today, as we stand at the midpoint of this dramatic change, I want to discuss what has transpired over the past few years with respect to the confirmation process. I also want to discuss the question of what should be done if a Supreme Court vacancy occurs this summer. And finally, I want to offer four general proposals for how, I believe, the nomination and confirmation processes should be changed for future nominations.

But let me start, first, with a consideration of the confirmation process of the past decade.

OLD PARALLELS, NO PARALLELS

As I mentioned earlier, President Reagan and Bush have named eight nominees for six positions on the Court during their Presidential terms. This is not the first time in our history that a strong, ideological President, and his loyal successor, have combined to shape the Court.

Presidents Washington and Adams made 18 nominations, of which 13 were confirmed and served among the Court's six Justices. Presidents Lincoln and Grant nominated 13 candidates for the Court, of whom 9 were confirmed and served. And Presidents Roosevelt and Truman named 13 Justices, all confirmed, in their combined terms of service.

What distinguishes the Reagan-Bush Justices from these historical parallels, however, is that half of them have been nominated in a period of divided government.

In the Washington-Adams period, a Federalist Senate joined with these Federalist Presidents to make the Supreme Court an institution that shared their vision of a single nation, with a powerful central government. In the Lincoln-Grant period, a Republican Senate joined with these Republican Presidents to insure that the Court would facilitate their vision for Reconstruction and national economic growth in the post-Civil War era. In the Roosevelt-Truman period, a Democratic Senate joined with these Democratic Presidents to steer the Court away from its hostility to the New Deal and other economic and social programs, and make it into an institution that deferred to the political branches in these areas and focused instead on the protection of individual rights.

In each of these times, a sweeping nationwide consensus existed—as reflected by the election to both of the political branches like-minded officials—which justified sweeping changes at the Supreme Court.

But over the past two decades, no such consensus has existed. Since 1968, Republicans have controlled the White House for 20 to 24 years; Democrats have controlled the Senate for 18 years of this period. The public has not given either party a mandate to remake the Court into a body reflective of a strong version of our respective philosophies—and both of our parties should honestly have conceded this fact.

Of course, this is not the first period when a divided government has been required to fill the Third Branch. About one-fifth of all Supreme Court Justices have been confirmed by Senates of a party different from the President's; one-third of all Justices confirmed since 1930 have been approved under these circumstances. It was a Senate controlled by Progressive Republicans and Democrats that confirmed three of President Hoover's four nominees for the Court and a Democratic Senate that reviewed and approved four Eisenhower nominees.

Yet in these previous periods of divided government—and indeed, in some periods where a President and the Senate shared the same party—Presidents have commonly taken the Constitution at its word and asked for the Senate's "advice" as well as its "consent." These Presidents have consulted with the Senate about their choices for the Court and have chosen nominees with balanced or diverse ideologies.

Thus, the conservative Republican Hoover named conservative Chief Justice Charles Evans Hughes, but also named the moderate Owen Roberts and the liberal Benjamin Cardozo—the latter after heated Executive-Senate consultations.

Similarly, President Eisenhower's choices for the Court included conservatives John Harlan and Charles Whittaker, moderate Potter Stewart and liberals Earl Warren Brennan. Even President Nixon—who showed no reluctance to take full advantage of Presidential prerogatives—balanced his choices of conservatives Warren Burger and William Rehnquist, with the moderate Republican Harry Blackmun and the conservative Democrat Lewis Powell.

A DANGEROUS NEW PATH

This, of course, has not been the model that Presidents Reagan and Bush have followed. Instead, even lacking the broad support for their vision of the Court which Presidents Washington and Adams, Lincoln and Grant, and Roosevelt and Truman had, Presidents Reagan and Bush have tried to recast the Court in their ideological image, as these Presidents did.

Put another way: this is not the first time that a tandem of Presidents have sought to remake the Supreme Court, nor is it the first time that divided government has had to fill a number of seats of that body—but it is the first time the both have been attempted simultaneously.

And that, more than anything else, has been at the root of the current controversy surrounding the selection of Supreme Court Justices.

It was to cope with this stress—a stress created by the decisions of Presidents Reagan and Bush to attempt to move the Court, ideologically, into a radical new direction which this country does not support—that the modern confirmation process was created.

And on this point, there should be no doubt or uncertainty: the use that Presidents Reagan and Bush made of the Supreme Court

nominating process, in a period of divided government, is without parallel in our history. It is this power grab that has unleashed the powerful and divisive forces that have ravaged the confirmation process.

If the American people are dissatisfied with where they find this process today, they must understand where the discord that has come to characterize it began: with Presidents Reagan and Bush and their decision to cede power in the nominating process to the radical right within their administration.

AN UNPRECEDENTED PROCESS TO COPE WITH UNPRECEDENTED CHALLENGES

It was in the face of this unprecedented challenge to the Supreme Court selection process that we, in the Senate, developed an unprecedented confirmation process.

The centerpiece of this new process was a frank recognition of the legitimacy of Senate consideration of a nomination of a nominee's judicial philosophy as part of the confirmation review. At the time I first set forth this notion, during the Bork confirmation debate, it was widely controversial. Yet scholarly works, reaffirmed by the recent article by Chicago Professors David Strauss and Cass Sunstein, have always found a solid basis for this approach, in the intentions of our framers and the history of our nation.

In my view, the debate over the Senate's review of ideology has been fruitful. We have quashed the myth that the Senate must defer to a President's choice of a Supreme Court Justice—the men and women at the apex of the independent, Third Branch of government—as the Senate properly does for nominees for the Executive Branch.

The role of the Senate as a vital partner in reviewing Supreme Court nominations has been enhanced. And the debate over this role has caused even those who were initially skeptical—like Professor Henry Monaghan, who outlined the grounds for his "conversion" in a 1988 article in the Harvard Law Review—to join in a broad consensus over the propriety of more active Senate participation in this process.

More fundamentally, the serious and profound debate that the Bork nomination sparked was among the most important national discussions about our constitution, its meaning and the direction of our Supreme Court this century. Before the Bork confirmation fight, the legacy of the Warren Court was seen as tenuous by scholars and was ill-supported by the public. The legal right thought that "judicial activism" was a rallying cry that would move Americans against the Court's protection of personnel freedoms, its one person/one vote doctrine and other progressive decisions. And the legal left feared that the right might be correct in its assessment of popular opinion.

But the public reaction to Judge Bork's views—its rejection of the right's legal philosophy and judicial shibboleths—proved just the opposite. And while some aspects of the Warren Court legacy remain under assult—particularly in the area of criminal law—others have been irrevocably secured in the hearts and minds of most Americans—such as the Court's recognition of a right to privacy, inviolable by the state. That could not have been said before the Bork confirmation fight and yet it can be safely proclaimed today.

Nor do I limit the successes of this process to the Bork rejection only. I am equally satisfied, albeit for different reasons, as to how the process functioned in approving Justices Kennedy and Souter.

As I said when I supported these confirmations, neither man is whom I would have chosen were I President. But each reflects a balanced selection—a non-ideological conservative—that stands between the White House's philosophy and the Senate's. While I have disagreed with some decisions by each of these two jurists, I know that President Bush must say the same: such as with Justice Kennedy's vote to strike down the Texas Flag Protection statute.

Justice Kennedy has written several progressive opinions in the area of freedom of speech; he expressly rejected Justice Scalia's formula for limiting the right to privacy, in the Michael H. case; he has ruled for criminal defendants in three, critical, five-to-four decisions; and he wrote the opinion that overturned 200 years of practice in our courts, to ban private parties from using racial considerations in striking potential jurors.

While Justice Souter has less of a track record, he, too, has shown his independence. He is on the record categorically rejecting the Supreme Court's new, restrictive test for protecting religious freedom; he has sided with narrow Court majorities to extend the Voting Rights Act to cover judges and Title VII to strike down all fetal protection policies; and he has joined "liberal" justices in dissenting in several free speech cases.

Again, both men have issued some opinions that I sharply reject. But in a period of divided government, both were the sort of compromise candidates who are appropriate for the Court and whose confirmations I supported.

In my view, the contemporary confirmation process functioned well in rejecting Judge Bork and in approving Justices Kennedy and Souter. And yet, sadly, even in so succeeding, one could see within that process the seeds of the explosion that was to come with the Thomas nomination—and the destructive forces that were going to tear it apart.

THE THOMAS NOMINATION: AN INEVITABLE EXPLOSION

As I said earlier, the root of the current collapse of the confirmation process is the administration's campaign to make the Supreme Court the agent of an ultra-conservative social agenda which lacks support in the Congress or in the country. In describing, as I am about to, how the resulting reactions by different forces and factions have brought about the difficulty we now face, I do not want anyone to lose sight of the fact that it is the administration's nominating agenda that is the root cause of this dilemma.

This is, if you will, the "original sin" which has created all the problems that plague the process today: the administration's desire to placate the right wing of its party, which is driven buy a single issue—overturning Roe v. Wade. To the members of this Republican faction, no mere conservative, such as Justice O'Connor or Justice Powell, is "safe"—the administration is urged to reach for a Scalia, a Bork, a Thomas.

But if this is the original sin behind today's woes, it is not the only cause of the confirmation deadlock. And here, there are three consequences of this Reagan-Bush nominating strategy that have contributed to the problem.

First, Democrats and moderate Republicans have played into the hands of the Republican Right by accepting Roe as a divining rod in reverse—making a nominee's views (or refusal to state his views) on this question the overriding concern of confirmation.

Yet in joining the right in permitting a single issue to dominate the debate, the center and the left have lost sight of the fact that nominees who are chosen by Republican ultra-conservatives tend to embrace other constitutional and jurisprudential views, unrelated to abortion, but equally at the far end of the spectrum.

Put another way: the center and the left, which won such broad public support for their position against Judge Bork's nomination, have allowed themselves, too, to be defined as single-issue participants. This has given rise to even more frustration about the process—from both participants and observers—and was one cause of the schism that emerged in the Thomas confirmation debate.

Moreover, the focus on Roe prevents the Committee from exploring many legitimate issues in our hearings, because questions about the nominee's views on many matters—from the cutting-edge issue of the right to privacy to the age-old legal doctrine of stare decisis—are immediately assumed to be covert questions about abortion. Among the most frustrating aspects of the Souter and Thomas hearings was that when I tried to question the nominees on whether they thought individuals had a right to privacy, everyone—the press, the public, the nominees, my colleagues—thought that I was trying to ask about abortion in disguise.

No matter how many times I said, frankly, "No, this question is not about abortion. I want to know how you will face the many unknown questions that will confront the Court into the 21st Century; I must know whether you think individuals have a right to privacy?"—no matter how many times I insisted, everyone believed I was asking about abortion. That is just how powerfully that issue dominates our process.

Second, in the period between the Bork and the Thomas nominations, there developed what could be called an unintended "conspiracy of extremism," between the far fringes of the right and the left, to undermine the confirmation process, and to question the legitimacy of its outcomes.

Simply put, the right could not accept that any process which resulted in the rejection of Judge Bork was fair or legitimate. Notwithstanding the contemporaneous declaration of many Republican Senators that the hearings and process for handling the Bork nomination were fair, a subsequent mythology has developed that claims otherwise.

We are told that the hearings were tilted against Bork—but there were more witnesses who testified for him then who appeared in opposition. I have heard his defeat blamed on the scheduling of the witnesses—but we simply alternated, pro and con, one panel after the other. The list of excuses goes on and on. It was the camera angle; the beard; the lights; the timing—all unfair, we are told.

In sum, the conservative wing of the Republican Party has never accepted the cold, hard fact that the Senate rejected Judge Bork because his views came to be well understood and were considered unacceptable. And because this rejection of their core philosophy is inconceivable to the legal right, they have been on a hunt for villains ever since.

They have attacked the press, as in a recent, intemperate speech by a conservative federal judge bashing two New York Times reporters who are among the finest to cover Supreme Court hearings. But most of all, these movement conservatives have attacked the confirmation process itself, and the Senate for exercising its constitutional duties to conduct it.

At the same time, the left, too, has clothed its frustration with its inability to persuade the American public of the wisdom of its agenda, in anger about the confirmation process as well.

The left has refused to accept the fact that when one political branch is controlled by a conservative republican and the other has its philosophical fulcrum resting on key Southern Democrats, who hold the balance on close votes in the Senate, it is inevitable that the Court is going to grow more conservative. Acceptable candidates must be found among those who straddle this ideological gulf, such as Justices Kennedy and Souter, who were approved by a combined total of 188 to 9 in the Senate.

Efforts to persuade the Senate and the public of something else—of either the soundness of the liberal social agenda, or of the view that the only acceptable Justices are those who adhere to it—have been unsuccessful. And, as with the right, this has resulted in the left, too, blaming the process for its failure to win public support.

The confirmation process has thus become a convenient scapegoat for ideological advocates of competing social visions—advocates who have not been able to persuade the generally moderate American public of the wisdom of either of their views, when framed in the extreme. In effect, then, these advocates have joined in an ad hoc alliance, left and right, to undermine public confidence in a process aimed at moderation—hoping, perhaps, to foment a great social and cultural war in which one or the other will prevail.

Third, the confirmation process has been infected by the general meanness and nastiness that pervades our political process today. While I believe they played little or no role in the outcome, the inaccurate television ads that were run against Judge Bork's confirmation only taunted increasingly cutting responses from the right.

The Thomas nomination included a level of personal bitterness that may be typical of our modern political campaigns but is destructive to any process dependent on consensus.

After the nomination was announced, one opponent of Judge Thomas threatened to "Bork him"—a menacing pledge that served no purpose. And then, as the hearings were about to begin, the same conservative group that produced the infamous Willie Horton ads ran television commercials attacking several members of the Judiciary Committee—myself included—intending to intimidate our review of the nomination.

I find it ironic that we can recognize the cost—if not find answers for—this nastiness in the context of Presidential elections, but lack the same insights with respect to the Supreme Court confirmation process.

Many of the same voices who have criticized the committee for not going "hard enough" after allegations that Judge Thomas had improper travel expenses, spitefully transferred a whistleblower at EEOC, or was friends with a pro-apartheid lobbyist—many of these critics of our Committee are among the first to bemoan the fact that the Presidential campaign of 1992 has been dominated by questions of personal wrong-doing instead of the "real issues."

I, too, believe that the nation would be better off if the current campaign was centered on disputes over public policy rather than gossip about marital fidelity and marijuana use. But I must say that the same is true about our review of Supreme Court nominees: the nation is enriched when we explore their jurisprudential views; it is debased when we plow through their private lives for "dirt."

As with Presidential campaigns, the press—perhaps because it is easier, perhaps because it sells papers—has too often focused their coverage of Supreme Court nominees on such gossip and personal matters, rather than on the substantial—but difficult—task of trying to discern their philosophy and ideology.

Let me make it clear, here, that I am not now speaking of Professor Hill's allegations against Judge Thomas, which were certainly serious and significant enough to merit the full investigation that the Committee conducted, both before and after their public disclosure. Rather, I am speaking of the numerous lesser allegations against nominees Bork, Kennedy, Souter and Thomas which the most extreme Committee critics say we have done too little to pursue.

Some examples of what these critics wanted to see us delve into come to mind: Judge Bork had his video rental records exhumed and studied for possible rental of pornographic films. Judge Souter has his marital status questioned and felt obligated to produce ex-girlfriends to testify to his virility. Judge Thomas was assaulted by a whispering campaign that spread unsubstantiated rumors of about the cause of the end of his first marriage.

Each time, the airing of these charges enraged Republican allies of these nominees, who considered the charges unfair and a violation of their right to privacy. And each time, when the Committee—at my direction—refused to explore these tawdry rumors, the more extreme critics of our process grew more and more frustrated with the results.

This was another tension which came to a head during the Thomas nomination and which exploded when Professor Hill's charges were made public.

To sum up, then: the confirmation process launched in 1987—an attempt to provide a means for dealing with the Reagan-Bush campaign to transform the Supreme Court ideologically at a time when those ideological views lacked public support—has been torn asunder. The process lacks the sort of broad-based support that could make it work, and its credibility has been slowly eroded by the criticism it has received from both liberal and conservative ideologues.

A legitimate process that was built in good faith to identify and confirm consensus nominees has been destroyed by many of the same corrosive influences that have so devastated our Presidential politics and our national dialogue on public affairs.

Consequently, it is my view that—particularly if the reality of divided government during a time of great change at the Court continues in the next administration—future confirmations must be conducted differently than the preceding ones. The pressures and tensions on the existing process—which exploded during the Thomas nomination fight—make a restoration of what came before Judge Thomas's nomination—even if it was desirable—a practical impossibility.

THE UNIQUE HISTORY OF ELECTION YEAR NOMINATIONS

Having said that, we face one immediate question: Can our Supreme Court nomination and confirmation processes, so racked by discord and bitterness, be repaired in a Presidential election year? History teaches us that this is extremely unlikely.

Some of our nation's most bitter and heated confirmation fights have come in Presidential election years. The bruising confirmation fight over Roger Taney's nomination in 1836; the Senate's refusal to confirm four nominations by President Tyler in 1844; the single vote rejections of nominees Badger and Black by lame duck Presidents Fillmore and Buchanan, in the mid-19th Century, and the narrow approvals of Justices Lamar and Fuller in 1888 are just *some* examples of these fights in the 19th century.

Overall, while only one in four Supreme Court nominations has been the subject of significant opposition, the figure rises to one out of two when such nominations are acted on in Presidential election years.

In our own century, there are two particularly poignant cases. The 1916 confirmation fight over Louis D. Brandeis, one of America's great jurists—a fight filled with mean-spirited anti-semitic attacks on the nominee—is an example of how election year politics can pollute Senate consideration of a distinguished candidate. And the 1968 filibuster against Abe Fortas' nomination—an assault that was launched by 19 Republican Senators, before President Johnson had even named Fortas as his election—is similarly well known.

Indeed, many pundits on both the left and the right questioned our Committee's ability to fairly process the Bork nomination—a year before the 1988 campaign—without becoming entangled in Presidential politics. While I believe this concern was misplaced, and ultimately disproved, it illustrates how fears of such politicization can undermine confidence in the confirmation process. Moreover, the tradition against acting on Supreme Court nominations in a Presidential year is particularly strong when the vacancy occurs in the summer or fall of that election season.

Thus, while a few Justices have been confirmed in the summer or fall of a Presidential election season, such confirmations are rare—only five times in our history have summer or fall confirmations been granted, with the latest—the latest—being the August 1846 confirmation of Justice Robert Grier.

In fact, no Justice has ever been confirmed in September or October of an election year—the sort of timing which has become standard in the modern confirmation process. Indeed, in American history, the only attempt to push through a September or October confirmation was the failed campaign to approve Abe Fortas' nomination in 1968. I can not believe anyone would want to repeat that experience today.

Moreover, of the five Justices who were confirmed in the summer of an election year, all five were nominated for vacancies that had arisen before the summer began. Indeed, Justice Grier's August confirmation was for a vacancy on the Court that was more than two years old, as was the July confirmation of Justice Samuel Miller, in 1862.

Thus, more relevant for the situation we could be facing in 1992 is this statistic: six Supreme Court vacancies have occurred in the summer or fall of a Presidential election year, and never—not once—has the Senate confirmed a nominee for these vacancies before the November election.

In four of these six cases—in 1800, 1828, 1864 and 1956—the President himself withheld making a nomination until after the election was held. In both of the two instances where the President did insist on naming a nominee under these circumstances—Edward Bradford in 1852 and Abe Fortas in 1968—the Senate refused to confirm those selections.

Thus, as we near the summer of this Presidential election year, it is time to consider whether this unbroken string of historical tradition should be broken.

1992: CONFIRMATIONS AND ELECTIONS DO NOT MIX

In my view, what history supports, common sense dictates in the case of 1992.

Given the unusual rancor that pervaded the Thomas nomination; the need for some serious reevaluation of the nomination and confirmation processes; and the overall level of bitterness that infects our political system, it is my view that the prospects for anything but conflagration with respect to a Supreme Court nomination this year are remote.

Of Presidents Reagan's and Bush's last seven selections for the Court, two were not confirmed and two more were approved with the most votes cast against them in U.S. history. We have seen how, in my view, politics has played far too large a role in the Reagan and Bush nominations to date; one can only imagine that role becoming over-arching if a choice is made this year.

Should a Justice resign this summer and the President move to name a successor—actions that will occur just days before the Democratic Presidential Convention and weeks before the Republican Convention meets—a process that is already in doubt in the minds of many will become distrusted by all. Senate consideration of a nominee under these circumstances is not fair to the President, the nominee, or the Senate itself.

Where the nation should be treated to a consideration of constitutional philosophy, all it will get is partisan bickering and political posturing—from both parties, from both ends of Pennsylvania Avenue.

As a result, it is my view that if a Supreme Court Justice retires or resigns at the end of this term, President Bush should consider following the practice of a majority of his predecessors, and not name a nominee until after the November election.

The Senate, too, must consider how it would respond to a Supreme Court vacancy that would occur in the full throes of an election year. It is my view that, if the President goes the way of Presidents Fillmore and Johnson, and presses an election year nomination, the Senate Judiciary Committee should seriously consider not scheduling confirmation hearings on the nomination until after this political campaign season is over.

Some would criticize such a decision and say that it was nothing more than an attempt to "save the seat" in hopes that a Democrat will be permitted to fill it. But that would not be our intention, if that were the course we chose. Instead, it would be our pragmatic conclusion that, once the political season is underway, action on a Supreme Court nomination must be put off until after the election campaigning is over. That is what is fair to the nominee, and to the process.

Others may fret that this approach would leave the Court with only eight members for some time. But as I see it, the costs of such a result—the need to reargue three or four cases that will divide the Justices four-to-four—are quite minor. And in the end, this may be the only course of action that historical practice and practical realism can sustain.

FOR THE FUTURE: A NEW PROCESS, OR NO PROCESS AT ALL

But my purpose today is not limited to addressing the prospect of a Supreme Court confirmation battle in 1992; rather, my goal is to offer my views on how the process must be changed in the years following 1992—in four years that may, as I suggested at the outset—produce even more change at the Court than we have seen in this current Presidential term, or the preceding one of President Reagan.

And though the actual implementation of any of these proposals is still a long time away, I want to lay them out now, in advance of any existing Court vacancies, or awareness of the election results. In this way, all of the participants in the process can be clear, well in advance, of how I intend to approach any future nominations.

One other note: though my remarks lay out principles I will follow no matter who wins the Presidential election and no matter which Party controls the Senate, they will address primarily the prospect that President Bush wins reelection and the Democrats continue to have a Senate majority. If, by some chance, the Republicans take the Senate, my views on the process would not change—though they become vastly less significant.

Similarly, if Governor Clinton should win this fall, then my views on the need for philosophical compromise between the branches would not be softened, but rather, the prospects for such compromise would be naturally enhanced.

With this in mind, let me start with the nominating process and how that process might be changed in the next administration.

COOPERATION OR CONFRONTATION: NO OTHER OPTIONS

It seems clear to me that, with the Bush administration, the process of selecting Supreme Court nominees has become dominated by right-wing ideologues, intent on using the Court to implement an ultra-conservative social agenda that the Congress and the public have rejected.

As I detailed during the hearings and subsequent confirmation debate over Judge Thomas's nomination, this agenda involves changing all three of the pillars of modern constitutional law:

First, it proposes to reduce the high degree of protection that the Supreme Court has given to individual rights, when those rights are threatened by government intrusion—imperiling our freedoms of religion, speech and personal liberty.

Second, it proposes to vastly increase the protection given to the interests of property, when our society seeks to regulate the uses of such property—imperiling laws concerned with the environment, worker safety, zoning and consumer protection.

And third, it proposes to radically alter the separation of powers, to move power to the Executive Branch—imperiling the bipartisan independent regulatory agencies and the modern regulatory state.

As I noted before, efforts to transform the confirmation process into a good faith debate over these philosophical matters—as was the Bork confirmation process—have been thwarted by extremists in both parties and by cynics who have urged nominees to attempt to conceal their views to the greatest extent possible.

And the President, unwilling to concede that his agenda in these three areas is at odds with the will of the Senate and the American people, seems determined to continue to try to remake the Court—and thereby, remake our laws—in this direction.

In light of this, I can have only one response: either we must have a compromise in the selection of future Justices, or I must oppose those who are the product of this ideological nominating process. To put it another way: if the President does not restore the historical tradition of genuine consultations between the White House and the Senate on Supreme Court nominations, or instead restore the common practice of Presidents who chose nominees who strode the middle ground between the divided political branches, then I shall oppose his future nominees, immediately upon their nomination.

This is not a request that the President relinquish any power to the Senate, or that he refrain from exercising any prerogatives he might have. Rather, it is my statement that unless the President chooses to do so, I will not lend the power that I have in this process to support the confirmation of his selections.

As I noted before, the practice of many Presidents throughout our history supports my call for more Executive-Senate consultations. More fundamentally, the text of the Constitution itself—its use of the phrase "advice and consent" to describe the Senate's role in appointments—demands greater inclusion of our views in this process.

While this position may seem contentious, I believe that it is nothing more than a justified response to the politicization of the nominating process. To take a common example: the President is free to submit to Congress any budget that he chooses. He can submit one that reflects his conservative philosophy, or one that straddles the difference between his views and ours. It is his choice. But when the President has taken the former course, no one has been surprised or outraged when Democrats like myself have responded by rejecting his proposal outright.

If the President works with a philosophically differing Senate, or he moderates his choices to reflect this divergence, then his nominees deserve consideration and support by that Senate. But when a President continues to ignore this divide—and to pick nominees with views at odds from the constituents who elected me, with an even larger margin than they supported him—then his nominees are not entitled to my support in any shape or form.

Some will view this position as contentious, while still others say that it is not confrontational enough. They suggest that since the Court has moved so far to the right already, that it is too late for a progressive Senate to accept compromise candidates from a conservative administration.

But I believe that, so long as the public continues to split its confidence between the branches, compromise is the responsible course for both the White House and the Senate. Therefore, I stand by my position: if the President consults and cooperates with the Senate, or moderates his selections, then his nominees may enjoy my support, as did Justices Kennedy and Souter. But if he does not, as is the President's right—then I will oppose his future nominees, as is my right.

BEFORE THE HEARINGS: MORE DISCUSSION, LESS DRAMA

Once a nomination is made, the evaluation process begins. And here, there has been a dramatic change from the Bork nomination in 1987 to the Thomas nomination last year.

Let me start with this observation: in retrospect, the actual events surrounding the nomination of Judge Bork have been so misremembered that observers have completely overlooked one great feature of these events—that in most respects, the Bork nomination served as an excellent model for how a contemporary nomination and confirmation debate should be conducted.

Shortly after Judge Bork was nominated, after studying his record, writings and speeches, I announced my opposition to his

confirmation. Several other members of the Judiciary Committee did the same.

What ensued was, I think, an educational and enlightening summer. I laid out the basis for my position in two major national speeches; other Senators did likewise. The White House issued a very detailed paper, proposing to outline Judge Bork's philosophy; a group of respected consultants to the Committee issued a response; and the administration put out a response to that response.

While there were excesses in this debate—as I mentioned earlier—by and large, it was an exchange of views and ideas between the two major constitutional players in this controversy—the President and the Senate—which the nation could observe and evaluate. The fall hearings, then, were significant—not as a dramatic spectacle to see how Senators should jockey for position on the nomination—but to see the final act of this debate.

Unfortunately, though, those of us who announced early opposition to Judge Bork were roundly criticized by the media: major newspapers accused me of rendering a "verdict first, trial later" for the nominee. I say that this was unfortunate because this criticism of our early positioning on the Bork nomination has resulted in, as I see it, four negative consequences on the confirmation process.

First, it gave rise to a powerful mythology that equates confirmation hearings to something closer to trials than legislative proceedings. The result has been, in the end, even more criticism for the process, when the hearings do not meet this artificial standard. Confirmation hearings are not trials—they are Congressional hearings; Senators are not judges—we are Senators; our decision on a nominee is not a neutral ruling as a judge would render—it is, as the Constitution designed it a political choice about values and philosophy.

We should junk this trial mythology and the attendant matters that go with it: arcane debates over which way the "presumption" goes in the confirmation process; over what the standard of review is; over which side has the burden of proof. All of these terms and ideas are inapt for our decision making on confirmation, as they are for our decision making on passing bills or voting on constitutional amendments.

Second, the criticism of taking early stands on nominees has pushed Senators out of the summer debate over confirmation and has left that debate to others: most especially, the interest groups of the left and the right. Instead of an exchange of ideas, then, the summer becomes Washington at its worst: the nominee hunkers down with briefers at the Justice Department, preparing for the hearings as a football team prepares for a game. Outside the two branches, busy efforts are under way to form coalitions, launch TV attack campaigns, issue press releases and shout loudly past one another.

This transformation hit its apex during the Thomas nomination, when, by my count, there were twice as many summer news stories about how interest groups were lining up on the nomination than there were about the nominee's views. As with our Presidential campaigns, public attention in the pre-hearing period has been turned away from a debate by principals about the real issues into a superficial scrutiny of the "horse race"—"Is the nominee up, or is he down today?"—and discussions among spin doctors, insiders and pundits.

The only way to move the focus from the tactics of the confirmation debate to the substance of it is for Senators to stake out positions on a nomination, if possible, and debate them freely before the hearings begin. Where Senators remain undecided about the nomination, I hope more will do what I did with the Souter and Thomas nominations, and try to publicly address the issues of concern for confirmation before the hearings get under way.

Third, the taboo against early opposition to a nominee has created an imbalance in the pre-hearing debate over confirmation, for it seems that no similar taboo exists against pre-hearing support for a nominee: in the case of Judge Thomas, while no Senator announced his opposition to confirmation before the hearings started, at least 30 announced their support for the nominee before the Committee first met.

Thus, Senator Rudman, for Judge Souter, and Senator Danforth, for Judge Thomas—along with many other Senators—became outspoken advocates for confirmation from day one, while no Senator spoke in opposition. In my view, such an imbalance is unhealthy, and again, puts too much responsibility for, and control over, the confirmation debate in the hands of interest groups instead of elected officials.

Fourth, and perhaps least obviously, the taboo against early opposition to a nominee has contributed to making the confirmation hearings a far too significant forum for evaluation a nominee.

Conservative critics of the modern hearing process often note that for the first 125 years of our history, we reviewed Supreme Court nominations without confirmation hearings. Yet what they ignore is that the rejection rate of such nominees was even higher—and the grounds of rejection, far more partisan and far less principled—than it has been since such hearings were begun.

In my view, confirmation hearings—no matter how long, how fruitful, how thorough—can not alone provide a sufficient basis for determining if a nominee merits a seat on our Supreme Court. Here again, the burden of the trial analogy unfortunately confuses the role of the hearings instead of elucidating it.

As they did before there were confirmation hearings, Senators—and the public—should make their determination about a nominee based on his or her record of service, writings and speeches, background checks and investigations, a review of the nominee's experience and credentials, and a weighing of the views of the nominee's peers and colleagues.

To put it another way: we have hearings not to prove the case *against* the nominee, but rather, in an effort to be fair to the nominee, and give that nominee the chance to explain his or her record and writings to the Committee. Thus, the hearings can be the crowning jewel of this evaluation process—a final chance to clear up confusion or firm up a soft conclusion—but they can not be the entire process itself. Anything we can do to broaden the base on which Senators make their decisions will be a valuable improvement in the confirmation process.

IF THE QUESTIONS ARE PROPER, THEY MUST BE ANSWERED

Having urged a lessening in significance of the hearings, I nonetheless want to suggest some changes for this part of the process, too. And here, in this third area of reform, I have focused on the questioning of the nominee at his or her confirmation hearing.

As I talk to people about the confirmation process, one of the questions I am most often asked is, "Why didn't you *make* the nominee answer the questions?" As I have said time and again, the choice about what questions to ask belongs to us on the Committee; the choice about what questions to answer belongs to the nominee. Lacking any devices of the Medieval Inquisition, we have no way, as Senators, to *make* someone answer questions.

Having said that, though, I do not want to undercut my strong displeasure with what has happened to this aspect of the confirmation process since the Bork hearings. As most people know, Judge Bork had a full and thorough exchange with the Committee. After his defeat, many "experts" on the confirmation process came to associate this frankness with the outcome.

But this is a false lesson of the Bork confirmation. I believed then, and I believe now, that Judge Bork would have been rejected by an even larger margin had he been less forthcoming with the Committee. And Justices Kennedy and Souter, with some exceptions, particularly in the area of reproductive freedom, were likewise fairly discursive in their answers to our questions, and they were overwhelmingly confirmed.

In contrast, Judge Thomas, who had the beginnings of a judicial philosophy that was quite conservative, decided not to be as forthcoming as were Justices Kennedy and Souter. Moreover, because the written record to establish his views was not as fully developed as Judge Bork's, Justice Thomas concluded that he did not need to use the hearings as an opportunity to try to explain his philosophy—to garner support notwithstanding it—as Bork had.

As a result, we saw in the Thomas hearings what one of my colleagues called a version of a "ritualized, Kabuki theater." Committee members asked increasingly complex and tricky questions in an effort to parry the nominee's increasingly complex and tricky dodges. To gain advantage, perhaps some on the Committee asked questions which we knew the nominee would not—could not—answer. Perhaps the nominee dodged some questions which he knew he could—should—answer, but chose not to because he saw little cost in it.

In the end, each side struggled for advantage in a debate that generated far more heat than light. If we are to refocus the confirmation process so it pivots on a nominee's philosophy, instead of questions of personal conduct, then the hearings must be a forum for a full exploration of that philosophy.

Conservatives can not have it both ways; they can not ask us to refrain from rigorous questioning of judicial philosophy and instead focus on a nominee's personal background—as they did during the early phase of the Thomas nomination—and then complain loudly when this examination of personal background turns into a bitter exploration of the nominee's conduct and character. This turn in the process was the product of *their* disdain for our questioning on jurisprudential views, more than anything else.

The Senate can not force nominees to answer our questions. But as I voted against Judge Thomas's confirmation, in part, because of his evasiveness, I will not countenance any similar evasion on the part of any future nominees. To make this point as clearly and as sharply as possible, I want to state the following view: In the future, I will be particularly rigorous in insuring that every question I ask will be one that I believe a nominee *should* answer; and if the nominee declines to do so, I will, unless otherwise assured about a nominee's approach to the area in question, oppose that nominee.

Again, this is not to say that all nominees should have answered every question directed to them by the Committee in the

past—some refusals, such as those by Justice Marshall, during his confirmation hearings, were wholly proper. I am not saying that I will vote against any nominee who refuses to answer any question by any Senator. But if we are to redeem this process—give it clear guidelines and rules that all will know, and make it focus more on philosophy and less on personality—then the basic principle I have laid out must be included. As a Senator, I can not make a nominee answer those questions I deem appropriate and important—but I need not vote for one who refuses to do so, either. And I will not.

NEW PROCEDURES FOR INVESTIGATIVE MATTERS

Fourth, we must address the manner in which the Committee handles investigative matters concerning Supreme Court nominees.

No aspect of the confirmation process has been more widely discussed than our handling of Professor Hill's allegations against Judge Thomas before those charges became public.

Many have questioned whether we took Professor Hill's charges seriously, investigated them thoroughly and disseminated them appropriately. In my view, we did all of these things, within the limits that Professor Hill herself placed on us.

I wrestled at length with the difficult decisions we faced. We can debate these anguishing choices over and over again—Should we have overridden Professor Hill's wishes for confidentiality? Should we have pushed her to "go public" with her charges even if she did not choose to do so?

People of good conscience can differ over these and the other dilemmas we faced. But in my view, the anger with the Committee's handling of this matter goes far beyond how we resolved these difficult questions.

As I see it, the firestorm surrounding the Hill charges is an understandable rage, fueled by misperceptions of the facts and ignited by disgust with the way in which Republican Senators questioned Professor Hill and Judge Thomas at the public hearings.

But even this alone does not explain it, for this anger is rooted, at bottom, in a justifiable frustration with the lack of representation of women in our political system. Many Americans were, and still are, properly mad that there were no female members of the Judiciary Committee when we heard Professor Hill's charges. I, for one, join these people in the movement to make the 1992 elections a watershed on this front.

And yet, there is a still bigger issue at stake, for the public outcry over these hearings was not about Clarence Thomas; it was not about Anita Hill. It was about years of resentment by women for the treatment they have suffered from men in the workplace, in schools, on the street and at home. It was about a massive power struggle going on in this country, a power struggle between women and men; between minorities and the majority. These are issues that deeply divide us as a nation—issues of gender, race and power—issues that were front and center at those dramatic hearings last fall.

I believe our handling of Professor Hill's charges, prior to their public disclosure, was proper. But I also believe that there are some things we should do differently in the future, to improve public confidence in our handling of investigative matters.

First, I do not want the fourteen members of the Judiciary Committee, ever again, to be placed in the awkward position of possessing information about a Supreme Court nominee which it has pledged to keep confidential from other members of the Senate, as we did with Professor Hill's charges.

In the future, all sources will be notified that any information obtained by the Committee will be placed in the FBI file on the nominee and shared on that confidential basis with all Senators, before the Senate votes on a Supreme Court nomination.

Second, to insure that all Senators are aware of any charges in our possession, the Committee will hold closed, confidential briefing sessions concerning all Supreme Court nominees in the future.

All Senators will be invited, under rigorous restrictions to protect confidentiality, to inspect all documents and reports are compiled.

Third, because, ultimately, the question with respect to investigations of a Supreme Court nominee is the credibility and character of that nominee, in the future, the Committee will routinely conduct a closed session with each nominee to ask that nominee—face-to-face, on the record, under oath—about all investigative charges against that person.

This hearing will be conducted in all cases, even when there are no major investigative issues to be resolved, so that the holding of such a hearing can not be taken to demonstrate that the committee has received adverse confidential information about the nominee. The transcript of that session will be part of the confidential record of the nomination made available to all Senators.

No doubt, these rules, too can be criticized. Frankly, there are no easy answers when questions of fairness, thoroughness, civil liberties and the future of the Supreme Court collide. Other changes, too, may be needed, and I shall consider them as they are proposed.

But I hope that these three steps will help increase confidence in our investigative procedures and the seriousness with which we take such matters as part of the confirmation process.

OUR INSTITUTIONS ENDURE, BUT WHAT OF PUBLIC CONFIDENCE IN THEM?

Let me conclude, now with a painful fact: the picture I have painted today about the state of my confirmation process and the future of our Supreme Court, is largely negative. I am afraid that my tone is as it must be, for though my fundamental optimism about this country remains unshaken, I know that the public's confidence in our institutions is not. Americans believe that their President is out of touch with their lives; their Congress is out of line with their ethical standards; and their Supreme Court is out of synch with their views.

I can not predict whether the current political season will be the first step in restoring lost confidence in our institutions, or the final act in shattering it. I only know that when this year is over—whoever wins control of the White House and the Senate this November—rebuilding trust between the American people and their government must be a preeminent goal.

The confirmation process is an important component of such a reform agenda, for three reasons. First, it is a highly visible public act: more people watched the Thomas confirmation hearings than any act of American governance, ever, in our history. As a result, citizens' perceptions of the confirmation process profoundly color their perceptions of their government as a whole.

Second, the confirmation process is the one place where all three of our branches come together: the President and the Senate decide jointly whether a particular person will become a member of the Court. Thus, the confirmation process asks the question, "Can the branches function together, as a government?" That is a vital question to the American people, and how the confirmation process functions does much to shape their sense of the answer to that question.

Third, the confirmation process—at its best—is a debate over the most fundamental that shape our society: a debate about the nature of our Constitution, in both the literal and symbolic sense. What kind of country are we; what rights do we respect; what powers do we cede to the government?—these are the questions that the confirmation process forces us to ask.

However this process operates, our institutions will endure. But unless this process is required—unless all three branches take their responsibilities to it, to each other and to the American people seriously—the credibility of these institutions will continue to suffer.

To some, this may be of little concern. Indeed, some may be quietly pleased to see the public further lose faith in its government. But for those, who, like I, still believe that the government can be the agent of social change; that our institutions can be harnessed to make our nation a more just, safe and prosperous country—the growing division between the American people and their government is a disheartening development.

Unless that fundamental trust is restored, there is no hope that the American people will put confidence in their elected officials to rebuild our economy; to provide for the needs of our children; to deal with the failures of our health care and education systems; and to clean up our environment and our inner cities.

This, at bottom, is what is at stake in reforming the confirmation process, for the crisis of confidence that plagues that process is symptomatic of the crisis of confidence that plagues our government and institutions at large.

Together, we must resolve this crisis and restore the bond of trust that has been served. Nothing we can do in the next six weeks, six months, or six years is more important for the long term course of our political system and our country.

That is our challenge—let us act on it today.

HATCH ACT REFORM AMENDMENTS

The Senate continued with the consideration of the bill.

Mr. DOMENICI. Madam President, I rise to talk about the bill before us. Frankly, I am pleased that we are negotiating with reference to sensitive departments of the Federal Government, to see if we cannot make a little more sense out of which departments of this National Government should be more restricted than others with reference to political participation, being solicited, and contributing funds in the election process.

The last time this bill was before us that issue, which is currently being negotiated, was the subject matter of an amendment that I offered. It failed then on almost a party-line basis. But the idea has gained a lot of momentum. Should the CIA employees be participating in politics, as provided either in this bill, S. 185, or in some other measure as included within the confines of

the House bill on the Hatch Act so-called reform? How about the National Security Agency, the Defense Intelligence, or the FBI?

In that measure, that amendment, which the Senator from New Mexico offered, we excluded all of those that I have just mentioned, and others, such as the Bureau of Alcohol, Tobacco and Firearms, the Merit Systems Protection Board, Office of Special Counsel, clearly the FBI, and the Internal Revenue Service. I understand there are some who want some of those agencies to be granted the expanded privileges for political participation.

I come from a State with many, many Federal employees. Frankly, I do not see a great outpouring from the grassroots of Federal employees that they want this so-called reform. Frankly, I do not think it makes any sense to put agencies within these new privileges of partisan politics that face the people of this country in confrontational types of atmospheres or environments. Why do we need the men and women of the Internal Revenue Service Department, those who collect our taxes, who write the rules and regulations for the taxes of this country—why should we not say, if you want to work in this kind of department of the Government, you are going to have somewhat less political rights, political privileges, than ordinary citizens?

I think the people deserve to know that those who are enforcing tax laws are minimally involved in politics and are minimally involved in contributing to candidates.

So I think we are making a mistake if the amendment recommended by the Senator on our side who is managing this bill, Senator ROTH—if we do not agree in the Senate to keep as many of these agencies as possible with minimal political privileges, so they can be, in the eyes of the public, without partisan taint, and in the reality of the arena of life where they have to come and audit people and try to get them to pay more money, or the opposite. Why should we not be exempting them from the new privileges that are going to be granted here, and even the broader privilege of running for public office?

Would it not be an exciting thing for the American people to have the Director of the FBI in Albuquerque, NM, running for a partisan position? That is not this bill, it is the House bill, part of the so-called reform. What about the Internal Revenue Service Director in my home city and State. Do you think the people would be more confident or less if you find that person running for county commissioner? Would you think they would be more confident or less if he turned out to be running, as a Democrat or Republican?

It seems to me that he ought not to run for either. It ought to be very clear that if you are going to have those kinds of jobs, you cannot. I compliment Senator GLENN, because in this bill we do not permit people within the Government to run for partisan offices. But, essentially, I think we ought to take departments such as the ones I mentioned, such as the one we voted on the last time under an amendment which I proposed to the Senate, and say to the IRS, CIA, National Security Agency, Bureau of Alcohol, Tobacco and Firearms, you do not get the new privileges.

It is a privilege to work for these agencies, and clearly you have to be beyond reproach and suspicion and beyond giving any impression that anything you might do is being done because of partisan politics. I do not think that is too much to ask of about 250,000 or 300,000 people who work for the U.S. Government, out of a work force that is much larger than that, as we all know.

Having said that, I am very hopeful that in these negotiations which are going on now, serious negotiations, that many of those agencies, departments, or bureaus of the Federal Government, will be prohibited from further participation in partisan politics, which would be granted either by this bill or the House counterpart.

Frankly, I hope, with the sense-of-the-Senate vote which was overwhelming, that the bill that clears here will be essentially the bill that goes back through the House and comes to the Senate out of conference for final approval. It seems to me that there are a number of Senators who are going to vote for it or who will not filibuster because of the bill that is here and the tacit commitment, in many cases, and explicit commitment included in the sense-of-the-Senate resolution of just yesterday or the day before, regarding some of these issues.

In that regard, it is better than the House bill. I regret to say I do not really think it is good enough. I cannot understand why we have to expand the provisions of the Hatch Act as are even in S. 185 before us. One of the big problems of our day and concerning the American people as we look out at the myriad problems—I do not think anywhere near the top 20, 25, or maybe even the top 50 issues, is the issue of letting the Federal Government employees become more political, rather than less.

I believe the overwhelming sense would be less rather than more. And I wish we could move in the direction of leaving the law, with the few clarifications that my friend from Ohio has spoken of many times, so they are more rigid and understandable—with the exception of those, I wish we could leave it alone.

I will talk about one other amendment, and I will suggest that it is now in the hands of Senator GLENN and his staff. It is filed at the desk. It is amendment No. 571.

What I am finding in discussing this matter with some Federal employees that are willing to discuss matters such as this with the Senator from New Mexico, is that something like this is of great concern. Let me try to state it to the Senate. Within a given department of the Government, let us say the Bureau of Indian Affairs, or the Department of the Interior, where people all work for the same department or agency, the concern is that within that kind of workplace there are constant promotions, there are constant denials of promotions. But within that, somebody who is on par with you today may be your supervisor in 2 years, or even in 1 year, or even in 6 months.

The concern that some have is if there is intradepartment participation, intradepartment solicitation, indeed that will be part of what one of the employees who gets promoted might carry with them. And, thus, they would pass judgment on an employee who used to be their equal, who is now subservient, as the merit and achievement and promotional files are put together. It is subjective, as we know, and as I have been told by friends who work in the Federal Government. I think if you can prevent from within the department people moving up and becoming supervisors over the people in that department who might have chosen to contribute to a PAC that was going to be used for a Democratic candidate or a Republican candidate—and I understand the facts are that it would be very seldom it would be for a Republican candidate.

Nonetheless, it would seem to me that we ought to eliminate that, and I have this amendment at the desk that says you cannot solicit intradepartment nor can you participate intradepartment with fellow employees.

Frankly, there are a lot of dos and do nots in this law, and perhaps the answer will be we are already prohibiting this, that, and the other. I think there would be a good sense of feeling of well-being if Federal employees knew that intradepartment there could be nothing that would be held against one by a fellow employee from that department who might in due course be part of ranking that person as to whether he or she gets a promotion or the like.

Essentially, I would hope that the manager of the bill on the Democratic side might see his way clear to accept that amendment, the one I have just alluded to. I would hope that in the negotiations on the other issue of exempting from further political partisan political privileges agencies like the FBI, the IRS, and the like, which I have just alluded to, I would hope that we try to exempt as much of that and as many of those as possible rather than as few as this negotiation goes on.

Having said that, Madam President, I want to talk a bit about another issue.

THE BUDGET, TAXES, AND RECONCILIATION

Mr. DOMENICI. Madam President, I do not know how close we are to wrapping up the amendments on the Hatch Act, but I have been on the floor twice now yesterday, once in midafternoon and once in late afternoon talking about an issue that is vital and important to the Congress of the United States and to the people of this country regarding the budget, taxes, and this giant reconciliation bill that is supposed to reduce our deficit and stimulate our economy. And I stress the words "supposed to" because from this side of the aisle I clearly believe it will do neither. It will not stimulate the economy and create jobs, and it clearly will not stimulate small business and others to grow and prosper.

Having said that, what am I talking about? I am talking about a law that is currently part of the Code of the United States that says unequivocally, just very simply, that the President of the United States shall submit to the Congress on tomorrow, the 16th day of July, and he shall do this every year, a midsession review of his budget.

Madam President, what this means is that the people and the Congress are entitled to see the latest, the very latest budget in terms of the impact of it on the deficit, entitled to see the latest economic projections of the President—do they expect inflation to go up; do they expect interest to go up or down, versus February when the President was supposed to submit his first budget of the year?

I think that law makes common sense, and to me it is absolutely necessary that the President give us this midsession review, this bringing-up-to-date budget. Let me tell you what I already know.

First, I know that the President of the United States in his campaign promised things, like a middle-income American tax cut. He was going to give them a tax cut. There was other things—no gasoline tax, as I recall, and other things.

When it came time to produce the vision estimate, after he was elected, the President, said, I am sorry—I am paraphrasing—I worked as hard as I can, never worked harder on anything, but the truth of the matter is the deficit is higher than I expected and that I knew about when I was running, so I cannot do these things; in fact, I have to do some other things, including raising more taxes from the American people.

Frankly, I cannot make that statement in the RECORD, without suggesting that the President should have known that because everybody else knew, and he prided himself in that campaign with knowing information right now and relating it to the American people. The fact that it had gone up in the projections of the Congressional Budget Office was known well before he was elected. But that is water under the dam.

However, since he sent us a budget which contained about $290 billion, maybe $300 billion in new taxes and receipts from users around the country, which is now reduced to about $250 billion in the Senate version of his budget, the evidence is clear: The deficit is down, I say to my friend from Washington, not up. In fact, I believe it is fair to say that it is down by $50 billion, or thereabouts, from about $322 billion to about $260 billion, or $270 billion.

The Senator from New Mexico and his minority staff in the Budget Committee and with my minority members, we are not supposed to produce a full-blown budget review. We do not have the evidence, the equipment, the time, or the people. That is why we tell the executive branch to do this.

But we already know that five things have changed dramatically.

One, the revenue coming into the Federal Treasury without any new taxes is up, I say to my friend, Senator GORTON. We think it is up, according to Treasury information, about 5½ to 6-percent higher than was expected, not a net 5½ percent, but 5½ to 6 percent over what was expected.

We also know defense is cut more than rather than less. That is some additional money.

We also know that we are spending less on the S&L bailout, and for some reason the overall expenditures of the Government for the year 1993 above the S&L and the other funding that is down, spending is not going up this year as fast as expected.

Mr. GORTON. Madam President, will the Senator yield for a question?

Mr. DOMENICI. Absolutely.

Mr. GORTON. Is that lower rate of increase spending in some of the more expensive entitlements, such as Medicare and Medicaid; they are not costing as much as we expected them to cost?

Mr. DOMENICI. I was then going to cover that as a separate item, because I said five, and we were at four, and the fourth is that the mandatory expenditures, like Medicare and Medicaid, are not growing as fast in expenditures as expected.

We do not know what any of this means in terms of the next 5 years. But we know that when you start adding it up and then add about $3 billion in interest savings, not 20 or 30, but we think about 3, because interest was already expected to be low—it is just slightly lower—you add it up and it looks like about $50 billion less in deficits for 1993 than when the President sent, not a budget because he never sent us a budget—that is another interesting notation; he never sent us a budget—but when he sent the vision statements and gave estimates it looks like it is going to be about between $35 and $50 billion less.

I say to fellow Senators that the law makes sense. Give us the midsession review. There is no reason that it ought not to be almost ready. It has to be forthcoming soon, if not on the 16th, soon. You have to tell the American people and the Congress what the real deficit looks like based upon the best and latest information.

So why would we be busy producing a so-called 5-year budget plan with over $250 billion in new taxes—if you go by the House bill it is much more than that—without finding out how much is the deficit in 1993 and how much is that big reduction impact on the outyears? It may very well be, Madam President, that if we had those numbers we would say let us tax the American people less. In fact, we may very well say maybe we ought to be worried about putting all those taxes on, be it the seniors, or the Btu tax that hits everybody in that House bill, or the gasoline tax, or the so-called tax on the rich which half of which hits small business in America. Maybe we would be saying just on these new numbers we can get to the same place with half as much.

I do not know that. I do not know that. But none of the conferees who are going to write this new law know that either. And, equally as important, the American people are being asked to pay more taxes to fix this deficit—which I do not believe is going to get fixed by taxes; I think it is going to cause the economy to come down, rather than up—but should they not know so that they can help us as constituents and voters in America pass judgment on whether we need $250 billion or $290 billion in new taxes or not?

Mr. GORTON. Will the Senator yield for a question?

Mr. DOMENICI. I am pleased to yield.

Mr. GORTON. Is it not true that even if this change has no impact on future years, the almost $50 billion by which the deficit will be lowered in this current year is equal to one-fifth, or 20 percent, of these $250 billion in new taxes? Is it not the firm opinion of the Senator from New Mexico that if taxes were lowered to that degree, particularly on those business enterprises which produce employment in the United States, that that reduction could have a very positive impact on economic growth and job opportunity?

Mr. DOMENICI. The Senator is absolutely correct.

In other words, if we are worried about the cumulative deficits which equal additions to the debt, we are going to have $50 billion taken out of that, if these numbers I am saying turn out to be right—if the President were to comply with the law which says tomorrow he gives us the official estimates regarding that, that would mean that over 5 years, you clearly would have a deficit reduction package that is already $50 billion to the good.

Now, frankly, I think we need to know that. I think everybody needs to know that.

I sent a letter to the President last night in behalf of myself, Senator DOLE and a large number of Republicans—I had no time to get around to all or I think I would have had every single one. We are not doing this because we either want to be a nuisance, disruptive or partisan. It is fair. It is fair to us, it is fair to the Democrats on that side of the aisle and the American people that we know where we start this deficit reduction package from.

Why will we not get it? I do not know. I cannot understand why they would not be jumping to give this to us and say things are better.

Mr. GORTON. Will the Senator yield?

Mr. DOMENICI. I am pleased to yield.

Mr. GORTON. Has the Senator from New Mexico come up with the slightest rationale for the administration's refusal to abide by the law? One could see, perhaps, political motivation if the figures were worse than had been expected. But when they are so much better than was expected, why in the world would the administration not trumpet that fact and say, "Wow, we are already on the right road and at least you Members of Congress ought to know where we are before you make a decision on so important a bill" as their tax package is going to be.

Mr. DOMENICI. I say to the Senator, I have thought that through both ways. First of all, I hear about this $35 to $50 billion. I hear all kinds of versions. I do not hear anybody in the administration really denying this. I mean there is something in the newspaper. They have not responded to me, yet. Obviously, they will soon.

It says, well, it is all because the interest rates are down; and that, of course, is all because of the President's budget.

Of course, you know, some others say, "Well, how could it be? We have not done anything."

I mean, the budget may all fail, so how could the President take credit, unless just offering something would be such a certainty to the marketplace and the money markets and the rest that they would just say that is going to be it, so we are going to lower interest rates as if it were real? Frankly, I do not believe any of that.

Nonetheless, one reason, it seems to be on the plus side to go ahead and get this out there and take credit for it. Although, clearly, I must tell you, if that were the case, there is the other side of the coin and surely Senator DOMENICI and others would be saying, "What do you mean take credit for it? What happened is the 1990 agreement started to bite and we started to get some savings. And once we got out of this economic trough, revenues started coming in and it had nothing to do with the next Clinton economic package."

However, the point of it is, there is nothing to hide and there is nothing to gain from not doing this. I cannot see anything.

I have tried my very best to try to figure out why they will not do this. I mean, it has been sitting around these months without keeping current on what is happening to the accounts of Government. I mean, they have such refined equipment that they could tell you month by month what the trends are in Medicare and Medicaid. And between them and HCFA, the agency that knows about Medicare, you know they are pretty close to telling you month by month what is happening. The appropriated accounts, they monitor them within the departments, they know where money is not being spent and where it is.

So, whatever the reason, whatever the reason, if it is something other than what we are talking abut, we are rational people, why do they not tell us?

Maybe the machines broke down, I say to the Senator. Maybe the calculators, the equipment over there, broke.

Maybe—I have been thinking about this—maybe they do not have a budget. It is an interesting concept; is it not? Maybe they do not have a budget. That sounds kind of goofy; does it not? Well, maybe.

I will tell you why. They never had a budget sent to Congress. Think about that now.

The Senator from New Mexico went to the floor when we had the budget resolution and said, "Where is the budget?" And we were told, "You don't need a budget. Just do the budget resolution, the President doesn't need a budget."

That may be coming home to roost. It is a thought. It is a thought. Maybe they never did put a budget together from that vision statement and maybe, just maybe, if you use that vision statement for a budget, I say to Senator GORTON, you might have a very strange looking midsession review, because you understand the vision statement was way off the mark as far as what Congress approved. But this then was what the President said he wanted. "Do not wait around for it to be put into a budget," they said, "just pass the budget resolution."

So, to my dismay, we want around acting like we knew what we were voting on. In terms of where is the President's request, where is his budget, we did not have one.

So we kind of built on last year's in the tradition of budget resolutions. And it could very well be, it could very well be that the logic of saying to the Congress and the people, we will give you the best about the budget of the United States when you finish your work in Congress, because we will use what Congress did as the budget—and that has never be done. But that is a nice way to not be accountable for the budget that you did not do but you should have. That is a good way.

Say, "Well, we will sneak by here for a month or so and when you get this Congress thing, we will make all of our budgets off of those numbers," rather than telling us "Here is how our budget has changed because of economics, and inflation, and interest rates, and tax revenues."

And I understand gross domestic product increases quarter over quarter and predicted over time will be an important part. And I understand, in the interest of being conservative perhaps, the administration has lowered the GDP growth over time. We ought to be entitled to know what that does.

On the one hand, it should make our job more difficult, but when you have revenues coming in stronger than expected and interest rates coming down somewhat, maybe it wipes that out and maybe it is plus and you are getting a better effect on the deficit.

HATCH ACT REFORM AMENDMENTS

The Senate continued with the consideration of the bill.

Mr. DOMENICI. Mr. President, I say to my friend, Senator GLENN, I spoke with him on the floor here about that amendment that I had, the intradepartmental, no solicitation, no participation amendment on the Hatch Act. I have left that for awhile and talked about something that is a little different. But that is one of our wonderful privileges as Senators.

But I do have an amendment by way of a concurrent resolution that I want to—I am going to deliver it to the desk, rather than tendering it, so I can get copies of it and give it around to Senators—I intend to offer it today.

We could not do it right now. There is an amendment pending, is there not? Is there an amendment pending?

The PRESIDING OFFICER. The only pending amendment is the committee substitute.

Mr. DOMENICI. I will nonetheless say to the distinguished manager of the bill, in short order, sometime here in the next half hour or so, I will send a resolution to the desk which is a sense-of-the-Senate resolution that the President of the United States should comply with the law and send us the new midyear estimates of the Federal budget so we can decide, as Senators, whether we want to tell our President to do what the law says. It will help everybody. Or do we want to vote no, and send a signal to the President that he need not comply with this law, and we can wait awhile until it complies with what the President and his OMB want, when the law says tomorrow he should send us this review?

At this point, I will be awaiting a response from Senator GLENN on my very minor amendment. But I do want him to know in short order I will offer a resolution regarding this July 17 requirement of the President.

I yield the floor.

The PRESIDING OFFICER (Mr. LIEBERMAN). The Chair recognizes the Senator from Kentucky.

Mr. MCCONNELL. Mr. President, when I learned that the Washington Post, the New York Times, and Common Cause all opposed this legislation, I scratched my head and said maybe I am mistaken here; maybe I am on the wrong side. But sure enough, the bill was as I anticipated it was, and the Washington Post, the New York Times, and Common Cause have simply shown good judgment on this occasion.

The Hatch Act has special meaning in Kentucky. As a matter of fact, it could be persuasively argued that activities that occurred in Kentucky in 1938 directly led to the passage of the Hatch Act.

In 1938, Alben Barkley was the majority leader of the Senate. He was from Kentucky. He subsequently became Vice President of the United States.

The Governor of Kentucky at that time was a colorful young man in his early thirties, who was later to burst onto the national scene, by the name of Happy Chandler. Chandler was later to become baseball commissioner after serving part of a term in the Senate. But Chandler was a very ambitious young man and he decided to challenge the sitting Democratic majority leader in the U.S. Senate in the Democratic primary.

It was a robust contest, and in the course of the contest, Barkley was accused of, in effect, trucking into Kentucky—to participate in the primary—employees of the WPA. A Scripps-Howard newspaper chain reporter by the name of Stokes, I believe, Thomas L. Stokes, wrote a series about this and won a Pulitzer Prize, which brought national attention to the abuses that occurred in the primary in Kentucky in 1938. And out of that publicity grew the passage of the Hatch Act, which has served this country well for over 50 years.

As I understand the legislation before us, the Senate version of Hatch Act reform, if this bill were to become law in its current form, Federal employees could do the following: They could hold office in a political party; distribute campaign literature and solicit votes, off duty; organize and participate in telephone banks, off duty; organize and participate in political meetings, off duty; publicly endorse candidates and urge others to support them, off duty; and solicit contributions to the PAC or Federal employee organizations to which both the employee and the donor belong, off duty.

This is not, in my view, a minor revision of the Hatch Act. I have heard it argued by the principal sponsor and others that this is not a repeal of the Hatch Act, it is simply some modifications—adjustments, if you will—of the Hatch Act. It seems to this Senator at least that this goes right to the heart of repeal of the Hatch Act.

These provisions, if enacted into law, would in fact present the opportunity for Federal employees to be heavily involved in the political process—heavily involved.

What does that do to the confidence of the American people that they have a nonpartisan civil service, not involved in the political process?

This whole issue of whether or not rights are being denied under the Hatch Act has been previously litigated by the Supreme Court. The Supreme Court has held that this is a reasonable infringement on the rights that most Americans enjoy in return for a nonpartisan, politically uninvolved civil service.

Who wants this bill? I am unaware of any studies that indicate that Federal employees want this bill. I already indicated the Washington Post, the New York Times, and Common Cause think it is a bad idea to revise the Hatch Act in this fashion. It is, indeed, frightening to think of the Federal work force out, involved in the political process across America.

Once again, we are passing a bill that, it seems to me, is clearly not in the best interests of our country. Like clockwork, one bill after another seeking to kind of rig the political process has come down the pike this year. First out of the chute was the motor-voter bill, which zoomed out with utter disregard for the cost to States and the integrity of the political process. Next, it was campaign finance reform, which limped out of here with only grudging regard for the cost to taxpayers, and utter—I repeat—utter disdain for the Constitution.

Now we have this measure, the Hatch Act reform bill; yet another political scheme, in my judgment, that is reform in name only. It seems to this Senator that it actually guts a reform that has served this country well for over five decades. In fact, I consider this Hatch Act revisions deform, and not reform.

I will take just a moment to recount the dubious achievements of this Senate before we caulk up another step backward. We turned the welfare state into the Department of Voter Registration in the motor-voter bill. We voted to turn the electoral system into a welfare state for politicians in the campaign finance reform bill. Apparently, this is what the President meant when he said he wanted to change welfare as we know it.

Now, with the Hatch Act deform bill, we are going to turn the welfare state and every other arm of the Government into an arm of the political parties. Most likely, given the political views of virtually all Government workers, most likely the Democratic Party will certainly benefit from this bill.

Perhaps the voters did not speak loudly enough last November. The American people, particularly taxpayers, want change. They want less Government, less taxation, and less interference by the Government in their lives. What we have done with this reform agenda is further expand the Government, further empower Government bureaucrats.

We have heard a lot of talk about streamlining Government and doing things differently. The only action so far this year is in the opposite direction. How in the world are we going to cut Government after we have turned the entire Government into a political machine? I know that is not the intent of the sponsors of this legislation, but that is in fact what is going to happen. The plain meaning of these activities that will now be allowed if this legislation becomes law is to turn the entire Government into a political machine.

Perhaps the more critical consideration is how Government employees could be used to save others' political jobs. When one controls the Government, the inclination is to use it to save one's hide.

Witness Travelgate. When the heat was turned up on the White House because of its travel office fiasco, the President's staff pressured the FBI for help and even discussed using the IRS.

Mr. President, those who oppose this Hatch Act deform are cognizant of swimming against a strong current. The labor union bosses, the Government employee unions, activist Government employees—all of those folks would like these changes. I expect we will hear the old refrain that echoes in other reform debates: What are we afraid of? How many times have we heard that this year?

I, for one, am afraid of a Federal Government political machine on a scale unimagined in the 1930's when the Hatch Act was enacted to protect employees and citizens. I am afraid that Government employees will be coerced, either explicitly or implicitly, into supporting candidates and causes. I am afraid that with this Hatch Act deform, we will never be able to get a handle on the massive bureaucracy.

In sum, I fear our Nation will be harmed by this gutting of the Hatch Act: 3 million Federal employees unleashed on the electoral process, soliciting campaign contributions, running for office, managing campaigns, manning telephone banks. After five decades of protection under the Hatch Act, Federal employees would now be subject to pressure to exercise these newfound rights, if you will, and American taxpayers would be threatened by an empowered, entrenched partisan bureaucracy.

Perhaps ironically, as I indicated earlier at the beginning of my remarks, the Hatch Act of 1939 was praised by President Roosevelt, the architect of

the New Deal programs from which much of the bureaucracy stems. President Roosevelt wrote at the time:

It is my belief that improper political practices can be eliminated by the imposition of strict statutory controls.

The Hatch Act was enacted to protect Federal employees and American taxpayers from the spoils system. By prohibiting certain partisan political activities among Federal employees, the act served to ensure the integrity of the civil service. The Hatch Act deform bill would pave the way for a new spoils system on an unprecedented, massive scale.

Proponents of the bill would have people believe the goal is to enable Federal employees to realize their first amendment rights. Coming on the heels of the blatantly unconstitutional campaign finance bill, it is difficult to take this state of concern seriously. Nevertheless, the Supreme Court has twice—not once, but twice—ruled on the issue, dismissed the charges of first amendment infringement both times and affirmed the act's constitutionality. The Court rightly deemed the Hatch Act as a necessary minimal safeguard to ensure a politically neutral Federal civil service.

On the subject of free speech, I would like to draw my colleagues' attention to a point made by the New York Times in an editorial just today. The Times said:

Creating a climate in which Government employees are likely to feel compelled to engage in politics also offends free speech.

Employees covered under the current Hatch Act law can vote, contribute money to candidates, and volunteer in their off hours for nonpartisan political activities. Federal workers' political rights, as well as prohibited activities, are delineated in the law. In fact, by Federal standards, they are fairly clear and concise. Nevertheless, proponents of reform contend that they are confusing and need to be clarified. The fact is, this matter could be dealt with administratively.

Mr. President, promoted under the guise of civil rights and free speech, the Hatch Act deform bill would leave Federal employees vulnerable to coercion by supervisors and union bosses engaging in partisan politics and soliciting contributions for union political action committees engaged in partisan politics.

As I indicated earlier, my home State of Kentucky is well acquainted with the dangered inherent in a partisan work force. The Works Progress Administration, the WPA, brought thousands of desperately needed jobs to Depression-era Kentucky, as well as to other areas of the country. This and other New Deal programs were enacted to aid the poor and other victims of the Great Depression of the thirties, yet those programs were exploited by local political bosses to reward loyal party workers.

As I indicated earlier, Thomas Stokes, in a Pulitzer Prize-winning series of articles, revealed corruption surrounding WPA's activities in Kentucky. As those articles and a later Senate investigation documented, some WPA supervisors coerced contributions from Federal employees and relief workers in the 1938 Senate reelection campaign of Senator Alben Barkley, who was, at that time, the majority leader of the Senate and later went on to become Vice President. It was, as I indicated earlier, in that hotly contested race between Alben Barkley and "Happy" Chandler that these abuses came to light.

Many would argue, I guess, at this point, 50 years later, that the time for a WPA-type scandal has passed and that the vigilance of the press and Federal employee unions can replace the Hatch Act's protections.

Mr. President, that is a leap of faith this country cannot afford. The Federal Government is more pervasive than it has ever been in our society, affecting virtually every aspect of American life. Many people are understandably alarmed at the prospect of Internal Revenue Service agents having a political agenda on the side. There are many more frightening scenarios. Think about the implications of a politically active Central Intelligence Agency or FBI. Just recently, think about Travelgate.

While the union leaders, such as the AFL–CIO, who once boasted control of the committees and the agenda on the floor, and their partisan allies are understandably excited at the prospect of inducting the Federal work force into their political army, the American people would not be served by such an action, nor would the majority of Federal employees, who simply would like to do their job and not be drafted into political combat.

It is inconceivable to me—it is inconceivable to me—that the Federal employees want this bill. I understand there are competing studies flying around about what the employees want. I remember work done by Congressman FRANK WOLF here in northern Virginia, who represents a large number of Federal employees, who opposes this bill and is absolutely convinced that there is no groundswell; in fact, there is opposition among Federal employees to this legislation.

If this Hatch Act deform is enacted, Federal criminal laws would not be sufficient to fight patronage crime. The very nature of patronage crime makes it difficult to prove beyond a reasonable doubt. Subordinate employees who usually are the subjects of patronage schemes are motivated to please and protect their superiors. They rarely are willing to come forward as witnesses.

Serving in the U.S. Government is an honor and a privilege. It also entails some sacrifices. All of us elected, appointed, and civil service employees are supposed to be public servants. In the case of Federal employees, they forfeit some political rights, admittedly. But in the exchange, they receive protection from political pressures on jobs, for which they should feel extremely fortunate.

Public confidence in Government already is at a dismally low level. Politicizing the Federal bureaucracy by deforming the Hatch Act would be yet another blow imperiling the integrity of our Government and the faith of the American people.

Let me just say again, Mr. President, in conclusion, that the Hatch Act got its start in my State. We have experienced firsthand the abuse of the Federal work force before the Hatch Act. It was those abuses which came to light as a result of the Democratic primary in Kentucky in 1938 which led to the series of articles by Thomas Stokes of the Scripps-Howard newspaper chain, his receipt of a Pulitzer Prize, and the passage of the Hatch Act.

Now, Mr. President, it has served us well for 50 years. There is no groundswell for this legislation. And while I know that the sponsor and others who support it are well-intentioned, it just seems to this Senator that clearly this is a step in the wrong direction.

For once I can stand before the Senate and say the New York Times, the Washington Post, and Common Cause are correct. I cannot recall ever having had an opportunity to make that statement before, but they are right this time. The Hatch Act is not broken, and we ought not to fix it.

So, Mr. President, I hope that ultimately this legislation will not be approved, or, if it is approved, that at least it will be modified in such a way it will not be possible for Federal employees to be impressed into political activity against their own interests, against the interests of taxpayers, and certainly against the interests of this country.

Mr. President, I yield the floor.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Ohio.

Mr. GLENN. Mr. President, before the distinguished Senator from Kentucky leaves the floor, I would like to have him clarify something for me.

I have listened very intently to his comments and his reference to this as the Hatch Deform Act of 1993, and so on. I am not sure he is talking about the same bill actually because that is not what we do at all, as I have said repeatedly on the floor in pointing out the differences. But here is what I would like to ask.

Back in 1990, my distinguished colleague from Kentucky introduced a bill that would have protected the rights of law enforcement officers to engage in

political activities. The opening part of that—it is called a bill of rights, and it says "Political Activity of Law Enforcement Officers."

The very first part of that bill he introduced says, and I will read it:

"Section 1. Except when on duty or acting in his official capacity, no law enforcement officer shall be prohibited from engaging in political activity or be denied the right to refrain from engaging in such activity. This section shall not apply to law enforcement officers covered by chapter 15, title V, United States Code."

That last part, as I understand it, defines those officers in States where salary or portions of it may come from Federal funds. But I would point out that this section—I do not see anything wrong with that actually, but both Federal and State and local police officers are, accordingly, in sensitive positions; all of them investigate crimes; all of them investigate complaints.

Surely, when you talk about intimidation, coercion, I think if you are stopped by a State police officer, you are probably as intimidated as you would be if an FBI officer came up off duty and asked you to sign a nominating petition or whatever.

I do not know what the explanation of this is. I do not see that much difference between a State officer and a Federal officer. And yet perhaps my friend from Kentucky believes in tough sanctions against violations would prevent police officers in the States from abusing their positions. But I do not see that they should be trusted any more than Federal officers. Obviously, I think Federal employees can be just as trusted to obey what we have called a bright line between their job and their off-duty political activities. So I do not know what the difference is, as to the Hatch Act and the changes that we are proposing here in S. 185, how they are different really from what the distinguished Senator from Kentucky put in as a bill in the Senate in 1990.

Mr. McCONNELL. I would be happy to respond to my friend from Ohio. I do not know whether he would like to debate the police officers' bill of rights. I would be happy to do that.

As a matter of fact, I would be willing to offer it as an amendment to this bill, if my friend from Ohio would be willing to accept it and then fight for it in conference.

But as the Senator indicated in his observations, that related to State and local police officers in this country. I believe this legislation is about Federal employees who have a 50-year history of being essentially uninvolved in the political process. That is not the case with local police officers across the country.

But I would say, if it is important to my friend from Ohio, to be entirely consistent, I would be happy to offer the police officers' bill of rights as an amendment to this legislation, which is likely to pass, and hope that the Senator from Ohio would help it stay in conference.

Mr. GLENN. I would ask my friend from Kentucky, if that is the rationale then that there is a 50-year history of involvement but on the State level there is a 50-year history of political involvement and that makes it OK, we cannot do the same thing at the Federal level; is that correct?

Mr. McCONNELL. I think there are a lot of distinctions, I would say to my friend from Ohio, in the way that we treat Federal employees and the way that State employees are treated. That is apples and oranges.

The Hatch Act I think is clearly about Federal employees, and the restrictions that we have, if I may finish, and the restrictions we have had for 50 years which, by all accounts, have served us well.

If my friend from Ohio is suggesting that in order to be entirely consistent we should deal with the police officers' bill of rights in the context of this bill, I will be more than happy to offer it as an amendment.

Mr. GLENN. I am talking about section 1 of the bill that says they should be protected, to be able to engage in political activity.

Mr. McCONNELL. They are now. Most are now at the State and local level. And I do not think we have had a history of abuse, at least I am unaware of the history of abuse, that we have had under the Federal system over the years.

Mr. GLENN. I gather that my friend from Kentucky would say that the civil service employees then cannot be considered as trustworthy as State officials, as State police, is that correct? Because that is the only differentiation I can make. When you want political activity at the State level by section 1, that is exactly what it says. The Senator says they have had a 50-year political history of doing exactly that, and yet we say we cannot do the same thing at the Federal level. Why?

Mr. McCONNELL. Let us be consistent, I say to my friend from Ohio. I will be glad to get the police officers' bill of rights up here and offer it as an amendment.

Mr. GLENN. Let us go with section 1. Is the Senator for it or not?

Mr. McCONNELL. Why not just deal with this whole issue at both the Federal and State level, if that is what my friend from Ohio would like to do. I will be more than happy to offer the police officers' bill of rights, which I gather the Senator from Ohio must support, as an amendment to this bill.

Mr. GLENN. I am referring to what was the No. 1 item, very No. 1 item in the bill of rights. And I have not gone through all the other parts of it. Maybe I will agree with the whole thing. I do not know. But the No. 1 item that the Senator from Kentucky had in this bill, the title of which is "Political Activity of Law Enforcement Officers," it says in section 1:

> Except when on duty, or acting in an official capacity, no law enforcement officer shall be prohibited from engaging in political activity, or be denied the right to refrain from engaging in such activity. This section shall not apply to law enforcement officers covered by chapter 15, title V, United States Code.

That is section 1. Now, whether I would agree with the rest of it or not, I do not know. But that says it is OK at the State level for people to be politically involved as law enforcement officers but somehow at the Federal level it is wrong. That is not consistent.

Why can we not trust people at the Federal level who are every bit as devoted to their country as anybody at the State level, yet we say a State trooper or a State law enforcement officer should be able to engage in political activity, according to the Senator's words, because there is a 50-year history of doing it?

Is he here to tell me on the floor today there has been no abuse of police activity in any of the States and so he trusts them far more than he would trust civil service people?

Mr. McCONNELL. Is the Senator asking a question?

Mr. GLENN. Yes.

Mr. McCONNELL. I might inform the Senator from Ohio, I am in the process now of getting the police officers' bill of rights amendment ready to offer as an amendment to this bill, and I am pleased to hear he finds that is something he may be in sympathy with. I am hoping that if that amendment is adopted, the Senator from Ohio will fight for it in conference. I thought the bill before us was a bill about Federal employees, but if the Senator from Ohio would like for us to deal more broadly than that, I will be happy to do it.

Mr. GLENN. I think the implication on the floor that somehow Federal employees are not involved in politics in any way right now, which was basically what the Senator from New Mexico said a while ago, is just flat wrong.

I am sure the Senator from Kentucky is very much aware that a member of the CIA or an employee of the CIA is permitted right now to give a $1,000 check to the Senator from Kentucky if they so desire for his next campaign. They are permitted to put his signs out on the lawn or they can put them on their car. They can put bumper stickers on, go to a political rally right now.

So that applies to the Secret Service, the FBI, and everybody else. They can identify themselves as being a member of one party or another if they so choose. They are not prohibited from that.

What we do say is that on the job we even tighten that up. I think the distinguished Senator from Kentucky would be for that.

Right now you can walk in as director of the CIA, if you wanted to, at a lower level, say one of the supervisory people, with a big campaign button on his or her lapel. That gives a person an idea of who they are for, and tries to coerce them by the very fact that they are wearing it. We cut that out. We prohibit; that there be no political activity on the job. Yet what was proposed here in the legislation of the Senator from Kentucky, introduced in 1990, January 30, 1990, was to protect the rights of State police officers to engage in political activity. Yet somehow we cannot give that same level of trust to Federal employees. Why not?

Mr. MCCONNELL. The Senator is asking again the question he has asked three other times.

Mr. GLENN. I have not gotten a good answer yet.

Mr. MCCONNELL. Let me read from the report what this bill the Senator is promoting purports to do. It purports to allow Federal employees to hold office in a political party; distribute campaign literature and solicit votes off duty; organize and participate in phone banks off duty; organize and participate in political meetings off duty; publicly endorse candidates or urge others to support them off duty; solicit contributions to the PAC of the Federal employee organization to which both the employee and donor belong.

I say I have already expressed my concerns about in effect encouraging the Federal work force to get into those kinds of activities. My good friend from Ohio persists in talking about the police officers' bill of rights. I gather that is because he has some sympathy with that legislation.

I will be happy to offer it as an amendment in the course of the debate on this bill, and maybe the rest of the Senate which is so anxious to allow the Federal work force to become involved in politics will want to deal with an unrelated piece of legislation related to police officers out around the country. It could well be.

I had not frankly thought of this legislation, Mr. President, as a vehicle for the police officers' bill of rights. Maybe it makes sense since my friend from Ohio seems to believe there is some parallel here between the police officers' bill of rights dealing with State and local police, and the Federal Hatch Act, that there is some correlation there, some nexus. It maybe that this is the proper vehicle for that amendment.

Mr. President, I just simply repeat what I said earlier in my prepared remarks extemporaneously about the Federal work force, which is what I thought this bill was about. It seems to this Senator that it is not a good idea to make these kinds of changes. And if it is only an incremental change, then why is the legislation needed?

My friend from Ohio says they can do all of these things now. If that is the case, why pass this bill? This is a meaningless bill unless it changes something from the status quo.

I read straight from the committee report, Mr. President, entitled "Additional Activities Employees Could Do Under S. 185." Presumably this is in addition to the current political activities that are allowed. So presumably that is what this legislation is about.

Mr. GLENN. Will the Senator yield for a question?

Mr. MCCONNELL. Yes.

Mr. GLENN. I agree with his reading of the list. It is very correct. He says that it is bad to expand that. Yet, at the same time he says with the law that he submitted back some time ago, which he says he is considering again, that all those same things can be done to protect. It does not put any restrictions whatsoever; protects the rights of law enforcement officers to engage in political activity, period. It does not have any qualifications to it.

They would be permitted, and what he is proposing is State officials be permitted to do all of those things and anything else politically they wanted to do, and yet at the same time turns around and argues against the Hatch Act here that would just say that Federal employees should be able to do some of those same things but with strict limits.

I would say there is a fundamental inconsistency there, whether he is willing to admit it or not. He is saying, yes, it is all right, we take all of these things, and we can do them at the State level, and put in the legislation to protect their right to do that at the State level, call it the bill of rights of the police officers, and at the same time turn around and say, if you are a civil servant working for the Federal Government, you cannot do that.

Mr. MCCONNELL. Mr. President, I believe I yielded for a question. What is the question?

Mr. GLENN. The question is, What is the difference?

Mr. MCCONNELL. Mr. President, the question is, I gather: What is the difference? That is the question that the Senator from Ohio is asking.

I have said three times, and let me say it four times, if the Senator from Ohio believes that this legislation dealing with Federal employees should be extended to State and local employees, I will be happy to do it.

As a matter of fact, we are getting the police officer bill of rights now, so we can all produce an amendment to this bill. The Senator from Ohio I am sure is going to support that.

Mr. GLENN. This will be a question. Will the Senator propose as an amendment then this afternoon that for Federal employees except when on duty or acting in an official capacity, no law enforcement officer or any other civil service employees, shall be prohibited from engaging in political activity or their right denied from engaging in such activity? Will the Senator agree to that?

Mr. MCCONNELL. Of course not. I do not share the view of the Senator from Ohio that all government employees should be treated precisely the same. I think we have a 50-year history of success with the Hatch Act. I do not think the Federal work force ought to be involved in politics. I, unlike the Senator from Ohio, do think that Federal employees and State employees are not all the same. Their principles are quite different.

I think this law has served us extremely well. But if the Senator from Ohio believes that consistency argues for dealing with State and local employees, police officers, under this bill, I will be happy to accommodate him.

Mr. President, I think we have waltzed around this maypole now for 15 minutes. I do not know what can be added.

If I have the floor, I will be happy to yield it.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I remember candidate George Bush during the 1988 Presidential election campaign surrounded by a sea of blue-uniformed police officers. He was accepting their endorsement for the Presidency of the United States.

I do not know whether my friend from Kentucky had that same kind of endorsement from the FOP in Kentucky or not. Probably he did. It made a great political visual display for the former President. Those employees I would note were State or local employees. Their salaries were paid for by taxpayer dollars.

I would wholeheartedly agree with former President Bush if he said that the actions of those officers in publicly endorsing him that it did not affect their ability to objectively carry out their law-enforcement duties.

I do not think Federal employees would act any differently. I think there is a fundamental inconsistency here where we say at the State level because there is a history of 50 years out there that they could be trusted but Federal employees cannot be trusted. I think that is just not true on the face of it.

I certainly trust Federal employees. Most of them are very honorable people who want to do the right thing. They are not going overboard in these areas. What we have done is say that with this bill on the job they cannot do anything. We cut out even the things they can do on the job right now, the things where they can wear a campaign button. We say: You cannot do that on the job, nothing.

Off the job, but still with very major restrictions with stiff penalties, we say that voluntarily and on their own time. They still cannot run for public

office, partisan office as they can in the bill that passed the House.

The House says they can go out and make solicitation of contributions from the public. We say no, you cannot do that; still limited to only the people within your own union, nobody else, cannot go even to another union and ask them for any money. You cannot go to anybody that is not a union member and ask them for any money. I do not see any problem with that.

And all of these things that have been brought up about the 50 years of the Hatch Act and it is all going to go down the tube. I just do not see why it is not inconsistent to say that at the State level you can trust people because there is a 50-year history of trusting them, and then say that Federal employees cannot be trusted the same way. That seems to me to be fundamentally inconsistent.

I disagree with my colleague from Kentucky on that particular subject. I think those who imply that we have no political activity now at the Federal level, as I said, should be aware that whether you are in the Secret Service, CIA, IRS, whatever, you have certain political rights that you can exercise now—and many do. You can give a check for $1,000 to a Federal candidate if you like, or any portion thereof, and can put signs on your cars, as you drive in to work, or bumper stickers, or you can put a sign in your yard. You can attend a political rally and identify yourself as favoring one party or another.

So these are activities permitted by everyone right now. As was brought out earlier, there is too great a tendency and you might want to coerce somebody by very subtly implying a preference one way or another. I do not think you have to be that subtle about it. Right now, under current law, which some people think should not change, you do not have to be that subtle. You can walk in with a campaign button, a 6-inch button, if you want to; you do not have to say, "This is who I am going to vote for." We might not be able to discuss this in the workplace, but you can use signs and buttons.

Some people say, but you have to be subtle in this new regime, and if we pass this, it is going to open things up so much that if you have a conversation with somebody, it may influence them unduly. If you think what they said influences you unduly, you can file with the Office of Special Counsel and let them judge whether you were coerced or dealt with unfairly, and let them deal with it. That is the protection we have here. We have far greater protections at the Federal level than in any of the State governments. My colleague from Kentucky had a provision in the legislation he introduced in 1990 that said: "Except when on duty or acting in an official capacity, no law enforcement officer shall be prohibited from engaging in political activity or be denied the right to refrain from engaging in such activity."

Well, I do not see yet why we can trust people at the State level to have that kind of law apply to them and not do the same thing with our civil service people at the Federal level.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCAIN. Mr. President, I ask unanimous consent that the order of the quorum call be rescinded.

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

AMENDMENT NO. 596

(Purpose: Expressing the sense of the Senate that assistance to Nicaragua be halted)

Mr. McCAIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. McCAIN] proposes an amendment numbered 596.

Mr. McCAIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 34 between lines 18 and 19, insert the following:

SEC. 10. SENSE OF SENATE RELATING TO ASSISTANCE TO NICARAGUA.

(a) FINDINGS.—Congress finds the following:

(1) On May 23, 1993, an explosion in Managua, Nicaragua exposed a cache of weapons, including 19 surface-to-air missiles, hundreds of AK-47 assault rifles, machine guns, rocket propelled grenades, tons of ammunition and explosives.

(2) Investigations of the explosions have uncovered 310 passports from 21 different countries, including seven United States passports.

(3) Documents in the possession of those apprehended in connection with the February 26, 1993, bombing of the World Trade Center have been traced to Nicaragua.

(4) The acquisition and storage of these weapons and documents could not have been accomplished without the knowledge and cooperation of the Sandinista National Liberation Front and ministries of the Government of Nicaragua under its control.

(5) The Sandinista National Liberation Front has a history of subversion and links to international terrorism.

(6) The recent discovery demonstrates the inability of the legitimate Government of Nicaragua to control all of its ministries.

(7) This lack of authority makes uncertain the ability of the Government of Nicaragua to prevent the export of terrorism by the Sandinista National Liberation Front.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) no further United States foreign assistance to Nicaragua should be obligated pending investigation by an appropriate international body, with the participation of United States Federal agencies, of the Sandinista National Liberation Front; and

(2) such investigation should focus on the relationship of the Sandinista National Liberation Front to acts of terrorism which threaten to undermine the security of the United States and the political stability and economic prosperity of the Western Hemisphere.

On page 34, line 19, strike out "10." and insert "11.".

Mr. McCAIN. Mr. President, this amendment is a sense-of-the Senate resolution stating that no further United States foreign assistance to Nicaragua should be obligated pending investigation by an appropriate international body, with participation of the United States Federal agencies, of the Sandinista National Liberation Front.

It further states that such investigation should focus on the relationship of the Sandinista National Liberation Front to acts of terrorism which threaten to undermine the security of the United States and the political stability and economic prosperity of the Western Hemisphere.

A very startling event took place at dawn on May 23, in the suburbs of Managua, Nicaragua. From the debris have emerged a guerrilla arsenal that threatens the Salvadoran peace process even U.S. security. Among other things, documents were uncovered detailing a Marxist kidnaping ring directed against Latin American millionaires. Hundred of false passports and identity papers were uncovered. Perhaps most significant to those of us involved in the effort to bring peace and democracy to El Salvador, a massive cache of arms belonging to the FMLN were also discovered.

Many of us have long suspected that following the election of Violeta Chamorro as the President of Nicaragua, the Sandinistas continued to maintain effective control of that government, through the control of its security apparatus, and army.

Investigations to date indicate that the accidental blast occurred while weapons were being removed from storage for sale. The blast, upon being investigated, has revealed a far-reaching worldwide terrorist network, shedding light on the five passports of Nicaraguan origin in the possession of one of the suspects in the bombing of the World Trade Center.

The situation is serious. The information that we have is extremely serious. I would like to quote from some of the media reports concerning this situation.

According to the Miami Herald, of July 5:

MANAGUA.—The shocking news came long after President Violeta Chamorro had defeated the leftist Sandinista Front and vowed no more revolutionary monkey business, like the training of foreign guerrillas on Nicaraguan soil.

Down in Chile, two local leftists were claiming from their jail cells that they had

trained for guerrilla warfare near Managua a full year after Nicaragua had voted the Sandinistas out of power.

Despite Chamorro government denials, Nicaragua today remains a flickering beacon for the foreign leftists, revolutionaries and terrorists who flocked here in the 1980s to bask and train under the Sandinista hospitality.

Strands from events as far removed as the World Trade Center bombing in Manhattan, the kidnappings of wealthy Brazilian businessmen and the arraignment of Basque terrorists in Spain all lead back to Managua.

And when investigators look into allegations of Sandinista involvement in such mysteries they inevitably get nowhere, raising further suspicions about the influence wielded by the Sandinistas despite their absence from official power.

BLAST REVEALS CACHE

The most recent example of the Sandinistas' dubious legacy came May 23, when an accidental explosion in a Managua neighborhood revealed a secret arsenal of assault rifles, explosives and even anti-aircraft missiles. Reluctantly, a Salvadoran Marxist guerrilla group with longstanding ties to the Sandinistas later took responsibility.

In the same cache, authorities also found documents indicating the existence of a multinational ring of leftist guerrillas that has kidnapped businessmen in Brazil and Mexico and may still be active even today.

Chamorro's critics blame the situation on the deal that she struck with the Sandinista Front after the 1990 elections. To assure a smooth transition, she agreed to retain Sandinista chieftain Humberto Ortega as head of the army and allow him to take control of the vast Sandinista state security apparatus that was previously under the Interior Ministry.

The ministry's General Directorate for State Security, known by its Spanish initials DGSE, maintained secret ties for more than a decade with foreign radicals such as Argentine and Chilean Marxists, Basque terrorists, Italian and Salvadoran guerrillas and Arab radicals.

IRAN, LIBYA, PLO EMBASSIES

The legacy of those contacts lives on. Nicaragua today is the only Latin country besides Cuba to host full-fledged embassies from Iran, Libya and the Palestine Liberation Organization.

The Chamorro government, managing an economy almost totally dependent on foreign aid, is loath to admit any sign that the Sandinistas are not fully subject to its authority. The training of the Chilean guerrillas in 1991 is a case in point.

Diplomatic sources told The Herald earlier this year that the Chileans jailed in Santiago had confessed in 1992 that they had received explosives and weapons training by both Sandinista police and army officers near Managua in 1991.

When news of the confessions reached Managua, the Chamorro government was so upset that it immediately sent former army intelligence chief Lt. Col. Ricardo Wheelock and a deputy foreign minister to Santiago in July of 1992 to look into the allegations.

When first asked about the matter, Foreign Minister Ernesto Leal claimed no knowledge of the case. But after the weapons cache exploded in Managua. Wheelock acknowledged the two jailed Chileans indeed had been in Nicaragua in early 1991.

Wheelock confirmed they were members of a splinter group of the Revolutionary Movement of the Left, or MIR and that they had trained at a civilian gun club and rifle range some 15 miles south of Managua.

BACK-DATING PAPERS

"What was found was a civilian marksmanship association that had no links to the [government] . . . or to the army. We have absolutely nothing to do with this." Wheelock said in an interview.

But one Managua-based diplomat said that, after the allegations of Sandinista training for the Chileans surfaced, the Sandinista People's Army gave the implicated officers retirement papers back-dated to a time before the training was supposed to have occurred.

Wheelock called those allegations false and "reckless."

COVERING THE TRACKS

Contradictory stories also emerged after the May 23 explosions shook the Santa Rosa neighborhood and blasted open an underground chamber filled with Soviet-made anti-aircraft missiles, automatic rifles, mortars, grenades and forged passports.

Tomas Borge, the Sandinista interior minister for 11 years, turned up at the site of the pre-dawn blasts in his night clothes even though he now holds no government job.

In April, the pro-Sandinista newspaper El Nuevo Diario printed big chunks of a transcript of a conversation between Mas Canosa, head of the Miami-based Cuban-American National Foundation, and a mid-level Foreign Ministry official in Managua.

Mas Canosa was merely asking the Managua official for assistance in obtaining a document that would allow some relatives in Cuba to emigrate to Nicaragua.

But the evidence of wire-tapping boosted allegations of crimes by Sandinista intelligence agents.

Foremost among the unsolved crimes linked to state security was the murder of Enrique Bermudez, the former commander of the contra forces, in a well-lit Managua hotel parking lot only a few yards from military headquarters on Feb. 16, 1991.

FORMER AGENT A FUGITIVE

State security has also been linked to the emergence of the Punitive Forces of the Left, a terrorist group of ex-army officers that struck its first blow last November with the slaying of a rancher fighting for the return of lands confiscated by the Sandinistas.

The army says the officer identified as the group's leader, Lt. Col. Frank Ibarra, a DID chief in the northwestern city of Leon, was discharged at least four months prior to the killing.

But human rights monitors say Ibarra did not appear on a list of discharged officers issued at the time, indicating that the claims of his discharge were phony. Ibarra fled after the assassination and remains a fugitive.

With such delicate political crimes still unsolved, it remains unclear just how forthright the intelligence apparatus has been with the Chamorro government—and how hard the government presses for information when the Sandinistas may be involved.

SLANT OF DATA IS SUSPECT?

Nicaraguan intelligence operations are now monitored only by Chamorro, a soft-spoken widow of a slain newspaper publisher, and her chief of staff and son-in-law, Antonio Lacayo, an MIT-trained engineer and former Jesuit seminarian.

Some diplomats contend that the Sandinista security agents have beguiled Lacayo with dirt on his growing list of political adversaries.

"I heard that he loves to read intelligence reports. He's fascinated by them," said a Latin American diplomat based in Managua.

Faced with a tightening circle of confidants, Lacayo is relying more on the reports to stay in touch, said a European military attaché. "He gets the information that they want to give," the attaché said.

A former Pentagon official concurred, saying the army reports "are going to be filtered and slanted toward the direction that they want to go."

LACAYO MONITORS INTELLIGENCE

One of the diplomats said Lacayo meets daily with Col. Lenin Cerna, the former chief of Sandinista state security who now heads the DID unit within the army. A shadowy figure, Cerna has been accused of personally torturing contras during and even after the civil war.

Lacayo did not respond during a two-week period to repeated requests by The Herald for an interview to discuss the charges that the Sandinistas in fact control the DID's intelligence operations.

While Chamorro is nominally the defense minister, no actual ministry exists and legislators do little more than approve a lump sum disbursement once a year for the army. Cerna has testified before the National Assembly only once in the past three years.

Officials say they have considered following the system of most Western democracies, separating national security functions from the army and putting them under presidential control, but it is costly.

"To create a civilian intelligence apparatus costs money," said Frank Cesar, deputy minister of governance, the ministry that supervises the National Police. "It means training and selection of personnel and a lot of other things."

Mr. President, this story is one that is not only unsavory but alarming. Following the election of 1990, a freely elected government was in place in Nicaragua. In defiance of the expressed will of the people, however the Sandinistas continued to control key parts of government, including state security and the army. Humberto Ortega and his Marxist henchmen, since the election, have wielded their power with a diabolical shrewdness. The same despotic nature of the FSLN that brought civil war to Nicaragua and spread subversion through the hemisphere now threatens us right here at home.

There is no justification whatsoever for this Government to supply any assistance to the Nicaraguan Government until there is a thorough and complete investigation and until we are sure that there will be no repetition of this kind of activity. The export of terrorism must be stopped.

Mr. President, I ask unanimous consent that the article from yesterday's Washington Post be printed in the RECORD.

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

[From the Washington Post, July 14, 1993]

MANAGUA BLASTS RIP LID OFF SECRETS

(By Douglas Farah)

MANAGUA, NICARAGUA.—Explosions that ripped through a car repair shop on the outskirts of Managua at dawn May 23 sent shock waves far beyond Nicaragua. From the debris have emerged a guerrilla arsenal threatening the Salvadoran peace process, documents detailing a Marxist kidnapping ring directed

against Latin American millionaires, and hundreds of false passports and identity papers.

The three blasts that tore through the Santa Rosa neighborhood killed two people, damaged 16 houses and exposed a sophisticated bunker beneath the shop containing tons of weapons, including 19 surface-to-air missiles.

The underground vault also held the passports, falsified identity papers and documents laid to the kidnapping ring. Investigators and diplomats said there is strong circumstantial evidence that the arsenal and the ring operated with at least the tacit approval of Nicaragua's leftist Sandinista National Liberation Front, which held power from 1979 until 1990 and whose leaders still control the army and state intelligence.

The vault "looked like a one-stop shopping center for terrorist activities, where you could get guns and documents," said a diplomat familiar with the case. "You would have to be extraordinarily naive to think this was not under the aegis of some part of the intelligence operation of the Sandinistas."

Because some fraudulently obtained Nicaraguan passports were discovered in March at the home of a suspect arrested in New York in connection with the Feb. 26 bombing of the World Trade Center, U.S. investigators have also visited here twice to see if any links exist between the cache and the New York blasts. A U.S. Embassy spokesman said he could not comment on the continuing investigation.

When they arrested Ibraham Elgabrowny in Brooklyn in early March, U.S. authorities found five Nicaraguan passports, five Nicaraguan birth certificates and two driver's licenses. The passports contain photographs of El Sayyid Nosair, his wife and children. Nosair is in prison in New York, convicted of a weapons charge after being acquitted of the 1990 murder of Rabbi Meir Kahane.

A Nicaraguan judge in April convicted six present or former immigration officials of fraudulently issuing the passports found in New York. No connection has emerged publicly between these passports and the underground vault operation but authorities reported promised to investigate. Senior government officials declined requests for interviews on the matter.

Whether or not more connections are found, the blasts' consequences in El Salvador and Nicaragua have been serious. In El Salvador, the fallout has threatened to derail the United Nations-mediated peace process because it showed at least one faction of the umbrella Farahundo Marti National Liberation Front (FMLN) failed to destroy its weapons as promised.

In Nicaragua, new questions have arisen about the Sandinista party's past ties to terrorist organizations and possible ongoing links. Doubts that President Violeta Chamorro has any real control over her country's army or intelligence operations have been renewed.

In a June 11 letter to U.N. Secretary General Boutros Boutros-Ghali, former Salvadoran guerrilla commander Salvador Sanchez Ceren admitted the weapons in the vault belonged to his FMLN faction, the Popular Liberation Forces. He apologized for falsely telling the United Nations the weapons had been destroyed and said none had been removed since the peace accords were signed last year. Besides the surface-to-air missiles, the vault contained hundreds of AK-47 assault rifles, machine guns, rocket-propelled grenades and tons of ammunition and explosives, including some C-4 plastic widely used in terrorist bombings.

In a July 1 report to the Security Council, Boutros-Ghali said hiding the weapons was "an extremely grave" violation of the peace accords and said the ex-rebels deliberately deceived him. Since the Popular Liberation Forces recognized its ownership of the arsenal, President Alfredo Cristiani and other conservative politicians have asked that the FMLN, now a legal political party, be suspended from participating in next year's elections, at least until all arms are destroyed.

But as serious as the illegal cache of arms is for El Salvador, investigators, opposition politicians and diplomats here said the long-term implications for Nicaragua were greater. They said the continuing operation of the vault is strong evidence that the Sandinistas may still be tied to a shady network that turned Nicaragua into a haven and operational center for leftists.

Evidence fills 45 bulging Manila folders in the tiny chambers of Judge Martha Quezada of the Fifth Criminal Court, who is investigating the case. Last week she let reporters review the documents. She said there were 310 passports, many blank, from 21 countries. There were scores of other false identification papers, blank permits from the Sandinista government to carry weapons and immigration stamps from various countries.

With the documents were reams of detailed studies of companies and more than 100 wealthy families in Brazil, Mexico, Ecuador and other Latin American nations who were potential kidnap victims, noting personal habits, family and political ties, net worth, surveillance techniques and potential ransoms.

Most of the documents appear to date from the period 1986–90, while the Sandinistas were governing. But there are papers from the Spanish Basque separatist group ETA from earlier this year, and documents of the Salvadoran ex-guerrillas from May 1993. Investigators charge that the ring was active at the time of the explosions.

In a June 30 news conference, Romeu Tuma, vice president for North and South America of the international police agency Interpol, said the agency had used the documents to tie six kidnappings—two in Mexico and four in Brazil—to the group operating from Managua. He said the ring appeared to be the result of an alliance formed among leftist Latin American groups at meetings in Hamburg, Germany, and elsewhere in the late 1980s.

Besides the recent papers, there is other evidence that the cache was currently active. According to Sandinista military sources and international investigators, and contrary to the ex-guerrilla leader's statement about no weapons being moved, the explosions were set off when guns and explosives were being loaded from the vault into a car, perhaps to carry out an arms sale.

Quezada said in her preliminary finding in June that the vault was used to sell weapons up to the time it exploded. She found that one person who had five passports and a Mexican work permit "directed in Nicaragua the operation of selling weapons to other countries." She still does not know his real name.

Few familiar with the case believe such an operation could have been set up without at least the Sandinista Front acting as a willing host. Following the triumph of their revolution in 1979, the Sandinistas developed, with the help of Soviet Bloc and Cuban advisers, the most sophisticated intelligence operation in Central America. The Sandinista Front also hosted groups from the PLO, Italian Red Brigades, ETA and Libya. As a legacy of the Sandinista era, Nicaragua is the only Latin American country besides Cuba to be host to Libyan, Iranian and Palestine Liberation Organization legations.

All ties to irregular groups supposedly were cut when Chamorro, a favorite of the United States, defeated the Sandinistas in the 1990 presidential elections. But investigators and diplomats charge that because she left the Sandinistas in charge of the military, police and intelligence operations, the Sandinistas have been able to maintain most of their old network.

Humberto Ortega, who was defense minister in the Sandinista government, continues as head of the army. The principal intelligence agency, the General Directorate for State Security, was transferred from the once-powerful Interior Ministry to the Sandinista People's Army under Ortega and renamed the Defense Information Directorate. Lenin Cerna, the head of the agency when it was under the Interior Ministry, was transferred to head the new agency in the army and given the rank of colonel.

Given the intelligence network and the size and sophistication of the the vault—with hydraulically operated metal doors and chambers connected by tunnels—the sources said it could not have been functioning without the knowledge of the Sandinistas. All the groups tied to the vault were allies of the Sandinistas in the 1980s.

Former Salvadoran guerrillas said the vault had been in use for at least five years, with Sandinista permission. "Nicaragua was a large arms fair, a sort of huge, gray market," said one former Salvadoran rebel who bought weapons in Nicaragua. "You could get anything."

"It is inconceivable the Sandinistas did not know," said a diplomat. "It is just too easy to do these types of things here. The intelligence apparatus that was in place is still there, with the same old happy people."

Suspicion was already high that the Sandinistas had moved to protect terrorists and revolutionaries during their last days in office. In the two months between losing the elections and turning over the governments to Chamorro, the Sandinista government granted citizenship to 890 foreigners from more than 30 countries, according to diplomats and published reports.

Former Sandinista president Daniel Ortega has visited Iraq at least once and Libya twice this year, once immediately after the arms cache was discovered.

Also after the blast, a former Sandinista intelligence worker gave the government the names of three ETA leaders wanted in Spain on murder and other charges. The three, living with false identities here, were immediately deported. All three worked for former Sandinista interior minister Tomas Borge in the 1980s, the diplomatic sources said. The Sandinistas protested the deportations as illegal.

According to court documents, the operator of the repair shop, Miguel Larios Moreno, was a Basque who obtained Nicaraguan citizenship from the Sandinistas in 1982 on the basis of a falsified Ecuadoran diplomatic passport. He vanished after the blast. Other bits have emerged to intrigue diplomats looking at the case, including eyewitness accounts that Borge, a hardline Sandinista, was one of the first to arrive at the scene—in his pajamas—after the explosions, even though he holds no government position.

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The diplomatic sources also affirmed a report in the anti-Sandinista daily La Prensa that serial numbers were removed from 16 of the 19 surface-to-air missiles immediately after the blasts to make it impossible to trace their origin. The sources said the missiles, picked up by the army, were black with soot and ash except for shiny spots where the serial numbers should have been.

Chief military spokesman Lt. Col. Ricardo Wheelock, former head of the Sandinista military intelligence, called the charge "slanderous" and said that if the army wanted to hide the origin of the missiles, it could simply not have turned them over. He also said the Sandinistas had no direct knowledge of FMLN activities in Nicaragua in the 1980s or now, or of the kidnappings.

"We turned a blind eye to what the Salvadorans were doing," Wheelock said. "We did not chase guerrillas, we were fighting a war [against the U.S.-backed contra rebels]. We know that what [the Salvadorans] were doing was helping us."

Sergio Ramirez, a Sandinista leader and former vice president, denied current Sandinista involvement with armed groups, but said the Sandinistas "need to distance themselves from everything to do with armed struggle." Asked if that implied the party had not done that, he responded: "We have been doing it, but we need to do it more."

Asked about such Sandinista ties while in power, Ramirez said it "would be fruitless to discuss what happened before 1990. If we did that, then we would have to pull out a list of what the United States was doing to Nicaragua."

Investigators said it could take years to trace the information sitting in Quezada's office and they were uncertain whether Managua was the center of the kidnap group or one of several centers.

Among the documents found were seven U.S. passports, three blank. In addition, there were Spanish, Ecuadoran, Swiss, German, Canadian, Mexican, Venezuelan, Central American, British, Belgian, Grenadian, and Mexican passports.

Tuma said the Brazilian kidnappings tied to the Managua operation included that of Abilio Diniz. He was freed after police captured 10 suspects, while the other victims paid a total of about $10 million in ransoms. He said the two Mexican kidnappings apparently ended in ransom payments as well.

It was the 1989 Diniz case that first suggested to investigators that different leftist groups had formed an alliance for kidnapping. Among those convicted were people with links to the Chilean Revolutionary Leftist Movement and their Argentine counterparts. The vault contains news accounts of the abduction and other papers relating to it.

Two Canadians, Christine Lamont and David Spencer, suspected at the time of ties to the Popular Revolutionary Forces, were convicted in the case and are serving sentences in Brazil. Multiple false identifications, credit cards, checkbooks and personal letters for the two were found in Managua.

A Brazilian newspaper, Folha de Sao Paulo, said that one of the Chileans arrested in the Diniz case first told police about a series of meetings in the late 1980s among the different groups to discuss kidnapping to finance their operations.

The documents list potential victims, often with the state of their finances, bank account and credit card numbers, where they liked to eat, how they treated their workers, and the ransom they would bring.

A section on Ecuador titled "Families with Money" included entries such as the following:

"Family: Maspaus Guzman. Objective: Santiago or Alberto, heads of the group and with the largest personal fortunes. Net worth: $500 million. Amount that can be negotiated: $30 million. Operational situation: Real possibilities to carry out the job, and it would be easier in Quito than in Guayaquil. Actual policy: The government would try to stop police actions and would be disposed to negotiate, especially if we leave no clues."

The Wright-Duran Ballen family, relatives of Ecuadoran President Sixto Duran Ballen, carries a similar listing, with a family tree and the net the family's worth put at "$200-$250 million." The entry says: "Amount to negotiate: $10 million, but could be more with negotiations."

On a separate typed list of Mexicans are handwritten notations beside each name. The note about Isaac Saba says: "A Jew. He has no social prestige." TV magnate Emilio Azcarraga is described as "a person hated by society. He treats his workers poorly. He is arrogant." In contrast, it is said of Lorenzo Servitje: "has social prestige. Nationalist. It would have a social cost."

Escape routes were also meticulously charted. For example, there are descriptions of routes from Brazil to Bolivia, Peru and Colombia, together with the number of border checks, hours that customs offices are open, bus and airline schedules and whether surveillance is strict.

"It has unquestionably been true that the Sandinistas allowed terrorist activity, and the cache is pretty good evidence that it still is true," said a diplomat.

WEAPONS CACHE RAISES QUESTIONS IN NICARAGUA

WASHINGTON.—An arsenal that included 19 surface to air missiles uncovered following a May 23 explosion in Managua, Nicaragua, has led investigators and diplomats to call it a serious violation of the Salvadoran peace accord, the Washington Post reported Wednesday.

The explosion destroyed a car repair shop, killed two people and damaged 16 houses.

A subsequent investigation also uncovered a sophisticated guerrilla arsenal that held passports, falsified identity papers and other documents, according to the report.

The unnamed diplomats told the Post there is strong circumstantial evidence that the arms cache operated with at least the tacit approval of Nicaragua's leftist Sandinista National Liberation Front.

Former Salvadoran guerrilla commander Salvador Sanchez Ceren admitted to U.N. Secretary General Boutros Boutros-Ghali that the weapons in the vault belonged to his FMLN, Marti National Liberation Front, faction.

The underground vault also held passports, falsified identity papers, and documents laid to a kidnapping ring, the newspaper said.

An unnamed diplomat familiar with the case said the vault "looked like a one-stop shopping center for terrorist activities, where you could get guns and documents."

The discovery has raised new questions about the Sandanista party's links to terrorist organizations and renewed doubts that President Violeta Chamorro has any control over her country's army or intelligence operations. Boutros-Ghali said hiding the weapons was "an extremely grave" violation of the peace accords and said the former rebels has deceived him.

President Alfredo Cristiani and other conservative politicians have asked the FMLN, now a legal party, be suspended from participation in next year's elections.

Diplomats say the continuing operation of the vault is strong evidence that the Sandinistas may still be tied to a network that tied Nicaragua into a haven and operation center for leftists.

U.S. investigators were looking for links in the discovery of false Nicaraguan passports and identity papers found at the home of a suspect in the World Trade Center bombing and the finding of hundreds of false passports and identity papers in the exposed arsenal.

Investigators said the explosion was touched off when guns and explosives were being loaded from the vault to a car.

Judge Martha Quezada of the Fifth Criminal Court said her preliminary finding in June held that the vault was used to sell weapons at the time of the explosion.

[From the Economist International, July 10, 1993]

NICARAGUA: SUSPICIOUS SANDINISTS

An odd affair. One of the suspects arrested after the bombing of New York's World Trade Centre in February was found with five Nicaragua passports. What had Muslim militants to do with Nicaragua? But stranger goings-on have surfaced since then, embarrassing not just that country's remaining Sandinists but President Violeta Chamorro, who has to live with them.

A sinister picture began to emerge on May 23rd, when an explosion ripped apart a car-repair shop in Managua. Investigation revealed a cache of rifles, explosives and 19 anti-aircraft missiles in a cellar below the premises. The weapons were found to belong to a Salvadorean guerrilla group, the People's Liberation Forces. The discovery, proving a breach of last year's UN-brokered peace agreement in El Salvador, has humiliated guerrilla leaders eager to win respectability as politicians. They have apologized to the Nicaraguan government and have revealed other caches.

Still more startling was the discovery of files detailing what appears to be an international left-wing kidnapping ring, with ties to Spain's ETA Basque separatists and groups elsewhere, including Chile and Argentina. These revelations come hard on the heels of evidence that radical Sandinists continue secretly to entertain Latin American left-wing guerrillas in Managua and are using that state security system to watch and bug their enemies. Diplomats say the documents point to an ill-defined radical faction within the Sandinist Front, which appears to have operated clandestinely since the mid-1980s, collaborating with extremists in Latin America and the Middle East.

The files revealed plans to kidnap more than 100 people in Brazil, Bolivia, Mexico and Venezuela. Some of the kidnappings have already been carried out. Also found were travel documents, including blank passports of several counties, stamps for fake exit and entry dates on passports, false driving licenses and identity cards.

The kidnapping ring is believed to be headed by Basque separatists who fled Spain in 1980 and found refuge in Nicaragua, then under Sandinist rule. The repair shop was owned by one Eusebio Arzalluz, an ETA guerrilla who was given an assumed name and Nicaraguan citizenship by the Sandinists. He has slipped away. But three other "Nicaraguan" Basques were arrested after the explosion and deported to Spain.

The affair is now being investigated by a Nicaragua judge, as speculation mounts that the group must have had some tacit approval from Sandinist officials. Critics of President Chamorro are now demanding an end to the

power-sharing agreement that she made with the Sandinists, in the name of national unity, after her election victory in February 1990. She has allowed them to retain control of the army and the state security forces, which are still made up largely of former Sandinist soldiers and spies trained in the Soviet block Lenin Cerna, a shadowy character who ran the secret police under the left-wing regime, now controls the army intelligence corps.

Under Sandinist rule, the general directorate for state security (DGSE) was controlled by the interior ministry. Intelligence officials in the United States have long suspected that it used Latin American and European terrorists for international operations, including the 1980 murder in Paraguay of Nicaragua's ousted dictator, Anastraio Somoza. After they lost power, the Sandinists kept control of the DGSE by transferring it to the army.

New evidence has also surfaced which suggests that extreme Sandinist elements may be linked to a bomb explosion in 1984 aimed at Eden Pastora, a prominent leader of the anti-Sandinist contra fighters. The bombing at La Penca, a jungle outpost on the border between Nicaragua and Costa Rica, left three journalists dead and 17 others injured. Investigations till now had suspected that the guilty men were right-wing assassins with ties to America's CIA. But the new evidence paints a different picture. An American private investigator who has discussed it with Sandinist leaders says they deny complicity, but "none could assure me that a renegade element of the security apparatus had not been involved."

Mrs. Chamorro is not the only leader who risks embarrassment. After the discoveries, Mariano Baselga, Spain's ambassador to Nicaragua in the early 1980s, started to make noises in Madrid. He says he had caught wind of Sandinist connections with terrorist movements even then, and had informed his own government, then as now headed by Felipe Gonzalez. But the ex-ambassador says his political masters, reluctant to upset fellow socialists in Nicaragua did not listen. Instead, he says, they bowed to the wishes of the Sandinist government and sacked their ambassador.

Mr. McCAIN. 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. HARKIN. 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. HARKIN. Mr. President, I ask unanimous consent to proceed for up to 10 minutes as in morning business.

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

A DISASTER OF EPIC PROPORTIONS

Mr. HARKIN. Mr. President, I want to take this time on the Senate floor today to speak about a disaster of epic proportions that is now occurring in my State of Iowa. And, indeed, I know Iowa is not entirely unique. I know that the flood is hitting Missouri, Illinois, Wisconsin, Minnesota, parts of South Dakota, and parts of Nebraska, also. I daresay that Iowa has been the hardest hit of all.

I just spent about 5 days touring the State, observing the devastating effects of this flood firsthand. Yesterday, I had the privilege of being with President Clinton when he stopped in Iowa on his way back from the summit in Japan. The President was kind enough to spend a good deal of his time in Des Moines, our capital city, yesterday, taking a helicopter tour of the area around Des Moines and Polk County that has been hit by the flood that has been widely reported in the press, of course, and the electronic media.

In riding back to Washington with the President yesterday on Air Force One, and having the opportunity to speak with him about the flood itself, I could tell that he was quite shaken by what he had seen. I think it was widely reported in the press that the President said he had seen floods before, of course, as Governor of Arkansas, but this was the worst that he had ever seen. He had never seen anything like it.

Indeed, Mr. President, I am sure that all of us in this body at one time or another witnessed floods or other acts of nature in our States that have hit certain areas. I do not think a year goes by that we do not have some river that has gone out in Iowa or a little stream and affects a little area. This is nothing like that. This is a flood that has inundated the entire State of Iowa. All 99 counties have been declared a Federal disaster area.

It has left literally no one untouched in the State of Iowa. If, in fact, a house has not been inundated by water or a community has not been submerged, then their services have been cut or severely hampered; transportation has been hampered in Iowa; food—just the normal things we take for granted; all of these things. It has affected everyone in the entire State.

As I said, in the past few days, I took a helicopter tour. I started in Davenport, if you visualize the State of Iowa, I started in Davenport with a National Guard helicopter, flew down to Missouri to Burlington, Fort Madison and down to Keokuk, and then flew up the Des Moines River. Keokuk is where the Des Moines River flows into the Mississippi. Usually it is just a nice little river that flows into the Mississippi at the confluence at Keokuk.

Flying over it, the helicopter pilot, who had served a tour in Vietnam, said it reminded him of the Mekong Delta. You could barely see across. There was no river. It was just a huge massive body of water that had flooded all of the surrounding farmland, farmsteads, small towns, and communities; flying up the Des Moines River to towns like Bonaparte, Keosauqua, the famous Manning Hotel, a national historic landmark under water; Eldon, Ottumwa, IA, where I witnessed, again, acts of heroic proportion by the people of that city and what they had done to stem the flood waters from coming into Ottumwa.

I arrived in the afternoon and went down to the riverfront where there was this huge levy of dirt. It must have been about 10 feet high and about 20 or 30 feet thick, at least at the base, and stretched for several blocks. The mayor, Carl Rodosovich told me last night that dike was not there and that literally within a 24-hour period of time, they had moved a hill from outside of town right to downtown Ottumwa. They did it with the National Guard, the Army Corps, and literally hundreds of volunteers went out and dug up that hill and moved it and put this levy up to keep the flood waters out of Ottumwa.

These are the kinds of acts, selfless acts, of heroism taking place every day in the State of Iowa, people working 18, 20 hours a day, and that is not unique. It is happening all over the State.

Continuing up the Des Moines River toward Red Rock, you cannot even see the river. The river is just one big mass of lake that stretches for, well, literally a quarter of a mile, half mile, some areas maybe 2, 3 miles wide. It looks like a big lake that stretches all across the State of Iowa. Farms that I am sure thought they would never be in floods are now inundated with water.

I hold up these pictures, Mr. President. I think maybe you can see them. This is a small business and surrounding farmland that is below Red Rock Dam, totally inundated. This is not unique. This is happening all over the State of Iowa. The whole area is just completely under water.

This is the community of Valley Junction which is near Des Moines. I was born and raised about 10 miles from this community. The whole downtown area is completely under water, every business. Not one, not one was left untouched. Railroad tracks—I guess they are south in this picture—the railroad tracks just washed out from the force of the water. Homes, houses completely inundated with water. And, of course, now some of the water has receded and you ought to see the mess—the mud, the sewage, everything else left there in this city that has to be cleaned up. Businesses, as I said, totally damaged.

Here is a picture of the city of Des Moines. I know you have read a lot about the capital city of Des Moines, 250,000 people. This is just some of the surrounding floodwaters of Des Moines that stretches on down into part of the downtown area, some of the businesses affected.

The water treatment plant sits right over here. The water treatment plant for Des Moines was put out of business.

Mr. President, imagine, if you can, a city of 250,000 people with no drinking

water, cannot take a shower, cannot take a bath, cannot flush the toilet. Think about what that would mean in a city of 250,000 people. Everyone has to go down to certain points they have set up now around the city where you take plastic bottles and jugs to get water to take home.

I might also add, Mr. President, that the businesses have tried to continue to work in downtown Des Moines. They have skeleton crews. Because of the lack of power, they have cut off air-conditioning so people are going to work in T-shirts and shorts.

But again, no drinking water, cannot flush the toilets, cannot do anything like that that we take for normal activities. The problem is that now they think Des Moines will be without drinking water for up to maybe 30 days. They have been pumping out the water treatment plant. They put a big dike around it. The National Guard and the Army Corps and volunteers have been working day and night to put up the levees around the water treatment plant.

Let me just backtrack a little bit here, Mr. President. People wonder how could the water treatment plant have been flooded. We had a levy, a dike around the water treatment plant that was not only built to specifications; it was built high enough to meet a 100-year flood and then they added 4 feet on top of it. So the dike around the water treatment plant was 4 feet higher than any anticipated flood that they would ever have, and yet the water came over the top of it. That is the kind of water we are talking about.

So it knocked out our water treatment plant in our capital city and it is going to take some time to get it back up on line.

On Sunday—and here gain I wish to say a big thank you to FEMA, the Federal Emergency Management Administration, and to James Lee Witt, the new Director. I had never met Mr. Witt before. But on Sunday morning we had a conversation. I had heard from the mayor of Des Moines, Mayor Pat Dorian, that the hospitals in Des Moines had no safe drinking water, and they needed some water purification units.

So I talked to Mr. Witt and told him we needed some water purification units. I did not even know what they looked like. But he went to work and found them someplace in the country, got some Air Force C-5A's, loaded them on, and about 24 hours later in Des Moines the hospitals were hooked up to these water purification units. I think most of them were hooked up by Tuesday, if I am not mistaken, so they could continue to operate and function. So I just want to make that point, that FEMA responded and responded well. I really thank FEMA for all the work they have done in Iowa.

But, I guess, Mr. President, as I said, the real heroes and heroines are the people of Iowa as the President saw them yesterday, working down there, filling those sandbags. I do not mean only during the day, I mean all night long filling sandbags—men, women, young kids out there, helicopters coming in to pick up these sandbags because you could not get trucks through the water. So they had to have helicopters come in and pick up big nets full of sandbags and then putting them down on the dike around the waterplant and other places like that. And then some of the businesses—a grocery store making all the sandwiches and giving free food to people out there working.

I wish I had one here to show you. Anheuser-Busch in St. Louis canned water like beer cans, only they were full of drinking water—I never seen anything like that—and shipped them up on trucks to Des Moines so we would have drinking water.

So all of these things pulling together to try to get through a devastation that is hard to describe. Someone asked me earlier today if I had ever seen anything like it before. I said no, but I read something like this before. I read about it in the Bible. This is a flood of biblical proportions.

For 47 out of the last 51 days, we have had rain in Iowa—and I do not mean just a drop or two; I mean rain. The Army Corps of Engineers described it to me this way. They said all of the ground is saturated, so it cannot hold any more. The reservoirs—Red Rock, Coralville—that the Army Corps built to hold back water for periodic floods, they are full. They are overflowing. And the rivers are out of their banks. Any rain that we get now, an inch of rain, an inch and half of rain, it just floods it out more, and the Mississippi cannot hold any more. And so we pray that we do not get any more rain because there is nothing we can do about it, absolutely nothing we can do about it.

But we are working hard and people are putting up more levees and more dikes, and we have a situation in Des Moines but it is not just Des Moines. It is all over the State—Cedar Rapids, Council Bluffs, Dubuque, Clinton, Denison, in the western part of the State—as I said, all 99 counties in the State of Iowa.

Mr. President, in times of crisis this country has always pulled together. If one part of our country is hurting because of a natural disaster, this country has pulled together to respond to that. We did it for Hurricane Andrew. We did it for Hugo. We have done it for earthquakes, typhoons. And that is the proper thing for this country to do.

I think one of the major tests of our Government ought to be how well it responds to devastations like this.

So the President of the United States, President Clinton, responded rapidly. They have a bill that they have already sent up here. It is now going to work its way through the House and then we will have it here in the Senate.

Quite frankly, the sums of money are a little bit too low, but the President said yesterday—and I congratulate him for this—he said:

> We will leave it open because we know it will have to be adjusted upward and it will have to be because there is no way that individuals, small businesses, and communities can work themselves out of this one.

We have done it in the past. If you have a small flood or a small amount of destruction, sure, the State can get together and we can answer those problems. But nothing of this magnitude. It is going to require the assistance of the entire country.

We have over 6,000 people who have been made homeless—6,000. That is just a conservative number. Thousands more are unemployed because the simply cannot get to work. Businesses are trying to meet their payrolls to keep people going and they cannot do it much longer.

So we have a real crisis in the State of Iowa.

Just think about it this way. Even our hotels, you cannot stay in a hotel in Des Moines. There is no drinking water, no running water. So all of the hotels are closed. People who live in Des Moines, who lived in some of the apartment houses, had to move out.

I guess if I could describe it for people who may live in Washington, imagine if it rained 50 straight days on the Potomac River and the river went over its banks. Imagine, if you can, the Jefferson Memorial under water; the Vietnam War Memorial, the Wall, under water. How about the Oval Office flooded, with about 1 foot of water in the Oval Office? That is the kind of devastation we are talking about here, something that has never happened before.

So the numbers do not just tell the story. It is in the human terms of what has happened to people there, and the way they have pulled together. I guess, if I may just close my remarks, Mr. President, I will say that we people in Iowa are very proud of our ability to pull through crises. We have done it in the past. We have had droughts. We have had tornadoes. Yes, we even have had floods in the past, too. We have always pulled through them. We will pull through this one, too.

But we are going to need the aid and assistance of the United States of America. I know this country is big enough to respond. I know that we have a deficit. I know we have problems in the budget. We have to reduce that deficit.

But as one of the newscasters on the news programs the other night said, think of it this way. Say, you are a homeowner, and you get the roof blown off your house. You may have debts and you may be in trouble. But nothing

is going to happen; you cannot do anything until you put the roof back on the house.

That is the way we are in the Midwest. We cannot do anything until we put the roof on the house. We have to get these businesses rebuilt, clean up the mess, get the homes restored, get the jobs back, and get the transportation and water systems back on line.

That is the magnitude of what I am talking about.

So I want to thank the people of Iowa for what they have done in working so hard. I just cannot again begin to describe to you what they have done.

I want to thank everyone from around the country who has responded. The Red Cross has been magnificent; the Salvation Army; I mentioned the National Guard; the Army Corps of Engineers—and just people.

Mr. President, I was on the levee yesterday with President Clinton. I looked up at a man standing up there. His shirt was off. He had been sweating; he was dirty. He told me he had been there many hours working. I asked where he was from, and he said he came all the way down from Michigan. He got in his car to drive down just to help out.

People all over the country are responding. I guess that is the beautiful thing about America. When we are in crisis, people pull together.

So, Mr. President, someday when people remember the flood of 1993, they may say that the rain and the rivers broke our levees and they broke our dikes and they broke through our floodwalls; but they did not break the spirit of the people of Iowa.

It is that spirit that is going to get us through this.

Mr. President, I hope that when that bill gets over in the Senate, that we will meet our responsibilities as a great and caring Nation to make sure that these people, who have worked hard and who have not asked much of the Government in the past get help. I know we are going to be made whole. That is not the purpose of this. It is not to put everybody in the situation they were in before the flood hit, but to get us back on our feet again and get the businesses operating; and, as I said, our water systems and transportation systems; and to get people back in their homes, to rebuild the houses and the communities.

With that, we will be back on our feet and making our contributions to American society once again.

Mr. President, I thank the Senate for its indulgence in order for me to lay out what has happened in Iowa. Again, I thank my colleagues for all of their expressions of concern and compassion that they have, I know, given to me and to my colleague, Senator GRASSLEY from Iowa, and others.

Again, Mr. President, I know that we will meet our responsibilities when the time comes. I thank the President.

I yield the floor.

HATCH ACT REFORM AMENDMENTS

The Senate continued with the consideration of the bill.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

AMENDMENT NO. 596, AS MODIFIED

Mr. McCAIN. Mr. President, I ask unanimous consent that my amendment be modified as a sense-of-the Senate resolution throughout.

The PRESIDING OFFICER. The Senator has the right to modify the resolution.

The amendment is so modified.

The amendment (No. 596), as modified, is as follows:

On page 34 between lines 18 and 19, insert the following:

SEC. 10. SENSE OF THE SENATE RELATING TO ASSISTANCE TO NICARAGUA.

(a) FINDINGS.—The Senate finds the following:

(1) On May 23, 1993, an explosion in Managua, Nicaragua exposed a cache of weapons, including 19 surface-to-air missiles, hundreds of AK-47 assault rifles, machine guns, rocket propelled grenades, tons of ammunition and explosives.

(2) Investigations of the explosions have uncovered 310 passports from 21 different countries, including seven United States passports.

(3) Documents in the possession of those apprehended in connection with the February 26, 1993, bombing of the World Trade Center have been traced to Nicaragua.

(4) The acquisition and storage of these weapons and documents could not have been accomplished without the knowledge and cooperation of the Sandinista National Liberation Front and ministries of the Government of Nicaragua under its control.

(5) The Sandinista National Liberation Front has a history of subversion and links to international terrorism.

(6) The recent discovery demonstrates the inability of the legitimate Government of Nicaragua to control all of its ministries.

(7) This lack of authority makes uncertain the ability of the Government of Nicaragua to prevent the export of terrorism by the Sandinista National Liberation Front.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) no further United States foreign assistance to Nicaragua should be obligated pending investigation by an appropriate international body, with the participation of United States Federal agencies, of the Sandinista National Liberation Front; and

(2) such investigation should focus on the relationship of the Sandinista National Liberation Front to acts of terrorism which threaten to undermine the security of the United States and the political stability and economic prosperity of the Western Hemisphere

On page 34, line 19, strike out "10." and insert "11.".

Mr. McCAIN. I yield the floor, Mr. President.

Mr. GLENN. Mr. President, I want to thank the distinguished Senator from Iowa for his remarks, his very touching remarks, about some of the heroism and the devastation that has been going on in his State of Iowa. We certainly are concerned about that. I hope we can take effective action here in the Senate as fast as we possibly can.

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. Without objection, it is so ordered.

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

The PRESIDING OFFICER. The Senate is on the bill, S. 185, the Hatch Act reform.

Mr. BYRD. Mr. President, I ask unanimous consent to speak out of order.

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

U.N. PEACEKEEPING COSTS AND MISSIONS

Mr. BYRD. Mr. President, the escalating costs of U.N. peacekeeping and peace enforcement operations continue to soar despite the economic hard times that all of the world's industrial nations, the U.N.'s biggest contributors, are enduring.

In 1991, the cost for all U.N. peacekeeping missions around the world totaled some $700 million, of which the United States paid $140.5 million. By 1992, with the addition of new operations in Cambodia, Somalia, and Mozambique, total U.N. costs for peacekeeping and peace enforcement reached some $2.8 billion. The U.S. share of this was $464 million.

In 1993, the total U.N. bill for peacekeeping is estimated to reach as high as $3.6 billion, which would put the U.S. bill at about $1.1 billion. The Congress appropriated only $460 million to pay the U.S. share, and has not yet been willing to approve a supplemental request for an additional $293 million to pay U.S. past-due assessments.

How are we going to pay for the rest of our 1993 bill? Despite the escalating costs, the preliminary decision by the subcommittee of jurisdiction in the House of Representatives has been to reduce the administration's request for peacekeeping funds in the State Department budget by one-third, by $219.2 million, from a request of $614.7 million.

This does not, in my mind, bode well for the success of the administration's fiscal year 1994 overall request of nearly $1 billion, which includes $300 million in the Department of Defense budget for peacekeeping. In the past, the United States has been assessed 30.4 percent of all U.N. peacekeeping operations, higher than the 25-percent

level set for the U.S. regular contribution to the United Nations.

But recently, the level of the U.S. assessment has been climbing, up to 31.7 percent, in order to make up for shortfalls in contributions from former Warsaw Pact nations and others. This sets a precedent for other nations. Just stop paying, and Uncle Sam's deep pockets will cover you. Mr. President, those pockets may be deep, but they are also rapidly emptying.

The United States is the United Nations biggest debtor, as well as its biggest contributor. We owe the United Nations $829 million, by its count; $517 million for the regular budget and now $312 million for peacekeeping. This is just part of the total owed by other U.N. contributors for peacekeeping alone of $1.3 billion. And the full bill for 1993 is not yet in.

Traditional peacekeeping conducted under chapter 6 of the U.N. Charter employs lightly armed troops in a largely confidence-building role, operating under a negotiated settlement between the parties to the conflict. Many of these operations have been underway for decades. Peace enforcement conducted under chapter 7 of the U.N. Charter is a new post-cold war animal.

Only in 1991 did the United Nations begin intervening in civil conflicts before a settlement was near. These peace enforcement missions are much larger in scale and much more costly. When combined with national reconciliation and "nation building" or so-called "peace building" activities designed to establish a new governmental structure, these peace enforcement operations would also likely require large, costly, and long-term commitments on the part of the United Nations.

The operation in Somalia has been estimated to cost $1.5 billion for 1 year. The peacekeeping, reconciliation, and rebuilding effort in Cambodia, which at least enjoys the partial security of a negotiated settlement, is estimated to cost $1.9 billion for a single year, and it is likely that this effort will last through the end of this decade. I do not know, Mr. President, how many such efforts like this the United States or any other country can afford to support.

In short, I think there needs to be a serious reality check in certain quarters. I do not detect overwhelming support in this Chamber for funding open-ended U.N. operations that the Congress of the United States, to which the first article of the U.S. Constitution addresses itself, has never sanctioned. I do not believe that the American people are eager to spend their hard-earned tax dollars on a series of global U.N. enforcement actions which have, at best, a rather murky goal and a limited chance of success.

Mr. President, in the New York Times of July 11, 1993, appears the following news story entitled: "U.N. Troops Begin an Effort To Take Over Somali Streets."

I read excerpts therefrom.

After weeks of rarely venturing outside their compounds, United Nations troops have begun setting up checkpoints in the streets of Mogadishu as part of an effort to wrest control of the city from Somali militiamen. The move to reestablish a visible military presence in the capital was the first since June 17.

Get this:

Three Italian peacekeepers and six Somali employees of the United Nations have been killed in separate incidents in the last 10 days. An Italian soldier and four Norwegians were wounded on Friday, Reuters reported, and today, three French soldiers were wounded by sniper fire while unloading relief supplies at this city's port.

Listen. Hear now what I am about to read.

"It's vicious out there, and it's going to get worse," a senior United Nations military official said. "The war is not over. Once you decide to go to war, you have to finish it."

Who declared that we go to war? Who declared that the United Nations go to war? Who declared that the United States be a part of that war if and when it is declared? Has the Senate so declared? Have Senators so voted? "It's vicious out there, and it's going to get worse," a senior U.N. military official said. "The war is not over. Once you decide to go to war, you have to finish it."

Another excerpt:

A principal goal of the occupying force is to disarm the competing factions in the Somali civil war. Now, United Nations military officials say that although they plan—

Get this—

to start house-to-house searches for weapons, they will not begin for a few weeks, waiting for the arrival of at least another 6,000 peacekeepers. "We're going to add a lot of troops to the city of Mogadishu," a senior United Nations military official said. "In a city of 500,000, if you're going to disarm, you've got to take it apart section by section. We're going to do that over the next couple of months."

There are 13,255 United Nations troops in Mogadishu, plus 1,052 members of the United States "quick reaction" force based here.

What are we about to get into in the United Nations exercise here in which, according to this newspaper report:

Now, United Nations military officials say that although they plan to start house to house searches for weapons* * *?

Continuing the quote:

In a city of 500,000, if you're going to disarm you've got to take it apart section by section. We're going to do that over the next couple of months.

Mr. President, this Senator and this Senate did not vote to send American forces to Somalia to go from house to house to disarm the participants in the internecine battles between Somalian warlords.

This Senator, for one, does not ever remember voting to grant the U.S. military the authority to chase down competing African warlords and conduct house-to-house searches in Mogadishu to confiscate weapons. I thought I voted to allow United States forces to go into Somalia and feed hungry people.

Everyone remembers the vivid, depressing, sad pictures on the television news evening after evening, which brought into the living rooms of the American people night after night, pictures of starving people, children who were nothing but skin and bones, mothers carrying their dying children in their arms. We all wanted to do something about that. So we all were behind the effort—"all" I think is a fairly safe way of explaining it, behind the effort—to open the channels for the delivery of food to the starving peoples who, through no fault of their own, were being deprived of the simplest and most basic of foods to keep body and soul together. We all favored that.

It has been quite a long time since I have noted a television newscast picturing those peoples starving. Perhaps I have missed something.

But in any event here, what are we doing now? We are part of a U.N. force that is telling us, at least through one of its so-called senior U.N. military official spokesmen, that "the war is not over. Once you decide to go to war, you have to finish it."

The American people have not bought into that. We simply do not have the financial resources to risk getting involved militarily in a series of global catfights.

I said yesterday that not everybody would be happy with what I was saying, and to those in this Chamber who wish to disagree and who think, oh, we should go along and be part of this great worldwide effort in the holy cause of restoring peace between these warring African despots, little autocratic despots, I say to those in the Senate who advocate that, where are you going to get your money? We cannot feed some of our own people adequately, and if we talk about peacekeeping, we had better bring those people back here and put them in the capital city if we are going to go from house to house and disarm individuals. We can do that. We do not need the U.N. forces to do that.

Somewhere, someone had better take a hard look at the huge disconnect between our financial and intellectual support of the United Nations and its goals, and what the American people and the Congress will actually sanction.

So to those who say, oh, we are on the right track, we do not agree with Senator BYRD in this, we ought to continue our efforts there; how do you stand on a balanced-budget amendment? Are you for a balanced-budget amendment?

Well, if you are, how can you say that we ought to continue down this

road. The Congress did not vote to go to war in Somalia. So I am at a loss to understand what this man means, this senior U.N. military official, "The war is not over. Once you decide to go to war you have to finish it."

Well, Mr. President, I have never been told that I have to stand and salute the United Nations. I was taught to salute when the American flag was passing by.

So let me repeat, someone had better take a hard look at the huge disconnect between our financial and intellectual support of the United Nations and its goals, and what the American people and the Congress will actually sanction. To fail to consider what our own people will support in the international arena before signing on to every global adventure that the United Nations undertakes, is a prelude to disaster.

Now, I am quick to say, as I said yesterday, the United Nations performs a valuable service. I do not want to be misunderstood in what I am saying. But what is happening in Somalia is something else.

The future of the U.N. peacekeeping mission and American support for it is open to debate and should be debated. We all need to clearly understand where we are leading in this area, what it will cost, because the bills are going to come due.

My distinguished friend from New Mexico who sits on the Appropriations Committee and on the Budget Committee, was present in the recent conference on the supplemental appropriations bill, and so was the Senator from Oklahoma [Mr. NICKLES]. I did not detect any great support in that conference for paying our past U.N. peacekeeping bills. I tried to help come up with $293 million on our past bills. There was not any groundswell in that conference, and finally we did not get it.

So it seems to me that all the big talk and all the highfalutin superiority that seem to be exuded from the belligerent, bellicose statements that are being made by some U.N. military leaders may well need to have a little realistic checkpoint. Who is going to pay the bill in treasure and in blood?

We all need to clearly understand where we are headed in this area, what it will cost, what we can afford, and what kinds of situations Americans are being put into. Some kind of understanding as to the rules of this game needs to be reached in the very near future before this Nation becomes embroiled in a quagmire somewhere on the globe which has zero support here at home.

Mr. President, I ask unanimous consent to have printed in the RECORD an article from the New York Times of July 11, 1993, entitled "U.N. Troops Begin an Effort To Take Over Somali Streets."

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

U.N. TROOPS BEGIN AN EFFORT TO TAKE OVER SOMALI STREETS

(By Donatella Lorch)

MOGADISHU, SOMALIA, July 10.—After weeks of rarely venturing outside their compounds, United Nations troops have begun setting up checkpoints in the streets of Mogadishu as part of an effort to wrest control of the city from Somali militiamen.

The move to re-establish a visible military presence in the capital was the first since June 17, when United Nations troops mounted a ground attack against the headquarters of Gen. Mohammed Farah Aidid, a clan leader whose fighters were held responsible for an ambush on June 4 in which 24 Pakistani peacekeepers were killed.

The American-led retaliatory raid forced General Aidid into hiding and destroyed some of his weapons, but his fighters have become increasingly bold recently.

ATTACKS ON U.N.

Three Italian peacekeepers and six Somali employees of the United Nations have been killed in separate incidents in the last 10 days. An Italian soldier and four Norwegians were wounded on Friday, Reuters reported, and today, three French soldiers were wounded by sniper fire while unloading relief supplies at this city's port.

"It's vicious out there, and it's going to get worse," a senior United Nations military official said. "The war is not over. Once you decide to go to war, you have to finish it."

United Nations officials have become virtual prisoners in their compound, the huge, fortified building that was once the United States Embassy. The streets are considered so dangerous that civilian employees living near the airport are now ferried in every day to the compound by helicopter, and many employees have not left the grounds for a month.

"We're being held hostage here," one official said. "As it stands this week, Aidid is winning. He has intimidated the United Nations with straight gangster tactics."

The military is not the only group worried about the ebbing of security in the capital.

RELIEF WORKERS FEARFUL

"We've never felt so much at risk," said Michael McDonaugh, the director in Mogadishu for Irish Concern, a relief agency. "In all our time here, the streets have never been so unsafe as when the troops are not on them. The United Nations is not facilitating us. They're obstructing us at this point."

Pakistani troops set up checkpoints on main roads on Friday, and in the largest show of United Nations force, several hundred heavily armed Italian troops in tanks and jeeps returned to the checkpoint they had abandoned during an ambush on July 2 in which three Italians were killed.

For more than a mile, the Italian armored column maneuvered through a gantlet of several thousand Somalis yelling pro-Aidid slogans and occasionally lobbing stones. Then, as hundreds of youths encircled his vehicle, the Italian commander, Brig. Gen. Bruno Loi, addressed the crowd.

"Attention Somalis!" he said through a loudspeaker in Italian, a language understood by many in this former Italian colonial capital. "I thank you. Today we have established the principle that we can negotiate. It is necessary now for both sides to stop shooting."

A GOAL: TO DISARM THE FACTIONS

The Italians' return to Checkpoint Pasta, named for a destroyed spaghetti factory nearby, had been negotiated for two days by Italian commanders, Somali elders and members of General Aidid's party. Officials close to General Aidid said that as part of the agreement, the Italians had promised not to resume searches for arms in that neighborhood for the time being.

The Italian negotiations, the first such talks since General Aidid went into hiding on June 17, were criticized by some United Nations officials as undercutting the international effort to isolate the clan leader.

A principal goal of the occupying force is to disarm the competing factions in the Somali civil war.

Now, United Nations military officials say that although they plan to start house-to-house searches for weapons, they will not begin for a few weeks, waiting for the arrival of at least another 6,000 peacekeepers.

"We're going to add a lot of troops to the city of Mogadishu," a senior United Nations military official said. "In a city of 500,000, if you're going to disarm, you've got to take it apart section by section. We're going to do that over the next couple of months."

There are 13,255 United Nations troops in Mogadishu, plus 1,052 members of a United States "quick reaction" force based here.

United Nations officials concede that for security to improve, General Aidid has to be dealt with. United Nations military officials say he is still in Mogadishu, moving from safe house to safe house every 24 hours.

REWARD FOR INFORMING ON AIDID

In another step to neutralize the general, the United Nations announced today that it was offering a $25,000 reward for any information leading to his arrest. The offer was publicized on 500 posters and 60,000 leaflets dropped over the city.

But even with General Aidid in hiding, his militiamen have fed the city's instability, using force and intimidation, and they are now beginning a terror campaign against Somali civilians, officials said.

The six Somali employees of the United Nations who were killed this week were slain after their car was stopped by gunmen, who warned passers-by that this would be the fate of all United Nations workers, officials said.

In a statement broadcast from his mobile radio transmitter, General Aidid has declared that all United Nations staff members, including Somalis, are targets. In the last week, Somalis have been stopped by the general's supporters on the street, searched for United Nations identity cards and beaten if any were found, United Nations relief officials said.

"This is a new phase," a senior official said. "There are increasing terrorist attacks against the local people, and people are getting scared. It will get worse."

Mr. BYRD. Mr. President, I yield the floor.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, before Senator BYRD leaves the floor, might I just say to him, I think he has once again raised a very, very important issue for this Senate and for the House and for the people of this country.

It is one thing to talk about peacekeeping—and almost everybody speaks favorably of it, because it seems to be the opposite of war—but, frankly, we need an American policy as to how we are going to pay for it.

First of all, I do not think it is good for the greatest Nation on Earth and the strongest one militarily to have some kind of a commitment to pay for part of this that we do not live up to. It just seems to me almost absurd that we are going to have peacekeeping missions that are important to the world and the United States does not have a game plan by the way of policy that says here is how we are going to pay for it.

And that is not all our responsibility. Part of that is I think the President is caught with some new and different things. We did not have this much peacekeeping.

But, frankly, the time has come to get it understood between the President and the Congress, at least, a basic framework. Otherwise, how are we going to to do this? It seems to me we are not getting anywhere.

I thank the Senator.

Mr. BYRD. Mr. President, I thank my distinguished friend.

HATCH ACT REFORM AMENDMENTS

The Senate continued with the consideration of the bill.

Mr. GLENN. Mr. President, what is the pending business?

The PRESIDING OFFICER. The amendment of the Senator from Arizona [Mr. MCCAIN] is pending.

Mr. GLENN. I would ask my distinguished colleague from New Mexico, would he mind if we voted on that? It has been cleared on both sides, so we do not have to put it on this other agreement.

Mr. DOMENICI. I have no objection. I would like, if the Senator would permit, to reserve my right to the floor. I have been waiting a long time and I wanted to speak.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I believe, as I indicated, the McCain amendment is pending. The Senator from Arizona is not on the floor, but that amendment has been cleared on our side of the aisle. I find it acceptable and I believe it has been accepted on the other side.

Mr. ROTH. That is correct.

Mr. GLENN. Mr. President, I ask that the amendment be agreed to. We do not need the yeas and nays.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 596), as modified, was agreed to.

Mr. GLENN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. ROTH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico [Mr. DOMENICI] is recognized.

AMENDMENT NO. 597

Mr. DOMENICI. Mr. President, I send to the desk an amendment. My cosponsors are Senators DOLE, D'AMATO, GRASSLEY, GORTON, COCHRAN, and NICKLES. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for himself, Mr. DOLE, Mr. D'AMATO, Mr. GRASSLEY, Mr. GORTON, Mr. COCHRAN, and Mr. NICKLES, proposes an amendment numbered 597.

Mr. DOMENICI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

At the appropriate place insert:

It is the Sense of the Senate that the President should submit the supplementary budget as required by law no later than July 16 and the requisite information therein required.

Mr. DOMENICI. Mr. President, I am going to speak only for about 2 minutes on the amendment and then get copies of it and then circulate them, and then return in due course to talk about it.

Essentially, this says:

It is the sense of the Senate that the President should submit the supplementary budget as required by law no later than July 16 and the requisite information therein required.

The 16th is the date that the law says we should have this mid-session review or, as I call it in the resolution, this supplementary budget. All the matters from February and March, it brings them current to the 16th in terms of the economy, inflation, interest rates, and jobs, so that we know what the deficit is now as compared with then.

I think it is a very important part of this year's budget activities and I think the people should know and the Congress should know.

So, I do not intend to use a lot of time tonight, but there are probably four or five Senators on my side of the aisle who want to talk about this, and I want to accommodate them.

In speaking to it at this point, I would indicate to them—Senator D'AMATO and others—that I am going to yield the floor for a few moments while I make sure everybody understands this resolution. I will return as soon as I can and, when I can get recognition, I will proceed to debate this further and try to make it relevant to what is gong on in the big reconciliation bill, where we are intending to tax the American people based upon one set of facts. I think the facts are considerably different 7 or 8 months from the starting point.

I yield the floor at this point.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma [Mr. NICKLES] is recognized.

Mr. NICKLES. Mr. President, I first wish to compliment my colleague, Senator DOMENICI, for his resolution. I am happy to cosponsor it.

Mr. President, I ask unanimous consent to proceed as if in morning business for 15 minutes.

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

NOMINATION OF DR. M. JOYCELYN ELDERS TO BE SURGEON GENERAL

Mr. NICKLES. Mr. President, today I rise in opposition to the nomination of Dr. Joycelyn Elders to be Surgeon General.

I do not do this often. As a matter of fact, I have only made a couple of speeches in my Senate career against a nominee.

Tomorrow morning, the Senate Labor and Human Resources Committee is scheduled to hold a hearing on her nomination. I hope that the Senate Labor Committee would postpone that hearing. I will go through this statement and I will give several reasons why I think they should postpone it, because I think there are several questions that are very important that need to be reviewed prior to this hearing.

Mr. President, Americans look to the person who serves as Surgeon General for guidance and leadership on issues of public health. The position calls for a person of sound judgment and a person with a balanced view of controversial health-related issues. But, based on numerous statements that Dr. Elders has made on a wide range of issues, I have concluded that Dr. Elders does not meet these requirements.

While she may be a fine physician and a very able advocate for a political agenda, Dr. Elders has an agenda that can be fairly described as extreme. I do not want you to take my word for it. I hope that you will listen to what she has said on public health issues.

Mr. President, I am going to go through several quotations that are from Dr. Elders. I will tell you right now, some of these quotations are extreme, some are offensive, and some are offensive to different groups and different people.

Mr. President, on June 19, 1993, less than a month ago, Dr. Elders appeared on a CNBC Television program called "Talk Live." A caller asked her what she intended to do as Surgeon General about crack-addicted prostitutes who give birth to crack-addicted babies. Here is Dr. Elders' response.

I would hope that we would provide them Norplant so they could still use sex if they must to buy their drugs.

Mr. President, is this the sort of statement that we expect from a Surgeon General? Even if we are to lay aside the moral objections that most of us have to prostitution and drug abuse, even if we are to ignore the fact that prostitution and drug abuse are against the law, even then, Mr. President, this statement makes no sense.

Do we want a Surgeon General who thinks the most important thing we can do for drug-addicted prostitutes is to keep them from getting pregnant so that they can continue to sell sex to buy drugs? I do not think so.

Mr. President, drug-abusing prostitutes are getting AIDS and they are giving this deadly disease to other people. It is costing lives. Has Dr. Elders not taken notice of that?

Mr. President, based on her own comments, it is exactly this exchange of sex for money and drugs that Dr. Elders seems to want to protect by making Norplant more widely available to prostitutes.

Mr. President, Dr. Elders' views on abortion are also radical and extreme. The Department of Health and Human Services has been putting out press releases over the last week or so stating that Dr. Elders is not pro-abortion, but that she is merely trying to reduce the number of abortions performed. Someone should tell this to Dr. Elders.

On May 23, 1990, Dr. Elders testified in favor of the Freedom of Choice Act before the Senate Labor and Human Resources Committee. In that testimony Dr. Elders stated:

Abortion has had an important, and positive, public health effect.

I have been engaged in the abortion debate on and off. I have talked to people who are on the pro-choice side of the agenda, but I have never heard anyone say that abortion has an important and positive public health effect.

Dr. Elders then went on to describe some of those positive public health effects:

Abortion has reduced the number of children afflicted with severe defects. The number of Down syndrome infants in Washington State in 1976 was 64 percent lower than it would have been without legal abortion.

Mr. President, Dr. Elders believes that one of abortion's virtues is that it cuts down the number of children with Down syndrome. How does it reduce the number? Not by curing Down syndrome but by destroying unborn children with Down syndrome.

This is an extreme position on abortion. And it reflects a profound insensitivity to people with Down syndrome in their families. That is why the executive director of the National Down Syndrome Congress sent a letter to my distinguished colleague from Mississippi stating that Dr. Elders' testimony, "raises some important questions in our minds as to her qualification for the position of Surgeon General."

He continues:

Does this mean Dr. Elders feels that children with Down syndrome are not worthy of life in our society? Dr. Elders appears to be saying persons with severe defects (her definition) do not warrant a life and the state would be better off without them being born. I can only assume she refers to the dollars and not to individual rights and values.* * * It would appear from her testimony and written statements that her concern is more toward the cost of an individual's life as opposed to the value of human life. It would not be a good choice to have the Surgeon General of the United States of America espousing such ideals.

This letter was not written by someone on the radical right, someone who is on the extreme pro-life position. This letter was written by the executive director of the National Down Syndrome Congress in response to a statement that Dr. Elders gave before a congressional committee—not an ad lib statement but a statement that was actually written and prepared as well as stated.

But Dr. Elders did not stop there in singing the praises of abortion. She went further when she told the Labor Committee:

Abortion was the single most important factor in the significant decrease in neonatal mortality between 1964 and 1977.

Dr. Elders says that abortion decreases infant mortality. Well, I suppose it does. If your life is ended before you are born, there is absolutely no chance you will die after birth. So she is correct. But what a solution.

Dr. Elders' position on abortion goes beyond the controversy over abortion rights and the right of unborn children to live. Dr. Elders is not a person who just supports abortion rights. She is not just pro-choice. Her positions advocate abortion. Her statements suggest that she sees abortion as a means of eliminating disabilities by eliminating unborn children with disabilities and as a means of reducing infant mortality by increasing prenatal mortality. That is extreme. That is radical.

Dr. Elders has also shown a profound intolerance for people who disagree with her view on abortion. She is quoted in the January 19, 1992 edition of the Arkansas Democrat Gazette as saying:

We would like for the right to life and antichoice groups to really get over their love affair with the fetus and start supporting children.

Mr. President, tens of millions of Americans oppose abortion. I happen to be one of them. Many of us oppose abortion out of a profound respect for human life and out of a conviction that the law should protect innocent unborn children against the violence of abortion. Her statement that people should get over their love affair with the fetus is not fitting for someone who aspires to be the Nation's chief medical officer.

But Dr. Elders does not stop at ridiculing people who disagree with her on abortion. She goes much further. In the January 11, 1993, edition of the American Medical News, it is reported that she referred to people who oppose abortion as, "non-Christians with slavemaster mentalities."

I hope people will think about this language that she uses. Again, I have never heard anyone who is on the so-called pro-choice side of this argument use such offensive language. To declare that people who are—who happen to be pro-life as non-Christian with slavemaster mentalities is ridiculous. It is radical. It is extreme. And it certainly is not language that should come from a nominee or potential Surgeon General.

If this were not offensive enough, she also attacked the religious beliefs of people with whom she disagrees. Speaking at a pro-abortion rights rally in Little Rock in January 1992 Dr. Elders said:

Look who's fighting the pro-choice movement: a celibate, male dominated church.

This language is offensive. This language is intolerant. This is language that should not be used by the No. 1 health officer of this country. There are a lot of people in this country who are very strongly committed in trying to protect the lives of unborn children. Dr. Elders has been leading the fight in the opposite direction—again, showing no compassion, no understanding, no tolerance whatsoever for individuals who happen to disagree with her.

I think it is important to note for my colleagues, Dr. Elders has made these statements. She has made many more. It is also interesting to note that she has refused or has not apologized for any of these remarks that I am aware of, despite repeatedly being asked to do so.

Dr. Elders also seems to take a rather flippant attitude toward the distribution of birth control to young people.

One of the reasons why this nomination is so important is because it will affect every family in America. It will affect all the children of America.

In the February 16, 1993 edition of the Washington Post, it is reported that she keeps an "Ozark Rubber Plant" on her desk. "Its stalks," according to the Washington Post, "are sprouting condoms, and an attached note reads: "Blooms mostly at night. Blooms vary in length, depending on owner. Blooms may wilt in chilly atmosphere."

I do not think that being flippant about condoms and condom distribution is really the kind of attitude we really want a Surgeon General to have. I do not think that is what the American people expect of the Surgeon General. Nor do I think many Americans appreciate some of the things she says about adolescent sexuality. She said in a video presented to the National Commission on Children, on April 2, 1993:

We have had driver's ed for our kids. We've taught them what to do in the front seat of

the car, but not what to do in the back seat of the car.

I do not want Dr. Elders teaching my children what to do in the back seat of a car. I find it a little bit unusual that a doctor would have a condom tree sitting in his or her office. I have probably been in thousands of offices over the years, a lot of doctors' offices, but I have never seen a condom tree in anybody's office. I find that to be rather strange.

Then I also look at another of Dr. Elders' comments. She talks about a rather peculiar role for parents.

I don't know of any parent who wouldn't go out at midnight and try to find contraceptives to start their children properly.

That was made in the Arkansas Gazette on July 3, 1988. I know a lot of parents who do not want to do that and I am shocked that President Clinton would nominate a person with such radical stated beliefs.

These statements, I have given the dates, are direct quotes by Dr. Elders. Some were made this month. Some of them were made last month. Some of them were made over the last 2 or 3 years. Some of them before congressional committees. So they are her statements. They are not mine. They are her positions.

I find them quite offensive. I think millions of Americans will find those statements and those positions on these issues very offensive. The idea of having a person with these beliefs elevated to the post of Surgeon General is very offensive and a serious mistake.

I do not mind people being outspoken. I was asked that. Dr. Elders is outspoken. I congratulate her for that. It is her beliefs about which she is speaking that I vigorously oppose, not the fact that she is an adamant, articulate spokesperson for her position. It is that her position is so radical, so extreme on issues that will affect every family in America that I aggressively oppose her nomination.

There are several other things concerning questions of ethics, questions of character that have been raised that I do not have the answers to. But, again, it is reason why I think the hearing that is now scheduled for tomorrow should be postponed. If the hearing is scheduled for tomorrow, it should not be the last hearing because there are several critical issues that need to be answered and need to be answered in detail before the Senate votes on this nominee.

I will just raise some of these. Again, I state I am not an expert on these, but I look at some of the allegations that have been made in the papers and by individuals and, again, we need some answers.

I will mention that the attorney general of Arkansas, on July 13, 1990—and I will offer several of these statements for the RECORD—Attorney General Steve Clark says there are grounds for a legal challenge to how Gov. Bill Clinton's administration pay Dr. Joycelyn Elders, State health department director.

Clark said "it may reasonably be concluded" that Elders' compensation package could be challenged as an improper, indirect, end-run around a State law barring State agencies from entering into professional service contracts with State employees.

Elders' pay has come under scrutiny because she earns much more than the maximum salary established for her health department job by the State legislature. The legal maximum salary set for the health department director is $76,440, but Dr. Elders makes about $103,000 a year. Her pay comes from both the health department and the University of Arkansas for Medical Sciences, where she formerly worked as a pediatric endocrinologist.

The last quote says Clark also said while the contract under which Elders was paid actually was between the University of Arkansas and the health department, it "may reasonably be concluded that her pay arrangement violates the intent of State law barring contracting with State employees."

Mr. President, another Arkansas attorney general, on May 13, 1993, issued an Opinion No. 93-102, and I will insert this in the RECORD as well, to Representative Riable. It says:

This is in response to your request for an opinion on the method of compensation of Dr. Joycelyn Elders, the director of the Arkansas Department of Health and a faculty professor at the University of Arkansas. * * *

The relevant law. * * * No director or any other department head of any agency of this State shall receive additional compensation under this section.

Different paragraph:

Dr. Elders, of course, is the director of an agency of this State, and as such is prohibited from receiving additional compensation under Arkansas Code 19-4-1701.

Again, this raises a serious question as to whether her salary is in violation of State law. You have two attorneys general of the State of Arkansas who say her salary arrangements appear to violate State law.

Mr. President, there has also recently come to light that Dr. Elders, in addition to receiving her State compensation, is also receiving compensation as a Federal consultant today. In looking at this, I see that Dr. Elders last year earned $105,371. It is also reported that she is currently being paid $42,119 for 3 months on an extension. That computes to about $14,000 per month.

It is reported in the paper as well that she is being paid as a consultant to Secretary Shalala and is being paid $550 a day salary, plus $135 a day for expenses.

Now it is reported that as of July 5, that she is working full time for HHS. We need to find out, is she being paid $550 a day, 5 days a week, for every working day in July? If that is the case, then she is going to earn about $12,100 a month as a consultant. If she receives per diem for 31 days in July, that is $4,185. Her salary and her contract extension with the State of Arkansas comes out to $14,000 for a month. That is over $30,000 for the month of July, if she is receiving her State salary, some of which the Arkansas attorney general says may be illegal, and receives compensation as a full-time consultant.

In looking at that, Mr. President, it is conceivable she is receiving $30,000 in compensation from the Federal Government and the State government today? How much is she receiving per day? If that continued on an annual basis, that is over $360,000 per year. That is a lot of money. I think the taxpayers need to find out what she is doing. Is she breaking the law? Is she double-dipping, as reported?

Another issue—again, somewhat in reference to the question of, did she obey the law or not—has been raised on whether or not she violated a State amendment which passed and became law, prohibiting the use of State money to provide for the distribution of condoms in school clinics. When that amendment passed, Dr. Elders said, and I will quote:

I feel that for the sake of the children we will make the best of it, and I will still continue to move forward trying to institute health clinics and to provide contraceptives to all the schools desiring contraceptives.

In other words, she is quite willing, after something became law, to violate the intent of the law. And I might add that she continued to do so. A lawsuit was filed. I will also add that lawsuit was dismissed.

Another issue has been raised just recently concerning the payment of taxes for an employee, a nurse, to care for her mother-in-law, who is 97 years old and now has Alzheimer's. The nurse's name was mentioned: Audrey Faye Ruffin. She is employed by the Elders family, and I do not know for how long. We need to find out how long. We need to find out what the salary was. We need to find out the amount of taxes that were not paid. Are we talking about not paying Social Security taxes or are we also talking about not paying State taxes? Are we talking about not paying Federal taxes?

If we are talking about a significant salary, if we are talking about a significant period of time; we are talking about a significant violation of the law.

I might also note that the Department of Health and Human Services spokesperson said:

If there is any problem, it is the senior Mrs. Elders' problem.

This is Ms. LaVelle, for HHS:

Dr. Elders made it very clear that Audrey Ruffin was never an employee of hers.

Mr. President, that is one of the most ridiculous statements I ever heard come out of HHS, to say that Dr. Elders and her husband should not be held responsible. We are going to hold the 97-year-old mother-in-law of Dr. Elders responsible, and she has Alzheimer's? That is a ridiculous statement.

We need to find out, do we have a Zoe Baird problem or something? I do not know. Certainly we need to find out. We need to get the facts and we need to get the facts, frankly, before the hearing.

I might mention another issue that comes out, and this concerns Dr. Elders in her position as a board member of a bank in Arkansas. A suit was filed alleging negligent mismanagement, lending, and investment practices. The suit sought to recover $1.5 million in losses and bad loans the plaintiffs said were made in violation of the National Banking Act. The suit also sought unspecified punitive damages from Dr. Elders and other board members.

It was just announced today that Curtis Bowman, an attorney for the former directors, said he thought they had a good defense, but that it would have been expensive and time consuming to go to trial.

On that basis, judgment was made by all my clients to settle the case on terms they felt were favorable to them. * * *

That may be fine for Mr. Bowman, and settlement was made. But we need to know before we confirm Dr. Elders: Did they break the law? An allegation was made the board members broke the law. If they broke the law, we need to know it. We need to know the extent of Dr. Elder's involvement. Was she aware of them breaking the law?

There are serious allegations that were made, and I will include in the RECORD a statement from the Arkansas Gazette on January 9, 1993, that enumerates some of the charges. I do not know if the charges are accurate or not. I do know, according to today's press release, that they settled the claim. Of course, they wanted to get this behind them.

At least we should know. We should know if the law was broken, and I think we should know what the terms of the settlement are. And also we should know the extent of the involvement of Dr. Elders.

Mr. President, there is also the case of Dr. Malak, and this is a case where we need more answers as to how Dr. Elders repeatedly intervened to keep an allegedly incompetent State medical examiner on the State payroll. In September, 1991, Dr. Elders named Dr. Malak, who was an embattled medical examiner for the State of Arkansas, to a senior post in her department. Dr. Malak's appointment came despite a departmentwide hiring freeze.

Dr. Malak had been under fire since 1985 for a host of controversial autopsy results, several of which were later reversed by a grand jury. Here is a sampling of Dr. Malak's work then, taken from a lengthy newspaper account in the March 24, 1991, edition of the Arkansas Gazette.

Dr. Malak concluded, in 1989, that an Arkansas man died accidentally in 1989 by strangling himself during a sexual act. A grand jury overturned Malak's ruling, saying that the man had been murdered by an unidentified assailant.

Among his other maligned findings: were that a man shot five times in the chest had committed suicide; that two teenagers run over by a train had fallen asleep on the tracks after smoking marijuana; and that a deputy coroner who had ordered life support withdrawn from a brain-dead patient had committed murder. Dr Malak later apologized for falsely accusing the deputy coroner, a charge that arose because Dr. Malak had misread a notation in the deceased patient's medical chart.

Mr. President, in all, Dr. Malak was challenged at least 17 times between 1984 and 1991, a total that five outside medical examiners told the Arkansas Gazette was exceptionally high and would not have been tolerated in their States.

Mr. President, Dr. Elders chaired the State Medical Examiner Commission, the only entity that had the power to fire Dr. Malak, but Dr. Elders did not fire Dr. Malak. Instead, she defended him at every turn. She told the Associated press she felt he was "a very capable pathologist" and that she urged him to remain State medical examiner.

Mr. President, again, questions need to be answered.

Mr. President, I ask unanimous consent that the several articles that I have read from be printed in the RECORD, including a letter from the National Downs Syndrome Congress.

Mr. President, I also ask unanimous consent that a statement by Suzanne Fields in the Washington Times, July 15, be printed in the RECORD. I will just read from one quote. She said:

Dr. Elders didn't accomplish in Arkansas what she wants to try out on the rest of the country. Arkansas' teen pregnancy rate is still the second highest in the Nation despite her use of the bully pulpit. During her tenure as Arkansas Health Director, teen pregnancy rose from 68.3 live births per 1,000 women ages 15 to 19 in 1987 to 80.1 per 1,000 in 1991.

When the President nominated Dr. Elders he said she would "really be able to effect change."

That is exactly what some of us are afraid of.

Mr. President, I also have an editorial written by Cal Thomas, July 15, 1993, in the Washington Times. It says:

When Dr. Elders says pro-lifers need to get over their "love affair with the fetus," that seems to be a dogmatic denunciation of those who disagree with her about the nature and the value of the unborn.

I ask unanimous consent that the editorials be printed in the RECORD.

Mr. President, two other editorials I wish to enter, and I could enter many more. One is from the Daily Oklahoma, dated July 13, 1993. I will just read one paragraph. It says:

Elders believes sexual training should begin in kindergarten, favors condom distribution in schools, and supports taxpayer-funded abortions for poor women. Without such aid, she says, they are "slaves breeding another class of slaves."

And finally, Mr. President, an editorial that was in the Washington Times today says:

Sex education programs for 5-year-olds, Dr. Elders argues, "combat not just teen pregnancy, but also drug and alcohol abuse, sexually transmitted diseases, and apathy and depression among teens."

"I tell every girl," Dr. Elders has said on national television, "that when she goes out on a date, put a condom in her purse."

Mr. President, the end of this editorial says:

In choosing Dr. Elders, whose radical ideas on social policy set her far outside the mainstream, Mr. Clinton has once again managed to take a step away from the beliefs and concerns of ordinary Americans.

Mr. President, I think that is exactly right.

Mr. President, I will conclude with a comment. I thank my friends and colleagues for their patience. I urge this committee to postpone the hearing tomorrow, or, if they do not postpone the hearing tomorrow, that they would allow for another hearing so these questions of impropriety, these questions of ethics, these questions of fact can be discerned, so we will know the facts, so we will know the facts about the amounts of her salaries, so we can find out whether or not State law has been broken, so we can find out whether or not national banking laws have been broken.

Allegations have been made. I do not know if they are correct or not. I do not want to be involved in character assassination. I do know that these are serious allegations, that they can and that they must be answered before the Senate votes on this nomination. And, again, I urge my colleagues on the Labor Committee to postpone this hearing until we have a chance to find out the answers from the relevant people.

Mr. President, I yield the floor.

Mr. President, I ask unanimous consent that all of the material to which I referred be printed in the RECORD.

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

[From the Atlanta (GA) Gazette, July 13, 1990]

ELDERS' PAY COULD BE CHALLENGED

(By Mark Oswald)

Attorney General Steve Clark says there are grounds for a legal challenge to how Gov. Bill Clinton's administration pays Dr. Joycelyn Elders, state Health Department director.

Clark's opinion also could affect Dr. Terry Yamauchi, director of the state Human Services Department.

In an official but non-binding opinion released Thursday, Clark stopped short of declaring outright that Elders' salary arrangement—in effect, she gets paid by two state agencies—was illegal.

But Clark said "it may reasonably be concluded" that Elders' compensation package could be challenged as an improper, indirect end-run around a state law barring state agencies from entering into professional services contracts with state employees.

Also, Clark said it was his opinion that contracts such as the one Elders works under "will be struck down by the courts" when they are "negotiated for the purpose of avoiding applicable salary restrictions or other laws."

Elders' pay has come under scrutiny because she earns much more than the maximum salary established for her Health Department job by the state legislature.

The legal maximum salary set for the Health Department director is $76,440, but Elders makes about $103,000 a year. Her pay comes from both the Health Department and the University of Arkansas for Medical Sciences, where she formerly worked as pediatric endocrinologist.

Like Elders, Yamauchi worked previously at UAMS and is now paid under an arrangement similar to Elders'. He gets about $115,000 a year, while the legal maximum for his Human Services job is $75,401.

Elders said she hadn't seen the opinion. She said if she'd had to take a pay cut to accept the Health Department job, "I would have obviously thought about it an awful lot longer."

Mike Gauldin, Clinton's press secretary, said Clark had raised some "technicalities, but we think it's based on limited information on what duties Dr. Elders performs for UAMS."

He said the opinion would be reviewed and if any real problems with Elders' pay were found, other options—possibly including joint employment by the Health Department and UAMS—would be considered.

The opinion on Elders' pay arrangement was requested by the Legislative Joint Auditing Committee, whose staff has questioned the legality of the compensation package.

Elders and Yamauchi actually are paid by UAMS, after the Health Department and Human Services first provide UAMS with money equal to the two officials' legally authorized salaries in their respective departments.

UAMS adds supplements to bring the salaries up to the level of pay for staff positions specifically designated for Elders and Yamauchi at UAMS. They work under contracts between UAMS and their two departments.

Clark's opinion said it was not illegal for a state officer or employee to be paid by more than one state agency. However, such arrangements require certification that a secondary job does not interfere with a state employee's duties in his or her primary job, Clark said.

Whether Elders' job as Health Department director "interferes" with her officially designated job as a faculty member of UAMS is, Clark said, "a factual question which would, it seems, require consideration of the fact that the contract between UAMS and the Department of Health requires 260 days [a full 52-week work year] of actual work [by Elders] at the Health Department."

Clark also said that while the contract under which Elders was paid actually was between UAMS and the Health Department, it "may reasonably be concluded" that her pay arrangement violates the intent of the state law barring contracting with state employees.

STATE OF ARKANSAS,
OFFICE OF THE ATTORNEY GENERAL,
May 13, 1993.

Opinion No. 93-102.
Hon. MARK RIABLE,
State Representative,
Burlington Road,
Little Rock, AR.

DEAR REPRESENTATIVE RIABLE: This is in your response to your request for an opinion on the method of compensation of Dr. Joycelyn Elders, the Director of the Arkansas Department of Health and a faculty professor at the University of Arkansas for Medical Sciences ("UAMS"). Specifically, you indicate that it is your understanding that Dr. Elders receives a salary as the Director of the Health Department and also receives a salary from UAMS as a professor. You inquire as to whether this situation results in a violation of Arkansas law, and if so, whether the "taxpayers have a right to seek recovery of the monies unjustly paid."

I have enclosed, for your information, a copy of Op. Att'y Gen. No. 90-050, which addressed this question. That opinion outlines and discusses the legality and constitutionally or the method employed to compensate Dr. Elders for the 1988 and 1989 fiscal years. It is my understanding that the mechanism used to finance Dr. Elders salary for the present fiscal year is substantially similar to that described in Opinion No. 90-050, a mechanism which involves the use of a "professional services contract." The opinion concluded that potential challenges to the funding arrangement might arise under subchapter 17 of the "General Accounting and Budgetary Procedures Act" (A.C.A. §19-4-1701—1715), under the "Regular Salary Procedures and Restrictions Act" (A.C.A. 19-4-1601), and under Art. 16, §4 of the Arkansas Constitution. The opinion also notes the possibility of a taxpayers' remedy under Arkansas Constitution, art. 16, §13.

The relevant law on the subject has not changed since the issuance of Opinion 90-050, except in one respect. Act 1221 of 1991 amended A.C.A. §19-4-1701(2) (the definition of a "contractor" for purposes of professional services contracts) to add a provision stating that; nothing in [19-4-1701] shall be construed to prohibit an institution of higher education from executing a contract with a state agency under which services will be performed by employees of the institution of higher education. An employee or employees of an institution of higher education performing such services to a state agency may receive additional compensation provided;

(A) The institution of higher education request and receives written approval from the Chief Fiscal Officer of the State as to the amount of additional compensation to be paid to any employee; and

(B) The total salary payments received from the employee's regular salaried position and amounts received for services performed under a professional services contract shall not exceed one hundred twenty-five percent (125%) of the maximum annual salary authorized by law for the employee's position with the institution of higher education. No Director or any other department head of any agency of this state shall receive additional compensation under this section.

The emphasized language was added as a House amendment to the original Senate Bill 692 giving rise to Act 1221 of 1991.

The 1991 act allows an employee of an institution of higher education (such as UAMS) to be a "contractor" under a professional services contract, and to receive "additional compensation" under such contract provided the Chief Fiscal Officer approves and the total compensation received does not exceed 125% of the line-item maximum for the position at the institution of higher education. The amendment to the 1991 bill, however, states that "[n]o Director or any other department head . . . shall receive any additional compensation under this section."

Dr. Elders, of course, is the Director of an agency of this state, and as such is prohibited from receiving additional compensation under A.C.A. 19-4-1701. The question of whether she in fact receives "additional compensation" by virtue of this contract, under her particular compensation arrangement, is, as it was in Opinion 90-050, a question of fact.

In any event, your question may soon be moot, as it is my understanding that the mechanism for currently funding the salary of the Director of the Department of Health will not be in place after July 1, 1993. The biennial appropriation for the salary of the Director of the Department of Health increases effective July 1, 1993 to $123,876 per year from the 1992-93 appropriation of $84,273. See Acts 1993, No. 1173 and Acts 1991, No. 1181.

The foregoing opinion, which I hereby approve, was prepared by Deputy Attorney General Elana C. Willis.

Sincerely,

WINSTON BRYANT,
Attorney General.

[From the Associated Press, July 15, 1993]

GOVERNOR DISSATISFIED WITH ELDERS' DUAL WORK ARRANGEMENT

(By James Jefferson)

LITTLE ROCK, AR.—To the chagrin of the Arkansas governor, President Clinton's nominee for a surgeon general, Dr. Joycelyn Elders, is being paid as a federal consultant while still collecting her salary as state health director.

"I didn't know about this, didn't approve of this and wouldn't have approved of this," Gov. Jim Guy Tucker said Wednesday through spokesman Max Parker.

State officials said there apparently was no prohibition to bar Elders from serving during her vacation as a federal consultant to Health and Human Services Secretary Donna Shalala. A spokesman for the U.S. Public Health Service said it was not unusual for presidential nominees to receive government consulting fees while awaiting confirmation.

"They come on board in consulting positions to, in effect, learn the job, get acquainted with the offices, catch up on the issues and be of help to the agencies that they'll eventually be operating with," spokesman Bill Grigg said in Washington.

Meanwhile, a Republican senator said today that Elders' confirmation could be jeopardized by her strong positions on abortion and birth control.

She "characterized people opposed to abortion as non-Christians with slavemaster mentalities," Sen. Don Nickels, R-Okla. said on ABC. "I've heard a lot of people on the pro-choice side of the issue but I've never heard such a radical statement."

He said Elders would likely be confirmed by the Senate Labor Committee, but "I think her nomination is in jeopardy before the full Senate."

Confirmation hearings begin Friday.

Shalala, speaking on the same broadcast, re-affirmed the administration's support for Elders.

"Her style is straightforward and very American," Shalala said. "We like plainspoken, outspoken people in this country, particularly on health issues."

In an unrelated matter, Elder's husband said Wednesday night that he did not pay Social Security or income taxes for a nurse he hired to care for his 97-year-old mother. Oliver Elders said his wife was not responsible for handling his mother's affairs and that he hoped his error would not provide fuel for critics' efforts to derail her nomination.

"I should have paid them, I didn't pay them and (I'm) going to," Elders said. "But my wife had nothing to do with that, and if they construe it any other way, that would be wrong."

The nurse, Audrey Faye Ruffin was employed by Leona Elders who is suffering from Alzheimer's disease, said HHS spokeswoman Avis LaVelle.

"If there is any problem, it is the senior Mrs. Elders' problem," Ms. LaVelle said. "Dr. Elders made very clear that Audrey Ruffin was never an employee of hers."

Payment of taxes for household employees arose as an issue for Clinton appointees in January when Zoe Baird withdrew her nomination to serve as U.S. attorney general.

Elders is being paid $42,119 for three months on an extension of her job as Arkansas health director, a post she has held since 1987. She earned $105,371 in that post last year. As a consultant to Shalala, she is being paid $550 per day, plus $135 a day for expenses, according to HHS spokesman Campbell Gardett.

HHS spokesman Victor Zonana said Elders began working two days a week as an adviser to Shalala on April 18. The job turned full-time July 5, he said.

During her absence, Elders keeps up with state health matters, deputy state health director Tom Butler said. "I can still get a hold of her and do business with her," he said.

"Dr. Elders is always on top of things. She is very accessible through the Health Department."

Elders did not return several phone calls seeking comment.

[From the Associated Press, July 15, 1993]

MISMANAGEMENT LAWSUIT AGAINST DR. ELDERS, OTHER BANK DIRECTORS, SETTLED

LITTLE ROCK.—Parties have settled a $1.5 million lawsuit alleging mismanagement of a bank by its former president and directors, including Joycelyn Elders, the nominee for surgeon general, a lawyer said.

Mrs. Elders was one of nine directors ousted from the board of the National Bank of Arkansas after a management struggle in March 1989.

Terms of the settlement are confidential, said Gary P. Barket, attorney for the bank.

"It is all settled," Barket said. "It is what is known as history."

In 1992, the North Little Rock bank and its parent company, National Banking Corp. of North Little Rock, filed suit against Elders and other former directors, alleging negligent mismanagement, lending and investment practices. The suit sought to recover $1.5 million in losses and bad loans the plaintiffs said were made in violation of the National Banking Act.

The suit also sought unspecified punitive damages from Mrs. Elders, former president and director Ron Tullos, Emma W. Hall, William H. Moore and Loyd C. Stanley.

Complaints against three of the directors, Lyndell Lay, William H. Moore and David Shewmaker, were later dismissed.

Curtis Bowman, an attorney for the former directors, said he thought they had a good defense, but that it would have been expensive and time-consuming to go to trial.

"On that basis, judgment was made by all my clients to settle the case on terms they felt were favorable to them, and the bank apparently felt they could live with as well," Bowman said.

Bowman said members of the U.S. Senate Labor and Human Resources Committee had called him about the bank lawsuit. The committee begins a confirmation hearing Friday on Mrs. Elders' nomination.

Mrs. Elders, director of the state Health Department, does not plan to make any public statements or answer ques (illegible) Department of Health and Human Services. Mrs. Elders is working as a consultant at that agency.

ELDERS, UP FOR CABINET, UNCONCERNED ABOUT PENDING SUIT

(By Jonathan Groves)

Dr. Joycelyn Elders, nominee for U.S. surgeon general and director of the state Department of Health, will go to her Senate confirmation hearing with an unresolved $1.5 million lawsuit lingering in federal court.

But that situation doesn't bother her.

"I don't know that I need to be real worried about it," she said Friday.

Elders was one of nine former board directors of the National Bank of Arkansas in North Little Rock ousted after a management struggle on March 28, 1989. The bank's stockholders then picked a new slate of directors, now headed by Don Parks of Little Rock.

In March 1992, the bank and its parent holding company, National Banking Corp. of North Little Rock, slapped the former board, including Elders with a U.S. District Court lawsuit alleging negligent management, lending and investment practices.

The suit seeks to recoup $1.5 million in losses and bad loans allegedly made in violation of the National Banking Act, and asks for unspecified punitive damages from Elders, Ron Tullos, Emma W. Hall, William H. Moore, and Loyd C. Stanley, according to the complaint.

The directors denied the charges, according to court documents. Lyndell Lay, William H. Moore and David R. Shewmaker, who were part of the original list of defendants, had complaints against them dismissed, court records show.

But Elders, Tullos, Hall, Moore, Stanley, and Justin Matthews III still have the complaint pending against them. No punitive damages are being sought from Matthews.

"Our lawyers are taking care of that," Elders said, "I don't feel there was ever any wrongdoing on the part of the directors or certainly myself."

The case is set for jury trial Aug. 23 in federal court. But attorneys for both sides haven't ruled out the possibility of settling before then.

"If they can't be settled, obviously you resort to having someone decide it for you," Gary Barket, the bank's attorney, said Friday. "Settlement is something that is always an option."

Among the losses detailed in the suit are:

The bank's dealings with Little Rock businessman James R. Hodges, who filed a $115 million Chapter 7 bankruptcy in January 1988.

Hodges received $2.82 million in loans from the bank over five years, from August 1982 to March 1987. The bank had to write off those loans, which caused a $531,669 loss, the suit alleges.

Other allegations in the suit say the board knew that the Hodges loans would violate the National Bank Act, possibly leading to insolvency. Lending limits during the five-year period peaked at $607,838.

The suit also contends that the board had discussed the loans on 17 occasions from June 1985 to December 1987.

An attempt to bail out Hodges led to another $498,933 loss, the suit alleges.

On June 26, 1985, the directors allegedly approved a loan to Dan Walker, president of First American Savings Association of Benton, Ill., for Walker's oral commitment guaranteeing a loan to Hodges. That loan would allow Hodges to repay NBA.

But the deal stopped after Walker received his loan, according to court documents. First American Savings was placed in receivership, and Hodges never received his loan.

The board should have known such loan-tying arrangements were illegal, the suit alleges.

Ten of the board's 11 members in February 1982 gave themselves each a $230,000 unsecured line of credit to use, the suit alleges.

The bank lost $330,000 after investing $500,000 in a Louisiana Finance Authority bond issue, the suit contends. The bank's legal investment limit for that kind of loan was $410,000.

The board paid more than $200,000 to a bank-law specialist and $95,000 for legal counsel in fighting Parks' takeover attempt. At least $130,000 was spent on an "unfounded anti-takeover suit," according to the complaint.

The defense disputes all charges and says the complaint, which was not filed until 1992, has passed the statute of limitations of three years.

"We feel that we have a very good case and an appropriate case," Elders said.

Elders and the other directors also have filed a counterclaim asking for more than $8,500 each. The counterclaim alleges that the board lent a total of $60,000 at 11.5 percent interest to the bank, which has not been repaid.

The bank argues that the loan violated federal banking laws and was not valid, according to court documents.

[From the Arkansas Gazette, Sept. 21, 1991]

THREE SUE TO STOP CONDOMS—SUIT ALLEGES STATE MONEY USED FOR SCHOOL CLINICS

(By Michael Arbanas)

State Rep. Tim Hutchinson of Bentonville and two parents of public school students filed suit Thursday to stop the state Health Department from handing out contraceptives at school-based clinics.

The suit, as expected, challenges the health department's assertion that only federal money is being used to distribute condoms and other birth control devices at the clinics. State law, passed during the 1991 legislative session, prohibits the use of state money to buy or distribute contraceptives.

The suit, filed in Pulaski County Chancery Court, also seeks a court order blocking requests for or payment of state money for contraceptives.

Named as defendants are Dr. Joycelyn Elders, director of the Health Department, Burton Elliott, director of the state Department of Education; JimmieLou Fisher Lumpkin, the state treasurer; and Julia Hughes Jones, the state auditor.

The other plaintiffs are Craig Banks of North Little Rock and Beverly Sutterfield of Conway, who have children in public schools, but not in schools with clinics that dispense contraceptives.

The case was assigned to Chancellor Lee Munson.

The lawsuit was developed by the Family Council, a conservative Christian group that also has opposed abortion. Jerry Cox, president of the group, vowed at the end of the legislative session to stop the practice through litigation.

Conservative Christian groups have long charged that distributing contraceptives in the school-based clinics, intended to halt the rise of teen pregnancy, actually encourages students to have sex.

The issue was the major source of debate in the waning days of the 1991 legislative session, with clinic opponents holding up passage of the Health Department's budget until an amendment was attached barring the use of state money to buy or distribute contraceptives.

Gov. Bill Clinton and supporters of the clinics quickly said the clinics could go on operating as usual because the condoms were purchased with federal grant money and those clinic staffers actually involved in buying or distributing them were paid with federal money as well.

Tom Butler, the department's administrator, said the federal money was kept in separate accounts from the state money the clinics received and was not mingled with the state money.

"When the law was passed and they threatened to sue, we looked very closely at the clinics and how they are funded," he said. "The accountants have been going back and looking at it for the fourth or fifth time, and they've said not to worry about a thing."

Cox, however, rejected the argument that no state money was spent on the controversial practice.

"If there was not a school building, there wouldn't be a clinic to distribute them in," he said. "By nature of the fact that it's being done in a place that's built with state funds, equipped with state funds, heated with state funds, and possibly some of the salaries are being paid with tax dollars, I think it's hard to argue that state money isn't being used."

He said Elliott was being named in the suit in his role as director of the Department of Education, which ultimately has some responsibility for what goes on in the school system.

"We certainly weren't expecting to be involved, but then we get surprised all the time," Elliott said Thursday. "The school boards make the decisions about the clinic, and then they apply to the Health Department for them."

(State law requires the local school board's approval for the clinics to offer contraceptives.)

The complaint says that the department has distributed contraceptives in at least three clinics since the law took effect July 1. Rita Looney, attorney for the plaintiffs, said Wednesday the schools referred to in the suit were Little Rock's Central High School, Lincoln High School in Washington County and Eudora High School in Chicot County.

A Health Department employee told the Arkansas Gazette Thursday that the three were the only clinics in the state approved for full service by their school boards. However, Thurman Ford, the Eudora superintendent, said that district's clinic was not operating yet.

[From the Arkansas Gazette, Mar. 28, 1991]

CLINIC BACKERS REVERSE DEFEAT

(By Mark Oswald)

Just when it looked like Gov. Bill Clinton and other supporters of school-based clinics were beaten Wednesday, they turned the situation around and, ultimately, proclaimed victory.

After the Senate passed the Health Department budget bill about 9 p.m. Wednesday at the end of a day of fighting over various amendments some observers assumed the final version of the bill was a defeat for Clinton.

After all, the amendment had been tacked onto the bill in the House to bar use of state money to buy or distribute condoms at the school clinics.

But Clinton quickly explained that the amendment was essentially meaningless. The clinics will continue to operate as usual, Clinton said, since the nurses who staff them are paid with federal funds. The governor said he didn't know if condom opponents realized that.

Mark Lowery, director of Christian Coalition of Arkansas, initially proclaimed victory. "We're very pleased," he said.

But later he acknowledged his group had not intended for the bill to allow clinics to continue to distribute contraceptives.

Coalition members knew the federal funds existed, he said, but they were not aware that the amendment they supported left open a giant loophole.

"If we had known about that, we would have told our legislators about that possible outcome," he said. And Lowery said using federal money for contraceptives might be illegal if the money isn't earmarked for that purpose.

Rep. Travis Dowd of Texarkana, a clinic opponent, said before Clinton's victory remarks that he realized all along what was happening when the amendment was attached to the bill with the Christian Coalition's support.

"We had it beat," he said of the department's budget. "There was no way they could have gotten the bill out. When they said FLAG (Family Life America God, a part of the coalition) supported the amendment, it got out. They caved in."

The bar on state money for contraceptives "doesn't matter," Dowd said. "When you got school-based clinics, the feds can come in and they can issue the condoms and they're going to distribute 'em," Dowd said. "They (clinic supporters) got what they want, and that's it."

Dr. Joycelyn Elders, the outspoken department director, expressed mixed emotions over the outcome.

"I certainly do think that it has been a setback," she said. But, at the same time, she said federal money would allow clinic operations to continue as they are.

"I feel that, for the sake of the children, we will make the best of it," she said, "and I will still continue to move forward trying to institute health clinics and to provide contraceptives to all the schools desiring contraceptives." Rep. Jerry Hunton of Prairie Grove said the Legislative contest which had the department budget bill bouncing between the House and Senate all day might actually smooth the way for more health-based clinics.

"I think the battle was fought here and won't have to be fought in every school district," Hunton said.

Rep. James Allen of Hot Springs, a leading Elders critic, finally voted for the amended Health Department budget. "I just thought it was time to put it to bed and see if the Senate would go for it," Allen said.

"I still don't feel good about it," said Sen. Jack Gibson of Boydell, who favored no restrictions on distribution of contraceptives. "I think that we should have done the right thing, but they say there's a way around it, so if there is, it's all right."

Sen. Vic Snyder of Little Rock, another clinic supporter, said he and a number of other senators were convinced the amendment would not affect services at the clinics.

"The governor assured us that this amendment will not interfere with his ability to work with school districts to set up these clinics, and that includes the full complement of reproductive health services," Snyder said.

Sen. Jay Bradford of Pine Bluff, another clinic supporter, voted against the final version of the bill.

"To me, it was just another barrier placed in front of persons from impoverished homes in the Delta who are teen parents and whose mothers were also teen parents to try to stem the tide of teen pregnancy," Bradford said.

Sen. Stanley Russ of Conway, a school contraceptive opponent, said he was happy with the amendment and believed it was restrictive. But he added, "Clinton is supporting it, so you can be sure it would allow the distribution of donated material."

Staff reporters Max Parker, David Woolsey, Caroline Decker and Michael Arbanas contributed to this report.

HEALTH BUDGET TALK

Sen. Mike Beebe of Searcy (left), Christian Coalition of Arkansas Director Mark Lowery, Family Council Action Committee Executive Director Jerry Cox and Sen. Morril Harriman of Van Buren talk in the House gallery Wednesday night. The House was debating the Health Department's controversial budget.

[From the Washington Times, July 15, 1993]

CULTURAL WARRIOR

Joycelyn Elders is her own worst enemy. She shoots from the lip. She's likely to hit just about anyone.

When the pediatrician nominated to be surgeon general testifies at her confirmation hearings this week, she'd be wise to drop her pistol-packin' sound bites.

When appointed director of the Arkansas Department of Public Health in 1987, she was asked if she planned to distribute condoms in public school.

"Well," she replied, "we're not going to put them on their lunch trays, but yes."

Her defenders admire her tough medicine. Her critics want a different prescription.

When she was asked about public school sex education for youngsters, she said: "Give me the choice of trying to educate a 3 year old or trying to educate an 18 year old, and I'll take the 3 year old every time."

Even those who appreciate her concern for teen-age pregnancy are troubled by her zealousness. Her heart may be in the right place, but what about her head?

"We taught them what to do in the front seat [of a car]," says Dr. Elders with a touch of over-the-back-fence sarcasm. "Now it's time to teach them what to do in the back seat." Oh?

She can hardly win the affection of blacks, nor can she persuade many whites, with cliched metaphors of slavery. (That was then and this is now.) She accuses the religious right of having "slavemaster mentalities." She says a poor teen-ager with a baby is "captive to a slavery the 13th Amendment did not anticipate." (If Dan Quayle said that. . .)

At a recent protest against her nomination, black women joined a coalition of pro-

family groups on the Capitol steps to speak out against her nomination. They compared her pro-abortion stance to "black genocide," her condom giveaways to preaching promiscuity.

Despite her verbal sallies, Dr. Elders is likely to prove a much more attractive nominee than Lani Guinier. She speaks with a passionate voice, with more emotion than intellect, tutored by experience. She's a self-made woman who graduated from the University of Arkansas Medical School but couldn't attend her graduation dinner at the infamous all-white Country Club of Little Rock, favored by many in Mr. Clinton's administration. She was the only black in her class.

The White House is not likely to walk away from this fight. After his first meeting with Dr. Elders, the president said he felt like Abraham Lincoln on being introduced to Harriet Beecher Stowe: "This is the little lady who started the war."

Her civil war is really a cultural one. Neither friend nor foe question her determination to cut into the epidemic of teen-age pregnancy. They don't all agree on how to do it.

Conservatives want values to come from parents. Dr. Elders puts her faith in public-school clinics. Most Americans, as reckoned by all the polls, favor requiring parental consent for a pregnant daughter to get an abortion. Dr. Elders, putting her trust in the bureaucracy, wants to leave the parent out of it.

Defenders call her an "unflinching realist." Critics call her a "resolute cynic" who reduces sex education to the lowest common denominator. By focusing only on the children who have no parents or church to teach them, she undermines the moral message for the majority who do.

Ultimately, teen-agers aren't as malleable as she seems to think they are. Kids who have trouble obeying their elders aren't likely to listen to Dr. Elders, either. Is a teen-age girl who can't say "no" going to insist that her companion of the night put on a condom? Will teen-age boys who can't handle authority follow the advice of sex-ed teachers?

Dr. Elders didn't accomplish in Arkansas what she wants to try out on the rest of the country. Arkansas' teen pregnancy rate is still the second-highest in the nation despite her use of the bully pulpit. During her tenure as Arkansas health director, teen pregnancy rose from 68.3 live births per 1,000 women ages 15 to 19 in 1987 to 80.1 per 1,000 in 1991.

When the president nominated Dr. Elders, he said she would "really be able to effect change."

That's exactly what some of us are afraid of.

[From the Washington Times, July 15, 1993]

LISTENING TO ELDERS AND SAYING NO

(By Cal Thomas)

Isn't it hypocritical for liberals who opposed the nomination of C. Everett Koop for surgeon general 12 years ago to blast conservatives who oppose the nomination of Jocelyn Elders to the same post now?

When Dr. Koop was nominated, his critics said little about his medical skills, which were considerable after a 40-year record of exemplary practice. Rather they opposed him for his views and required him to take a kind of "disloyalty oath," vowing that he would not impose his views if liberals were to acquiesce to his confirmation.

It was clear then that liberals in and out of government did not want Dr. Koop to use the office to promote practices with which they disagreed. Because they could not fault him on medicine, they tried "Borking" him before Robert Bork had been "Borked."

Rep. Henry Waxman, California Democrat, said, "Dr. Koop frightens me . . . he's dogmatically denounced those who disagree with him, and his intemperate views make me wonder about his and the administration's judgment." Mr. Waxman also hauled out an all-purpose condemnation, saying Dr. Koop was "a man of tremendous intolerance."

When Dr. Elders says pro-lifers need to get over their "love affair with the fetus," that seems to be a dogmatic denunciation of those who disagree with her about the nature and value of the unborn.

But there is more to Dr. Elders than her views. As director of Arkansas' State Department of Health since 1987, she has a record. The Senate and the public have a right and an obligation to judge her based on her performance, since she will be bringing her worldview to the office of surgeon general should she be confirmed.

Reducing the number of teenagers who become pregnant is a high priority for Dr. Elders. Yet, under her "leadership," Arkansas went from having the fourth-highest teen birthrate in the country to the second-highest, according to the publication "Vital Statistics of the United States." That teen pregnancy rate, despite Dr. Elders' goal, reached a 10-year high. Under her "leadership," the incidence of sexually transmitted diseases rose dramatically. Between 1989 and 1992, there was a 130 percent increase in syphilis cases among Arkansas teenagers and a 150 percent jump in teens affected with HIV.

Her prescription then, as now, was based on a near-absolute faith in condoms, which she would make available to every public school student who wants them. She said on CNBC television that she would provide the long-term contraceptive Norplant to drug-addicted prostitutes "so they could still use sex if they must to buy their drugs."

Her defenders say she would not give a kindergarten student the same type of sex education she would advocate for a student in high school. Maybe not, but the information would be based on the same flawed philosophy that ultimately leads to the free condoms, abortion advice and other views about sex that conflict with the values and beliefs of many, if not most, parents.

Bill Jones, past president of the Arkansas medical society, told The Washington Post, "She is a rabble-rouser . . . she polarizes people pretty quickly." Apparently it is all right to polarize people if a liberal is doing the polarizing, but not if someone of Dr. Koop's background does it.

Jocelyn Elders is the medical equivalent of Lani Guinier, President Clinton's failed nominee for the Justice Department's civil rights division. The two come from the same ideological mold, but Dr. Elders could do great damage because her philosophy would trickle down to infect America's children.

It is a safe bet with Dr. Elders that what we have read of her performance in Arkansas and heard in her interviews will be the agenda she would continue as surgeon general.

If those views haven't produced desired results in Arkansas, why should we expect them to succeed in the rest of the country?

[From the Daily Oklahoman, July 13, 1993]

A DANGEROUS DOCTOR

If President Clinton wants to avoid another messy controversy over a political appointment, he should give his nominee for surgeon general the Lani Guinier treatment and send her back to Little Rock.

Guinier, whose radical views on race and other matters cost her a high Justice Department job, looks like a saint compared to Joycelyn Elders, Clinton's choice for the nation's top health post. The former director of the Arkansas health department had a low success rating in her three-year tenure, and she has a record of advocacy that would shock most Americans.

Here is a sampling of her remarks:

On abortion: "America must give up its love affair with fetuses."

On prostitutes: "I would hope that we would provide them Norplant (a birth control implant) so they could still use sex if they must to buy their drugs."

On sex education: "We taught them (in driver's education) what to do in the front seat. Now it's time to teach them what to do in the back seat."

Elders believes sexual training should begin in kindergarten, favors condom distribution in schools, and supports taxpayer-funded abortions for poor women. Without such aid, she says, they are "slaves . . . breeding another class of slaves."

A hearing on the Elders nomination is scheduled later this week. Hoping to block her appointment is Concerned Women for America, the nation's largest women's group, and coalitions for Christian principles and traditional values.

Sen. Don Nickles, R-Ponca City, is fighting her confirmation on grounds that she would politicize the office of Surgeon General and polarize health issues.

"Her public comments and previous actions do not reflect what mainstream health experts consider to be correct policy," he says.

Nickles needs the support of Oklahomans in defeating this outrageous and dangerous appointment.

[From the Washington Times, July 15, 1993]

THE CONTROVERSIAL DR. ELDERS

Tomorrow, Dr. Joycelyn Elders will sit before the Senate Labor and Human Resources Committee for a hearing on her nomination as Surgeon General. Since 1987, Dr. Elders has been director of the Arkansas State Health Department. She has also been the focus of virtually uninterrupted controversy. Why?

For one thing, she has been involved in some rather hazy financial machinations. Her salary as Arkansas health director, for example. The maximum salary ($69,395) set by state law for the position would have meant a pay cut for Dr. Elders. So then-Gov. Bill Clinton arranged for her to take the job "on loan" from the University of Arkansas Medical Center, where she is a tenured professor, and to continue drawing her university salary, in addition to the state income, which brought her salary up to $103,297 in 1988. (Dr. Elders seems to have brought this sort of creative public-service accounting with her when she followed Mr. Clinton to Washington after his election. She now reportedly is paid by the Arkansas medical school, the Arkansas Health Department and the U.S. Department of Health and Human Services, where she serves as an assistant to Secretary Donna Shalala.) She is also currently the target of a lawsuit for alleged malfeasance as one of five former directors of the National Bank of Arkansas, a case that will come to trial in August; among other things, the five are accused of giving themselves unsecured lines of credit of $230,000 each.

Then there was her involvement in the case of Arkansas State Medical Examiner Fahmy Malak. Dr. Malak's chief claim to fame is that he declined to investigate charges in 1981 that Bill Clinton's nurse-anesthetist mother had contributed to the death of a patient in her care. By the time Dr. Elders came on the Arkansas health scene, Dr. Malak had been a medical examiner for some eight years, and his competence was being seriously questioned by many. Special juries had overturned his findings an unheard-of three times; in 17 other cases his work had been challenged by other pathologists. Nevertheless, in 1988, Dr. Elders stood by him and even recommended him for a raise. Three years later, she appointed him head of the health department's AIDS program, despite his lack of experience in the field. Today Dr. Malak heads the Arkansas Health Department Laboratory, to which position he was appointed by Dr. Elders. She denies that any pressure was brought to bear in her preferential treatment of Dr. Malak, though top aides to then-Gov. Clinton were present when Dr. Malak was offered the AIDS job.

Disquieting as these ethical vagaries may be, however, it is her positions on public health, as well as her unequivocal outspokenness in advocating those positions, that have aroused the greatest outrage in her home state. Dr. Elders's pet peeve is teen-age pregnancy, and her prescription for dealing with it includes unrestricted and tax-funded abortion, sex education beginning in kindergarten and free distribution of condoms in schools.

Abortion, she declared in Senate testimony in support of the Freedom of Choice Act, "was the single most important factor in the significant decrease in neonatal mortality between 1964 and 1977." Those who would limit Medicaid payments for poor women to prenatal care and delivery of a baby, and exclude abortion, in her opinion have a master-slave mentality and have found "a way to keep people poor, ignorant and enslaved."

Sex-education programs for 5-year-olds, Dr. Elders argues, "combat not just teen pregnancy, but also drug and alcohol abuse, sexually transmitted diseases, and apathy and depression among teens."

"I tell every girl," Dr. Elders has said on national television, "that when she goes out on a date, put a condom in her purse." Virtually her first act as Arkansas health director was to announce that she favored school-based medical clinics that would distribute condoms—and she set about establishing those clinics. When the General Assembly passed legislation several years later specifically written to ban use of state funds for the purchase or distribution of condoms at the clinics, Dr. Elders and her mentor, Mr. Clinton, made an end-run around the wishes of the elected representatives of the people of Arkansas by using federal money for the condoms.

Not that her condom-distribution program had the desired effect on teen-age pregnancy in Arkansas. On the contrary, teen pregnancy rates, which had dropped by 10 percent in the early 1980s, have risen by 17 percent since Dr. Elders took over the health department. And the incidence of sexually transmitted disease has also increased on her watch. A recent study by the American Public Health Association ranked Arkansas as worst in the nation in every public health category.

By what reckoning does Dr. Elders qualify to be Surgeon General of the United States? Granted, it is not a position of any substantial political or bureaucratic power. But as chief presidential spokesman on the nation's health, and as official caretaker of that health, the Surgeon General wields a different sort of power: the power of ideas. In choosing Dr. Elders, whose radical ideas on social policy set her far outside the mainstream, Mr. Clinton has once again managed to take a step away from the beliefs and concerns of ordinary Americans.

NATIONAL DOWN'S SYNDROME CONGRESS, THE NATIONAL ORGANIZATION OF PARENTS AND PROFESSIONALS,

Atlanta, GA, July 13, 1993.

Senator TRENT LOTT,
U.S. Senate,
Washington, DC.

DEAR SENATOR LOTT: From the testimony given on March 27, 1990, to the Committee On Labor and Human Resources of the United States Senate Dr. Elders raises some important questions in our minds as to her qualification for the position of Surgeon General of the United States.

In her testimony, and also in her prepared statement, she raises questions about her values when it comes to persons with a disability. Dr. Elders stated ". . . abortion has reduced the number of children afflicted with severe defects: the number of Down's Syndrome infants in Washington State in 1976 was 64 percent lower than it would have been without legal abortion." Does this mean Dr. Elders feels children with Down's Syndrome are not worthy of a life in our society? Dr. Elders appears to be saying persons with severe defects (her definition) do not warrant a life and the state would be better off without them being born. I can only assume she refers to dollars and not individual rights and values.

Being a doctor one would think that if she were up-to-date in her field she would also know Down's Syndrome is not an "Affliction". Also her own industry refers to Down Syndrome as "Down" not "Down's".

I would hope you would take an opportunity to get more information on Dr. Elder's position on the dignity of human life and the respective values of individuals. It would appear from her testimony and written statements that her concern is more toward the cost of an individual's life as opposed to the value of the human life. It would not be a good choice to have the Surgeon General of the United States of America espousing such ideals.

Sincerely,

FRANK MURPHY,
Executive Director.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Ohio [Mr. GLENN].

Mr. GLENN. Mr. President, there have been several other discussions today not dealing with S. 185, the Hatch Act reform, that was being debated most of the day.

I ask unanimous consent that these other subjects be included in the RECORD at a place other than during the debate on S. 185.

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

Mr. PRYOR addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas [Mr. PRYOR] is recognized.

NOMINATION OF DR. JOYCELYN ELDERS

Mr. PRYOR. Mr. President, I thank the Chair for recognizing me.

I was just actually passing through the Senate Chamber, Mr. President, and I stopped to listen to my very good friend and neighbor from the State of Oklahoma talking about the President's nominee for Surgeon General, Dr. Joycelyn Elders.

Mr. President, I am not surprised today at the innuendos and the assertions raised against Dr. Joycelyn Elders. I am not surprised at all because we were, in fact, very prepared for such an attack to take place on the President's nominee for Surgeon General.

Mr. President, we were prepared for such an attack and we will face each and every allegation raised by the Senator from Oklahoma at the appropriate time. Hopefully, Mr. President, if the committee actually holds its hearing on Dr. Elders' nomination, during that time many of the concerns raised by the Senator from Oklahoma will be adequately answered. I will not attempt to go at this time into each and every allegation, each and every innuendo.

Mr. President, these innuendoes and these assertions and these attempts at character assassination, or at least the questioning of the character of the nominee for Surgeon General, I think certainly should be aired and I believe will be aired to the satisfaction of the majority of this body.

But, Mr. President, let me tell you why this nominee is controversial. She is controversial and she is going to be controversial because she is dealing with a controversial subject matter that this society does not discuss. We continue to sweep under the rug the fact—and I hope the Senator from Oklahoma will realize this—that every 32 seconds in this country a child is born of a teenage mother.

Mr. President, every 35 seconds in America, a child is born into poverty. We are not talking about Uganda. We are not talking about Africa or India. We are talking about America, our America. That is exactly what this nominee, if she does become Surgeon General, is going to talk to this country about, and is going to try to shake us to our senses about: That we must face this dilemma which faces the American family structure, which faces every community throughout this land and threatens to destroy the fabric of American society.

Mr. President, Dr. Joycelyn Elders is 59 years of age. She is a distinguished pediatrician and endocrinologist, and an educator. She has written over 150 articles in medical journals about these subjects of alcohol abuse, of drug, abuse, of teenage pregnancy, the circle of poverty, the enslavement that is visited upon these teenagers should they become pregnant.

She has attempted in every way that she can, Mr. President, in our State, to convince the people of Arkansas that we do need education in our educational systems about the dangers of adolescent sexual activity, about the dangers of what can happen to the American family and to their individual lives if they engage in this type of activity.

Dr. Elders has also reminded us in our State, as she ultimately, we hope, will have that opportunity to remind people in this country that every 32 seconds an infant is born in our country, the United States of America, to a teenage mother; that every 14 minutes an infant dies in the first year of life; that in 1965 some 10 percent of all children under the age of 18 lived in a single-parent home; in 1985, 20 years later, 21 percent of the children under the age of 18 live in America in a single-parent home.

Mr. President, I understand some of the concerns expressed this afternoon by the Senator from Oklahoma. I can say with regard to the so-called bank situations, they have been thoroughly aired in the State of Arkansas. I invite the Members of this Senate to thoroughly examine those transactions and her tenure on financial boards in the State.

Mr. President, with regard to the so-called consulting fee that Dr. Elders has been drawing from the Department of Health and Human Services, let me remind my colleagues and my friend from Oklahoma that in many sub-Cabinet level positions, not only in this administration but in every Republican administration as far as we can remember, that there have been consulting fees provided. Dr. C. Everett Koop, for example, when he was nominated by President Reagan, had a long and lengthy period when Dr. Koop was not actually in the position itself of Surgeon General. However, Dr. Koop at that time drew a consulting fee, just as Dr. Joycelyn Elders is today drawing a consulting fee.

I do not know how many other individuals are out there waiting to be confirmed by the Senate, passed on by the committees, approved by the FBI, who are today drawing consulting fees. But the Senator from Oklahoma has chosen Dr. Joycelyn Elders as the target of his attack. We will invite our colleagues to examine those records at the appropriate time and, hopefully, the committee will ask these particular questions, and the answers will satisfy my friend from Oklahoma, and will satisfy my colleagues in the U.S. Senate as we proceed, hopefully, with the confirmation of this very bold woman, Dr. Joycelyn Elders, who we hope will become our Surgeon General.

Let me conclude, Mr. President, this afternoon—once again, I had not prepared to speak, I had not prepared even to respond in case anyone raised a question here. But I felt that we should respond when these concerns come up on the floor of the Senate, and we should take that opportunity to clear the air, and we should take the opportunity to set the facts straight.

I would just say, Mr. President, that, yes, this is a controversial person. She is a controversial person in our State. She is a person who grew up in poverty—no electricity, no running water, no automobile—who fought her way out of poverty, and who can speak of poverty and feel of poverty because she knows of poverty.

She has lived in poverty. She has escaped from poverty. And she is hoping that the thousands and thousands of young women and men in the cycle of poverty today do not have to have the same experience she had when she was growing up.

I am proud today, Mr. President, to announce my strong support for Dr. Joycelyn Elders, to be confirmed as the next Surgeon General of the United States of America. I think that she will make one of the great Surgeon Generals that we have had in our long history and that she will add to that long list of distinguished Americans who have served in this capacity.

Mr. President, I thank the Chair. I yield the floor.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, I want to make sure that the Senator understood, while he is here, that I announced in my statement that I was not making a personal attack. I did say that there are several allegations that have been raised; one concerning the salary, one concerning the bank board, one concerning her employment of other people. Those have been raised. I might mention too they have been raised by the Arkansas Gazette.

My colleague from Arkansas raised the similarity with Dr. Koop. I remember sitting in on the confirmation of Dr. Koop. And I remember it being fairly controversial. I remember a significant amount of time was engaged in Dr. Koop and his testimony before the committee. I also remember a lot of people opposing his nomination.

I do not remember that he received the salary from whatever State he was from of $14,000 a month, or $42,000 for 3 months, nor I do not remember anybody alleging that he had a salary that was in excess of what State statute provided. That is just what I have read. I do not know. I will tell my colleague, I do not know the facts. But I did read statements by the Arkansas Attorney General that said her salary appears to be in violation of State law.

I just mention about five or six areas that I think need to be reviewed, need to be investigated, need to be thoroughly discussed and analyzed. The same thing as far as paying taxes on an employee that is providing nursing care for Dr. Elders' mother-in-law. I just hope that those facts became public. I think they need to become public before we vote on her nomination.

I think the committee—at least as I understand it still plans on proceeding with the hearing tomorrow morning—is moving too quickly, because some of these allegations that have been made, as the Senator from Arkansas knows, have been made today or yesterday. I was contacted about a couple of them today. I will tell my friend from Arkansas I said I do not know, but I do think we need to know the facts and, frankly, we need to know a little bit more before the hearing, or possibly have an additional day of hearings so we can get all of the facts out and make a good decision concerning the next nominee for Surgeon General.

I will tell my colleague and reiterate, my position is, I believe, very strongly not to be involved in character assassination. I read the paper. I read allegations. These allegations are not allegations made by DON NICKLES. They are allegations in the Associated Press today. I think we need answers to those before the committee finishes its process. That was the purpose of my speech today.

Mr. President, I yield the floor.

Mr. PRYOR addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas [Mr. PRYOR] is recognized.

Mr. PRYOR. Mr. President, I thank the Chair.

Mr. President, I would like to respond to my friend and colleague from Oklahoma for a moment.

First, I am not on the committee, Mr. President, that will hold the nomination proceedings for Dr. Joycelyn Elders. I have full faith that the committee members, its chairman and ranking member are going to hold a fair and impartial hearing on Dr. Joycelyn Elders.

I think that they will hold that hearing for as many days or as many hours as necessary to allow her not only to make her presentation but to answer the questions and any allegations raised against the nominee, Dr. Joycelyn Elders.

I would also say that Mr. President, that I am a little bit concerned when my friend from Oklahoma says that his statement today is not character assassination; he is not making all these allegations; he is just reporting what some of the press people are saying about Dr. Elders.

I am reminded of one time when I thought about running for a particular office. I went to a sort of soothsayer in our State and I said what do you think about me running for a certain office, Mr. So and So? He said, young man, I think you ought to do it. He said, I think you ought to raise that allegation about all of that bank stock that

a certain bank gave that man that you are thinking about running against.

I think you ought to run that allegation about the used car that this fellow never paid for down in so-can-so's Ford Motor Co. I think you ought to raise the allegation about the time that he and his wife took a trip and charged the trip to the credit card but never paid the credit card.

I said, "My goodness, I did not realize all of this about this gentleman."

He said, "Wait a minute. I did not say it was true. I just think you ought to ask him about them."

That is what is happening here. It is by innuendo and by a little miscalculation and circumvention through the back door that these issues are being raised against Dr. Joycelyn Elders.

I am urging my good friend and colleague from Oklahoma, let us put this all in perspective, and let us give the committee an opportunity to hear Dr. Elders. Let us give her the opportunity to talk about that Social Security issue, to talk about those bank situations, which I think have all been adequately settled and are past history. Let us give her the opportunity to talk about some of these alleged statements that she has been making about birth control and contraceptives. I think that, once again, when she is given this opportunity, when the questions are asked to Dr. Elders, I think her responses, hopefully, will be satisfactory.

In conclusion, Mr. President, I might add that if a Senator in that committee or in this Chamber, or whatever the forum might be, asks Dr. Elders a question, do not expect an easy, fluffy answer, because what you see is what you get. What she says is what she believes. She is going to be a direct individual, an honest, forthright, unadulterated Dr. Joycelyn Elders.

I am hopeful that our committee members will see that it is this type of individual, dealing with the types of problems in our country today, that we are going to need to occupy the office of Surgeon General of the United States.

I thank the Chair, and I thank my friend from Oklahoma.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER (Mrs. BOXER). The Senator from Ohio.

HATCH ACT REFORM AMENDMENTS

The Senate continued with the consideration of the bill.

Mr. GLENN. Mr. President, what is the legislation before the Senate?

The PRESIDING OFFICER. Amendment No. 597, the Domenici amendment, is pending.

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

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

Mrs. BOXER. Mr. President, we need to pass the Hatch Act Amendments Act of 1993 and create clear and common sense guidelines for our Federal employees. This bill is not about eradicating the Hatch Act. It's about reforming a policy that is out of date, confusing, and damaging to our Federal employees and to our democracy.

Current law allows a Federal employee to write a $1,000 check, but not stuff an envelope after work; wear a partisan button to work, but not wave a poster at a weekend rally. These policies don't make sense and they need to be changed.

By drawing a clear line between political activities on and off the job, the Hatch Act Amendments Act strikes a critical balance between the democratic rights of Federal employees and our need to have a Federal work force free from political coercion.

Under S. 185, Federal and postal employees would still be prohibited from running for partisan elective office. They would still be prohibited from soliciting contributions from the general public—on or off the job. They would still be strictly prohibited from enhancing in any sort of political coercion. Finally, they would be prohibited from engaging in any political activity while wearing something that identifies them as a Federal or postal employee.

We have laws that appropriately punish abuses of professional power and position. The bill is perfectly clear on that point. Political coercion and intimidation are unacceptable and they will be punished.

Political participation is one of the cornerstones of our democracy. All Americans should be able to exercise these rights—the right to express your views, work for ideas and candidates that you believe in, and speak out when you believe that something needs to be changed.

When we pass the Hatch Act Amendments Act, we will be saying that it's unfair to make Federal employees shed their constitutional and democratic rights when they join the Federal work force.

We must fight to eradicate and head off political coercion and abuses of power whenever and wherever they rear their ugly heads. We must fight to provide our Federal employees with clear guidelines. We must fight to give our Federal workers the fundamental right to participate in the democratic process. The Hatch Act Amendments Act of 1993 gives us the opportunity to do all of these things. We must move quickly and pass it.

CITIZENSHIP FOR OLGA D. ZHONDETSKAYA

Mr. COHEN. Mr. President, earlier today, the Senate Judiciary Committee took a rather extraordinary action. It has been the practice of both the chairman of the Senate Judiciary Committee and the ranking members on the subcommittee, which has jurisdiction over immigration policy, not to support private relief measures brought before the committee. But an extraordinary case has developed which warranted them making an exception to their practice.

A woman by the name of Olga Zhondetskaya was born in Russia; she is now 83 years old. She and her husband were persecuted by the Communist regime. During World War II, she was imprisoned by the Nazis and lost her husband during that war. Her one desire was to immigrate to the United States—a desire and dream that she carried in her heart for some 40-odd years. She was able to finally immigrate to the United States about 4½ years ago. She located in New York.

She moved to Maine a short time ago and, unfortunately, with only 5 months to go before she will qualify for citizenship in the United States, she was diagnosed as having a terminal disease.

I met with Olga over the weekend, and she is an extraordinary woman. She is a novelist. She has written a novel about a character who has survived the czars, the Communists, and now the post-cold war Soviet Union. She has a lively sense of humor. She is extraordinarily intelligent.

But what is most evident about this woman is her passion, her absolute passion to become an American citizen. She knows that her days may be numbered, and that she has been given a very bad prognosis. Hopefully, that prognosis will not prove to be correct. Nonetheless, it is her burning and fervent desire to become a U.S. citizen before her final days.

Her story has captured the imaginations of people all over the State of Maine—and I believe NBC's "Today Show" carried a segment on Olga as a result of the exposure that her case has had. Because of the compelling story that she has to tell, the chairman of the Judiciary Committee, Senator BIDEN, Senator KENNEDY, Senator SIMPSON, and Senator HATCH, all have supported this effort, along with the majority leader, Senator MITCHELL, to grant her relief so that she may become a citizen of this country in a very short period of time.

It is my hope that, this evening, the Senate Judiciary Committee's action will receive the full acceptance of the Senate itself, and we can pass this bill and send it to the House so that it can become law in a matter of the next few days.

I want to say a couple of other words about Olga. She reminds us of how we

take for granted every single day the liberties that others are dying for every second of every day. She has seen government oppression, and she has seen Communist brutality. Her one desire has been to live in a country in which people can breathe free, can live without government oppression, or tyranny, or terror, and can pursue their own individual dreams and put to their fullest their individual talents.

She has found only one country in the world that is worthy of that particular dream, and that is the United States of America.

At a time when we in the United States are trying to find ways in which we make it easier for people to register to vote, we look around the world and we find people facing the possibility of being shot as they stand in line to cast a ballot.

This woman reminds us that she has endured every form of oppression and she has kept alive her dream of one day coming to this country and becoming a U.S. citizen, to enjoy the freedoms that we take for granted every single day.

So, I stand on the Senate floor tonight to say that the action today in the Senate Judiciary Committee was one of uniqueness because we are dealing with a unique individual. It does not set a precedent for every other private relief bill because there is no other bill that I am aware of that would really reflect the kind of individual that we are talking about with Olga. It is my hope tonight that we will pass this measure and send it on to the House and it may receive favorable treatment there and we can sign into law a bill that will provide the realization of a dream that has been held for nearly 50 years.

RELIEF OF OLGA D. ZHONDETSKAYA

Mr. COHEN. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 132, S. 1174, a bill to provide relief of Olga D. Zhondetskaya; that the bill be deemed read three times, passed, and the motion to reconsider laid upon the table; that any statements relative to this measure appear in the RECORD at the appropriate place.

Madam President, I indicate it has been cleared by the majority and by the minority.

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

So, the bill (S. 1174) was deemed read three times and passed, as follows:

S. 1174

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

SECTION 1. GRANT OF NATURALIZATION TO OLGA D. ZHONDETSKAYA.

(a) IN GENERAL.—Notwithstanding any other provision of law, Olga D. Zhondetskaya shall be naturalized as a citizen of the United States upon the filing of the appropriate application and upon being administered the oath of renunciation and allegiance in an appropriate ceremony pursuant to section 337 of the Immigration and Nationality Act.

(b) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsection (a) shall apply only if the application for naturalization is filed with appropriate fees within 1 year after the date of enactment of this Act.

PRIVATE RELIEF FOR OLGA ZHONDETSKAYA

Mr. MITCHELL. Madam President, I rise in support of S. 1174, legislation to waive the 5-year waiting period requirement for citizenship for Olga Zhondetskaya. The purpose of a private bill is to provide relief to an individual in extraordinary circumstances. It permits our Government to respond in a humanitarian way to suffering that cannot be addressed through current law. It provides the ability to allow common-sense exceptions to policies that are written for the average circumstance, not the unusual.

Ms. Zhondetskaya's case demands private relief for all of these reasons. Under current law, there is no waiver to the 5-year waiting period before an immigrant may become a citizen. Ms. Zhondetskaya would pursue normal routes for citizenship if she were assured of living that long. Tragically, she will probably die months before her 5-year waiting period ends. A private relief bill remains the only option for her to obtain U.S. citizenship prior to her death.

Ms. Zhondetskaya seeks citizenship not for any of the tangible benefits that this privilege confers. Instead, she seeks citizenship for the invaluable symbolism of becoming an American.

Ms. Zhondetskaya lived under and strongly opposed the Communist government of the Soviet Union. For nearly a half century, she sought to come to the United States. When she finally arrived in 1988, she had achieved the first step in her lifelong goal of attaining American citizenship. For one who lived her life as an outcast in the Communist society, there could be no greater vindication that to become a citizen of the country that came to represent to her all that she could not have as a Soviet citizen—freedom, democracy, individual rights.

I urge the Senate to pass S. 1174. Passage of this legislation would be a fitting tribute to Olga Zhondetskaya's perseverance in seeking citizenship and to her love and appreciation of our country.

Mr. COHEN. Madam President, I thank Senator MITCHELL, Senator KENNEDY, Senator SIMPSON, and the chairman of the Judiciary Committee, Senator BIDEN, for their very expeditious handling of this matter. It is something of great importance to this individual and it is of great importance to those of us in Maine who are privileged to represent her. I commend my colleagues for their support.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

HATCH ACT REFORM AMENDMENTS

The Senate continued with the consideration of the bill.

AMENDMENT NO. 598

(Purpose: To modify the committee amendment)

Mr. GLENN. Madam President, I send to the desk a technical amendment to S. 185 and ask for its immediate consideration.

Madam President, I ask unanimous consent that Senator DOMENICI'S amendment that was the pending business be set aside temporarily for the consideration of this technical amendment.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Ohio [Mr. GLENN] proposes an amendment numbered 598.

Mr. GLENN. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 19, line 9, strike out "section 7323" and insert in lieu thereof "section 7323(a)".

On page 25, line 19, insert before the period "making such recommendation or statement on the basis of the party affiliation of the employee or applicant".

On page 29, line 8, insert "(including a Member of Congress as defined under section 2106)" after "agency".

On page 17, insert between lines 22 and 23, the following new subsection:

"(c) An employee retains the right to vote as he chooses and to express his opinion on political subjects and candidates.

Mr. GLENN. Madam President, I believe this has been cleared on both sides of the aisle.

Mr. ROTH. There is no objection on the minority side.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 598) was agreed to.

Mr. GLENN. Madam President, I move to reconsider the vote by which the amendment was agreed to.

Mr. ROTH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HELMS. Madam President, 54 years ago, in 1939, Congress enacted the Hatch Act to ensure Federal workers freedom from partisan political pressures—and for more than a half-century Americans have enjoyed a Federal work force virtually free from political corruption. Contrast this tradition of a nonpartisan civil service to the political corruption that plagues bureaucracies in so many other nations.

The pending bill, if and when it becomes law—which I fervently hope it will not—will transform an impartial and nonpartisan civil service into a thing of the past; it will tear down the very pillar upon which the integrity of our Nation's civil service has been built.

Proponents of this legislation call it Hatch Act reform. It is not reform. It is repeal. Madam President, section 9 of the existing Hatch Act, which is recognized as the heart of the Hatch Act, provides that "An employee may not take an active part in political management or in political campaigns." The bill before us eviscerates this provision altogether by stating that "An employee may take an active part in political management or in political campaigns * * *."

The sad irony is that this so-called reform bill is a bad deal all the way around. For Federal employees it leaves open the possibility of coercion by their superiors into partisan political activity, and that an individual's politics—instead of merit—will become the standard by which his or her job performance is judged. For those who value good government it means the U.S. Government will no longer be a neutral, nonpartisan administrator of programs. And the American people—the taxpayers who pick up the tab for all Government programs—will lose the assurance of a politically neutral civil service.

Madam President, the explosion of Federal agencies during the 1930's brought with it rampant and pernicious political corruption, thereby necessitating the Hatch Act. Today with a Federal Government many times larger than in the 1930's—and likely to grow even more under the present administration—the Hatch Act is needed more than ever.

In 1907, President Theodore Roosevelt recognized the necessity for a nonpartisan civil service when he stated, "no person in the executive civil service shall use his official authority or influence for the purpose of interfering with an election or affecting the results thereof." President Roosevelt was but echoing the wise admonition of Thomas Jefferson that:

> The right of any officer to give his vote at elections * * * is not meant to be restrained * * * it is expected that he will not attempt to influence the votes of others, nor take any part in the business of electioneering, that being deemed inconsistent with the spirit of the Constitution and his duties to it.

Proponents of Hatch Act repeal talk as if a Federal employee loses all of his or her political rights upon joining the civil service. This is simply not true. The Hatch Act, as it currently stands, permits Federal employees to: Contribute money to partisan political campaigns; attend political conventions as spectators; assist in voter registration drives; participate as election judges or poll watchers; attend political fundraising events; wear political buttons while off duty; participate in nonpartisan campaigns; and run as independent candidates in certain partisan elections in areas with high concentrations of Federal employees.

However, the authors of the Hatch Act wisely and deliberately prohibited a Federal employee from pressuring other Federal employees or citizens to support a particular partisan candidate.

This balance of rights and restrictions in the current Hatch Act: First, protects the American public from a politicized civil service; second, protects a Federal employee from a superior's pressure to support particular candidates or parties against the employee's will; and third, accords the Federal employee as many political rights as possible without infringing upon the right of the American public to be protected from a politicized Federal bureaucracy.

Repealing the Hatch Act will destroy this delicate balance—and we will end up with the kind of political corruption which necessitated the Hatch Act's passage in 1939.

Madam President, under the pending bill, 2 million Federal employees will be allowed to: Organize and participate in political meetings; hold office—such as State or national party chairman—in a political party; publicly endorse, and urge others to support, partisan political candidates; solicit political contributions from fellow Federal employees on behalf of Government employee unions; solicit votes and distribute campaign literature; and organize and participate in phone banks.

At first glance, these new powers may seem innocuous, but nothing could be further from the truth. Under the pending bill, career Federal employees—who cannot be fired for political reasons—will be able to work visibly and publicly to defeat the President for whom they work. Can any President be confident that his policies will be effectively carried out when the U.S. Government's senior civil service workers actively support his political opponents?

More importantly, what assurance will the American people have that political hacks in the Federal bureaucracy will not use Government benefits and services to extort votes from citizens for partisan political candidates? Do we want IRS tax auditors and Federal prosecutors to engage overtly in partisan politics? How will the American taxpayer feel when the IRS agent auditing him or her, endorses political candidates the taxpayer opposes. Even worse, American taxpayers will be outraged when their tax returns are audited by IRS agents who may solicit taxpayers for political contributions after work.

And, Madam President, what about the rights of Federal employees themselves? Repealing the Hatch Act will allow members of the Federal employee unions to coerce political contributions from fellow employees. Can there be any doubt that subtle, imperceptible pressures will be exerted on Federal employees to make political contributions? If this bill is enacted, civil servants will lose the Hatch Act's current protections from this kind of coercion.

In short, repealing the Hatch Act will be a great loss to civil servants who want nothing more than to do their job—serving the public. Union agents should not be permitted to prey upon our country's 2 million Federal employees. If we follow the herd and repeal the Hatch Act, that is exactly what will happen.

Madam President, as I mentioned at the outset, Congress passed the Hatch Act in direct response to political corruption in the 1930's. The most egregious public corruption occurred in the Works Progress Administration [WPA]. Employees in the WPA experienced this political corruption firsthand. Their superiors actually deducted political contributions from employees' paychecks to fund senatorial campaigns. Do we want to relive this era of political corruption?

During the first debate on the Hatch Act back in 1939, Congressman J. Will Taylor of Tennessee said:

> No one in this country ever dreamed that the time would come in the United States when public money, appropriated for the alleviation of human distress, could be sabotaged and prostituted as it was [to extort votes] * * * to a greater or lesser degree in every State in the Union.

Madam President, just as no one dreamed that it could happen then, no one dreams that it can happen now. But, Madam President, I know that just as it happened 54 years ago, it will happen again if we pass this bill. Human nature has not changed. Repeal of the Hatch Act is bad for Federal employees; it is bad for Government; it is bad for Americans; and it is bad for democracy.

Mr. SARBANES. Madam President, I rise today in strong support of S. 185, the Hatch Act Reform Amendments of 1993. This long overdue reform of the Hatch Act is necessary to lift the coercive restrictions which continue to prevent Federal employees from exercising their constitutional rights to participate in the political process.

Twice the Congress has sent Hatch Act Reform legislation to the President's desk, and I am pleased to have

strongly supported both of these efforts—most recently in the 101st Congress and previously, as a Member of the House of Representatives, in 1976. Regretfully, vetoes by Presidents Bush and Ford respectively have prevented this critically needed reform from becoming public law.

But today in a different time. We now have a President who understands the importance of this legislation and has stated he will sign it if we put it on his desk. And that is exactly what we plan to do.

Madam President, this 1939 Hatch Act is an anachronism which has outlived its original purpose. It was enacted at a time when most civil servants were captive to a patronage system and thereby subject to real threats of partisan abuse and intimidation. However, we have since overhauled the civil service system and replaced the patronage system with one based on merit.

Accordingly, we established a statutory and regulatory framework which safeguards our Government from personnel decisions based upon individual preference or bias. The structure of our merit system, and its inherent protections, renders obsolete the arcane and oppressive restrictions which continue to govern the political activities of the Nation's Federal and postal workers.

Furthermore, the morass of regulations pursuant to the Hatch Act have served to intimidate employees into nonaction depriving them of even those limited activities which are allowable. These regulations are at best confusing if not indecipherable and lead to problems both interpreting and enforcing existing law.

S. 185 would lift this coercive yoke from the shoulders of Federal and postal workers and permit them to participate freely in otherwise legal political activities, making explicitly clear those activities which are permissible and those which are not. Under the provisions of the bill, Federal and postal workers could stuff envelopes, distribute literature and brochures, or work at phone banks. However, the bill would prohibit Federal and postal workers from any type of political activity on the job, including the wearing of political buttons which is allowable under current law.

At the same time, the legislation before us provides stiffer penalties and criminal sanctions for those found guilty of political intimidation or coercion for partisan purposes. Those who violate these prohibitions will be subject to fines, criminal sanctions, loss of their job, and suspension without pay. Furthermore, to assist in pursuing those suspected of violations, the bill gives broader investigative powers to the Office of the Special Counsel.

S. 185 unquestionably strengthens protections against political abuse and limits all voluntary activities permitted under the act to employees' off duty hours. However, under S. 185, Federal and postal workers, for the first time, will have the ability to choose freely whether they want to participate in lawful political activities. No longer will employees be intimidated into nonaction by the overly restrictive and arcane provisions of the 1939 law and thereby deprived of participating in the workings of our democracy.

Madam President, reform of the Hatch Act is critical to restoring to the 3 million postal and Federal workers their full constitutional rights as American citizens. It is important we do this not only to reenfranchise these employees but also to uphold one of the basic tenets of our democracy—that our political process should be open to all people. I commend Senator GLENN for his leadership on this issue and urge my colleagues to support the swift enactment of S. 185.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. DOMENICI. Madam President, I send a modification of my amendment to the desk.

The PRESIDING OFFICER. The amendment is so modified.

The amendment (No. 597), as modified, is as follows:

It is the Sense of the Senate that the President should submit the supplementary budget as required by law no later than July 16 and the requisite information therein required, but in no event later than July 26, 1993.

Mr. DOMENICI. Madam President, the modification, so the chairman of the Budget Committee will know, just says after July 16, it says, "in no event later than July 26, 1993." That is the modification.

I think we have agreed tonight we will take 10 minutes on a side, and then we will finish the debate come Tuesday, where each side will have 20 minutes. But that arrangement will be made in a unanimous consent later on. I want to use no more than 5 minutes of my time and save 5 minutes for Senator D'AMATO. If the Chair will remind me when I have spoken for 5 minutes, I would appreciate it.

Madam President, essentially I come before the Senate requesting that the Senate express its consent. I really do not know why this cannot be bipartisan. This just says the Senate insists that the President submit his midsession review of the budget of the United States by July 16, or no later than the 26th. The statute laws says the 16th.

If for some reason the OMB and the President need additional time, since this issue was raised only a few days ago, because it came to my attention only a few days ago, I am willing, as I did, to modify the sense-of-the-Senate resolution for an additional 10 days.

I am sure the other side is going to say midsession reviews are not always timely. But I will call to everyone's attention right now that in the 4 years of President Bush, even with two summits, the midsession review was never later than July 24. I have modified it so we give this President to July 26.

The most important thing about this, however, is that the President of the United States made a big deal of the fact that when he took office the deficit was higher than he expected, therefore, he could not keep his campaign promises, especially to cut the taxes for middle-income Americans and that there would be no tax on gasoline, and there is. Under the House bill it is 7.8 cents; under the Senate bill 4.3 cents. Those are two things he said I have to change my mind on and not do what I promised because the deficit is higher than I expected.

I do not believe he is right. It was not higher. Everybody knew it was higher before he got elected. But I will take the President at his word for tonight and merely say that if it were higher, then we ought to know with specificity by way of a midsession review how much lower it is on July 16 than it was on April 8, when the President submitted a facsimile of a budget.

I do not believe he ever submitted a real budget. Maybe the excuse will be: Since we do not have a real budget, we cannot give you a real reestimate of the budget. You may recall we did our budgeting in the Senate without a Presidential budget. Maybe they do not have one. I have never seen a real one with all the details.

But the truth of the matter is that even according to the press secretary for the President this afternoon, the deficit is down substantially. They would say that it is only down from a high of $310 billion, by some $20 to $25 billion lower. I submit the document on April 8 says the deficit was going to be $322 billion. That is the latest document we got from them. So it is in the neighborhood of $35 to $40 billion less. And my best estimates are, if they will do it right and give us what they ought to give us, it will be $50 billion less.

Is that not an important number to have? Is it not important for the public and the Congress to have the verification of the OMB and all their apparatus for doing things with certainty on expenditures and the like? Why can they not give us that now before we set about to tax the American people more than the President had said he wanted to during his campaign, the excuse for more being the deficit had gone up, when as a matter of fact now it has come down dramatically?

So what I really believe—I do not accuse anyone of anything—but it seems fair to me that the President should comply with the law. If they have an excuse that is justifiable, they ought to tell us. They have an official request from the Republican leadership. They should at least answer us officially. I like reading press releases, but I would much prefer having a letter from the President saying why he is not going to do this.

Do we not think that, as the largest tax increase in history imposed on the American people is taking place, we ought to know what the deficit is that we are applying it to? If it has no effect in the future years, why do they not tell us that—the deficit is just what it has always been.

Madam President, the reason I am concerned is because I hear a lot of rumbles around that there is big interest savings. I hear a lot of rumbles around that there is great big interest savings. I heard one today—my friend Senator SASSER—the President said something to the effect: We will find the money; we will find the money for the flood disaster. Yes, we will find the money. We ought to do that. Maybe that is even an emergency and we ought to do that. But he said do not worry about it because we are saving money on interest.

You know what happens when the interest goes up, as it will probably do sometime in the not too distant future? Do we then cut more out of the deficit or do we just let the deficit go up?

Frankly, I think we ought to know what the impact is within their ability to discern it at OMB. And I ask for this tonight in the name of the American people, who are going to be taxed and taxed and taxed, to know whether we have saved money in the last year because of better economics and the like. In fact, I do believe part of it is because of increased revenue. I believe the revenues are up because we are out of the recession and the revenues are up substantially. We ought to know that, too.

I yield the floor at this point reserving what I have for Senator D'AMATO.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. SASSER. Madam President, as I understand it, there was 10 minutes to a side allocated this evening?

Mr. DOMENICI. That is correct.

Mr. SASSER. Madam President, for the life of me I cannot understand what all this is about over here this evening. My friend from New Mexico is upset because we do not have the administration's midterm review, which he says is due by July 15.

The truth is, in the past 16 years the midsession review had come in on time only four times—in the past 16 years.

In 1985 and 1986, when my friend from New Mexico was chairman of the Senate Budget Committee, we did not get the midterm review until August 15, in 1985, and August 30 of 1986. But I, or others on my side, were not over here trying to get some kind of sense-of-the-Senate amendment that the midterm review ought to come in on time. I do not recall my friend from New Mexico, who was then chairman of the Budget Committee, over here in 1985 and 1986 exhorting the Reagan administration to bring in the midterm review.

So what is this all about? It is alleged that the administration did not even produce a budget. Madam President, there it is. That is the budget of the U.S. Government, fiscal year 1994. A very, very thick document. That is the budget that the President did produce.

What is the problem here? I do not—for the life of me, I cannot see the problem. In other words, if indeed we are going to have the good news, and I think my friend is right about this, that the deficit is going to be less than was originally projected in January—less than was projected in April—then I think that is great news. If we are not going to have a $300 billion-plus deficit and we are going to have a $260 or $270 or $280 billion deficit for fiscal year 1997, I say hurrah. That is great news.

But I still say the deficit is too high. From what my distinguished friend from New Mexico is saying, I infer from his argument that simply because the deficit is going to be perhaps $270 billion that we need to reshuffle the deficit reduction proposal that is before us.

Mr. DOMENICI. Will the Senator yield for a question?

Mr. SASSER. Throw out some of the revenues or some of the spending. I just do not get it.

I was reading a press release put out by the distinguished ranking member, whom I have the highest regard for, and he is aware of that. He says, "From my review of the Treasury numbers to date, it is clear the 1990 budget agreement"—which I was a party to and worked on with my friend from New Mexico in producing, worked with President Bush in producing, but he says: "From my review of the Treasury numbers to date, it is clear the 1990 budget agreement with its constraint on spending, on defense is working."

I think he may be right about that and I hope he is.

Interestingly enough, there is one thing that is left out in this description of the 1990 budget agreement that is working. They say nothing about the $130 billion in taxes that was contained in that 1990 budget agreement that we voted for on both sides of the aisle. Back in 1990, we realized that if you are going to reduce the deficit, you have to have more revenues on occasion. By 1993, that concept is obsolete, at least on that side of the aisle; we are going to do it totally with spending cuts, mostly with unspecified spending cuts, mostly through entitlement caps. That is the way they propose to do it.

Madam President, I am confident that what the administration is doing here—and I do not know this; I have not discussed it with them—but I am confident they are holding back on the midterm review, I would guess, until this reconciliation bill has been completed and this can be put into the equation. Then they can give us a more accurate estimate of precisely where we are going with regard to the deficit projection for 1993.

That would be my guess on it.

What happens in this budget reconciliation agreement is clearly going to have some impact on interest rates. Long-term bond rates today were at a 30-year low—a 30-year low. Interest rates are low, and I think interest rates are low for a number of reasons, but a significant reason is the markets are seeing that this administration is serious about deficit reduction.

Of course, this deficit reduction proposal that we passed in the Senate has 498 billion dollar's worth of deficit reduction over 5 years, $1.06 of spending restraint for every $1 of revenues; a little better on the House side, they had $503 billion or $504 billion in deficit reduction over 5 years.

So, the President and the U.S. Senate—a majority of us anyway—and the House of Representatives are serious about deficit reduction. That has had a very salutary impact on interest rates.

So I am delighted that this deficit is coming down, and coming down partly because the Government is simply having to pay less money on the money that it borrows.

I think it would send really an unfortunate signal to the financial markets if we rushed out and said we want the midterm review. Here is the midterm review, and it shows we are going to be $30 billion or $40 billion or $50 billion below the deficit projection we got in April. So with that in hand, let us see if we cannot reduce our deficit reduction efforts. Do you know what would happen to interest rates? They would go up.

I just got through being interviewed on one of the financial channels by some financial experts and economists and they were asking about interest rates. Simply because one of our colleagues yesterday made a press statement that perhaps we ought to not go to $500 billion in deficit reduction, that we ought to go to $400 billion instead—and I do not criticize our colleague for making that statement; everybody is entitled to their opinion—but simply because he made that statement, these financial experts were telling me it had an adverse effect on the financial markets. I spent 10 minutes explaining to them that we were really serious in the Congress about reducing the deficit, and really serious about trying to stick to the $500 billion number or very close to it.

So if we pound on the administration for the midterm review and then use

that to try to run around here and say, "Well, maybe we do not want to have as much deficit reduction as we thought we were going to have; maybe we do not need as much as we thought we were going to need," then I think that would be most unwise. I think one of the impacts would be more uncertainty in the financial market, and we might very well see rates going back up.

Madam President, it is not going to cause any great problem if the administration is a week or two late with the midterm review. As I said before, the administrations in a bipartisan way have been late with the midterm review in 8, really 12 out of the last 16 years.

In the 8 years of President Reagan's administration, they got the midterm review to us in a timely way one time in 1982, and they missed it for the next 7 years. The Republic did not collapse, although we did see, I might say, the largest peacetime deficits in the history of the country during the Reagan administration. That is one of the reasons that we have been struggling now for all of these months in trying to come up with a significant deficit reduction package.

So let us not get this issue confused. The midterm review will say what it is going to say tomorrow, or 2 or 3 weeks down the line. Let us keep our eye on the deficit reduction target.

Madam President, my time has expired. I ask unanimous consent that a listing of the Carter-Reagan-Bush administration and their failure to meet the midterm review deadline be printed in the RECORD.

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

MIDSESSION RELEASE DATE COMPARED TO JULY 15 DEADLINE

Fiscal year budget	Release date
Bush administration:	
1993 [1]	July 24.
1992	July 15
1991 [1]	July 16.
1990 [1]	July 18.
Reagan administration:	
1989 [1]	July 28.
1988 [1]	August 17.
1987 [1]	August 6.
1986 [1]	August 30.
1985 [1]	August 15.
1984 [1]	July 25.
1983 [1]	July 30.
1982	July 15.
Carter administration:	
1981 [1]	July 21.
1980	July 12.
1979	July 6.
1978 [1]	July 16.

[1] Missed deadline.

Source: CRS/OMB.

Mr. DOMENICI. Madam President, do I have 5 minutes left?

The PRESIDING OFFICER. Four minutes left.

Mr. DOMENICI. I yield those to Senator D'AMATO from New York.

The PRESIDING OFFICER. The Senator from New York.

PROMISES MADE, PROMISES BROKEN

Mr. D'AMATO. Madam President, I think the senior Senator from Tennessee said it correctly when he said he would not be surprised if the administration was holding back on this midterm report until the budget reconciliation process was over. Imagine, we are going to enact the biggest tax increase in the history of this country without knowing what the figures are.

Why do you increase taxes on gasoline? If this budget deficit package is $50 billion, $60 billion, or maybe $70 billion less, and we have reason to suspect it may be—and, by the way, OMB said it was going to be $322 billion and, oh, the Republicans gave us this big deficit, and that is why we have to raise taxes. Promises made, promises broken. That is right.

When President Clinton was running for office, he said, "I will not raise gasoline taxes. It is wrong."

Now he says, "Well, I have to raise gasoline taxes because the budget was bigger, $50 billion more than what I thought the deficit would be."

On April 8, OMB said $322 billion. Today we have reason to believe that it is not $322 billion, not $300 billion, not $280 billion, maybe $260 billion. Why should we raise taxes an additional $62 billion or $50 billion? Why should we raise taxes on small businesses? No Government has ever taxed itself into prosperity.

Give the taxpayers a break. If we have $50 billion less in deficits, my gosh, roll back taxes on the Social Security recipients, do away with that ridiculous gas tax, and stop taxing small businesses.

I have to tell you one of the things I see that this administration is doing. New class warfare: Let us get the rich. Somehow we have made people who are successful a target. We are not supposed to say that because it is only 2 percent. So let us get the millionaire, let us get the small businessman, let us get the entrepreneur.

Let me tell you something, when we begin to single out successful people, it is backward, it is inside out, and it is certainly not the American way.

We say we are a country where people have an opportunity to grow, to rise by work and hard effort, and achieve. Every day we talk about the miracle of America to the immigrants, and about making a better way of life for themselves and future generations.

Yes, I am sorry to say, I think the senior Senator from Tennessee has it just right. This administration is deliberately going to hold back this report.

You can say you missed deadlines in the past. Let us take a look: July 24, 1992, that is when the Bush administration put in their last one. July 15, 1991; July 16, 1990. They missed by a day, they missed by two days, they missed by 6, 7, or 8 days.

We said by July 26, before this conference, this reconciliation is done, let the people who are going to be imposing the biggest tax—I do not think my friends on the other side, the Democrats, want to increase taxes unnecessarily. If you can save $50 billion, $60 billion or $70 billion of taxes that should not go on small businesses, that should not be levied on people simply because we say we want more money.

Do you want to reduce the deficit by $500 billion? Why not do it by not raising taxes? Senator DOMENICI is absolutely right when he says we need this information before we make up our minds as to whether or not these taxes should be passed.

I do not think they should. We have an opportunity, a unique opportunity to save, $50 billion, $60 billion or $70 billion.

I thank the Chair for its indulgence. I commend Senator DOMENICI for his amendment.

The PRESIDING OFFICER. The Senator's time has expired.

The majority leader is recognized.

HATCH ACT REFORM AMENDMENTS

The Senate continued with the consideration of the bill.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. I now ask unanimous consent that the following be the only amendments remaining in order to S. 185, the Hatch Act reform bill, with no second-degree amendments in order:

A managers' amendment containing the modified text of the so-called core package, on which there shall be 10 minutes for debate;

A Kassebaum amendment regarding antisolicitation on which there will be 40 minutes for debate;

A Roth amendment regarding exempting IRS offices from examination on which there shall be 30 minutes for debate;

A Roth amendment regarding exempting the Criminal Division of the Justice Department on which there shall be 30 minutes for debate;

A Domenici amendment regarding midsession review, that is, amendment No. 597, which is pending, on which there shall be 40 minutes remaining;

That there be 1 hour for debate on the bill and committee substitute inclusive;

That all time for debate be equally divided in the usual form;

That no motion to recommit be in order during the pendency of this agreement;

That when the Senate resumes consideration of the bill on Tuesday, July 20, at 8:45 a.m., Senator DOMENICI be recognized to debate his amendment; that upon the completion of that debate his amendment be laid aside and Senator ROTH be recognized to offer

one of his amendments; that upon the completion of that debate, the amendment be laid aside and Senator ROTH be recognized to offer a second amendment; that upon the completion of that debate, Senator KASSEBAUM be recognized to offer her amendment; that upon the completion of that debate, her amendment be laid aside; that any votes ordered in relation to these amendments occur beginning at 2:15 p.m. on Tuesday, with the votes occurring in the sequence in which the amendments were offered, with the first vote being a 15-minute vote and succeeding votes being 10 minutes each;

That upon the disposition of the above amendments, S. 185 be read a third time, it then be laid aside and the Governmental Affairs Committee be discharged from further consideration of the House companion, H.R. 20; the Senate then proceed to its immediate consideration, that all after the enacting clause be stricken, and the text of S. 185, as amended, be inserted in lieu thereof; that the bill be read a third time and a vote occur on final passage of the House bill, as amended, without any intervening action or debate;

That upon disposition of H.R. 20, S. 185 then be indefinitely postponed, and the Senate proceed to the consideration of Calendar No. 110, S. 919, the national service bill.

Mr. ROTH. Reserving the right to object, and I do not intend to object, I do have one question in respect to the managers' amendment. There does not seem to be any specific time for its adoption. Am I correct in understanding either that could be done tonight or in the hour that is reserved on Tuesday for the managers?

Mr. MITCHELL. The agreement states "on which there shall be 10 minutes for debate."

Mr. ROTH. The point I am raising, I would say to the majority leader, is that it is not included in the sequence of when these amendments will be adopted.

Mr. MITCHELL. It is my understanding that the proposal by the managers is to have that voted in sequence after the Kassebaum amendment.

Mr. ROTH. Or we could do it at any time——

Mr. MITCHELL. I am advised it was the staff's understanding that the amendment may be ready this evening and could be accepted and adopted this evening, and that is why it was not put in the sequence. If it is not so adopted, then it is my understanding they intend to do it in sequence after the Kassebaum amendment.

Mr. ROTH. Either way is satisfactory. I just wanted to make sure that was clear.

I withdraw my reservation.

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

Mr. MITCHELL. Madam President, if I might first ask the managers, does that complete action but for this one amendment on which they are waiting?

Mr. GLENN. It is still being prepared, and since it is not here we can handle that on Tuesday.

Mr. MITCHELL. Madam President, I would just like to make a comment about the amendment which was last pending and the debate which has just occurred.

First, I think it is rather significant that in 10 of the 12 years in which Presidents Reagan and Bush held office the midyear report was submitted on time in accordance with law twice—excuse me, in 12 years it was submitted on time twice, and in 10 of the 12 years it was not submitted.

I have asked the staff to review the record, and we can find no record of any protest by any Republican Senator of those failures. I invite anyone to correct me if our staff research has been defective and if Republican Senators did in fact protest when a Republican President failed to submit the midyear review in accordance with the deadline.

I think clearly what is happening is this is a purely political effort. Ten times a Republican President fails to submit the midyear review precisely on schedule. Not once does a Republican Senator complain about it. Not once does a Republican Senator offer a resolution about it.

Now a Democratic President fails to meet the precise deadline, and we have a resolution and debate with a lot of insinuations that I think are unjustified.

Second, there is a logical, rational reason to permit action to occur on the reconciliation bill prior to the time the review is submitted.

There has been a great deal of confusion and debate between the budget deficit this year and the projection included in the midyear review which is for the next and succeeding fiscal years. If an economist is to estimate and attempt to project what will occur in future years, not in this year but in future years, it makes a great deal of sense that action on the reconciliation bill have been completed prior to that estimate being made so the future projection can be more solidly grounded upon what laws are likely to be in effect, what changes in tax and other laws, rather than the other way around.

Our colleagues have turned logic on its head by confusing in the debate the effect of whether or not the deficit is to be lower or higher in this fiscal year with economic projections as to what is to concur in future fiscal years.

So I submit to my colleagues that this transparently political effort ought to be seen for what it is and reject it for what it is.

If it is so bad to submit a midyear review a little later than the prescribed deadline, why did not someone complain about it when Republican Presidents failed to do it 10 times out of 12 years?

Madam President, I yield the floor. I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

Mr. GLENN. 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. GLENN. Mr. President, under the unanimous consent agreed to a little while ago, there was time for a managers' amendment containing the modified text of the so-called core package. There was to be 10 minutes for debate, evenly divided, if we wished to use that time. The core package, I add, has been worked out over the last day or so. After extensive consultations back and forth, we are happy with the way the whole thing worked out. We appreciate the cooperation of Senator ROTH and his staff on this.

AMENDMENT NO. 599

(Purpose: To provide that the current provisions of subchapter III of chapter 73 of title 5, United States Code, shall apply to certain employees, and for other purposes)

Mr. GLENN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Ohio [Mr. GLENN] proposes an amendment numbered 599.

Mr. GLENN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 17, beginning with line 12, strike out all through line 15 and insert in lieu thereof the following:

"(2)(A) No employee described under subparagraph (B) (except one appointed by the President, by and with the advice and consent of the Senate), may take an active part in political management or political campaigns.

"(B) The provisions of subparagraph (A) shall apply to—

"(i) an employee of—

"(I) the Federal Election Commission;

"(II) the Federal Bureau of Investigation;

"(III) the Secret Service;

"(IV) the Central Intelligence Agency;

"(V) the National Security Council;

"(VI) the National Security Agency;

"(VII) the Defense Intelligence Agency;

"(VIII) the Merit Systems Protection Board;

"(IX) the Office of Special Counsel;

"(X) the Office of Criminal Investigation of the Internal Revenue Service;

"(XI) the Office of Investigative Programs of the United States Customs Service; or

"(XII) the Office of Law Enforcement of the Bureau of Alcohol, Tobacco, and Firearms; or

"(ii) a person employed in a position described under section 3132(a)(4), 5372, or 5372a of title 5, United States Code.".

Mr. GLENN. Mr. President, I think we understand it has been cleared on both sides. At the proper time we will urge its adoption.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, as the chairman has pointed out, the core amendment was an attempt to deal with a major problem, the problem of treatment of sensitive agencies. It was our thought that law enforcement agencies, those that are involved with intelligence, should be exempted from the relaxation of the Hatch rule.

So, when we proposed our core amendment, it was an effort to deal with this particular problem but, frankly, not with every problem that we saw with S. 185. The amendment that has been offered by the chairman does not include all that we sought. It is a compromise that has been worked out between the majority and the minority and, of course is acceptable to us.

This amendment would exclude certain employees performing sensitive missions from coverage under the legislation. Specifically, career Senior Executive Service employees, administrative law judges, Contract Appeal Board members, and Federal employees in certain national security, and law enforcement agencies should be exempt from coverage under the bill and maintained under the current law. In addition employees of the Office of Special Counsel and the Merit System Protection Board would be covered under current law.

Administrative law judges are Federal employees appointed under section 3105 of title 5, United States Code, to perform adjudication functions under the Administrative Procedures Act. Administrative law judges make determinations that impact the daily lives of millions of Americans.

ALJ's rule on Social Security entitlement and benefit appeals, civil money penalty cases arising under the Fair Housing Act and Clean Water Act, consumer protection and false advertising disputes under the jurisdiction of the Federal Trade Commission, and regulatory and licensing at the Securities and Exchange Commission. These are just a sampling of the hundreds of types of disputes that administrative law judges are required to decide.

To have these administrative judges engaged in partisan political activity would not provide comfort to a Social Security recipient who is appealing a reduction in benefits, or a company involved in a workplace safety dispute. A radio station challenging the denial of a license would not find comfort in a hearing presided over by an ALJ actively involved in the management of a partisan campaign.

But under S. 185, ALJ's would be permitted to actively participate in partisan politics. The individual litigant's perception of a nonpartisan administrative judiciary will surely be influenced, in a negative way, if ALJ's are permitted to become active in partisan politics.

Comparable to administrative law judges, Contract Appeal Board members would be able to actively participate in partisan politics with enactment of S. 185. These adjudicators decide appeals in Government contract cases. Like ALJ's, participation in partisan politics would raise questions of impartiality to litigants before Board members.

In many aspects of our daily lives, including the operations of the Federal Government, the appearance of impropriety is just as important as reality. Our concern is that Federal employees at this level of Government decision-making who become identified with partisan political causes will lead to the public's perception that partisan considerations have influenced what should have been a determination on the merits. Even if the adjudicator makes the decision on a nonpartisan basis, the public's perception will be different.

It is for this reason that other senior career officials within the Federal Government should be exempt from this legislation. Career members of the Senior Executive Service are the highest ranking career executives of the Federal Government. Long after political appointees have moved on, these employees remain to administer the Government on a daily basis in a nonpartisan manner.

Even the perception of political influences intruding upon these decisionmakers will have an enormous impact in the public's perception that Government is no longer evenhanded, that to the party in favor belongs the spoils.

Not only am I concerned about the public's view toward Government, but I am also concerned about the subtle pressures which will be the norm if these employees are allowed to participate in partisan political activity. These are the individuals that work directly with the political appointees and are the most likely to be subject to coercive pressure. What will be allowed will become expected.

On June 21, 1990, the day the Senate considered President Bush's veto of legislation virtually identical to that reported by the committee, the New York Times pointed out in its editorial, "Don't Destroy the Hatch Act":

> [Proponents] say the bill offers sufficient protection against political coercion. But that ignores reality. Mr. Bush rightly feared that without the Hatch Act excuse, Federal employees, including tax auditors and prosecutors, would inevitably confront subtle pressures to contribute money and time to partisan causes."

In addition, a new administration replacing one from the other political party is likely to have great distrust in these top Federal careerists if these employees are politically active during the campaign. It is recognized today that incoming administrations have doubts about the willingness of the career service to implement the new President's policies. A politically active corps of career executives will clearly enhance distrust between a new administration and the civil service.

How will a new administration feel if the highest ranking career employees at the Environmental Protection Agency, Department of Justice, or the Office of Management and Budget actively campaigned against them in the last election? What level of confidence will these career employees have that their jobs will be secure once a new administration takes the reins of power?

In addition, if these employees were prohibited from taking an active part in a partisan political campaign, there would be no basis for lower grade civil service employees who could be politically active to assume that their supervisors will give them better assignments, promotions, or bonuses based on partisan political activity.

The committee heard testimony from the National Academy of Public Administration, the former Executive Director of the Civil Service Commission, Bernard Rosen, and the Federal Bar Association, all of whom advocated that employees performing sensitive governmental missions be exempt from the bill.

The Federal Bar Association testified that employees such as administrative law judges and other independent adjudicators are in positions which should be exempted from the bill because the public should be particularly assured that there is no semblance of political partisanship.

The National Academy recommended that if the committee decided to proceed ahead with this legislation, an exception should be made for career Senior Executive Service personnel and managers. These employees, NAPA points out, "are already well established in personnel law and regulation and are treated different from other employees with regard to classification and pay." This amendment covers the Senior Executive Service.

The Senate must provide assurance to the American public that some of our Government's most sensitive work is not tainted by partisan political appearances. Even if the reality is different, in politics, perception is reality and the change advocated in these views is necessary to ensure that certain sensitive decisions do not even have the appearance of partisan influence.

Mr. GLENN. Mr. President, I concur in Senator ROTH's remarks. It was a compromise and, as in most legislation here, neither side gets everything they want in a compromise. We understand that. But in the interest and comity of

moving ahead, we work these things out. This has been the subject of a lot of negotiating over the past 2 days.

So we are very happy to come to this point and have this core amendment agreed with because it was key to moving ahead on everything else we are trying to do with the Hatch Act reform of 1993.

I yield back the remainder of my time and urge adoption of the amendment.

Mr. ROTH. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 599) was agreed to.

Mr. GLENN. Mr. President, I move to reconsider the vote.

Mr. ROTH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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

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

MORNING BUSINESS

Mr. FORD. Mr. President, I ask unanimous consent we now proceed in a period for morning business and Senators be allowed to speak therein.

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

AN INTERNATIONAL CRIMINAL COURT

Mr. DODD. Mr. President, on January 28, 1993, I introduced Senate Joint Resolution 32, a joint resolution calling on the United States to support efforts of the United Nations to establish a permanent international criminal court. This measure has been making steady progress through the legislative process. On May 20, the Foreign Relations Committee voted to approve this measure by an 11–7 vote. Last month, virtually identical language was added to the State Department authorization bill by the Subcommittee on Terrorism, Narcotics and International Operations.

I introduced this measure, Mr. President, because I wanted to foster and encourage debate in this country over this very important concept. Ever since the end of the Nuremberg Trials after World War II, the international community has recognized that it is possible to enforce the rule of law on an evenhanded, multilateral basis. However, past efforts to develop a permanent structure to adjudicate crimes against the international order have not borne fruit, primarily due to the difficulties of reaching agreement on such a structure during the cold war.

Today, with the cold war over, the United Nations has embarked on this task once again. In fact, a U.N. body known as the International Law Commission has been examining the issue of the international criminal court at every one of its annual meetings since 1990, seeking to promote a consensus on the many issues that must be resolved before such a court can come into being. However, the debate on this issue has been hampered by the fact that most members of the general public are unaware of the work of the Commission or the importance of this issue.

Accordingly, in an effort to build a more comprehensive public record on this matter, it is my intention to submit for the CONGRESSIONAL RECORD on a regular basis materials and documents that are relevant to the consideration of this issue. The purpose of this effort is simple: to allow Members of Congress and their staff—as well as any individuals with an interest in public affairs—to see for themselves the extensive and groundbreaking work that has recently been done on this issue by the international community.

I will begin today by including for the RECORD a summary of the report of a working group established last year by the International Law Commission. This working group, chartered for the sole purpose of considering the issue of an international criminal court, came to the conclusion that such a court would indeed be feasible and provided several suggestions as to how such a court might operate. Acting on the working group's recommendation, the U.N. General Assembly last fall asked the ILC to begin preparing a draft statute for such a court at its 1993 session. That session began this past May in Geneva and will conclude later this month.

Mr. President, in this rapidly changing world we are seeking to bring an end to the cold war brand of thinking and develop an international order based instead on the rule of law. In my opinion, an international criminal court should be an integral part of this new international order. I enter this information into the CONGRESSIONAL RECORD in the hope that it will prove helpful to those who share my interest in promoting and one day helping to implement these very important ideals.

I ask unanimous consent that a copy of Part A: Summary and Recommendations from the Report of the Working Group on the Question of an International Criminal Jurisdiction, as included in the 1992 Report of the International Law Commission, be placed in the CONGRESSIONAL RECORD at this time.

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

UNITED NATIONS REPORT OF THE INTERNATIONAL LAW COMMISSION ON THE WORK OF ITS FORTY-FOURTH SESSION, 4 MAY–24 JULY 1992

ANNEX

Report of the Working Group on the question of an international criminal jurisdiction

A. Summary and recommendations

393: General Assembly resolution 46/54 (9 December 1991) asked the Commission to "consider further and analyse the issues raised in its report on the work of the forty-second session concerning the question of an international criminal jurisdiction, including proposals for the establishment of an international criminal court or other international criminal trial mechanism in order to enable the General Assembly to provide guidance on the matter * * *."

394: The Commission discussed these issues at its forty-fourth session, within the framework of its discussions on the draft Code of Crimes against the Peace and Security of Mankind, and on the basis of the tenth report of the Special Rapporteur (Mr. Doudou Thiam) (A/CN.4/442). It then established a Working Group on an International Criminal Jurisdiction, chaired by Mr. Abdul Koroma.[1] The mandate of the Working Group was as follows:

"To consider further and analyse the main issues raised in the Commission's Report on the work of its forty-second session concerning the question of an International Criminal Jurisdiction, including proposals for the establishment of an international court or other international criminal trial mechanism. In so doing, the Working Group will take into account the issues raised by the Special Rapporteur in his Ninth Report (Part II) and Tenth Report, in the light of the discussions thereon held at the Commission's past and current sessions. The Working Group will also draft concrete recommendations with regard to the various issues which it will consider and analyze within the framework of its mandate."

395: The Working Group held 16 meetings, at which draft papers prepared by some members of the Group were extensively discussed and revised. The Working Group proceeded throughout on the basis that it was necessary to draft "concrete recommendations", and thereby to assist the Commission in discharging the mandate of the General Assembly referred to in paragraph 393.

396: Since the Commission now seeks to go beyond the analysis and exploration of possible options and to adopt "concrete recommendations", it was necessary for the Working Group to agree on the basic approach to be adopted in its Report. The Working Group agreed on a number of basic propositions which form the basis of its report to the Commission. They are as follows:

(i) An international criminal court should be established by a Statute in the form of a treaty agreed to by States parties;

[1] The members of the Working Group were Mr. Abdul G. Koroma (Chair); Mr. Doudou Thiam *ex officio* (Special Rapporteur on the topic: "Draft Code of Crimes against the Peace and Security of Mankind"); Messrs. Husain M. Al-Baharna, Gaetano Arangio-Ruiz, James R. Crawford, John de Saram, Kamil Idris, Andreas J. Jacovides, Vaclav Mikulka, Alain Pellet, Patrick Lipton Robinson, Robert Rosenstock, Christian Tomuschat, Vladlen Vereshchetin and Francisco Villagrán Kramer. Mr. Thiem acted as Chair of the Working Group for several meetings, in Mr. Koroma's absence.

(ii) In the first phase of its operations, at least, a court should exercise jurisdiction only over private persons, as distinct from States;[2]

(iii) The court's jurisdiction should be limited to crimes of an international character defined in specified international treaties in force. This should include the crimes defined in the draft Code of Crimes against the Peace and Security of Mankind (upon its adoption and entry into force). But it should not be limited to the Code. A State should be able to become a party to the Statute without thereby becoming a party to the Code;[3]

(iv) The court would be essentially a facility for States parties to its Statute (and also, on defined terms, other States). In the first phase of its operations, at least, it should not have compulsory jurisdiction, in the sense of a general jurisdiction which a State party to the Statute is obliged to accept ipso facto and without further agreement;

(v) In the first phase of its operations, at least, the court would not be a standing full-time body. On the other hand, its constituent instrument should not be a mere draft or proposal, which would have to be agreed on before the institution could operate. Thus the Statute should create an available legal mechanism which can be called into operation when and as soon as required;

(vi) Other mechanisms were suggested and considered, as reflected in Part B (paras. 473–487) of this Report;

(vii) Whatever the precise structure of the court or other mechanism, it must guarantee due process, independence and impartiality in its procedures.

397: These propositions form the basis for the Report which is attached, and which contains "concrete recommendations" with regard to the various issues which the Working Group has considered and analysed within the framework of its mandate, and in some cases more detailed discussion of various options. The Working Group believes that a structure for an international criminal court, along the lines suggested in the attached Report, could be a workable system. It believes that it could be an appropriate basis for the initial establishment of an international criminal court, if this is judged to be opportune. In that sense, it reiterates the Commission's earlier conclusions (in 1950 and again in 1990) that such a body is possible.

398: Certain members of the Working Group continue to have doubts about whether even a comparatively modest and flexible system of the kind suggested would serve a useful purpose. In their view, the system of prosecution and trial of accused persons before national courts is the only realistic method of the administration of criminal justice. One member, in particular, believes that it is sufficient at this stage for the envisaged international trial system to be elaborated as a draft text for use by particular States when required; at this point it could be established by bilateral treaty or even by resolution of a competent international organization.

399: Other members of the Working Group would have preferred to go even further, favouring a more extensive system, including a court with compulsory and exclusive jurisdiction over certain offences. But they are prepared to accept the proposal outlined in this Report, on the basis that the proposed mechanism can at least be given the chance to establish itself, and to provide its utility, after which additions to its jurisdiction and powers may prove easier to achieve and more acceptable to States.

400: Whatever differences exist in this regard, there is no disagreement on one essential point. The Working Group believes that the phase of preliminary consideration and analysis, called for by the General Assembly in 1989, is completed. It is now for the General Assembly and for Member States to resolve whether the Commission should proceed to the detailed work that will be required in drawing up a Statute and associated rules of procedures for an international criminal jurisdiction, on the general basis outlined here, or on some other basis.

401: The Working Group accordingly recommends to the Commission:

(i) That it accept the attached Report in discharge of the mandate of the Working Group;

(ii) That it endorse the basic propositions enumerated in paragraph 396 above, on which the Working Group has proceeded, and the broad approach to the question of "an international criminal court or other international criminal trial mechanism" which is set out in the Report;

(iii) That it report to the Assembly:

(a) that, following the ninth and tenth reports of the Special Rapporteur on the topic of the draft Code of Crimes against the Peace and Security of Mankind and the debates thereon in plenary, and through the Report of the Working Group (which would be an Annex to the Commission's Report), it has completed the task of analysis of "the question of establishing an international criminal court or other international criminal trial mechanism" entrusted to it by the General Assembly in 1989;

(b) that its more detailed study confirms the view, expressed earlier by the Commission, that a structure along the lines of that suggested in the Working Group's Report would be a workable system;

(c) that further work on the issue requires a renewed mandate from the Assembly, and needs to take the form not of still further general or exploratory studies, but of a detailed project, in the form of a Draft Statute; and

(d) that it now is a matter for the Assembly to decide whether the Commission should undertake a new project for an international criminal jurisdiction, and on what basis.

[2] This is consistent with the approach taken by the Commission in relation to the draft code of Crimes against the peace and security of mankind, hereinafter "draft Code of Crimes". See Report of the Commission on the work of its thirty-sixth session, Official Records of the General Assembly, Thirty-ninth session, Supplement No. 10 (A/39/10) para. 65. See also article 3 of the Draft Code of Crimes as provisionally adopted on first reading by the Commission in 1991.

[3] This leaves open the question whether any of the offenses defined in the Code should be exclusively within the competence of an international criminal jurisdiction. Some members of the Working Group, at least, believe that the Code is inconceivable without an international criminal jurisdiction, and that it would be desirable, if not essential, to provide that a State party to the Code would thereby accept ipso facto the Statute of a court.

JAPANESE CONSTRUCTION

Mr. MURKOWSKI. Mr. President, I think it is appropriate that this body reflect on the political crisis in Japan that is coming to fruition as a consequence of the elections on July 18.

I have an extended statement here concerning the political reform and our hopes that Japan will allow more open access to United States companies interested in doing business in Japan, particularly in the area of construction. It is our hope that the Japanese media, as well as the Japanese public, will recognize the contribution of American firms, particularly in public works projects, providing them with a competitive market in order to provide a substantial savings to the Japanese taxpayer.

POLITICAL REFORM MAY HOLD HOPE FOR MORE ACCESS TO PUBLIC WORKS PROJECTS IN JAPAN

The current political crisis in Japan is a result of the ordinary citizens' outrage at corruption in government: The Kanemaru scandal; and the no-confidence vote for Prime Minister Miyazawa leading to elections scheduled for July 18.

A classic example of this corruption is Japan's closed and corrupt public-works bid rigging, dango:

Ministry of Construction invites 10 construction groups to bid for a major project; chooses the 10 according to undisclosed criteria, and consultants with close ties to contractors assess the bids. Builders lobby politicians and bureaucrats to make the list. Once in, they take turns winning projects.

The status quo represents a cozy arrangement for a triad of vested interests—a Golden Triangle of politician, bureaucrats, and construction industry.

For politicians, the construction industry—employing 6.2 million people and accounting for 20 percent of GNP—means votes and money.

Powerful bureaucrats are rewarded upon retirement for not rocking the boat—either by assurance of construction-industry jobs or with political careers. Of the LDP's 380 parliament members, 17 are former officials of the Ministry of Construction.

Construction firms like the dango system because it assures that every insider eventually gets to build a publicly funded bridge, dam or building.

The Dango system is stealing money from Japanese taxpayers and, as accurately described in recent Japanese newspaper articles is "a rejection of economic justice".

Construction costs in Japan are two or three times more expensive than in the States.

This costs the Japanese taxpayer an estimated $50 billion a year in overcharges.

The Japanese news media are adding to the pressure for reform, carrying harsh editorials calling for an end to an institution that to many symbolizes what is wrong with Japan.

The dango system keeps the Japanese market fundamentally closed to American firms:

Despite the 1988 Major Projects Agreement [MPA] between Tokyo and Washington, of the estimated 31 projects covered by the agreement so far, United States firms took only a 2

percent share—or a dismal 0.02 percent, $189 million, of Japan's approximately $700 billion construction market.

The 1992 share was a 37-percent decrease of total contracts won by U.S. firms in 1991.

Japan firms operating in the United States, on the other hand, did some $1.3 billion worth of business here in 1991; or 0.3 percent of the overall United States market of $1.6 billion—1992 figures unavailable.

The political crisis in Japan could result in significant changes in the political and economic culture, and could eventually produce a genuine multiparty democracy in which candidates would compete for office on ideas rather than their ability to raise money and dispense pork-barrel projects to designated contractors—but don't hold your breath.

Political corruption has protected the designated bidder and dango systems. Political reform may be the key to unlocking Japan's construction market to foreign competition.

The crisis atmosphere could help the Clinton administration in negotiations with the Japanese over their closed construction market:

In April, the Clinton administration identified Japan as a country which discriminates against American firms in Government procurement, under section 7003 of the 1988 Trade Act.

In light of political uncertainty in Japan, the President waived a June 30 deadline for imposing far-reaching sanctions until November 1, 1993.

An implementation agreement, separate from the recently announced United States-Japan framework, must be agreed upon or the United States will impose sanctions against Japanese firms bidding for United States Government contracts.

Sanctions are not preferable outcome—an open market is.

The United States should press for the abolition of Japan's so-called designed bidding system, the main vehicle for dango.

Let there be no mistake: Congress is watching to ensure that a strong outcome is negotiated or sanctions are imposed.

If a satisfactory resolution is not reached by November 1, Congress will consider for itself what response is appropriate.

I thank my friend on the minority side for allowing me this time.

I thank the Chair.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nomination:

Calendar 248. Daniel K. Tarullo, to be an Assistant Secretary of State.

I further ask unanimous consent that the nominee be confirmed, that any statements appear in the RECORD as if read, that the motion to reconsider be laid upon the table, that the President be immediately notified of the Senate's action, and that the Senate return to legislative session.

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

The nomination considered and confirmed is as follows:

DEPARTMENT OF STATE

Daniel K. Tarullo, of Massachusetts, to be an Assistant Secretary of State.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to the consideration of legislative business.

PARAGRAPH 2 OF RULE XXV AMENDMENT

Mr. FORD. Mr. President, on behalf of the majority leader, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the resolution.

The bill clerk read as follows:

A resolution (S. Res. 132) to amend paragraph 2 of Rule XXV.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 132) was agreed to, as follows:

S. RES. 132

Resolved, That paragraph 2 of Rule XXV of the Standing Rules of the Senate is amended for the One Hundred and Third Congress as follows, strike "13" after "Governmental Affairs" and insert in lieu thereof "14".

COMMITTEE APPOINTMENTS

Mr. FORD. Mr. President, on behalf of the majority leader, I send a resolution to the desk.

The PRESIDING OFFICER. The Clerk will report the resolution.

The bill clerk read as follows:

A resolution (S. Res. 133) to make appointments to the Committee on Armed Services, the Committee on Commerce, Science, and Transportation, the Committee on Energy and Natural Resources, and the Special Committee on Aging.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 133) was agreed to, as follows:

S. RES. 133

Resolved, That the Senator from Nevada (Mr. Bryan) is hereby appointed to serve as a member on the Committee on Armed Services for the One Hundred Third Congress;

That the Senator from Tennessee (Mr. Mathews) is hereby appointed to serve as a member on the Commerce, Science, and Transportation Committee for the One Hundred and Third Congress;

That the Senator from North Dakota (Mr. Dorgan) is hereby appointed to serve as a member of the Energy and Natural Resources Committee for the One Hundred and Third Congress; and

That the Senator from Michigan (Mr. Riegle) is hereby appointed to serve as a member on the Special Committee on Aging, for the One Hundred and Third Congress.

NATIONAL VETERANS GOLDEN AGE GAMES WEEK

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of the House Joint Resolution 190, a joint resolution to designate the week of July 17 to 23 as National Veterans Golden Age Games Week, just received from the House, that the joint resolution be deemed read three times, passed; that the preamble be agreed to and the motion to reconsider laid upon the table; further that any statements relating to the passage of this measure be printed in the RECORD at the appropriate place.

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

So the joint resolution (H.J. Res. 190) was deemed read three times and passed.

RELATING TO CERTAIN PATENTS

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 128, S. 298, a bill relating to patents on certain biotechnological processes, that the bill be deemed read three times, passed and the motion to reconsider laid upon the table; that any statements relative to this measure appear in the RECORD at the appropriate place.

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

So the bill (S. 298) was deemed read three times and passed, as follows:

S. 298

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

TITLE I—BIOTECHNOLOGICAL PROCESS PATENTS

SEC. 101. CONDITIONS FOR PATENTABILITY; NONOBVIOUS SUBJECT MATTER.

Section 103 of title 35, United States Code, is amended—

(1) in the first unnumbered paragraph by inserting "(a)" before "A patent";

(2) in the second unnumbered paragraph by inserting "(b)" before "Subject matter"; and

(3) by adding at the end thereof the following new subsections:

"(c) Notwithstanding any other provision of this section, a claimed process of making or using a machine, manufacture, or composition of matter is not obvious under this section if—

"(1) the machine, manufacture, or composition of matter is novel under section 102 of this title and nonobvious under this section;

"(2) the claimed process is a biotechnological process as defined in subsection (d); and

"(3)(A) the machine, manufacture, or composition of matter, and the claimed process invention at the time it was made, were owned by the same person or subject to an obligation of assignment to the same person; and

"(B) claims to the process and to the machine, manufacture, or composition of matter—

"(i) are entitled to the same effective filing date; and

"(ii) appear in the same patent application, different patent applications, or patent which is owned by the same person and which expires or is set to expire on the same date.

"(d) For purposes of this section, the term 'biotechnological process' means any method of making or using living organisms, or parts thereof, for the purpose of making or modifying products. Such term includes recombinant DNA, recombinant RNA, cell fusion including hybridoma techniques, and other processes involving site specific manipulation of genetic material.".

SEC. 102. NO PRESUMPTION OF INVALIDITY.

The first unnumbered paragraph of section 282 of title 35, United States Code, is amended by inserting after the second sentence "A claim issued under the provisions of section 103(c) of this title on a process of making or using a machine, manufacture, or composition of matter shall not be held invalid under section 103 of this title solely because the machine, manufacture, or composition of matter is determined to lack novelty under section 102 of this title or to be obvious under section 103 of this title.".

SEC. 103. EFFECTIVE DATE.

The amendments made by this title shall apply to all United States patents granted on or after the date of the enactment of this Act and to all applications for United States patents pending on or filed after such date of enactment, including any application for the reissuance of a patent.

TITLE II—BIOTECHNOLOGICAL MATERIAL PATENTS

SEC. 201. INFRINGEMENT BY IMPORTATION, SALE OR USE.

(a) INFRINGEMENT.—Section 271 of title 35, United States Code, is amended by adding at the end the following new subsection:

"(h) Whoever without authority imports into the United States or sells or uses within the United States a product which is made by using a biotechnological material (as defined under section 154(b)) which is patented in the United States shall be liable as an infringer if the importation, sale, or use of the product occurs during the term of such patent.".

(b) CONTENTS AND TERM PATENT.—Section 154 of title 35, United States Code, is amended—

(1) by inserting "(a)" before "Every";

(2) by striking out "in this title," and inserting in lieu thereof "in this title (1)";

(3) by striking out "and, if the invention" and inserting "(2) if the invention";

(4) by inserting after "products made by that process," the following: "and (3) if the invention is a biotechnological material used in making a product, of the right to exclude others from using or selling throughout the United States, or importing into the United States the product made or using such biotechnological material,"; and

(5) by adding at the end thereof the following:

"(b) For purposes of this section, the term 'biotechnological material' is defined as any material (including a host cell, DNA sequence, or vector) that is used in a biotechnological process as defined under section 103(d).".

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by this section shall take effect six months after the date of enactment of this Act and, subject to paragraph (2), shall apply only with respect to products made or imported after the effective date of the amendments made by this section.

(2) EXCEPTIONS.—The amendments made by this section shall not abridge or affect the right of any person, or any successor to the business of such person—

(A) to continue to use, sell, or import products in substantial and continuous sale or use by such person in the United States on the date of enactment of this Act; or

(B) to continue to use, sell, or import products for which substantial preparation by such person for such sale or use was made before such date, to the extent equitable for the protection of commercial investment made or business commenced in the United States before such date.

Mr. LAUTENBERG. Mr. President, I rise today to support the Biotechnology Patent Protection Act. I am proud to be an original cosponsor of this measure.

In New Jersey, biotechnology is an important source of innovation, growth, and jobs. My State has the second highest concentration of biotechnology companies in the Nation. New Jersey's publicly traded biotech firms employ more than 35,000 people and generate hundreds of millions of dollars in sales.

Biotech is precisely the type of industry that can lead New Jersey and the Nation to an economic revival. This industry relies on American brainpower and produces high-skill, high-wage jobs.

However, in order to ensure that this industry flourishes, we must also ensure that American innovation is protected. And that is what this bill sets out to accomplish.

The legislation takes two important steps to bolster patent protection of biotechnology inventions.

First, the bill overrules a widely criticized Federal circuit court decision that has been routinely misapplied by the U.S. Patent and Trademark Office. Under the legislation, an inventor will now be able to obtain a patent on the method of making or using a product if either the starting material or the end product itself can be patented.

Second, the bill closes a loophole that has allowed foreign entities to unfairly profit from American biotechnological innovations. Currently, the holder of a U.S. patent on biotechnological material cannot prevent another entity from using that material overseas, and then exporting the final product back to the United States, often to compete with the patent holder's final product.

This bill, however, would amend the patent law to ensure that patented biotechnological material used to make a product—for instance, a gene or host cell—can itself be enforced at the border against an infringer who uses the material overseas to make a product for export to the United States. This provision is modeled on an existing law, which I had a hand in crafting, that provides similar protection against products made overseas with a process patented here.

If we are to build an American economy that creates jobs and raises incomes, we must rely on our most powerful economic resource: the creativity and ingenuity of our people. But as New Jersey's own Thomas Edison taught us, innovation does not come easily or quickly. It requires constant trial-and-error and countless late nights in the lab. So, when the breakthrough happens, it is crucial that the inventor's hard work and ingenuity are rewarded and protected.

Therefore, on behalf of the ingenious workers, scientists, and entrepreneurs who make New Jersey's biotech industry one of the world's leaders, I urge my colleagues to support this legislation.

Mr. DECONCINI. Mr. President, I rise in support of S. 298, the Biotechnology Patent Protection Act of 1993, which I introduced on February 3 of this year. It is cosponsored by Senators HATCH, HEFLIN, KENNEDY, KOHL, LAUTENBERG, SPECTER, GRASSLEY, BROWN, DOMENICI, and FEINSTEIN. Representatives BOUCHER, MOORHEAD, and several other Representatives have introduced companion legislation in the House.

Mr. President, the United States is currently the world leader in biotechnology. This vibrant industry generates billions of dollars for our Nation's economy. Like many high-technology industries, however, biotechnology vitally depends on patents to protect the vast research and development costs necessary for technological breakthroughs and commercial development.

Patent protection assures venture capitalists that they can recover their investment, and motivates inventors to devote time and energy to the realization of technological innovation. Unfortunately, our current patent system has failed to adequately protect the intellectual property of our Nation's biotechnology industry.

The Biotechnology Patent Protection Act of 1993 will strengthen the patent position of our Nation's biotechnology industry in two ways. First, the bill would eliminate barriers to biotech process patenting. Second, the bill would close a loophole in current law which currently allows a competitor to exploit a patented host cell overseas and then import the resulting product back into the United States.

Title I of the Biotechnology Protection Act would overturn in re Durden, a troublesome Federal circuit case that is being used as a basis for rejecting biotechnology process patent claims.

In Durden, the Federal circuit held that the use of a new starting material in an otherwise known process did not constitute a patentable process. The application of Durden in the biotechnology area has denied protection to innovations that can only be protected through process patents.

This bill would overturn Durden by amending the Patent Code to provide that a biotechnological process of making or using a product may be considered nonobvious if the starting material or resulting product is novel and nonobvious. The effect of this provision is to provide drastically needed certainty and incentives to the biotechnology industry.

Title II of the act would close a loophole in current law, to prevent blatant foreign exploitation of patented biotechnological material. Under current law, the holder of a patent to an organism can preclude another from using the organism in the United States. However, without patent protection for the process of using that organism, a competitor can take the patented organism to another country, use it to produce a protein-based product, and then import that product back into the United States.

Title II of the Biotechnology Protection Act will stop this exploitation by providing a remedy against infringing foreign competitors. This legislation will create a level playing field by allowing a patent owner to enforce a patent claiming a host cell against a foreign manufacturer who imports a product made using the host cell.

Mr. President, this bill passed the Senate last year but unfortunately was not acted on by the House. Therefore, I urge my colleagues to assist me in passing this legislation again to protect our Nation's dominance in biotechnology.

This bill will provide incentives to venture capitalists and inventors alike. It will stop intellectual property pirates from stealing the ideas and innovations of our scientists and engineers. It will reduce litigation costs by providing certainty in the law. Most importantly, this bill will allow the United States to continue to lead the world in biotechnology research and will provide essential protection to this multibillion-dollar industry.

Mr. KENNEDY. Mr. President, I am an original sponsor of S. 298, the Biotechnology Patent Protection Act, and I urge all of my colleagues to join in passing this important bill.

The United States is the world's leader in the research, development and manufacture of biotechnology products. More than 100 million people are treated annually with medicines derived from biotechnology and more than 100 new products are being developed to treat Alzheimer's disease, AIDS, cancer, cystic fibrosis and many other illnesses. Our country is unsurpassed in translating cutting-edge science into economic growth and improved human health.

Common sense tells us to reward innovation and punish imitators, but the opposite is true in our current patent laws. In a research-intensive industry, the need to protect innovation is particularly urgent. Piracy is simple and easy when breakthroughs are published and disseminated in scientific journals. The threat that imitators will manufacture duplicate drugs is enough to dissuade some companies from developing new drugs.

This current piracy must be halted. It poses insurmountable economic drawbacks for innovative companies. Without adequate patent protection, they cannot attract the venture capital investment needed to pursue promising new therapies. Companies must have assurances that rival firms cannot pirate their original research.

The current patent law also leads to inconsistent decisions. Patent litigation is expensive and time consuming, and drains companies' research resources.

The Biotechnology Patent Protection Act solves each of these problems. The act closes a loophole that allows unfair imports of biotechnology-derived products to be sold in the United States. Patent protection will be extended to cover an inventor's process of making a product. This kind of protection is routinely granted in Western Europe and Japan, and is already available for inventions in other industries.

Our current patent law grants foreign competitors unnecessary and unfair advantages and leaves U.S. researchers legally powerless to protect their ingenuity. These reforms will benefit the public interest by stimulating biomedical innovation, and promote competition through a stricter patent standard that ensures parity with foreign competitors.

The act is supported by the academic research community as well as the pharmaceutical and biotechnology industries. It enjoys wide bipartisan support. The Bush administration supported the bill, and President Clinton has indicated his support as well.

This bill provides an important legislative remedy for current inadequacies in our patent laws. By granting adequate protection to biotechnology products, it ensures that the Nation will benefit from cutting-edge therapies and the biotechnology industry will remain innovative and competitive.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON THE COMMUNITY DEVELOPMENT BANKING AND FINANCIAL INSTITUTIONS ACT OF 1993—MESSAGE FROM THE PRESIDENT—PM-31

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

I am pleased to submit to the Congress the "Community Development Banking and Financial Institutions Act of 1993." This legislative initiative will promote the creation of community development financial institutions that will empower individuals and communities and provide for greater economic opportunity. Also transmitted are a statement of the Administration's principles embodied in this proposal and a section-by-section analysis.

In too many urban and rural communities, there is a lack of capital and credit. Lending in distressed communities, particularly to small businesses, can be complicated. It may require special expertise and knowledge of the borrower and the community, credit products, subsidies, and secondary markets. Community development financial institutions—including community development banks like South Shore Bank in Chicago, community credit unions such as Self-Help in North Carolina, community development corporations, micro-enterprise loan funds, and revolving loan funds—have demonstrated that they can provide capital, credit, and development services in distressed areas and to targeted populations.

The bill proposes establishment of a Community Development Banking and Financial Institutions Fund that would support a program of investment in community development financial institutions. The Fund would provide financial and technical assistance to, and serve as a national information clearinghouse for, community development financial institutions.

This initiative reaffirms my commitment to helping communities help themselves. By ensuring greater access to capital and credit, we will tap the entrepreneurial energy of America's poorest communities and enable individuals and communities to become self-sufficient.

My Administration is also committed to enhancing the role of traditional financial institutions with respect to community reinvestment. As a complement to the community development financial institutions initiative, we will adopt regulatory changes to more effectively implement the Community Reinvestment Act of 1977. These changes will replace paperwork with performance-oriented standards and will include tougher enforcement measures for noncompliance.

In order to secure early enactment of legislation in this crucial area, I urge the Congress to consider the Community Development Banking and Financial Institutions Act of 1993 as a discrete bill, separate from general issues of financial services reform and any other nongermane amendments.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 15, 1993.*

MESSAGES FROM THE HOUSE

At 12:58 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House disagrees to the amendment of the Senate to the bill (H.R. 2264) to provide for reconciliation pursuant to section 7 of the concurrent resolution on the budget for fiscal year 1994, it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following as managers of the conference on the part of the House:

From the Committee on the Budget, for consideration of the House bill, and the Senate amendment, and modifications committed to conference: Mr. SABO, Mr. GEPHARDT, and Mr. KASICH.

As additional conferees from the Committee on the Budget, for consideration of title I of the House bill, and title I of the Senate amendment, and modifications committed to conference: Mr. STENHOLM, Mr. POMEROY, Mr. KILDEE, Mr. SMITH of Texas, and Mr. ALLARD.

As additional conferees from the Committee on the Budget, for consideration of title II and section 12009 of the House bill, and title II and section 13003 of the Senate amendment, and modifications committed to conference: Ms. SLAUGHTER, Mr. MOLLOHAN, Mr. GORDON, Mr. SHAYS, and Ms. SNOWE.

As additional conferees from the Committee on the Budget, for consideration of title III of the House bill, and title III (except section 3003(b)) of the Senate amendment, and modifications committed to conference: Mr. FRANK of Massachusetts, Mr. BLACKWELL, Ms. WOOLSEY, Mr. LAZIO, and Mr. HOKE.

As additional conferees from the Committee on the Budget, for consideration of title IV and sections 5117, 13233, 13263–64, 13270, and 13420 of the House bill, and sections 7904, 12001–50, 12061, 12071, 12101, and 12301–02 of the Senate amendment, and modifications committed to conference: Mr. KILDEE, Mr. PRICE of North Carolina, Mrs. KENNELLY, Mr. MILLER of Florida, and Mr. SMITH of Michigan.

As additional conferees from the Committee on the Budget, for consideration of sections 5000–187, 13234, 13242, 13264, 13400–571 of the House bill, and sections 7000–501, 7601(c), 7801, 7802 (b) and (c), and 7904 of the Senate amendment, and modifications committed to conference: Mr. BEILENSON, Ms. SLAUGHTER, Mr. JOHNSTON of Florida, Mr. MCMILLAN, and Mr. HOBSON.

As additional conferees from the Committee on the Budget, for consideration of sections 5200–44, 5301, 9006–07 of the House bill, and sections 4001–11 and 6001 of the Senate amendment, and modifications committed to conference: Mr. BRYANT, Mr. COYNE, Mr. COSTELLO, Mr. MCMILLAN, and Mr. HOBSON.

As additional conferees from the Committee on the Budget, for consideration of title VII of the House bill, and title XI and sections 4008(c), that portion of section 12011 which adds a new section 455j to the Higher Education Act, 12045(7), 12047(a), and 12105 of the Senate amendment, and modifications committed to conference: Mr. ANDREWS of Texas, Mr. MOLLOHAN, Ms. WOOLSEY, Mr. SMITH of Texas, and Mr. INGLIS of South Carolina.

As additional conferees from the Committee on the Budget, for consideration of title VIII and section 9004 of the House bill, and section 4051 of the Senate amendment, and modifications committed to conference: Mrs. KENNELLY, Mr. COSTELLO, Mrs. MINK, Ms. SNOWE, and Mr. FRANKS of New Jersey.

As additional conferees from the Committee on the Budget, for consideration of title IX and sections 1402, 5301, and 11002 of the House bill, and titles V and VI and section 1503 of the Senate amendment, amd modifications committed to conference: Mr. BRYANT, Mrs. MINK, Mr. BLACKWELL, Mr. KOLBE, and Mr. ALLARD.

As additional conferees from the Committee on the Budget, for consideration of titles VI and X and sections 10001–02, 13702, and 13704 of the House bill, and titles IX and X and sections 12103–04 of the Senate amendment, and modifications committed to conference: Mr. BERMAN, Mr. ANDREWS of Texas, Mr. GORDON, Mr. KOLBE, and Mr. MILLER of Florida: *Provided,* That for consideration of title VI and sections 10001 and 10002 of the House bill, and title IX of the Senate amendment, Mr. COX and Mr. SMITH of Michigan are appointed in lieu of Mr. KOLBE and Mr. MILLER of Florida.

As additional conferees from the Committee on the Budget, for consideration of title XI and sections 9004–05 of the House bill, and section 6002 of the Senate amendment, and modifications committed to conference: Mr. WISE, Mr. COSTELLO, Mr. BERMAN, Mr. LAZIO, and Mr. FRANKS of New Jersey.

As additional conferees from the Committee on the Budget, for consideration of title XII of the House bill, and title XIII (except 13008(b)) and section 7901 (b) and (c) of the Senate amendment, and modifications committed to conference: Mr. PRICE of North Carolina, Mr. COYNE, Mr. JOHNSTON of Florida, Mr. HERGER, and Mr. INGLIS of South Carolina.

As additional conferees from the Committee on the Budget, for consideration of titles XV and XVI of the House bill, and title XIV of the Senate amendment, and modifications committed to conference: Mr. STENHOLM, Mr. WISE, Mr. FRANK of Massachusetts, Mr. SHAYS, and Mr. COX.

As additional conferees from the Committee on Armed Services, for consideration of title II and section 12009 of the House bill, and title II and section 13003 of the Senate amendment, and modifications committed to conference: Mr. DELLUMS, Mr. MONTGOMERY, Mrs. SCHROEDER, Mr. HUTTO, Mr. SKELTON, Mr. SPENCE, Mr. STUMP, and Mr. KYL: *Provided,* That for consideration of section 12009 of the House bill, and section 13003 of the Senate amendment, Mr. MCCURDY is appointed in lieu of Mr. MONTGOMERY; and Mr. HUNTER is appointed in lieu of Mr. STUMP.

As additional conferees from the Committee on Banking, Finance and Urban Affairs, for consideration of title III of the House bill, and title III (except section 3003(b)) of the Senate amendment, and modifications committed to conference: Mr. GONZALEZ, Mr. NEAL of North Carolina, Mr. LAFALCE, Mr. VENTO, Mr. SCHUMER, Mr. LEACH, Mr. MCCOLLUM, and Mrs. ROUKEMA.

As additional conferees from the Committee on Education and Labor, for consideration of title IV and sections 5117, 13233, 13263–64, 13270, and 13420 of the House bill, and sections 7904, 12001–50, 12061, 12071, 12101, and 12301–02 of the Senate amendment, and modifications committed to conference: Mr. FORD of Michigan, Mr. CLAY, Mr. MILLER of California, Mr. MURPHY, Mr. WILLIAMS, Mr. GOODLING, Mr. PETRI, and Mrs. ROUKEMA.

As additional conferees from the Committee on Energy and Commerce, for consideration of sections 5200–44 of the House bill, and sections 4001–11 of the Senate amendment, and modifications committed to conference: Mr. DINGELL, Mr. MARKEY, Mr. TAUZIN, Mr. MANTON, Ms. SCHENK, Mr. MOORHEAD, Mr. FIELDS of Texas, and Mr. OXLEY.

As additional conferees from the Committee on Energy and Commerce, for consideration of sections 5000–5091, 5100–87, 13010(a), 13234, 13242, 13264, 13431–13571, and 14411 of the House bill, and sections 1105(b), 7000, 7201–7501, 7601(c), 7801, 7802 (b) and (c), 7904, 7951, 12101–12205, and 12321 of the Senate

amendment, and modifications committed to conference: Mr. DINGELL, Mr. WAXMAN, Mr. WYDEN, Mr. TOWNS, Mr. SLATTERY, Mr. MOORHEAD, Mr. BLILEY, and Mr. BILIRAKIS.

As additional conferees from the Committee on Energy and Commerce, for consideration of sections 5301 and 9006–07 of the House bill, and section 6001 of the Senate amendment, and modifications committed to conference: Mr. DINGELL, Mr. SHARP, Mr. WASHINGTON, Mr. KREIDLER, Mr. SWIFT, Mr. MOORHEAD, Mr. BILIRAKIS, and Mr. BARTON of Texas.

As additional conferees from the Committee on Foreign Affairs, for consideration of title VI and sections 10001 and 10002 of the House bill, and title IX of the Senate amendment, and modifications committed to conference: Mr. HAMILTON, Mr. BERMAN, Mr. FALEOMAVAEGA, Mr. MARTINEZ, Mr. ANDREWS of New Jersey, Mr. GILMAN, Ms. SNOWE, and Mr. HYDE.

As additional conferees from the Committee on Merchant Marine and Fisheries, for consideration of title VIII and section 9004 of the House bill, and section 4051 of the Senate amendment, and modifications committed to conference: Mr. STUDDS, Mr. TAUZIN, Mr. LIPINSKI, Mr. ORTIZ, Mr. MANTON, Mr. FIELDS of Texas, and Mr. BATEMAN: *Provided*, That for consideration of title VIII of the House bill, and section 4051 of the Senate amendment, Mr. INHOFE is appointed; and for consideration of section 9004 of the House bill, Mr. SAXTON is appointed.

As additional conferees from the Committee on Natural Resources, for consideration of title IX and sections 1402, 5301, and 11002, of the House bill, and titles V and VI and section 1503 of the Senate amendment, and modifications committed to conference: Mr. MILLER of California, Mr. VENTO, Mr. DE LUGO, Mr. LEHMAN, Mr. RICHARDSON, Mr. YOUNG of Alaska, Mr. HANSEN, and Mrs. VUCANOVICH.

As additional conferees from the Committee on Post Office and Civil Service, for consideration of title X and sections 13702 and 13704 of the House bill, and titles IX and X and sections 12103–04 of the Senate amendment, and modifications committed to conference: Mr. CLAY, Mrs. SCHROEDER, Mr. MCCLOSKEY, Ms. NORTON, Miss COLLINS of Michigan, Mr. MYERS of Indiana, Mr. BURTON of Indiana, and Mrs. MORELLA.

As additional conferees from the Committee on Public Works and Transportation, for consideration of title XI and sections 8002 and 9005(a) of the House bill, and sections 5002(a) and 6002 of the Senate amendment, and modifications committed to conference: Mr. MINETA, Mr. OBERSTAR, Mr. APPLEGATE, Mr. RAHALL, Mr. DE LUGO, Mr. SHUSTER, Mr. CLINGER, and Mr. BOEHLERT.

As additional conferees from the Committee on Rules, for consideration of title XVI and sections 13560, 13605, 15201–15212, of the House bill, and sections 14001–04 of the Senate amendment, and modifications committed to conference: Mr. MOAKLEY, Mr. DERRICK, Mr. BEILENSON, Mr. FROST, Mr. BONIOR, Mr. SOLOMON, Mr. QUILLEN, and Mr. GOSS.

As additional conferees from the Committee on Veterans Affairs, for consideration of title XII of the House bill, and title XIII (except section 13008(b)) section 7901 (b) and (c) of the Senate amendment, and modifications committed to conference: Mr. MONTGOMERY, Mr. EVANS, Mr. ROWLAND, Mr. SLATTERY, Mr. SANGMEISTER, Mr. STUMP, Mr. SMITH of New Jersey, and Mr. BURTON of Indiana.

As additional conferees from the Committee on Ways and Means, for consideration of title XIV and sections 13601–705 of the House bill, and title VIII of the Senate amendment, and modifications committed to conference: Mr. ROSTENKOWSKI, Mr. GIBBONS, Mr. PICKLE, Mr. RANGEL, Mr. ARCHER, and Mr. CRANE.

As additional conferees from the Committee on Ways and Means for consideration of sections 13001–20 of the House bill, and modifications committed to conference: Mr. ROSTENKOWSKI, Mr. GIBBONS, Mr. PICKLE, Mr. JACOBS, Mr. ARCHER, and Mr. BUNNING.

As additional conferees from the Committee on Ways and Means for consideration of sections 13201–84 of the House bill, and sections 7601–03 and section 7802 of the Senate amendment, and modifications committed to conference: Mr. ROSTENKOWSKI, Mr. GIBBONS, Mr. PICKLE, Mr. FORD of Tennessee, Mr. ARCHER, and Mr. SANTORUM.

As additional conferees from the Committee on Ways and Means, for consideration of title XVI and sections 4032, 4033(3), 5000–91, 5117, those portions of section 5181 which add new sections 2161 and 2173(b) to the Public Health Service Act, 5181(b), 8002, 9004, 11001, 12004(b), 13400–571, and 15301 of the House bill, and sections 1106, 1403, 1504, 3003(b), 7000–305, 7433, 7601–03, 7701–02, 7802, 7901 (a) and (c), 7902–04, 7950–54, that portion of section 12011 which adds a new section 457 to the Public Health Service Act, 12055, 12101–02, that portion of section 12202 which adds a new section 2148(b) to the Public Health Service Act, 12203(d), 12025, 13008(b), 15001, and 15002 of the Senate amendment, and modifications committed to conference: Mr. ROSTENKOWSKI, Mr. GIBBONS, Mr. PICKLE, Mr. RANGEL, Mr. STARK, Mr. ARCHER, Mr. CRANE, and Mr. THOMAS of California.

The message also announced that the Speaker appoints the following Members as additional conferees in the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2264) entitled "An act to provide for reconciliation pursuant to section 7 of the concurrent resolution on the budget for fiscal year 1994":

As additional conferees from the Committee on Agriculture, for consideration of title I and section 9005 (a)–(c) and (f) of the House bill, and title I and sections 5001, 5002 (a), (b), and (d), and 5003 of the Senate amendment, and modifications committed to conference: Mr. DE LA GARZA, Mr. ROSE, Mr. GLICKMAN, Mr. VOLKMER, Mr. PENNY, Mr. ROBERTS, Mr. EMERSON, and Mr. GUNDERSON.

As additional conferees from the Committee on Government Operations, for consideration of section 1405(c) of the House bill, and that portion of section 1201 which adds a new section 305(c)(4) to the Rural Electrification Act, of the Senate amendment, and modifications committed to conference: Mr. CONYERS, Mr. ENGLISH of Oklahoma, Mr. PETERSON of Minnesota, Mr. BARRETT of Wisconsin, Mr. WASHINGTON, Mr. CLINGER, Mr. MCCANDLESS, and Mr. HASTERT.

As additional conferees from the Committee on Government Operations, for consideration of those portions of section 4002 which add new sections 453(a)(3) and 456(a)(2) to the Higher Education Act, 4029, and 13560 of the House bill, and those portions of section 12011 which add new sections 453(a)(4) and 456(a)(2) to the Higher Education Act, of the Senate amendment, and modifications committed to conference: Mr. CONYERS, Mrs. COLLINS of Illinois, Mr. TOWNS, Mr. WAXMAN, Mr. SPRATT, Mr. CLINGER, Mr. MCCANDLESS, and Mr. HASTERT.

As additional conferees from the Committee on Government Operations, for consideration of section 9008 of the House bill, and modifications committed to conference: Mr. CONYERS, Mrs. COLLINS of Illinois, Mr. SPRATT, Mr. SYNAR, Mr. WASHINGTON, Mr. CLINGER, Mr. MCCANDLESS, and Mr. HASTERT.

As additional conferees from the Committee on Government Operations, for consideration of title XVI and sections 15001–111, 15206, and 15301 of the House bill, and modifications committed to conference: Mr. CONYERS, Mr. SPRATT, Mr. WAXMAN, Mrs. COLLINS of Illinois, Mr. SYNAR, Mr. CLINGER, Mr. MCCANDLESS, and Mr. HASTERT.

As additional conferees from the Committee on the Judiciary, for consideration of title VII of the House bill, and title XI and section 12047(a) of the Senate amendment, and modifications committed to conference: Mr. BROOKS, Mr. HUGHES, Mr. EDWARDS of California, Mr. CONYERS, Mr. SYNAR, Mr. MOORHEAD, Mr. COBLE, and Mr. FISH.

As additional conferees from the Committee on the Judiciary, for consideration of section 4025(7) and that portion of section 5203 which adds a new section 309(j)(8) to the Communications Act of 1934, of the House bill, and that portion of section 12011 which

adds a new section 455(j) to the Higher Education Act, and section 12045(7) of the Senate amendment, and modifications committed to conference; Mr. BROOKS, Mr. CONYERS, Mr. SYNAR, Mrs. SCHROEDER, Mr. BERMAN, Mr. FISH, Mr. GALLEGLY, and Mr. MOORHEAD.

As additional conferees from the Committee on the Judiciary, for consideration of section 12105 of the Senate amendment, and modifications committed to conference: Mr. BROOKS, Mr. BRYANT, Mr. GLICKMAN, Mr. FRANK of Massachusetts, Mr. BERMAN, Mr. GEKAS, Mr. RAMSTAD, and Mr. FISH.

At 6:27 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 1189. An act to entitle certain armored car crew members to lawfully carry a weapon in any State while protecting the security of valuable goods in interstate commerce in the service of an armored car company.

The enrolled bill was subsequently signed by the President pro tempore [Mr. BYRD].

MEASURES REFERRED

The following bill, previously received from the House of Representatives for concurrence, was read, and referred as indicated:

H.R. 927. An act to designate the Pittsburgh Aviary in Pittsburgh, PA as the National Aviary in Pittsburgh; to the Committee on Environment and Public Works.

H.R. 2561. An act to authorize the transfer of naval vessels to certain foreign countries; to the Committee on Armed Services.

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–1071. A communication from the Secretary of Labor, transmitting, pursuant to law, the semi-annual report of the Office of Inspector General, Department of Labor, for the period October 1, 1992 through March 31, 1993; to the Committee on Finance.

EC–1072. A communication from the Secretary of Health and Human Services, transmiting, pursuant to law, a report entitled "Payment For Blood Clotting Factors Administered to Medicare Inpatients Who Have Hemophilia"; to the Committee on Finance.

EC–1073. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the Medicare prospective payment system; to the Committee on Finance.

EC–1074. A communication from the U.S. Trade Representative, Executive Office of the President, transmitting, pursuant to law, a report on determinations and investigations for the period July through December 1992; to the Committee on Finance.

EC–1075. A communication from the Chairman (Cultural Property Advisory Committee), U.S. Information Agency, transmitting, pursuant to law, a report on the extension of the emergency import ban on antique textiles of the community of Coroma, Bolivia; to the Committee on Finance.

EC–1076. A communication from the President of the United States, transmitting, pursuant to law, a report relative to Generalized System of Preferences; to the Committee on Finance.

EC–1077. A communication from the Assistant Legal Adviser (Treaty Affairs), Department of State, transmitting, pursuant to law, notice of the texts of international agreements and background statements relative to Argentina; to the Committee on Foreign Relations.

EC–1078. A communication from the Assistant Legal Adviser (Treaty Affairs), Department of State, transmitting, pursuant to law, notice of the texts of international agreements and background statements relative to Sweden; to the Committee on Foreign Relations.

EC–1079. A communication from the Assistant Legal Adviser (Treaty Affairs), Department of State, transmitting, pursuant to law, notice of the list and texts of international agreements relative to Taiwan; to the Committee on Foreign Relations.

EC–1080. A communication from the Assistant Secretary (Legislative Affairs), Department of State, transmitting, pursuant to law, a report on efforts made by the United Nations and specialized agencies to employ a fair share of Americans; to the Committee on Foreign Relations.

EC–1081. A communication from the Chairman of the U.S. Advisory Commission on Public Diplomacy, transmitting, pursuant to law, a report on the U.S. Information Agency and public diplomacy activities; to the Committee on Foreign Relations.

EC–1082. A communication from the Executive Director of the Board For International Broadcasting, transmitting, a draft of proposed legislation entitled "Board for International Broadcasting Act, Fiscal Years 1994 and 1995"; to the Committee on Foreign Relations.

EC–1083. A communication from the Acting Director of the Arms Control and Disarmament Agency, transmitting, pursuant to law, a report on arms control and disarmament studies completed in 1992; to the Committee on Foreign Relations.

EC–1084. A communication from the Deputy Director (Legislative Affairs), Department of the Treasury, transmitting, pursuant to law, a report entitled "The Operation of the Enterprise for the Americas Facility"; to the Committee on Foreign Relations.

EC–1085. A communication from the President of the United States, transmitting, pursuant to law, a report relative to the People's Republic of China; to the Committee on Foreign Relations.

EC–1086. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to commercial disputes with governmental entities in Saudi Arabia; to the Committee on Foreign Relations.

EC–1087. A communication from the Director of the U.S. Information Agency and the Chairman of the Board for International Broadcasting, transmitting, a draft of proposed legislation entitled "U.S. International Broadcasting Act of 1993"; to the Committee on Foreign Relations.

EC–1088. A communication from the Acting Director of the Arms Control and Disarmament Agency, transmitting, pursuant to law, a report entitled "Fiscal Year 1994 Arms Control Impact Statement"; to the Committee on Foreign Relations.

EC–1089. A communication from the Director of Central Intelligence, transmitting, a draft of proposed legislation entitled "Intelligence Authorization Act for Fiscal Year 1994"; to the Select Committee on Intelligence.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INOUYE, from the Committee on Indian Affairs, with an amendment in the nature of a substitute:

S. 521. A bill to assist the development of tribal judicial systems, and for other purposes (Rept. No. 103–88).

By Mr. BIDEN, from the Committee on the Judiciary, without amendment:

S. 1174. A bill for the relief of Olga D. Zhondetskaya.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PELL, from the Committee on Foreign Relations:

William Christie Ramsay, of Michigan, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of the Congo.

Nominee: William Christie Ramsay.

Post: Brazzaville, Republic of Congo.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self: None.
2. Spouse: None.
3. Children and spouses names: None.
4. Parents names: John C. Ramsay, none; Frances Ramsay, none.
5. Grandparents names: William Ramsay; Elizabeth Warburton Ramsay; Elmore Yeager; Clara Ball Toll Yeager (all deceased).
6. Brothers and spouses names: Elizabeth Gustafson, none; John Gustafson, none; Christine Covey, none.
7. Sisters and spouses names: James P. Covey, none; Ellen F. Keller, none.

William H. Dameron, III, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Mali.

Nominee: William H. Dameron, III.

Post: Ambassador to the Republic of Mali.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self: None.
2. Spouse: None.
3. Children and spouses names: Phoube Dameron, none.
4. Parents names: William H. Dameron, Jr., none; Geraldine S. Dameron, none.

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5. Grandparents names: Ethel Crew, deceased; John Saviers, deceased; William and Mattie Dameron, both deceased.

6. Brothers and spouses names: None.

7. Sisters and spouses names: Linda * * * (single), none.

Joseph A. Saloom III, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Guinea.

Nominee: Joseph A. Saloom, III.

Post: Conakry, Guinea.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self: None.

2. Spouse: Anne M. Saloom, none.

3. Children and spouses names: Elizabeth, none; Charles, none.

4. Parents names: Ilyas Joseph Saloom (father), January 14, 1988, $1,000, Congressman Ed Markey (MA); September 25, 1988, $100, Congressman Mavroules (MA); October 12, 1988, $100, Representative Richard Krauss (Massachusetts State Rep.); November 5, 1989, $150, Congressman Atkins (MA); November 9, 1989, $100, Congressman Bonear; November 13, 1989, $500, Senator John Kerry (MA); November 13, 1989, $100, Congressman Markey; November 28, 1989, $250, Senator Kerry (MA); December 11, 1989, $125, Congressman Atkins; January 29, 1990, $500, Congressman Markey; February 22, 1990, $100, Congressman Mavroules; March 26, 1990, $100, Congressman Atkins; June 17, 1990, $250, Congressman Dorgod; October 3, 1990, $100, Congressman Atkins; October 3, 1990, $100, Senator Kerry; October 15, 1990, $100, Congressman Atkins; March 12, 1991, $100, Congressman Atkins; May 20, 1991, $25, Mass. Democratic Party; June 16, 1991, $500, Congressman Markey; September 24, 1991, $500, Congressman Atkins; November 18, 1991, $100, Congressman Atkins; February 17, 1992, $250, Paul Tsongas (MA); March 16, 1992, $500, Congressman Fazio (CA); June 12, 1992, $100, Congressman Atkins; July 29, 1992, $500, Congressman Markey; Barbara Saloom (mother), none.

5. Grandparents names: Deceased.

6. Brothers and spouses names: Peter & Linda Saloom, none.

7. Sisters and spouses names: Susan & John Femiani, none; Helen & Marco Rizzo, none; Barbara & David Capobianco, none.

Dennis C. Jett, of New Mexico, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Mozambique.

Nominee: Dennis C. Jett.

Post: Maputo.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self: None.

2. Spouse: None.

3. Children and spouses names: Brian Jett, none; Allison Jett, none.

4. Parents names: Helen Jett, none; Clifton Jett, deceased.

5. Grandparents names: All deceased.

6. Brothers and spouses names: Paul Jett, none; Mr. and Mrs. Michael Jett, none; Mr. and Mrs. James Jett, none.

7. Sisters and spouses names: None.

Laurence Everett Pope, II, of Maine, 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 Chad.

Nominee: Laurence Pope.

Post: Chad.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self: Laurence Pope, none.

2. Spouse: Elizabeth Pope, none.

3. Children and spouses names: Eleanor and Elizabeth, none.

4. Parents names: Eleanor H. Pope (mother), none; Everett P. Pope (father), $100 annually to the Investment Company Institute, PAC.

5. Grandparents names: Laurence Pope (deceased); Ruth Pope (deceased).

6. Brothers and spouses names: Ralph Pope (bother) $50 annually to the Aircraft and Pilots Associations, PAC.

7. Sisters and spouses names: Jean Pope (sister-in-law), none.

Howard Franklin Jeter, of South Carolina, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Botswana.

Nominee: Howard Franklin Jeter.

Post: Republic of Namibia.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self: Howard F. Jeter, none.

2. Spouse: Donice M. Jeter, none.

3. Children and spouses names: Malaika M. Jeter (13 yrs.), none; Jason C. Jeter (11 yrs.), none.

4. Parents names: James W. Jeter, Jr. (deceased); Emma M. Jeter (deceased).

5. Grandparents names: James W. Jeter, Sr.; Clara Jeter; Rev. James S. Maddox; Ella Smith Maddox (deceased).

6. Brothers and spouses names: James R. Jeter, none; Jacqueline Jeter, none.

7. Sisters and spouses names: Jacqueline P. Taylor, none; Col. Fred D. Taylor, Sr., none.

Andrew J. Winter, of New York, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of The Gambia.

Nominee: Andrew Jan Winter.

Post: Ambassador to the Republic of The Gambia.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self: Andrew J. Winter, none.

2. Spouse: Christine Bo Yuan-Winter, none.

3. Children and spouses names: Joanna K.C. Ning, none.

4. Parents names: Ernest Winter, deceased; Ilona Winter, none.

5. Grandparents names: Hugo Winter, deceased; Marie Winter, deceased; Theodore Roubicek, deceased; Ida Roubicek, deceased.

6. Brothers and spouses names: John T. Winter, none; Maureen A. Winter, none.

7. Sisters and spouses names: N/A.

By Mr. ROCKEFELLER, from the Committee on Veterans Affairs:

Victor P. Raymond, of the District of Columbia, to be an Assistant Secretary of Veterans Affairs (Policy and Planning).

By Mr. INOUYE, from the Committee on Indian Affairs:

Ada E. Deer, of Wisconsin, to be an Assistant Secretary of the Interior.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. BIDEN, from the Committee on the Judiciary:

Eleanor Acheson, of Massachusetts, to be an Assistant Attorney General.

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. GORTON:

S. 1232. A bill to amend the Motor Vehicle Information and Cost Savings Act to require the establishment of Federal requirements regarding the disclosure and reporting of salvage vehicles and manufacturer buyback vehicles; to the Committee on Commerce, Science, and Transportation.

By Mr. DECONCINI:

S. 1233. A bill to resolve the status of certain lands in Arizona that are subject to a claim as a grant of public lands for railroad purposes, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BAUCUS:

S. 1234. A bill to authorize the payment of Servicemen's Group Life Insurance in accordance with title 38, United States Code, as amended effective on December 1, 1992, in the case of certain members of the Armed Forces killed in an aircraft accident on November 30, 1992; to the Committee on Veterans Affairs.

By Mr. MCCAIN (for himself, Mr. INOUYE, Mr. BOREN, and Mr. BAUCUS):

S. 1235. A bill to provide for the treatment of Indian tribal governments under section 403(b) of the Internal Revenue Code of 1986; to the Committee on Finance.

By Mr. MITCHELL (for himself and Mr. BUMPERS):

S. 1236. A bill to reauthorize the National Women's Business Council, and for other purposes; to the Committee on Small Business.

By Mr. CHAFEE (for himself and Mr. PELL):

S. 1237. A bill to extend the existing suspension of duty on stuffed dolls, certain toy figures, and the skins thereof; to the Committee on Finance.

By Mr. CHAFEE:

S. 1238. A bill to extend the temporary suspension of the duty on 1-chloro-5-hexanone; to the Committee on Finance.

S. 1239. A bill to extend the temporary suspension of duty on theobromine; to the Committee on Finance.

S. 1240. A bill to extend the temporary suspension of the duty on lasamid; to the Committee on Finance.

S. 1241. A bill to extend the temporary suspension of the duty on N-acetylsulfanilyl chloride; to the Committee on Finance.

S. 1242. A bill to extend the temporary suspension of the duty on 4-chloro-2-nitroaniline; to the Committee on Finance.

S. 1243. A bill to extend the temporary suspension of the duty on chloramino base; to the Committee on Finance.

S. 1244. A bill to extend the temporary suspension of the duty on 3,4-diaminophenetole dihydrogen sulfate; to the Committee on Finance.

S. 1245. A bill to extend the temporary suspension of the duty on nitro sulfon B; to the Committee on Finance.

S. 1246. A bill to extend the temporary suspension of the duty on 2,5-dimethoxyacetanilide; to the Committee on Finance.

By Mr. FEINGOLD (for himself and Mr. KOHL):

S. 1247. A bill to terminate the Extremely Low Frequency Communication System of the Navy; to the Committee on Armed Services.

By Mr. DANFORTH (for himself, Mr. BROWN, and Mr. CHAFEE):

S. 1248. A bill to transfer to the Secretary of Transportation the functions of the Interstate Commerce Commission; to the Committee on Commerce, Science, and Transportation.

By Mr. KENNEDY (for himself, Mrs. KASSEBAUM, Mr. METZENBAUM, Mr. JEFFORDS, Mr. HATCH, Mr. WOFFORD, Mr. DURENBERGER, Mr. WELLSTONE, and Mr. SIMON):

S. 1249. A bill to amend the Public Health Service Act to provide for the prevention, control, and elimination of tuberculosis and for other purposes; to the Committee on Labor and Human Resources.

By Mr. BROWN:

S. 1250. A bill to authorize the Secretary of the Interior to participate in the operation of certain visitor facilities associated with, but outside the boundaries of, Rocky Mountain Park in the State of Colorado; to the Committee on Energy and Natural Resources.

By Mr. HOLLINGS:

S. 1251. A bill to extend to 1993 and subsequent crops the disaster assistance provisions of the Food, Agriculture, Conservation, and Trade Act of 1990; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DECONCINI (for himself and Mr. D'AMATO):

S.J. Res. 113. A joint resolution designating October 1993 as "Italian-American Heritage and Culture Month"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FORD (for Mr. MITCHELL):

S. Res. 132. A resolution to amend paragraph 2 of Rule XXV; considered and agreed to.

By Mr. FORD (for Mr. MITCHELL):

S. Res. 133. A resolution to make appointments to the Committee on the Armed Services, the Committee on Commerce, Science and Transportation, the Committee on Energy, and Natural Resources, and the Special Committee on Aging; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GORTON:

S. 1232. A bill to amend the Motor Vehicle Information and Cost Savings Act to require the establishment of Federal requirements regarding the disclosure and reporting of salvage vehicles and manufacturer buyback vehicles; to the Committee on Commerce, Science, and Transportation.

USED CAR CONSUMER NOTIFICATION AND REPORTING ACT

Mr. GORTON. Mr. President, every day hundreds of thousands of consumers look into buying used cars. For many, this is a major purchase made possible by saving hard-earned money for months. These consumers will examine prospective purchases carefully—kick the tires, take them for test drives, ask the dealers a hundred different questions, and buy under the impression that the purchases are in solid working condition. A few weeks down the road, some of these people will discover that the cars they purchased have serious problems they were unaware of when they bought. For instance, some may have transmission problems that are costly to repair, and some may even have brake problems that could endanger their safety. When these unsuspecting consumers take their cars to the shop, they may discover that they have unknowingly purchased cars that were lemon law buybacks never repaired, or cars that were involved in serious accidents and were subsequently salvaged, or rebuilt.

Today I am introducing the Used Car Consumer Notification and Reporting Act. This legislation will provide consumers with important information about the history of used cars that were either salvage or lemon vehicles, and it will put an end to the washing to vehicle titles that allows salvage and lemon fraud to occur. This type of fraud not only costs American consumers billions of dollars each year, but it allows thousands of unsafe vehicles unknowingly to end up in the hands of unsuspecting buyers. both "60 Minutes" and "Inside Edition" have run stories exposing the problems of salvage and lemon fraud. The story on "Inside Edition" featured consumers from my own State who are blowing the whistle on this deceptive and menacing problem.

Typically, when a car is totaled in a crash and subsequently rebuilt, most States require that the title of a salvaged vehicle signify that the vehicle has sustained major damage. Similarly, when States determine a vehicle to be a lemon, or when a vehicle is repurchased because of a nonconformity or defect in the car covered under its warranty, some require that this information be noted on the title. Despite these efforts to let consumers know about the vehicles they are buying, unscrupulous individuals can easily obtain a washed title free from the salvage or lemon designation. They simply retitle the vehicle in States which do not have such requirements, as current law does not require States to carry this information forward from a previous State's title. Even fewer States provide for consumer disclosure aside from the information on the vehicle's title—despite the fact that most consumers do not typically see the vehicle's title until after the vehicle has been purchased.

Unsuspecting consumers then buy these vehicles without knowledge of their history—and all too often at a price well above those vehicles' actual values. Consumers lose billions of dollars every year to vehicles with inflated price tags. According to the National Auto Auction Association, the practice of selling rebuilt cars as undamaged used cars costs consumers and the auto industry as much as $4 billion a year. It estimates that in Michigan and Pennsylvania alone, 70 percent of totaled cars may return to the highway. Also, the Center for Auto Safety has estimated that at least 50,000 vehicles are repurchased annually as a result of lemon law arbitration or litigation—and these vehicles can then be recycled into the marketplace, back into the hands of unsuspecting citizens, and back onto the streets.

Not only does this type of fraud perpetuate economic abuse to consumers, but unknowing buyers may end up with cars that have serious engine, transmission, or brake problems that may endanger their safety. According to the Department of Transportation, rebuilt motor vehicles may not have passed rigorous safety inspections and the consumers who end up with them face an increased risk of death or serious injury in motor vehicle accidents.

The lack of uniformity among the States also creates hardship on the auto industry. State disclosure requirements that do exist are inconsistent with one another and require the use of various forms and administrative procedures that are duplicative, burdensome, and confusing to consumers.

It is important to note that this legislation does not establish a national lemon law, nor does it provide a national uniform definition of salvage vehicle. Rather, the determination of what constitutes a salvage or lemon vehicle is left to the States. The Used

Car Act will simply provide a mechanism by which consumers can be assured that they will have important information about the vehicles on which they are preparing to spend their hard-earned money.

My own State of Washington has one of the best lemon laws in the country, but the lack of uniformity among States can drill holes through even the toughest lemon laws. Despite the efforts of my State and others to provide their citizens with this important information, salvage and lemon vehicles can still find their way, undetected, into the hands of consumers who should be protected by even the best of lemon laws.

The Used Car Consumer Notification and Reporting Act contains four major provisions. First, it will provide for a sticker to be placed on salvage and lemon vehicles to alert consumers to their history. Second, it provides for a nationally uniform consumer disclosure statement that provides further information about vehicles' salvage and lemon histories. Third, the bill will require the Department of Transportation to establish a nationally uniform certificate of title that will disclose whether a vehicle was a salvage or lemon vehicle. Finally, it will require all States to carry forward any salvage or lemon designation from one State to another.

Our greatest safeguard against consumer fraud is education. When people are able to make decisions with all the facts and pitfalls in clear view, they are no longer defenseless, and certainly less vulnerable. The Used Car Consumer Notification and Reporting Act will allow consumers to make informed decisions about their used car purchases—and it will play an important role in combating the deceptive and menacing problems of salvage and lemon fraud.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

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

S. 1232

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 referred to as the "Used Car Consumer Notification and Reporting Act".

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) Many States do not have specific requirements regarding the disclosure of a motor vehicle's history and even fewer States require that the motor vehicle's title be stamped or branded to indicate that it is a salvage vehicle or a manufacturer buyback vehicle.

(2) The State disclosure requirements that do exist regarding a motor vehicle's history are inconsistent with one another in scope and language, require the use of various and different forms and administrative procedures, and are duplicative, burdensome on interstate commerce, and confusing to consumers.

(3) The fact that a motor vehicle is a salvage vehicle or a manufacturer buyback vehicle is material to any subsequent sale of the vehicle.

(4) Many salvage vehicles and manufacturer buyback vehicles are subsequently resold at auction or by used motor vehicle dealers and thus recycled back into the marketplace, back onto the streets, and back into repair shops.

(5) Rebuilt motor vehicles may not have passed a rigorous safety inspection and may pose a safety risk, according to the National Highway Traffic Safety Administration, and consumers who unknowingly buy these motor vehicles face an increased risk of death or serious injury in motor vehicle accidents.

SEC. 3. MOTOR VEHICLE DAMAGE DISCLOSURE REQUIREMENTS.

The Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1901 et seq.) is amended by inserting at the end the following new title:

"TITLE VII—MOTOR VEHICLE DAMAGE DISCLOSURE REQUIREMENTS

"SEC. 701. DEFINITIONS.

"For the purposes of this title, the following definitions shall apply:

"(1) CERTIFICATE OF TITLE.—The term "certificate of title" means a document issued by a State evidencing ownership of a motor vehicle.

"(2) MOTOR VEHICLE.—The term "motor vehicle" has the same meaning as the term "passenger motor vehicle" in section 2 of the Motor Vehicle Information and Cost Savings Act.

"(3) MANUFACTURER BUYBACK VEHICLE.—The term 'manufacturer buyback vehicle' means a motor vehicle that has been repurchased, replaced, or reacquired by a motor vehicle manufacturer, distributor, or dealer due to a nonconformity in the motor vehicle pursuant to a State lemon law by—

"(A) an order or judgment by a court of law; or an agreement between the parties to settle before trial;

"(B) a decision by a formal, informal, or mandatory arbitration procedure; or

"(4) SALVAGE VEHICLE.—The term 'salvage vehicle' means a motor vehicle that has been issued a title in any State bearing any word or symbol signifying that the motor vehicle is a 'salvage', 'junk', 'reconstructed', or 'rebuilt' motor vehicle, or that the motor vehicle has been severely damaged by flood.

"(5) SECRETARY.—The term 'Secretary' means the Secretary of Transportation.

"(6) STATE.—The term 'State' means each of the several States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

"SEC. 702. DISCLOSURE REQUIREMENTS.

"(a) REGULATIONS.—The Secretary shall promulgate regulations, which shall become effective not later than 180 days after the date of the enactment of this title, that establish uniform Federal requirements, as provided in subsection (b), regarding the disclosure to consumers that a motor vehicle is a salvage vehicle or a manufacturer buyback vehicle.

"(b) SPECIFIC REQUIREMENTS.—In carrying out the provisions of subsection (a), the Secretary shall—

"(1) prescribe the form and content of a national uniform certificate of title that discloses that a motor vehicle sold on or after the effective date of such regulations is a salvage vehicle or a manufacturer buyback vehicle;

"(2) prescribe the form and content of a national uniform sticker, to be affixed, prior to the sale of the motor vehicle, to the windshield of a salvage vehicle or a manufacturer buyback vehicle sold on or after the effective date of such regulations, which discloses that the motor vehicle is a salvage vehicle or a manufacturer buyback vehicle;

"(3) prescribe the form and content of a national uniform consumer disclosure statement that—

"(A) includes the motor vehicle make, model, year, vehicle identification number, and any prior title numbers and prior States of title; and

"(B) discloses that a motor vehicle sold on or after the effective date of the regulations promulgated pursuant to this section is (according to records available to the State issuing the certificate of title, including records from any State in which a certificate of title has previously been issued for such motor vehicle) a salvage vehicle or a manufacturer buyback vehicle and the reason for such designation; and

"(4) provide that a motor vehicle, the ownership of which is transferred on or after the effective date of the regulation, may not be licensed for use in any State unless the State discloses in writing on the certificate of title whether records readily accessible to the State indicate whether the vehicle is a salvage vehicle or a manufacturer buyback vehicle; and

"(5) provide for a civil penalty, not to exceed $10,000, which shall be assessed by the Secretary for each violation of a regulation promulgated by the Secretary pursuant to this section.

"SEC. 703. UNFAIR TRADE PRACTICE.

A violation of any regulation promulgated by the Secretary pursuant to section 4 shall be deemed an unfair or deceptive act or practice for purposes of section 5(a)(1) of the Federal Trade Commission Act.

SEC. 704. EFFECT ON STATE LAW.

Effective on the date the regulations promulgated pursuant to section 4 become effective, the provisions of this title shall supersede any provision of the law of any State relating to the disclosure of whether a motor vehicle is a salvage vehicle or manufacturer buyback vehicle to the extent that the provision of State law is inconsistent with the provisions of this title or a regulation promulgated pursuant to this title.".

By Mr. DECONCINI:

S. 1233. A bill to resolve the status of certain lands in Arizona that are subject to a claim as a grant of public lands for railroad purposes, and for other purposes; to the Committee on Energy and Natural Resources.

ARIZONA WILDERNESS LAND TITLE RESOLUTION ACT OF 1993

• Mr. DECONCINI. Mr. President, today I am introducing legislation to settle a longstanding dispute concerning the status of certain lands in the Prescott National Forest in Arizona.

This legislation, the Arizona Wilderness Land Title Resolution Act of 1993, will effectuate settlement of a very substantial claim to lands, parts of which are in the Apache Creek and Juniper Mesa Wilderness areas, designated by the Arizona Wilderness Act of 1984. This bill has the unique quality

of being supported by all parties including: the claimants, Perrin Properties, the Departments of Agriculture, Justice, and Interior and the Wilderness Society.

The subject lands, consisting of some 14,632.72 acres, were included in a grant made by this great body in 1866 to the Atlantic and Pacific Railroad Co., the predecessor of the Santa Fe Pacific Railroad Co. In 1896, the railroad conveyed the lands to members of the Perrin family, predecessors of Perrin Properties. In 1907, the lands, which were not surveyed until the mid-1930's, were included in the Prescott National Forest by Presidential Proclamation. They form a checkerboard pattern and constitute large parts of the Apache Creek and Juniper Mesa Wilderness areas.

In 1940, Congress enacted the Transportation Act by which the land grant railroads, including the Santa Fe, in exchange for surrendering their rights to lands to which were entitled under their grants, but which had not been patented, were relieved of obligations under their grants to carry the personnel and freight of the Government at reduced rates. Where a railroad had previously conveyed unpatented lands to which it was entitled to third parties, the Transportation Act provided that the railroad should submit a list of such parties to the Secretary of the Interior and that their rights would be preserved and protected if they were found to have purchased the lands from the railroad in good faith and for value.

With respect to the lands that are the subject of this legislation, the Santa Fe duly listed the Perrins as good-faith purchasers for value and the Secretary of Interior confirmed their status as such. In 1977, on behalf of Perrin Properties, Santa Fe applied to the Secretary of the Interior for patent to the lands. The Secretary of the Interior, although acknowledging that the Perrins were good-faith purchasers for value whose interest in the land had been listed by Santa Fe and recognized by the Secretary in accordance with the Transportation Act of 1940, held that their interest had been extinguished by reason of their failure to have recorded it under the Recordation Act of 1955.

In 1987, the United States Court of Appeals for the District of Columbia Circuit reversed and remanded the Secretary of Interior's decision on the grounds that the Recordation Act did not apply to Perrin's claim. *Santa Fe Pacific Railroad Company* v. *Secretary of the Interior*, 830 F.2d 1168 (D.C. Cir. 1987).

To establish a datum for itself for the purpose of participating in the settlement effort, Perrin procured a professional appraisal which valued the lands in excess of $7 million several years ago. After extensive negotiations, the parties agreed that, in consideration of Perrin conveying all of its interest in the claim area, to settle for $3,854,000.

Having ascertained that Perrin was agreeable to settling for the monetary value of $3,854,000 as determined by the Forest Service, the Forest Service and the Department of Justice, with the approval of the Department of the Interior, jointly sought permission from the General Accounting Office to obtain money from the judgment fund to effect the settlement. By letter of March 23, 1992, to the Department of Justice, the GAO denied this request, apparently on the ground that money from the fund could not be used to settle a claim to land, as distinguished from a claim for money.

Mr. President, if this legislation is not passed and resolution of this issue not completed, the lands will pass into private ownership and will effectively do away with the wilderness areas. Should this occur, this Congress will have to appropriate funds to reacquire the lands by purchase or condemnation at a probable cost several times higher than that for which their status can now be resolved. This must not be allowed to happen.

All of the agencies involved, Agriculture, Justice, and Interior, agree that the only feasible way to settle the claim is by legislation and they fully support the legislation I am introducing. Conservation groups, including the Wilderness Society, support the legislation since the potential impacts to the two wilderness areas absent this legislation would be devastating. Perrin Properties is distressed by the protracted effort to settle the claim and agrees that settlement by legislation is now, by far, the best course.

Mr. President, the purpose of this legislation is clear: To effectuate settlement to which all of the interested parties, Federal and private, have agreed; to resolve the status of the lands involved; to ensure that the lands remain in Federal ownership, and to preserve the integrity of the Apache Creek and Juniper Mesa Wilderness areas in accordance with the Arizona Wilderness Act of 1984.

The passage of this legislation will provide the necessary conclusion to a protracted settlement which has been carried out with good faith by all parties. This settlement is fair, reasonable and clearly in the public interest. I ask my colleagues to support passage of this needed legislation.

Mr. President, I ask unanimous consent that a letter of support from the Wilderness Society be included in the RECORD.

Mr. President, I also ask unanimous consent to print in the RECORD the full text of the bill.

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

S. 1233

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 "Arizona Wilderness Land Title Resolution Act of 1993".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the Act entitled "An Act granting Lands to aid in the Construction of a Railroad and Telephone Line from the States of Missouri and Arkansas to the Pacific Coast", approved July 27, 1866 (14 Stat. 292), granted a right-of-way in Arizona to the Atlantic and Pacific Railroad Company, together with certain alternate sections of public lands on both sides of the right-of-way;

(2) patents were not issued to some of the lands in the grant described in paragraph (1);

(3) as successors in interest to the Atlantic and Pacific Railroad Company, the Santa Fe Pacific Railroad, and Perrin Properties, Inc., a California corporation—

(A) claim rights to approximately 14,632.72 acres of the lands described in paragraph (1); and

(B) applied to the Secretary of the Interior for a patent to the lands;

(4) the Secretary of the Interior denied the application for the patent, which was filed in the name of the Santa Fe Railroad Company for the benefit of Perrin Properties, Inc., on the ground that the claim had been extinguished by failure to record the claim in accordance with the Act entitled "An Act to require the recordation of scrip, lieu selection, and similar rights", approved August 5, 1955 (69 Stat. 534; 43 U.S.C. 274 note) (commonly known as the "Recordation Act");

(5) on appeal, the United States Court of Appeals for the District of Columbia Circuit ruled in *Santa Fe Pacific Railroad Company, et al. v. Secretary of the Interior*, 830 F.2d 1168 (D.C. Cir. 1987), that such Act was not applicable and did not bar the issuance of a patent;

(6) ultimate resolution of the question of the title to the 14,632.72 acres may require years of additional litigation;

(7) the Arizona Wilderness Act of 1984 (Public Law 98-406) designated certain lands in the Prescott National Forest in Arizona as components of the National Wilderness Preservation System established by the Wilderness Act (16 U.S.C. 1131 et seq.), including the Apache Creek Wilderness and the Juniper Mesa Wilderness;

(8) the 14,632.72 acres are in the Prescott National Forest and comprise large portions of the Apache Creek and Juniper Mesa Wilderness areas; and

(9) if the 14,632.72 acres are patented to private owners, the creation of a checkerboard ownership pattern over the wilderness areas will effectively preclude management of the area as wilderness.

(b) PURPOSES.—The purposes of this Act are—

(1) to resolve the status of the title to the approximately 14,632.72 acres in the Prescott National Forest described in section 3(c);

(2) to ensure that the lands are permanently retained in Federal ownership; and

(3) to preserve the integrity of the Apache Creek and Juniper Mesa Wilderness areas consistent with the Arizona Wilderness Act of 1984 (Public Law 98-406).

SEC. 3. RESOLUTION OF STATUS OF LANDS.

(a) PAYMENT BY THE SECRETARY OF THE TREASURY.—

(1) PAYMENT.—Subject to subsection (b), the Secretary of the Treasury shall pay to Perrin Properties, Inc., the sum of $3,854,000 from the permanent judgment appropriation established pursuant to section 1304 of title 31, United States Code.

(2) INTEREST.—No funds shall be made available for the payment of interest on the amounts payable under paragraph (1).

(b) CONDITIONS OF PAYMENT.—The Secretary of the Treasury shall make the payment described in subsection (a) if the Attorney General of the United States notifies the Secretary of the Treasury that the appellants in *Santa Fe Pacific Railroad Company, et al. v. Secretary of the Interior*, 830 F.2d 1168 (1987), and Perrin Properties, Inc., have executed in forms satisfactory to the Attorney General all documents necessary—

(1) to dismiss with prejudice all litigation involving the title to the lands described in subsection (c); and

(2) to release and quitclaim to the United States all right, title, and interest of the appellants and of Perrin Properties, Inc., arising out of the Act entitled "An Act granting Lands to aid in the Construction of a Railroad and Telegraph Line from the States of Missouri and Arkansas to the Pacific Coasts", approved July 27, 1866 (14 Stat. 292), in and to lands in the Prescott National Forest.

(c) DESCRIPTION OF LANDS.—The lands described in this subsection are the approximately 14,632.72 acres of land in the Prescott National Forest in Arizona described in the decision by the Interior Board of Land Appeals, *Santa Fe Pacific Railroad Co.*, No. 82-449, 72 IBLA 197 (April 19, 1983).

(d) MANAGEMENT OF LANDS.—Upon the execution of documents and dismissal of the litigation as described in subsection (b), the lands described in subsection (c) shall be managed in accordance with the laws, rules, and regulations pertaining to the National Forest System. Lands described in subsection (c) that lie within the boundaries of a wilderness area, as designated on or before the date of enactment of this Act, shall also be managed in accordance with the applicable provisions of the Wilderness Act (16 U.S.C. 1131 et seq.).

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

To reimburse the permanent judgment appropriation for the payment authorized by section 3(a), there is authorized to be appropriated to the Department of Agriculture $3,854,000.

THE WILDERNESS SOCIETY,
Washington, DC, March 29, 1993.

Hon. DENNIS DECONCINI,
U.S. Senate, Washington, DC.

DEAR SENATOR DECONCINI: I am writing to urge your favorable consideration of efforts to resolve a longstanding land title claim affecting two significant wilderness areas in the Prescott National Forest in the State of Arizona. Specifically, major portions of the 5,420 acres of the Apache Creek Wilderness and the 7,600 acres of the Juniper Mesa Wilderness could be conveyed to private ownership if steps are not taken to resolve a decades old land title dispute. Based on information provided by the Forest Service and its legal counsel, we are able to assess this situation as follows.

A land investment corporation named Perrin Properties, Inc., is the successor in interest to 14,632.72 acres of certain railroad grants to the Santa Fe Pacific Railroad arising under the Act of July 27, 1866. Because of the difficulty and delay in surveying the public lands in this part of Arizona, the lands were never patented to the railroad. Nonetheless, the title claim to the lands remains viable as a result of almost 20 years of litigation.

The United States Court of Appeals for the District of Columbia Circuit ruled in 1987 that various public land laws enacted in 1940 and 1955 did not constitute a bar to patenting these lands to Perrin Properties, Inc. See: *Santa Fe Pacific R. R., et al.* v. *Secretary of the Interior*, 830 F.2d 1168 (D.C. Cir. 1987). As a result of this unfavorable decision for the Government, the Departments of Interior, Agriculture and Justice entered into settlement negotiations with Perrin Properties.

The Forest Service took the lead in settlement negotiations since the patenting of the 14,632.72 acres would overlay the Prescott National Forest with 22 sections of privately owned lands in a checkerboard ownership patter. If this occurred, the potential impacts on the aforementioned wilderness areas would be disastrous.

In the settlement negotiations, various valuations were placed on the 14,632.72 acres. Perrin Properties estimated the value at $11.2 million. A subsequent appraisal made by a private contract appraiser estimated the value at $7,435,000. The Forest Service's zone appraiser estimated the low end of the value range at $4,390,000.

Various settlement options were considered in the form of equal value land exchanges. However, the exchange mechanism proved impossible because of the disparity of valuations and because of the archaeological and cultural resources located on much of the land being considered for exchange. Ultimately, after long negotiations, the parties agreed to settle all claims for a cash payment of $3,850,000, with the payment coming from the Judgment Fund. This settlement figure was agreed to by Perrin Properties, and the Departments of Interior, Agriculture and Justice.

Unfortunately, the settlement was thwarted by the refusal of the General Accounting Office to certify the availability of the money from the Judgment Fund. Our discussions with lawyers for the Agriculture Department indicated great frustration with the GAO decision because it was inconsistent with other GAO Judgment Fund payments made in analogous cases. GAO concluded that the settlement was merely a land acquisition rather than resolution of a title claim and, therefore, the Forest Service should use LWCF monies to "acquire" the lands. Of course, this position overlooks the very nature of the land title claim and the legal impediments to the Forest Service using land acquisition authorities to address such claims.

Our understanding at this juncture is that, without money to settle this case, there is the prospect for several years of additional litigation (apparently the Court of Claims decision did not resolve all issues). However, the Government's ability to ultimately prevail in litigation and thereby prevent patenting of the lands is very problematic. If the lands are patented, the result will either be private development incompatible with wilderness values, or the Government will be compelled to buy the land back at prices double or triple the amount of the proposed settlement.

In our opinion, legislation is the only way this matter can now be resolved. An enactment by Congress could provide for quieting title to the 14,632.72 acres in the United States in return for a cash payment to Perrin Properties for $3,850,000. We understand that officials of Perrin Properties have contacted their local Congressman, Wally Herger (2nd District, California), about possible legislation. However, it is generally recognized that such legislation will not be possible without your support and assistance.

The Wilderness Society is greatly concerned about the potential impact that this land title claim poses to the Apache Creek and Juniper Mesa Wilderness areas. We would strongly support legislation which would effect the fair and reasonable settlement negotiated between three departments of the Federal Government and Perrin Properties, Inc. We ask your attention to this matter and we urge your support for the settlement.

Sincerely,

KARIN P. SHELDON,
President.●

By Mr. BAUCUS:

S. 1234. A bill to authorize the payment of Servicemen's Group Life Insurance in accordance with title 38, United States Code, as amended effective on December 1, 1992, in the case of certain members of the Armed Forces killed in an aircraft accident on November 30, 1992; to the Committee on Veterans Affairs.

PRIVATE RELIEF LEGISLATION

Mr. BAUCUS. Mr. President, I rise today to introduce private relief legislation that, frankly, I would rather not have to introduce.

Sadly, on November 30, 1992, 13 Air Force fliers lost their lives when two C-141B jet transports collided during a night-time refueling mission near Harlem, MT.

Nine of these men had previously filed for supplemental life insurance which was scheduled to take effect on December 1, 1992. Because this tragedy occurred approximately 2 hours before their $100,000 policies took effect, the Department of Veterans Affairs has ruled that no benefits will be paid to the families of these men.

This is wrong. At the time of this tragic disaster, the people of Montana were profoundly saddened. Ours is a small State, a State where people know and care about each other. While the victims of this tragedy were not Montanans, we felt the grief of this loss; we felt as one with their family and friends.

These young, proud, servants of our country were killed in the line of duty. These soldiers and their families have paid the ultimate price for America. And their families deserve to be treated justly and fairly.

The legislation I am introducing today will reverse this unfortunate situation. I strongly urge my colleagues to support this bill. It is simply the right thing to do.

Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD.

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

S. 1234

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for purposes of applying subsection (e) of section 1967 of title 38, United States Code, to the 13 members of the Air Force killed on November 30, 1992, in the mid-air collision of two C-141 Starlifter aircraft during a night air-to-air refueling exercise near Harlem, Montana, the amendment made by section 201 of Public Law 102-

568 (adding such subsection to such section 1967) shall be treated as having become effective on November 30, 1992 (rather than on December 1, 1992).

By Mr. MCCAIN (for himself, Mr. INOUYE, Mr. BOREN, and Mr. BAUCUS):

S. 1235. A bill to provide for the treatment of Indian tribal governments under section 403(b) of the Internal Revenue Code of 1986; to the Committee on Finance.

TRIBAL GOVERNMENTS TREATMENT ACT OF 1993

Mr. MCCAIN. Mr. President, I rise today on behalf of myself and Senators INOUYE, BOREN, and BAUCUS to introduce a bill to provide authority for Indian tribal governments to offer pension plans to their employees under section 403(b) of the Internal Revenue Code of 1986.

Under present law, no salary deferred pension plans are available to Indian tribal governments and their employees. Thus, Indian tribal governments may be the only employers which do not have the ability to make such plans available to their employees. Further aggravating the situation is the fact that several Indian tribes have already purchased plans provided for under section 403(b) of the Code from insurance companies, only later to find that such plans were not intended for their use. These retirement funds, affecting several Indian tribes and thousands of tribal employees, are now in jeopardy.

A strong employment benefits package is one of the primary factors that individuals take into consideration when they apply for a new job. Although many Indian tribal governments are now competitive in the area of salary and health care, the Internal Revenue Code has been interpreted as prohibiting Indian tribal government from offering any form of salary reduction pension plan—one of the most sought after retirement benefits offered to prospective employees.

Mr. President, there is no sound policy reason for excluding Indian tribal governments from being able to offer 403(b) plans to their employees. Correcting this oversight, I believe, is a matter of simple equity. Correcting this oversight would not have a significant budget impact. Indeed, the Joint Committee on Taxation has estimated that this bill would have a negligible revenue effect on Federal budget receipts.

The Salt River Pima-Maricopa Tribe of Arizona, the Blackfeet Tribe of Montana, the Chickasaw Tribe of Oklahoma, the Pueblo of Santa Ana in New Mexico, the Poarch Band of Creek Indians in Alabama, and the Colville Tribe of Washington have all expressed their strong support for this legislation.

I urge the Senate Finance Committee to give this matter prompt consideration; and I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1235

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

SECTION 1. TREATMENT OF INDIAN TRIBAL GOVERNMENTS UNDER SECTION 403(b).

In the case of any contract purchased in a plan year beginning before January 1, 1993, section 403(b) of the Internal Revenue Code of 1986 shall be applied as if any reference to an employer described in section 501(c)(3) of the Internal Revenue Code of 1986 which is exempt from tax under section 501 of such Code included a reference to an employer which is an Indian tribal government (as defined by section 7701(a)(40) of such Code), a subdivision of an Indian tribal government (determined in accordance with section 7871(d) of such Code), an agency or instrumentality of an Indian tribal government or subdivision thereof, or a corporation chartered under Federal, State, or tribal law which is owned in whole or in part by any of the foregoing.

By Mr. MITCHELL (for himself and Mr. BUMPERS):

S. 1236. A bill to reauthorize the National Women's Business Council, and for other purposes; to the Committee on Small Business.

NATIONAL WOMEN'S BUSINESS COUNCIL REAUTHORIZATION ACT OF 1993

Mr. MITCHELL. Mr. President, I am pleased to introduce a bill to reauthorize the National Women's Business Council. Historically and currently, women have faced unique difficulties in initiating and sustaining business ventures. The National Women's Business Council was created in 1988 to help women overcome barriers in the workplace and thereby mine an intellectual and managerial resource which had gone untapped too long.

In the past 4 years, the National Women's Business Council has taken great steps to establish and advance women in the professions. Pursuing its goal to dramatically improve the ability of women business owners to successfully compete in and contribute to the U.S. economy, the National Women's Business Council has laid a foundation that facilitates the entrance and advancement of women in business.

In its first 4 years of existence, the National Women's Business Council has developed invaluable national resources for women in business. Since 1990, the council has held eight hearings and symposia to examine the present state of women in business and plot their future course. These hearings focused on a range of topics including procurement, certification, and women's access to capital.

The information gained from the businesswomen and experts who participated in these hearings gave rise to three reports that the council submitted to the President and Congress in the past 3 years. These reports included specific recommendations aimed at expanding opportunities available to women in business.

The achievements of the National Women's Business Council extend beyond its role as a source of information and policy recommendations. After the council's hearing in Dallas, the Dallas Federal Reserve Board changed its procurement policy to make funds more readily available to women business owners.

The National Women's Business Council has also successfully established a national network. Its efforts on a national scale include the development of a national directory, which provides contacts and information on State and national issues affecting women in business. In addition, the National Women's Business Council has succeeded in inspiring interest in recreating its symposia at the State level. California has established the Council To Promote Business Ownership by Women, and the Federal Reserve Board's Board of Governors has expressed interest in developing a local version of National Women's Business Council symposia as a part of its community affairs program.

Despite the gains the National Women's Business Council has already achieved, barriers to women's entrepreneurial success still remain. The U.S. Small Business Administration estimates that although more than one third of all businesses in the United States are owned by women, only 1.5 percent of all Federal procurement money dollars are awarded to woman-owned businesses. Clearly, the barriers to women in business have not been fully eroded.

If the National Women's Business Council is reauthorized by Congress, as it definitely should be, it plans to continue to submit recommendations to the Congress and President, as well as track the implementation and discerning the impact of these recommendations. The council also intends to continue its efforts to expand the breadth of its impact on the State and local level.

In its first 4 years, the National Women's Business Council has laid a foundation for success of women in business. Now it is time to build on this foundation. This legislation would enable the National Women's Business Council to influence the implementation of its recommendations and expand its assistance to the Nation's businesswomen. I hope you will join me in supporting this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1236

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Women's Business Council Reauthorization Act of 1993".

SEC. 2. MEMBERSHIP.

(a) NEW MEMBERS.—Section 403 of the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note) is amended—

(1) in subsection (a)—

(A) by striking "nine" and inserting "eleven";

(B) in paragraph (1), by inserting ", the Secretary of Labor (or such Secretary's deputy)," after "(or such Secretary's deputy)";

(C) in paragraph (2), by striking "and" at the end of the paragraph;

(D) in paragraph (3), by striking the period at the end and inserting "; and"; and

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

"(4) one member shall be appointed by the President.".

(b) TERMS OF CURRENT MEMBERS.—Any member appointed under paragraph (2) or (3) of section 403(a) of the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note) and serving prior to the date of enactment of this Act shall continue to serve until the expiration of the term for which the member was appointed.

SEC. 3. AUTHORIZATION.

Section 407 of the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note) is amended to read as follows:

"SEC. 407. AUTHORIZATION.

"(a) There are authorized to be appropriated $500,000 for each of the fiscal years 1994 and 1995.

"(b) New spending authority or authority to enter into contracts as authorized in this Act shall be effective only to such extent and in such amounts as are provided in advance in appropriation Acts.

"(c) This title shall cease to be effective 2 years after the date of enactment of the National Women's Business Council Reauthorization Act of 1993.".

By Mr. CHAFEE (for himself and Mr. PELL):

S. 1237. A bill to extend the existing suspension of duty on stuffed dolls, certain toy figures, and the skins thereof; to the Committee on Finance.

DUTY SUSPENSION LEGISLATION

• Mr. CHAFEE. Mr. President, today I am introducing a bill to extend the duty suspension on the importation of stuffed dolls and stuffed toy figures.

The dolls and toy figures in question are imported because there is no domestic industry that makes them. Since there is no manufacturing of these items here in the United States, the continuation of this suspension will not harm a domestic industry.

During the last Congress, the Congress failed to approve duty suspension legislation. That means that this suspension lapsed on December 31, 1992, and that for the past 7 months our toy industry has been paying duty on these imported products. It has been and is costly for our toy industry to do so, and is to no one's benefit. In fact, it makes these toys—toys that parents buy for their children—more expensive.

The bill I am introducing today would extend the duty suspensions for 5 years through December 31, 1997, and would make the suspensions retroactive to December 31 of last year. I hope that Congress will move to enact comprehensive duty suspension legislation that will include this provision.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

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

S. 1237

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

SECTION 1. EXTENSION OF EXISTING SUSPENSION OF DUTY ON STUFFED DOLLS, CERTAIN TOY FIGURES, AND THE SKINS THEREOF.

Headings 9902.95.01, 9902.95.02, and 9902.95.04 of the Harmonized Tariff Schedule of the United States are each amended by striking "12/31/92" and inserting "12/31/97".

SEC. 2. EFFECTIVE DATE.

(a) IN GENERAL.—The amendments made by this Act apply with respect to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

(b) RELIQUIDATION.—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, upon proper request filed with the appropriate customs officer on or before the 90th day after the date of the enactment of this Act, any entry of an article described in subheading 9902.95.01, 9902.95.02, or 9902.95.04 of the Harmonized Tariff Schedule of the United States that was made—

(1) after December 31, 1992, and

(2) before the date which is 15 days after the date of the enactment of this Act,

shall be liquidated or reliquidated as though such entry occurred on or after the date that is 15 days after the date of the enactment of this Act.•

By Mr. CHAFEE:

S. 1238. A bill to extend the temporary suspension of the duty on 1-chloro-5-hexanone; to the Committee on Finance.

S. 1239. A bill to extend the temporary suspension of duty on theobromine; to the Committee on Finance.

S. 1240. A bill to extend the temporary suspension of the duty on lasamid; to the Committee on Finance.

S. 1241. A bill to extend the temporary suspension of the duty on N-acetylsulfanilyl chloride; to the Committee on Finance.

PHARMACEUTICAL CHEMICALS DUTY SUSPENSION LEGISLATION

• Mr. CHAFEE. Mr. President, today I am introducing four bills to extend the duty suspensions on the importation of four pharmaceutical intermediates that are used to manufacture drugs for patients.

The first two intermediates—chlorohexanone and theobromine—are used to manufacture pentoxifylline, which is the active ingredient in the product Trental, used in the treatment of arterial disease. The third intermediate, lasimid, is used in the manufacture of a drug that is prescribed to treat diabetes. The fourth intermediate, known as ASC, is used in the production of sulfonamide medicinal products.

I understand that none of these four pharmaceutical intermediates are produced in the United States, and thus, that the extension of the current duty suspensions will not harm domestic industry. In fact, these suspensions will allow domestic pharmaceutical industries to complete on a level basis with their foreign competitors, who do not have to pay such added costs. Moreover, the suspensions can contribute to keeping down medical costs by reducing the cost of producing three important drugs relied on by many Americans.

During the last Congress, the Congress failed to approve duty suspension legislation. That means that these four suspensions lapsed on December 31, 1992, and that for the past 7 months our industry has been paying duty on these four intermediates. It has been and is costly for our pharmaceutical industry to do so, and is to no one's benefit.

The bills I am introducing today would extend the duty suspensions for 2 years through December 31, 1994, and would make the suspensions retroactive to December 31 of last year. I hope that Congress will move to enact comprehensive duty suspension legislation that will include these provisions.

Mr. President, I ask unanimous consent that the four bills be printed in the RECORD.

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

S. 1238

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

SECTION 1. 1-CHLORO-5-HEXANONE.

Heading 9902.30.20 of subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by striking "12/31/92" and inserting "12/31/94".

SEC. 2. EFFECTIVE DATE.

(a) IN GENERAL.—The amendment made by this Act applies with respect to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

(b) RELIQUIDATION.—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, upon proper request filed with the appropriate customs officer on or before the 90th day after the date of the enactment of this Act, any entry of an article described in subheading 9902.30.20 of the Harmonized Tariff Schedule of the United States that was made—

(1) after December 31, 1992, and

(2) before the date which is 15 days after the date of the enactment of this Act,

shall be liquidated or reliquidated as though such entry occurred on or after the date that is 15 days after the date of the enactment of this Act.

S. 1239

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

SECTION 1. THEOBROMINE.

Heading 9902.31.01 of subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by striking "12/31/92" and inserting "12/31/94".

SEC. 2. EFFECTIVE DATE.

(a) IN GENERAL.—The amendment made by this Act applies with respect to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

(b) RELIQUIDATION.—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, upon proper request filed with the appropriate customs officer on or before the 90th day after the date of the enactment of this Act, any entry of an article described in subheading 9902.31.01 of the Harmonized Tariff Schedule of the United States that was made—

(1) after December 31, 1992, and

(2) before the date which is 15 days after the date of the enactment of this Act,

shall be liquidated or reliquidated as though such entry occurred on or after the date that is 15 days after the date of the enactment of this Act.

S. 1240

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

SECTION 1. LASAMID.

Heading 9902.29.86 of subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by striking "12/31/92" and inserting "12/31/94".

SEC. 2. EFFECTIVE DATE.

(a) IN GENERAL.—The amendment made by this Act applies with respect to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

(b) RELIQUIDATION.—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, upon proper request filed with the appropriate customs officer on or before the 90th day after the date of the enactment of this Act, any entry of an article described in subheading 9902.29.86 of the Harmonized Tariff Schedule of the United States that was made—

(1) after December 31, 1992, and

(2) before the date which is 15 days after the date of the enactment of this Act,

shall be liquidated or reliquidated as though such entry occurred on or after the date that is 15 days after the date of the enactment of this Act.

S. 1241

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

SECTION 1. N-ACETYLSULFANILYL CHLORIDE.

Heading 9902.29.97 of subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by striking "12/31/92" and inserting "12/31/94".

SEC. 2. EFFECTIVE DATE.

(a) IN GENERAL.—The amendment made by this Act applies with respect to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

(b) RELIQUIDATION.—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, upon proper request filed with the appropriate customs officer on or before the 90th day after the date of the enactment of this Act, any entry of an article described in subheading 9902.29.97 of the Harmonized Tariff Schedule of the United States that was made—

(1) after December 31, 1992, and

(2) before the date which is 15 days after the date of the enactment of this Act,

shall be liquidated or reliquidated as though such entry occurred on or after the date that is 15 days after the date of the enactment of this Act.●

By Mr. CHAFEE:

S. 1242. A bill to extend the temprary suspension of the duty on 4-chloro-2-nitroaniline; to the Committee on Finance.

S. 1243. A bill to extend the temporary suspension of the duty on chloramino base; to the Committee on Finance.

S. 1244. A bill to extend the temporary suspension of the duty on 3,4-diaminophenetole dihydrogen sulfate; to the Committee on Finance.

S. 1245. A bill to extend the temporary suspension of the duty on nitro sulfon B; to the Committee on Finance.

S. 1246. A bill to extend the temporary suspension of the duty on 2,5-dimethoxyacetanilide; to the Committee on Finance.

TEXTILE CHEMICALS DUTY SUSPENSION LEGISLATION

● Mr. CHAFEE. Mr. President, today I am introducing five bills to extend the duty suspensions on the importation of five chemical intermediates that are used in the production of printing dyes and pigments for textiles.

The International Trade Commission [ITC] has confirmed that none of these five chemicals are produced in the United States, and thus, that the extension of the current duty suspensions should not harm any domestic chemical industry.

Moreover, these suspensions will help the domestic textile industry—which as has been hard hit—compete on a level footing with foreign competitors. Our competitors do not have to pay the extra costs imposed by these duties, and that means by paying these duties our industry is placed at a competitive disadvantage.

During the last Congress, the Congress failed to approve duty suspension legislation. That means that these five suspensions lapsed on December 31, 1992, and that for the past 7 months our industry has been paying duty on these five intermediates. It has been and is costly for our textile industry to do so, and is to no one's benefit.

The bills I am introducing today would extend the duty suspensions for 2 years through December 31, 1994, and would make the suspensions retroactive to December 31 of last year. I hope that Congress will move to enact comprehensive duty suspension legislation that will include these provisions.

Mr. President, I ask unanimous consent that the five bills be printed in the RECORD.

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

S. 1242

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

SECTION 1. 4-CHLORO-2-NITROANILINE.

Heading 9902.29.25 of subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by striking "12/31/92" and inserting "12/31/94".

SEC. 2. EFFECTIVE DATE.

(a) IN GENERAL.—The amendment made by this Act applies with respect to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

(b) RELIQUIDATION.—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, upon proper request filed with the appropriate customs officer on or before the 90th day after the date of the enactment of this Act, any entry of an article described in subheading 9902.29.25 of the Harmonized Tariff Schedule of the United States that was made—

(1) after December 31, 1992, and

(2) before the date which is 15 days after the date of the enactment of this Act,

shall be liquidated or reliquidated as though such entry occurred on or after the date that is 15 days after the date of the enactment of this Act.

S. 1243

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

SECTION 1. CHLORAMINO BASE.

Heading 9902.29.42 of subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by striking "12/31/92" and inserting "12/31/94".

SEC. 2. EFFECTIVE DATE.

(a) IN GENERAL.—The amendment made by this Act applies with respect to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

(b) RELIQUIDATION.—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, upon proper request filed with the appropriate customs officer on or before the 90th day after the date of the enactment of this Act, any entry of an article described in subheading 9902.29.42 of the Harmonized Tariff Schedule of the United States that was made—

(1) after December 31, 1992, and

(2) before the date which is 15 days after the date of the enactment of this Act,

shall be liquidated or reliquidated as though such entry occurred on or after the date that is 15 days after the date of the enactment of this Act.

S. 1244

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

SECTION 1. 3,4-DIAMINOPHENETOLE DIHYDROGEN SULFATE.

Heading 9902.29.45 of subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by striking "12/31/92" and inserting "12/31/94".

SEC. 2. EFFECTIVE DATE.

(a) IN GENERAL.—The amendment made by this Act applies with respect to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

(b) RELIQUIDATION.—Notwithstanding section 514 of the Tariff Act of 1930 or any other

provision of law, upon proper request filed with the appropriate customs officer on or before the 90th day after the date of the enactment of this Act, any entry of an article described in subheading 9902.29.45 of the Harmonized Tariff Schedule of the United States that was made—

(1) after December 31, 1992, and

(2) before the date which is 15 days after the date of the enactment of this Act,

shall be liquidated or reliquidated as though such entry occurred on or after the date that is 15 days after the date of the enactment of this Act.

S. 1245

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

SECTION 1. NITRO SULFON B.

Heading 9902.29.07 of subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by striking "12/31/92" and inserting "12/31/94".

SEC. 2. EFFECTIVE DATE.

(a) IN GENERAL.—The amendment made by this Act applies with respect to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

(b) RELIQUIDATION.—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, upon proper request filed with the appropriate customs officer on or before the 90th day after the date of the enactment of this Act, any entry of an article described in subheading 9902.29.07 of the Harmonized Tariff Schedule of the United States that was made—

(1) after December 31, 1992, and

(2) before the date which is 15 days after the date of the enactment of this Act,

shall be liquidated or reliquidated as though such entry occurred on or after the date that is 15 days after the date of the enactment of this Act.

S. 1246

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

SECTION 1. 2,5-DIMETHOXYACETANILIDE.

Heading 9902.29.52 of subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by striking "12/31/92" and inserting "12/31/94".

SEC. 2. EFFECTIVE DATE.

(a) IN GENERAL.—The amendment made by this Act applies with respect to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

(b) RELIQUIDATION.—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, upon proper request filed with the appropriate customs officer on or before the 90th day after the date of the enactment of this Act, any entry of an article described in subheading 9902.29.52 of the Harmonized Tariff Schedule of the United States that was made—

(1) after December 31, 1992, and

(2) before the date which is 15 days after the date of the enactment of this Act,

shall be liquidated or reliquidated as though such entry occurred on or after the date that is 15 days after the date of the enactment of this Act.●

By Mr. FEINGOLD (for himself and Mr. KOHL):

S. 1247. A bill to terminate the Extremely Low Frequency Communication System of the Navy; to the Committee on Armed Services.

THE EXTREMELY LOW FREQUENCY COMMUNICATION SYSTEM TERMINATION AND DEFICIT REDUCTION ACT OF 1993

● Mr. FEINGOLD. Mr. President, today I am introducing legislation entitled "The Extremely Low Frequency Communication System Termination and Deficit Reduction Act of 1993." I am pleased to be joined in introducing this bill by the senior Senator from Wisconsin [Mr. KOHL].

The ELF project is a U.S. Navy communication system developed during the cold war as a device for the Trident submarine fleet to communicate through deep-water signals. It has two transmitter sites, each miles long—one in Clam Lake, WI, and one in Republic, MI.

ELF operates as a messenger—or bell ringer, sending electromagnetic waves with one-way, phonetic letter spelled out [PLSO] messages to SSBN/SSN submarines deployed in deep waters. The PLSO messages tell the deep-water submarine when it needs to come to shallow waters to receive a message. The Navy claims that ELF contributes to the increased safety of the nuclear submarines because it enables them to remain longer in deep waters without having to travel to shallow waters to check for messages. In essence, its purpose is to protect submarines by allowing them to surface in shallow waters only when they know they have messages, rather than forcing them to surface periodically to check for messages. However, as we all know, the naval nuclear threat has greatly diminished since the collapse of the Soviet Union.

Wisconsin residents for years have been trying to terminate ELF. Senators and Congressmen who were here long before I was—particularly Congressman DAVID OBEY—have been actively opposing the system since its inception in the 1980's. The safety and security benefits it offered then were marginal at best. Today, I believe, a thorough review of ELF's original purpose would reveal that it does not serve a viable function any longer.

Furthermore, there may be environmental and public health hazards associated with ELF. Though the Navy claims the electromagnetic waves emanating from the transmitter are similar to the electromagnetic fields produced by ordinary civilian electric power companies, ITT Research in Chicago has been conducting a study on ELF since 1982, which has thus far yielded no information. Some residents are further concerned because a 1992 Swedish study found that children exposed to relatively weak magnetic fields from power lines develop leukemia at almost four times the expected rate.

In 1984, a U.S. district court, ruling on State of Wisconsin versus Weinberger, ordered ELF to be shut down because the Navy paid inadequate attention to ELF's possible health effects, and violated the National Environmental Policy Act. An appeals court threw out the ruling, claiming that the national security threat from the Soviets was more important. While our national security is still of utmost importance, this ruling should be reconsidered in light of new geostrategic realities.

Project ELF should also be considered in light of another national security threat: the Federal deficit. With the Federal deficit as bloated as it is; with the budget of the Department of Defense as large as it is; and with the transition of our military to a post-cold-war force, I hope we seize the opportunity to save money, and terminate Project ELF.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1247

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 "Extremely Low Frequency Communication System Termination and Deficit Reduction Act of 1993".

SEC. 2. PROHIBITION OF FURTHER FUNDING OF THE EXTREMELY LOW FREQUENCY COMMUNICATION SYSTEM.

(a) PROHIBITION ON USE OF FUNDS.—Except as provided in subsection (b), funds appropriated on or after the date of the enactment of this Act to or for the use of the Department of Defense may not be obligated or expended for the Extremely Low Frequency Communication System of the Navy.

(b) LIMITED EXCEPTION FOR TERMINATION COSTS.—Subsection (a) does not apply to expenditures solely for termination of the Extremely Low Frequency Communication System.●

By Mr. DANFORTH (for himself, Mr. BROWN, and Mr. CHAFEE):

S. 1248. A bill to transfer to the Secretary of Transportation the functions of the Interstate Commerce Commission; to the Committee on Commerce, Science, and Transportation.

INTERSTATE COMMERCE COMMISSION FUNCTIONS TRANSFER ACT OF 1993

● Mr. DANFORTH. Mr. President, the legislation I am introducing today with Senators BROWN and CHAFEE would save as much as $45 million annually by transferring all Interstate Commerce Commission [ICC] functions to the Department of Transportation [DOT]. It also would improve safety programs administered by the Federal Highway Administration.

Highway safety functions now are split between DOT and the ICC. In the past few years, the ICC and DOT have failed to work together to promote the safety of the Nation's trucks and buses. This breakdown has led to serious compromises in safety. After six bus passengers were killed in a bus crash near

Vernon, NJ, last July, the National Transportation Safety Board discovered that as many as 45 percent of the 1,098 new passenger carriers approved by the ICC between 1988 and 1991 were unknown to DOT in 1992. As a result, bus companies, such as the one involved in the Vernon wreck, received no DOT safety oversight.

This legislation would transfer all statutory ICC functions, including those related to highway safety, to DOT on October 1, 1993, without transferring funding authority or staff positions. The bill would sunset the five-member Commission, whose authority would be assumed by the Secretary of Transportation. The legislation would not affect previous ICC decisions.

Much of the ICC's $45 million budget and 620 staff positions would be redundant upon transfer since support functions—including personnel, general administration, and external affairs—would be provided by existing DOT offices. By March 31, 1994, the Secretary would submit recommendations to Congress for the elimination or streamlining of former ICC functions, based on an assessment of related benefits and costs.

Given the DOT's proposed fiscal year 1994 operating budget of $14.7 billion and 68,000 civilian staff positions, the transfer of ICC responsibilities should not affect significantly the performance of DOT's ongoing duties.

Mr. President, we can contribute to the reinvention and streamlining of government by putting all transportation functions under one roof. I urge my colleagues to support this initiative to improve motor carrier safety and cut government costs.●

By Mr. KENNEDY (for himself, Mrs. KASSEBAUM, Mr. METZENBAUM, Mr. JEFFORDS, Mr. HATCH, Mr. WOFFORD, Mr. DURENBERGER, Mr. WELLSTONE, and Mr. SIMON):

S. 1249. A bill to amend the Public Health Service Act to provide for the prevention, control, and elimination of tuberculosis, and for other purposes; to the Committee on Labor and Human Resources.

TUBERCULOSIS PREVENTION AND CONTROL AMENDMENTS OF 1993

Mr. KENNEDY. Mr. President, the rapid rise of tuberculosis over the past 4 years has placed an enormous burden on the health care system. Over 30,000 new active cases are reported each year in the United States, with over 1,700 deaths.

In the 1950's science thought it had TB under control. The disease rates were dropping and the available drugs were working well. America was lulled into a false sense of security. Money for basic and applied research on TB dwindled. Applications stopped for new drug research in a market that already had four successful anti-TB drugs. Today we face an epidemic of TB now capable of resisting every drug we have, and we are armed only with the basic disease knowledge of the 1950's.

The problem is exacerbated by the fact that the public health infrastructure has deteriorated in recent years due to the economic recession. Funding cutbacks at the Federal, State, and local levels have worsened the situations for the poor, the homeless, and the unemployed. These cuts have led to overcrowding in hospitals, homeless shelters, and prisons, with persons often sleeping in rooms with poor ventilation—an environment highly conducive to the transmission of TB.

Yet in conditions such as these, many of the Nation's most dedicated health care workers go to seek out their patients and provide medical assistance. These workers are placing themselves at high risk. If their skin test is positive, they have no way of knowing if they have contracted drug-sensitive TB or drug-resistant TB. Transmission of resistant TB to health care workers and prison guards is now a fact of life. In one city, at least nine health workers have developed active drug-resistant TB, and five of them have died.

The majority of TB in cases in this epidemic occur among the racial and ethnic minorities, especially African-Americans and Hispanics, and among children, young adults, immigrants, and refugees. The recession has clearly enlarged the susceptible population.

TB also accompanies HIV infection. TB rates have increased dramatically where HIV infection is most prevalent—in large urban areas and among young men 25 to 44 years old.

We need to close the 40-year gap in knowledge. We do not understand how the TB organism works. How does it develop resistance to drugs? How does it make patients sick? Why do some health care workers, heavily exposed to the organism, never get the disease while others do? Answers to these questions and many others are essential if we are to develop new ways to deal with drug-resistant strains we are finding today.

In addition to basic research questions, there are difficult diagnostic questions. Current tests require at least 48 hours before TB can be confirmed and at least 3 weeks before the strain of TB can be determined. This 3 weeks delay requires patients to take several different drugs until the strain's sensitivity can be confirmed. In addition, many labs lack the capability to perform these tests. We need to upgrade these labs and develop more rapid and accurate tests to determine the strain of TB and its susceptibility to drugs.

Finally, we need to ensure that TB patients take their medication. This may sound like a simple task, but the majority of the people who suffer from this disease are often the most difficult to find. Many are homeless, alcoholics, or drug abusers, and live on the margin of society. Failure to take the complete course of medications permits the disease to develop drug resistance. The patient continues to infect others and TB spreads in the community.

New efforts are being made to help, but much more needs to be done. Today, I am introducing legislation to control the spread of TB by developing an improved TB test and upgrading the capability of our TB laboratories, by expanding health care services for the homeless, and by improving epidemiology and treatment compliance programs.

In the long term this legislation gives priority to other important goals, such as quickly developing an antibiotic implant, testing new and existing drugs, conducting research on infection control methods, and conducting basic research on the organism itself and how it develops resistance to drugs.

I look forward to working with Congress and the administration to enact this measure as soon as possible. Strong and decisive action is clearly required in order to combat this unexpected and spreading epidemic. We cannot continue to fight today's diseases with yesterday's knowledge. Forty years of complacency must end, and end now.

I 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. 1249

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 "Tuberculosis Prevention and Control Amendments of 1993".

SEC. 2. FINDINGS.

Congress finds that—

(1) between 10,000,000 and 15,000,000 people in the United States have been infected with tuberculosis, nearly 26,000 new active cases are reported each year, and over 1,700 tuberculosis-related deaths occur each year;

(2) the number of reported cases of tuberculosis has risen from 22,201 in 1985 to 26,673 in 1992, representing 51,000 more cases than those that would have been expected since 1985;

(3) a recent national survey discovered that 14.4 percent of all active tuberculosis cases were resistant to at least one drug;

(4) drug resistant tuberculosis strains can cost more than $150,000 to treat, and even then, between 40 and 60 percent of the patients receiving such treatment die;

(5) in 1992, tuberculosis cases were reported to the Centers for Disease Control and Prevention by all 50 States, and cases resistant to one or more tuberculosis drugs were reported in at least 36 States, the District of Columbia and Puerto Rico;

(6) in 1992, 27 percent of the reported cases of tuberculosis occurred in foreign born persons;

(7) one third of the world's population harbors tuberculosis; and

(8) among infectious diseases tuberculosis is still the number one killer in the world with an estimated 8,000,000 new cases each year and 2,900,000 deaths.

SEC. 3. PROGRAMS OF CENTERS FOR DISEASE CONTROL AND PREVENTION.

(a) PROVISION OF SERVICES FOR PREVENTION, CONTROL, AND ELIMINATION.—Section 317(j)(2) of the Public Health Service Act (42 U.S.C. 247b(j)(2)) is amended in the first sentence by striking "and" after "1991," and all that follows through "1995" and inserting the following: ", $104,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1997".

(b) STATE TUBERCULOSIS PLAN.—Section 317(j) of the Public Health Service Act (42 U.S.C. 247b(j)) is amended by adding at the end thereof the following new paragraph:

"(3)(A) With respect to an application submitted by a State for a grant under this section for the prevention, control and elimination of tuberculosis, such application shall contain a State plan that demonstrates that amounts received under the grant will be expended in a manner that ensures that tuberculosis services will be provided to those at the highest risk of contracting tuberculosis, or in those areas with the highest rates of tuberculosis infection.

"(B) Such plans shall demonstrate that the applicant will work closely with and provide support to entities receiving funds under sections 329, 330, 340, 340A, or titles V or XIX, and to correctional facilities, and nongovernmental organizations such as community-based organizations.

"(C) Such plans shall demonstrate that grant funds will be used for directly observed therapy or other effective interventions with respect to populations with the highest rates of active infection with tuberculosis.".

(c) RESEARCH, DEMONSTRATION PROJECTS, EDUCATION, AND TRAINING.—

(1) IN GENERAL.—Section 317(k)(2) of the Public Health Service Act (42 U.S.C. 247b(k)(2)) is amended—

(A) by redesignating subparagraphs (A) through (D) as clauses (i) through (iv), respectively;

(B) by inserting "(A)" after the paragraph designation; and

(C) by adding at the end thereof the following new subparagraphs:

"(B) In support of grants referred to in subparagraph (A), the Secretary may conduct or support applied research and training regarding the surveillance, diagnostic methodologies, prevention, control, and treatment of tuberculosis, including intramural projects and extramural projects.

"(C) For the purpose of carrying out subparagraph (A), there are authorized to be appropriated $26,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1997. The authorization of appropriations established in the preceding sentence is in addition to the authorization of appropriations established in subsection (j)(2) for carrying out this paragraph.".

(2) TECHNICAL AMENDMENT.—Section 317(j)(2) of the Public Health Service Act (42 U.S.C. 247b(j)(2)) is amended by striking the last sentence.

SEC. 4. RESEARCH THROUGH NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES.

(a) CERTAIN DUTIES.—

(1) IN GENERAL.—Subpart 6 of part C of title IV of the Public Health Service Act (42 U.S.C. 285f) is amended by inserting after section 446 the following section:

"RESEARCH AND RESEARCH TRAINING REGARDING TUBERCULOSIS

"SEC. 447. In carrying out section 446, the Director of the Institute shall conduct or support basic research and research training regarding the cause, diagnosis, early detection and treatment of tuberculosis.".

(2) CONFORMING AMENDMENT.—Section 446 of the Public Health Service Act (42 U.S.C. 285f) is amended by inserting after "Diseases" the following: "(hereafter in this subpart referred to as the 'Institute')".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 408(a) of the Public Health Service Act (42 U.S.C. 284c(a)) is amended by adding at the end the following new paragraph:

"(3) For the purpose of carrying out section 447 (relating to research on tuberculosis through the National Institute on Allergy and Infectious Diseases), there are authorized to be appropriated $46,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1997. The authorization of appropriations established in the preceding sentence may not be construed as terminating the availability for such purpose of any other authorization of appropriations.".

SEC. 5. RESEARCH THROUGH THE FOOD AND DRUG ADMINISTRATION.

Chapter V of the Food, Drug and Cosmetic Act is amended by inserting after section 512 (21 U.S.C. 360b) the following new section:

"SEC. 512A. TUBERCULOSIS DRUG AND DEVICE RESEARCH.

"(a) AUTHORITY.—The Commissioner of Food and Drugs shall implement a tuberculosis drug and device research program under which the Commissioner shall—

"(1) provide assistance to other Federal agencies for the development of tuberculosis protocols;

"(2) review and evaluate medical devices designed for the diagnosis and control of airborne tuberculosis; and

"(3) conduct research concerning drugs or devices to be used in diagnosing, controlling and preventing tuberculosis.

"(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $5,000,000 for each fiscal year.".

Mrs. KASSEBAUM. Mr. President, I am pleased to join with Senator KENNEDY in the introduction of the Tuberculosis Prevention and Control Amendments of 1993. This legislation authorizes activities by the Public Health Service to curb the growing tuberculosis public health threat.

Once thought to be under control, tuberculosis is again plaguing the citizens of this Nation. Since 1985, cases have been on the rise. While this alone is a reason for concern, the rise in drug-resistant tuberculosis presents an even more serious problem. Currently, 14 percent of tuberculosis cases are resistant to one or more antibiotics. The cost of caring for one of these cases can be more than $150,000. Even then, between 40 and 60 percent of persons receiving treatment die. Because tuberculosis is transmitted through the air, it represents a health threat to all who unknowingly come in contact with an infected person.

The causes of this current situation are many. Federal categorical funding of State tuberculosis treatment and screening programs steadily declined in the early 1980's when the problem was thought to be under control. In addition, because of their weakened immune systems, people with AIDS began to catch this illness and spread it to people around them. Finally, the increasing numbers of homeless individuals living in crowded shelters began to catch and spread the TB germs among themselves and to others.

The difficulty of treating tuberculosis is a major reason this illness is spreading. Current drug therapies were developed decades ago. A standard treatment regimen requires a person to take three or four different antibiotics each day for 6 to 9 months. Due to the complexity of this regimen, many do not complete treatment, which causes drug-resistant cases to develop. In addition, the process of culturing tuberculosis may take weeks or months, making it difficult for health care providers to decide if they are treating patients with the proper medicines.

In order to combat the growing TB problem, the Public Health Service has initiatives under way at the National Institutes of Health [NIH], the Centers for Disease Control and Prevention [CDC], and the Food and Drug Administration [FDA].

Mr. President, the legislation the senator from Massachusetts and I are introducing today authorizes these activities and will enable the Public Health Service to continue and expand its current efforts. This legislation calls for enhanced research on drugs and devices in addition to the development of effective treatment and control methods. It also increases funding for a grant program for State treatment and prevention programs.

I am pleased that Senator KENNEDY accepted my recommendation to prevent the duplication of research activities by the NIH and the CDC. Furthermore, it is our intention that the FDA drug research provisions would not expand existing research authority delegated to the FDA by the Secretary of Health and Human Services.

This tuberculosis bill will enable the Public Health Service to protect the American people from this public health threat. I urge my colleagues to join with Senator KENNEDY and me in support of this important initiative.

By Mr. HOLLINGS:

S. 1251. A bill to extend to 1993 and subsequent crops the disaster assistance provisions of the Food, Agriculture, Conservation, and Trade Act of 1990; to the Committee on Agriculture, Nutrition, and Forestry.

DISASTER ASSISTANCE EXTENSION ACT OF 1993

Mr. HOLLINGS. Mr. President, I rise today in a call for relief for the American farmer. While the preponderance of media attention has focused on the floods along the Mississippi, another disaster has stealthily scorched the

farmers of the Southeast. In my own State, farm losses are already estimated to be over $200 million, with weather forecasts bringing little hope of relief. Our corn crop has been wiped out, with losses ranging from 90 to 95 percent. Other crops, such as cotton and soybeans, face a make-or-break next few weeks.

Mr. President, by flood or by fire, it seems that the American farmer is under attack from forces way beyond his or her individual control. In an attempt to remedy this difficult situation, I am today introducing Senate legislation to move forward in our efforts and provide assistance to those farmers scarred from their battles against Mother Nature.

This bill is similar to legislation introduced by House Agriculture Chairman DE LA GARZA and cosponsored by 26 Members of the House. Modeled after the disaster assistance provisions included in the 1990 Farm Act, this proposal would authorize disaster assistance to producers of program or nonprogram crops who suffer production losses due to damaging weather or related conditions.

The President should be commended for his personal attention and hard work in developing a comprehensive strategy to aid those individuals affected by the flood of the Mississippi. It is my hope that this legislation will help to complement these ideas and, be they soaked or scorched, bring speedy relief to those farmers facing such devastating losses.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1251

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

SECTION 1. EXTENSION OF EMERGENCY CROP LOSS ASSISTANCE.

(a) EXTENSION OF ASSISTANCE.—Chapter 3 of subtitle B of title XXII of the Food, Agriculture, Conservation and Trade Act of 1990 (7 U.S.C. 1421 note; 104 Stat. 3962) is amended to read as follows:

"CHAPTER 3—EMERGENCY CROP LOSS ASSISTANCE

"SEC. 2240. SHORT TITLE.

"This chapter may be cited as the 'Agricultural Disaster Assistance Act'.

"Subchapter A—Annual Crops

"SEC. 2241. PAYMENTS TO PROGRAM PARTICIPANTS FOR TARGET PRICE COMMODITIES.

"(a) DISASTER PAYMENTS.—

"(1) PAYMENT ACRES.—Effective only for a crop year for which the producers on a farm elect to participate in the production adjustment program established under the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.) for the crop of wheat, feed grains, upland cotton, extra long staple cotton, or rice for such crop year, except as otherwise provided in this subsection, if the Secretary of Agriculture determines that, because of damaging weather or related condition, the total quantity of such crop of the commodity that such producers are able to harvest on the farm is less than the result of multiplying 60 percent (or, in the case of producers who obtained crop insurance for such crop of the commodity under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.), 65 percent) of the farm program payment yield established by the Secretary for such crop by the sum of the acreage planted for harvest and the acreage prevented from being planted (because of a natural disaster, as determined by the Secretary) within the payment acres for such crop, the Secretary shall make a disaster payment available to such producers at a rate equal to 65 percent of the established price for the crop for any deficiency in production greater than 40 percent (or, in the case of producers who obtained crop insurance for such crop of the commodity under the Federal Crop Insurance Act, 35 percent) for such crop.

"(2) FLEXIBLE ACRES.—Payments shall be made available for a crop of a commodity planted for harvest in accordance with section 504 of the Agricultural Act of 1949 (7 U.S.C. 1464), and for which prevented planting credit was provided for such crop, on the same terms and conditions as provided for such commodity under section 2242, 2243, or 2244, as applicable. Such payments shall be based on the reduction in the quantity of the crop of the commodity that producers are able to harvest on such acres.

"(3) LIMITATIONS.—

"(A) ACREAGE IN EXCESS OF PAYMENT ACREAGE.—Payments provided under paragraph (1) for a crop of a commodity may not be made available to producers on a farm with respect to any acreage in excess of the payment acreage for the farm for the commodity.

"(B) CROP INSURANCE.—Payments provided under paragraph (1) for a crop of a commodity may not be made available to producers on a farm unless such producers enter into an agreement to obtain multiperil crop insurance, to the extent required under section 2247.

"(4) REDUCTION IN DEFICIENCY PAYMENTS.—The total quantity of a crop of a commodity on which deficiency payments otherwise would be payable to producers on a farm under the Agricultural Act of 1949 shall be reduced by the quantity on which a payment is made to the producers for the crop under paragraph (1).

"(5) ELECTION OF PAYMENTS.—

"(A) APPLICATION OF PARAGRAPH.—This paragraph shall apply for a crop year, effective only for the crops of wheat, feed grains, upland cotton, extra long staple cotton, and rice, to producers on a farm who—

"(i) had failed wheat, feed grain, upland cotton, extra long staple cotton, or rice acreage during such crop year; or

"(ii) were prevented from planting acreage to such commodity because of damaging weather or related condition.

"(B) ELECTION.—The Secretary of Agriculture shall (within 30 days after the date on which assistance is made available under this subchapter for a crop year) permit producers referred to in subparagraph (A) to elect whether to receive disaster payments for such crop for such crop year in accordance with this section in lieu of payments received for such crop under section 101B(c)(1)(D), 103B(c)(1)(D), 105B(c)(1)(E), or 107B(c)(1)(E) of the Agricultural Act of 1949.

"(6) SPRING WHEAT AS REPLACEMENT CROP FOR WINTER WHEAT.—In providing assistance under this section or section 2242 for a crop of winter wheat, the Secretary shall disregard spring wheat that is planted as a replacement crop for such winter wheat.

"(b) ADVANCE DEFICIENCY PAYMENTS.—

"(1) APPLICATION OF SUBSECTION.—This subsection shall apply only for a crop year for which the producers on a farm elect to participate in the production adjustment program established under the Agricultural Act of 1949 for the crop of wheat, feed grains, upland cotton, extra long staple cotton, or rice for such crop year.

"(2) FORGIVENESS OF REFUND REQUIREMENT.—

"(A) IN GENERAL.—Subject to subparagraph (B), if because of damaging weather or related condition the total quantity of such crop of the commodity that the producers are able to harvest on the farm is less than the result of multiplying the farm program payment yield established by the Secretary for such crop by the sum of the acreage planted for harvest and the acreage prevented from being planted (because of a natural disaster, as determined by the Secretary) for such crop (hereinafter in this section referred to as the 'qualifying amount'), the producers shall not be required to refund any advance deficiency payment made to the producers for such crop under section 114 of the Agricultural Act of 1949 (7 U.S.C. 1445j) with respect to that portion of the deficiency in production that does not exceed—

"(i) in the case of producers who obtained crop insurance for such crop of the commodity under the Federal Crop Insurance Act, 35 percent of the qualifying amount; and

"(ii) in the case of other producers, 40 percent of the qualifying amount.

"(B) CROP INSURANCE.—Producers on a farm shall not be eligible for the forgiveness provided for under subparagraph (A), unless such producers enter into an agreement to obtain multiperil crop insurance to the extent required under section 2247.

"(3) ELECTION FOR NONRECIPIENTS.—The Secretary shall allow producers on a farm who, before the date on which assistance is made available under this subchapter for a crop year, elect not to receive advance deficiency payments made available for the crop for such crop year under section 114 of the Agricultural Act of 1949 (7 U.S.C. 1445j) to elect (within 30 days after such date) whether to receive such advance deficiency payments.

"(4) DATE OF REFUND FOR PAYMENTS.—If the Secretary determines that any portion of the advance deficiency payment made to producers for a crop of wheat, feed grains, upland cotton, extra long staple cotton, or rice under section 114 of the Agricultural Act of 1949 (7 U.S.C. 1445j) must be refunded, such refund shall not be required prior to July 31 of the year following such determination for that portion of the crop for which a disaster payment is made under subsection (a).

"SEC. 2242. PAYMENTS TO PROGRAM NONPARTICIPANTS FOR TARGET PRICE COMMODITIES AND PAYMENTS TO PROGRAM PARTICIPANTS FOR TARGET PRICE COMMODITIES ON FLEXIBLE ACRES.

"(a) DISASTER PAYMENTS.—

"(1) IN GENERAL.—Effective only for a crop year for which the producers on a farm elect not to participate in the production adjustment program established under the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.) for the crop of wheat, feed grains, upland cotton, extra long staple cotton, or rice for such crop year (and for such crop on flexible acres as provided under section 2241(a)(2)), if the Secretary of Agriculture determines that,

because of damaging weather or related condition, the total quantity of such crop of the commodity that such producers are able to harvest on the farm is less than the result of multiplying 60 percent (or in the case of producers who obtained crop insurance for such crop, 65 percent) of the county average yield established by the Secretary for such crop by the sum of acreage planted for harvest and the acreage for which prevented planted credit is approved by the Secretary for such crop under subsection (b), the Secretary shall make a disaster payment available to such producers.

"(2) PAYMENT RATE.—The payment shall be made to the producers at a rate equal to 65 percent of the basic county loan rate (or a comparable price if there is no current basic county loan rate) for the crop, as determined by the Secretary, for any deficiency in production greater than 40 percent for the crop (or in the case of producers who obtained crop insurance, 35 percent).

"(b) PREVENTED PLANTING CREDIT.—

"(1) IN GENERAL.—The Secretary shall provide prevented planting credit under subsection (a) with respect to acreage for a crop year that producers on a farm were prevented from planting to such crop of the commodity for harvest because of damaging weather or related condition, as determined by the Secretary.

"(2) MAXIMUM ACREAGE.—Such acreage may not exceed the greater of—

"(A) a quantity equal to the acreage on the farm planted (or prevented from being planted due to a natural disaster or other condition beyond the control of the producers) to the commodity for harvest in the immediately preceding crop year minus acreage actually planted to the commodity for harvest in the crop year involved;

"(B) a quantity equal to the average of the acreage on the farm planted (or prevented from being planted due to a natural disaster or other condition beyond the control of the producers) to the commodity for harvest in the three immediately preceding crop years minus acreage actually planted to the commodity for harvest in the crop year involved; or

"(C) with respect to flexible acres as provided under section 2241(a)(2) for which no such planting history is established, a quantity of acreage determined to be fair and reasonable by the Secretary.

"(3) ADJUSTMENTS.—The Secretary shall make appropriate adjustments in applying the limitations contained in paragraph (2) to take into account crop rotation practices of the producers.

"(c) LIMITATIONS.—

"(1) ACREAGE LIMITATION PROGRAM.—The amount of payments made available to producers on a farm who elect not to participate in the production adjustment program for a crop of a commodity under subsection (a) shall be reduced by a factor equivalent to the acreage limitation program percentage established for such crop under the Agricultural Act of 1949.

"(2) CROP INSURANCE.—Payments provided under subsection (a) for a crop of a commodity may not be made available to the producers on a farm unless such producers enter into an agreement to obtain multiperil crop insurance to the extent required under section 2247.

"SEC. 2243. PEANUTS, SUGAR, AND TOBACCO.

"(a) DISASTER PAYMENTS.—

"(1) IN GENERAL.—Effective for a crop year only for crops of peanuts, sugar beets, sugarcane, and tobacco in such crop year, if the Secretary of Agriculture determines that, because of damaging weather or related condition, the total quantity of such crop of the commodity that the producers on a farm are able to harvest is less than the result of multiplying 60 percent (or, in the case of producers who obtained crop insurance for such crop of the commodity under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.), 65 percent) of the county average yield (or program yield, in the case of peanuts) established by the Secretary for such crop by the sum of the acreage planted for harvest and the acreage for which prevented planted credit is approved by the Secretary for such crop under subsection (b), the Secretary shall make a disaster payment available to such producers.

"(2) PAYMENT RATE.—The payment shall be made to the producers at a rate equal to 65 percent of the applicable payment level under paragraph (3), as determined by the Secretary, for any deficiency in production greater than—

"(A) in the case of producers who obtained crop insurance for the crop of the commodity for such crop year under the Federal Crop Insurance Act—

"(i) 35 percent for the crop; or

"(ii) with respect to a crop of burley tobacco or flue-cured tobacco, 35 percent of the farm's effective marketing quota for such crop for such crop year; and

"(B) in the case of producers who did not obtain crop insurance for the crop of the commodity for such crop year under the Federal Crop Insurance Act—

"(i) 40 percent for the crop; or

"(ii) with respect to a crop of burley tobacco or flue-cured tobacco, 40 percent of the farm's effective marketing quota for such crop for such crop year.

"(3) PAYMENT LEVEL.—For purposes of paragraph (1), the payment level for a commodity shall be equal to—

"(A) for peanuts, the price support level for quota peanuts or the price support level for additional peanuts, as applicable;

"(B) for tobacco, the national average loan rate for the type of tobacco involved, or (if there is none) the market price, as determined under section 2244(a)(2); and

"(C) for sugar beets and sugarcane, a level determined by the Secretary to be fair and reasonable in relation to the level of price support established for crops of sugar beets and sugarcane for the crop year involved, and that, insofar as is practicable, shall reflect no less return to the producer than under the price support levels in effect for such crop year.

"(b) PREVENTED PLANTING CREDIT.—

"(1) IN GENERAL.—The Secretary shall provide prevented planting credit under subsection (a) with respect to acreage for a crop year that producers on a farm were prevented from planting to such crop of the commodity for harvest because of damaging weather or related condition, as determined by the Secretary.

"(2) MAXIMUM ACREAGE.—Such acreage may not exceed the greater of—

"(A) a quantity equal to the acreage on the farm planted (or prevented from being planted due to a natural disaster or other condition beyond the control of the producers) to the commodity for harvest in the immediately preceding crop year minus acreage actually planted for harvest in the crop year involved;

"(B) a quantity equal to the average of the acreage on the farm planted (or prevented from being planted due to a natural disaster or other condition beyond the control of the producers) to the commodity for harvest in the three immediately preceding crop years minus acreage actually planted to the commodity for harvest in the crop year involved; or

"(C) with respect to flexible acres as provided under section 2241(a)(2) for which no such planting history is established, a quantity of acreage determined to be fair and reasonable by the Secretary.

"(3) ADJUSTMENTS.—The Secretary shall make appropriate adjustments in applying for a crop year the limitations contained in paragraph (2) to take into account crop rotation practices of the producers and any change in quotas for crops of tobacco for such crop year.

"(c) LIMITATION.—Payments provided under subsection (a) for a crop of a commodity may not be made available to the producers on a farm unless such producers enter into an agreement to obtain multiperil crop insurance to the extent required under section 2247.

"(d) SPECIAL RULES FOR PEANUTS.—Notwithstanding any other provision of law—

"(1) a deficiency in production of quota peanuts from a farm, as otherwise determined under this section, shall be reduced by the quantity of peanut poundage quota that was the basis of such anticipated production that has been transferred from the farm;

"(2) payments made under this section shall be made taking into account whether the deficiency for which the deficiency in production is claimed was a deficiency in production of quota or additional peanuts and the payment rate shall be established accordingly; and

"(3) the quantity of undermarketings of quota peanuts from a farm for a crop that may otherwise be claimed under section 358-1 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1358-1) for purposes of future quota increases shall be reduced by the quantity of the deficiency of production of such peanuts for which payment has been received under this section.

"(e) SPECIAL RULES FOR TOBACCO.—Notwithstanding any other provision of law—

"(1) the quantity of undermarketings of quota tobacco from a farm for a crop that may otherwise be claimed under section 317 or 319 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1314c or 1314e) for purposes of future quota increases shall be reduced by the quantity of the deficiency of production of such tobacco for which payment has been received under this section; and

"(2) disaster payments made to producers under this section may not be considered by the Secretary in determining the net losses of the Commodity Credit Corporation under section 106A(d) of the Agricultural Act of 1949 (7 U.S.C. 1445-1(d)).

"(f) SPECIAL RULE FOR SUGARCANE.—For purposes of determining the total quantity of a crop of sugarcane that the producers on a farm are able to harvest, the Secretary shall make the determination based on the quantity of recoverable sugar.

"SEC. 2244. OILSEEDS AND NONPROGRAM CROPS.

"(a) DISASTER PAYMENTS.—

"(1) IN GENERAL.—

"(A) ELIGIBILITY.—Effective for a crop year only for the crops of oilseeds (as defined in section 205(a) of the Agricultural Act of 1949 (7 U.S.C. 1446f(a)) and nonprogram crops, the Secretary shall make a disaster payment under this section available to the producers on a farm if the Secretary of Agriculture determines that, because of damaging weather or related condition, the total quantity of such crop of the commodity that the producers are able to harvest is less than—

"(i) with respect to oilseeds, the result of multiplying 60 percent (or in the case of producers who obtained crop insurance, if available, for such crop year for the commodity under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.), 65 percent) of the State, area, or county yield, adjusted for adverse weather conditions during the three immediately preceding crop years, as determined by the Secretary, for such crop by the sum of the acreage planted for harvest and the acreage for which prevented planting credit is approved by the Secretary for such crop under subsection (b);

"(ii) with respect to nonprogram crops (other than as provided in clauses (i), (iii), (iv)), the result of multiplying 60 percent (or in the case of producers who obtained crop insurance, if available, for such crop year for the commodity under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.), 65 percent) of the yield established by the Commodity Credit Corporation under subsection (d)(2) for such crop by the sum of the acreage planted for harvest and the acreage for which prevented planting credit is approved by the Secretary for such crop under subsection (b);

"(iii) with respect to crops covered in section 207 of the Agricultural Act of 1949 (7 U.S.C. 1446h), 60 percent (or in the case of producers who obtained crop insurance, if available, for such crop year for the commodity under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.), 65 percent) of the historical annual yield of the producers for such crops, as determined by the Secretary; and

"(iv) with respect to fish or seafood, 60 percent of the historical annual yield of the producers of such crops, as determined by the Secretary.

"(B) PAYMENT RATE.—The payment shall be made to such producers at a rate equal to 65 percent of the applicable payment level under paragraph (2), as determined by the Secretary, for any deficiency in production greater than 40 percent for oilseeds and other nonprogram crops for the crop, except that in the case of producers who obtained crop insurance, if available, for such crop under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.), 35 percent.

"(C) LIMITATION ON ASSISTANCE FOR AQUACULTURE.—The total amount of payments made available to all producers under subparagraph (A)(iv) shall not exceed $30,000,000 in any year.

"(2) PAYMENT LEVEL.—For purposes of paragraph (1), the payment level for a commodity shall equal the simple average price received by producers of the commodity, as determined by the Secretary subject to paragraph (3), during the marketing years for the immediately preceding 5 crops of the commodity, excluding the year in which the average price was the highest and the year in which the average price was the lowest in such period.

"(3) CALCULATION OF PAYMENTS FOR DIFFERENT VARIETIES.—

"(A) CROP-BY-CROP BASIS.—The Secretary shall make disaster payments under this subsection on a crop-by-crop basis, with consideration given to markets and uses of the crops, under regulations issued by the Secretary.

"(B) DIFFERENT VARIETIES.—For purposes of determining the payment levels on a crop-by-crop basis, the Secretary shall consider as separate crops, and develop separate payment levels insofar as is practicable for, different varieties of the same commodity, and commodities for which there is a significant difference in the economic value in the market.

"(C) DOUBLE CROPPING.—

"(i) TREATED SEPARATELY.—In the case of a crop that is historically double cropped (including two crops of the same commodity) by the producers on a farm, the Secretary shall treat each cropping separately for purposes of determining whether the crop was affected by damaging weather or related condition and the total quantity of the crop that the producers are able to harvest.

"(ii) APPLICATION OF SUBPARAGRAPH.—This subparagraph shall not apply in the case of a replacement crop.

"(D) NAVEL AND VALENCIA ORANGES TREATED AS SEPARATE CROPS.—For the purpose of programs administered under this chapter and the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.), navel oranges and valencia oranges shall be considered separate crops.

"(4) EXCLUSIONS FROM HARVESTED QUANTITIES.—For purposes of determining the total quantity of a nonprogram crop of the commodity that the producers on a farm are able to harvest under paragraph (1), the Secretary shall exclude—

"(A) commodities that cannot be sold in normal commercial channels of trade; and

"(B) dockage, including husks and shells, if such dockage is excluded in determining yields under subsection (d)(2).

"(b) PREVENTED PLANTING CREDIT.—

"(1) IN GENERAL.—The Secretary shall provide prevented planting credit under subsection (a) with respect to acreage for a crop year that producers on a farm were prevented from planting to the crop of the commodity for harvest because of damaging weather or related condition, as determined by the Secretary.

"(2) MAXIMUM ACREAGE.—Such acreage may not exceed the greater of—

"(A) a quantity equal to the acreage on the farm planted (or prevented from being planted due to a natural disaster or other condition beyond the control of the producers) to the commodity for harvest in the immediately preceding crop year minus acreage actually planted for harvest in the crop year involved;

"(B) a quantity equal to the average of the acreage on the farm planted (or prevented from being planted due to a natural disaster or other condition beyond the control of the producers) to the commodity for harvest in the three immediately preceding crop years minus acreage actually planted to the commodity for harvest in the crop year involved; or

"(C) with respect to flexible acres as provided under section 2241(a)(2) for which no such planting history is established, a quantity of acreage determined to be fair and reasonable by the Secretary.

"(3) ADJUSTMENTS.—The Secretary shall make appropriate adjustments in applying the limitations contained in paragraph (2) to take into account crop rotation practices of the producers.

"(c) LIMITATION.—Payments provided under subsection (a) for a crop of a commodity may not be made available to the producers on a farm unless such producers enter into an agreement to obtain multiperil crop insurance to the extent required under section 2247.

"(d) SPECIAL RULES FOR NONPROGRAM CROPS.—

"(1) NONPROGRAM CROP DEFINED.—

"(A) INCLUDED IN DEFINITION.—Except as provided in subparagraph (B), for purposes of this section, the term 'nonprogram crop' means—

"(i) all crops for which crop insurance through the Federal Crop Insurance Corporation was available for a crop year; and

"(ii) other commercial crops for which such insurance was not available for such crop year, including but not limited to—

"(I) ornamentals, such as flowering shrubs, flowering trees, field or container grown roses, or turf;

"(II) sweet potatoes; and

"(III) fish or seafood produced in established freshwater commercial aquaculture operations.

"(B) EXCEPTION.—The term 'nonprogram crop' in subparagraph (A) shall not include a crop covered under section 2241, 2242, or 2243, or oilseeds.".

"(2) FARM YIELDS.—

"(A) ESTABLISHMENT.—The Commodity Credit Corporation shall establish disaster program farm yields for nonprogram crops to carry out this section.

"(B) PROVEN YIELDS AVAILABLE.—If the producers on a farm can provide satisfactory evidence to the Commodity Credit Corporation of actual crop yields on the farm for at least one of the immediately preceding three crop years, the yield for the farm shall be based on such proven yield.

"(C) PROVEN YIELDS NOT AVAILABLE.—If such data do not exist for any of the three preceding crop years, the Commodity Credit Corporation shall establish a yield for the farm by using a county average yield for the commodity, or by using other data available to it.

"(D) COUNTY AVERAGE YIELDS.—In establishing county average yields for nonprogram crops, the Commodity Credit Corporation shall use the best available information concerning yields. Such information may include extension service records, credible nongovernmental studies, and yields in similar counties.

"(3) RESPONSIBILITY OF PRODUCERS.—It shall be the responsibility of the producers of nonprogram crops to provide satisfactory evidence of crop losses for a crop year resulting from damaging weather or related condition in order for such producers to obtain disaster payments under this section.

"SEC. 2245. CROP QUALITY REDUCTION DISASTER PAYMENTS.

"(a) IN GENERAL.—To ensure that all producers of crops covered under sections 2241 through 2244 are treated equitably, the Secretary of Agriculture shall make additional disaster payments to producers of such crops for a crop year who suffer losses resulting from the reduced quality of such crops caused by damaging weather or related condition, as determined by the Secretary.

"(b) ELIGIBLE PRODUCERS.—If the Secretary determines to make crop quality disaster payments available to producers under subsection (a), producers on a farm of a crop described in subsection (a) shall be eligible to receive reduced quality disaster payments only if such producers incur a deficiency in production of not less than 35 percent and not more than 75 percent for such crop (as determined under section 2241, 2242, 2243, or 2244, as appropriate).

"(c) MAXIMUM PAYMENT RATE.—The Secretary shall establish the reduced quality disaster payment rate, except that such rate shall not exceed 10 percent, as determined by the Secretary, of—

"(1) the established price for the crop, for commodities covered under section 2241;

"(2) the basic county loan rate for the crop (or a comparable price if there is no current basic county loan rate), for commodities covered under section 2242;

"(3) the payment level under section 2243(a)(3), for commodities covered by section 2243; and

"(4) the payment level under section 2244(a)(2), for commodities covered under section 2244.

"(d) DETERMINATION OF PAYMENT.—The amount of payment to a producer under this section shall be determined by multiplying the payment rate established under subsection (c) by the portion of the actual harvested crop on the producer's farm that is reduced in quality by such natural disaster, as determined by the Secretary.

"SEC. 2246. EFFECT OF FEDERAL CROP INSURANCE PAYMENTS.

"In the case of producers on a farm who obtained crop insurance for a crop of a commodity under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.), the Secretary of Agriculture shall reduce the amount of payments made available under this subchapter for such crop to the extent that the amount determined by adding the net amount of crop insurance indemnity payment (gross indemnity less premium paid) received by such producers for the deficiency in the production of the crop and the disaster payment determined in accordance with this chapter for such crop exceeds the amount determined by multiplying—

"(1) 100 percent of the yield used for the calculation of disaster payments made under this chapter for such crop; by

"(2) the sum of the acreage of such crop planted to harvest and the acreage for which prevented planting credit is approved by the Secretary (or, in the case of disaster payments under section 2241, the eligible acreage established under paragraphs (1) and (3)(A) of section 2241(a)); by

"(3)(A) in the case of producers who participated in a production adjustment program for the crop of wheat, feed grains, upland cotton, extra long staple cotton, or rice for such crop year, the established price for such crop of the commodity;

"(B) in the case of producers who did not participate in a production adjustment program for the crop of wheat, feed grains, upland cotton, extra long staple cotton, or rice for such crop year (and, with respect to flexible acres as provided under section 2241(a)(2), in the case of those producers who did participate in such program for such year), the basic county loan rate (or a comparable price, as determined by the Secretary, if there is no current basic county loan rate) for such crop of the commodity;

"(C) in the case of producers of sugar beets, sugarcane, peanuts, or tobacco, the payment level for the commodity established under section 2243(a)(3); and

"(D) in the case of producers of oilseeds or a nonprogram crop (as defined in section 2244(d)(1)), the simple average price received by producers of the commodity, as determined by the Secretary, during the marketing years for the immediately preceding five crops of the commodity, excluding the year in which the average price was the highest and the year in which the average price was the lowest in such period.

"SEC. 2247. CROP INSURANCE COVERAGE FOR NEXT CROP YEAR.

"(a) REQUIREMENT.—To be eligible to receive for a crop year a disaster payment under this subchapter, an emergency loan under subtitle C of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961 et seq.) for crop losses due to damaging weather or related condition, or forgiveness of the repayment of advance deficiency payments under section 2241(b), the producers on a farm shall agree to obtain multiperil crop insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) for the first crop year that begins after the producer receives the payment, loan, or forgiveness for the crop of the commodity for which such payments, loans, or forgiveness are sought.

"(b) LIMITATIONS.—Notwithstanding subsection (a), producers on a farm shall not be required to agree to obtain crop insurance under subsection (a) for a commodity—

"(1) unless such producers' deficiency in production, with respect to the crop for which a disaster payment under this chapter otherwise may be made, exceeds 65 percent;

"(2) where, or if, crop insurance coverage is not available to the producers for the commodity for which the payment, loan, or forgiveness is sought;

"(3) if the producers' annual premium rate for such crop insurance is an amount greater than 125 percent of the average premium rate for insurance on that commodity for the preceding crop year in the county in which the producers are located;

"(4) in any case in which the producers' annual premium for such crop insurance is an amount greater than 25 percent of the amount of the payment, loan, or forgiveness received; or

"(5) if the producers can establish by appeal to the county committee established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590(b)), or to the county committee established under section 332 of the Consolidated Farm and Rural Development Act (17 U.S.C. 1982), as appropriate, that the purchase of crop insurance would impose an undue financial hardship on such producers and that a waiver of the requirement to obtain crop insurance should, in the discretion of the county committee, be granted.

"(c) IMPLEMENTATION.—

"(1) COUNTY COMMITTEES.—The Secretary of Agriculture shall ensure (acting through the county committees established under section 8(b) of the Soil Conservation and Domestic Allotment Act and located in the counties in which the assistance programs provided for under sections 2241 through 2245 are implemented, and through the county committees established under section 332 of the Consolidated Farm and Rural Development Act in counties in which emergency loans, as described in subsection (a), are made available) that producers who apply for assistance, as described in subsection (a), obtain multiperil crop insurance as required under this section.

"(2) OTHER SOURCES.—Each producer who is subject to the requirements of this section may comply with such requirements by providing evidence of multiperil crop insurance coverage from sources other than through the county committee office, as approved by the Secretary.

"(3) COMMISSIONS.—The Secretary shall provide by regulation for a reduction in the commissions paid to private insurance agents, brokers, or companies on crop insurance contracts entered into under this section sufficient to reflect that such insurance contracts principally involve only a servicing function to be performed by the agent, broker, or company.

"(d) REPAYMENT OF BENEFITS.—Notwithstanding any other provision of law, if (before the end of the crop year for which multiperil crop insurance is obtained pursuant to subsection (a)) such crop insurance coverage is canceled by the producer, the producer—

"(1) shall make immediate repayment to the Secretary of any disaster payment or forgiven advance deficiency payment that the producer otherwise is required to repay; and

"(2) shall become immediately liable for full repayment of all principal and interest outstanding on any emergency loan described in subsection (a) made subject to this section.

"SEC. 2248. CROPS HARVESTED FOR FORAGE USES.

"Not later than 45 days after funds are appropriated to carry out this subchapter for a crop year, the Secretary of Agriculture shall announce the terms and conditions by which producers on a farm may establish a yield for that crop year with respect to crops that were, or will be, harvested during such crop year for silage and other forage uses.

"SEC. 2249. PAYMENT LIMITATIONS.

"(a) LIMITATION.—Subject to subsections (b) and (c), the total amount of payments that a person shall be entitled to receive for a crop year under one or more of the programs established under this subchapter may not exceed $100,000.

"(b) NO DOUBLE BENEFITS.—No person may receive disaster payments for a crop year under this subchapter to the extent that such person receives a livestock emergency benefit for lost feed production in that year under section 606 of the Agricultural Act of 1949 (7 U.S.C. 1471d).

"(c) COMBINED LIMITATION.—

"(1) IN GENERAL.—No person may receive any payment under this subchapter or benefit under title VI of the Agricultural Act of 1949 (7 U.S.C. 1471 et seq.) for livestock emergency losses suffered in a crop year if such payment or benefit will cause the combined total amount of such payments and benefits received by such person in such year to exceed $100,000.

"(2) ELECTION.—If a producer is subject to paragraph (1), the person may elect (subject to the benefits limitations under section 609 of the Agricultural Act of 1949 (7 U.S.C. 1471g) whether to receive the $100,000 in such payments, or such livestock emergency benefits (not to exceed $50,000), or a combination of payments and benefits specified by the person.

"(d) REGULATIONS.—The Secretary of Agriculture shall issue regulations prescribing such rules as the Secretary determines necessary to ensure a fair and reasonable application of the limitations established under this section.

"SEC. 2250. SUBSTITUTION OF CROP INSURANCE PROGRAM YIELDS.

"(a) IN GENERAL.—Notwithstanding any other provision of this chapter, the Secretary of Agriculture may permit each eligible producer of a crop of a commodity who has obtained multiperil crop insurance for such crop for a crop year or, as provided in subsection (c), the preceding crop year under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) to substitute, at the discretion of the producer, the crop insurance yield for such crop, as established under such Act, for the farm yield otherwise assigned to the producer under this subchapter, for the purposes of determining such producer's eligibility for a disaster payment on such crop under this subchapter for the crop year involved and the amount of such payment.

"(b) ADJUSTMENT OF ADVANCED DEFICIENCY PAYMENTS.—

"(1) IN GENERAL.—Notwithstanding any other provision of this chapter, if an eligible producer of wheat, feed grains, upland cotton, extra long staple cotton, or rice for a crop year elects to substitute yields for such producer's crop under subsection (a), the producer's eligibility for a waiver of repayment

of an advance deficiency payment on such crop under this chapter shall be adjusted as provided in paragraph (2).

"(2) AMOUNT.—The amount of production of such crop on which the producer otherwise would be eligible for waiver of repayment of advance deficiency payments under this subchapter shall be reduced by an amount of production equal to the difference between—

"(A) the amount of production eligible for disaster payments under this subchapter using a substituted yield under this section; and

"(B) the amount of production that would have been eligible for disaster payments using the farm program payment yield otherwise assigned to the producer under this chapter.

"(c) MULTIPERIL CROP INSURANCE NOT AVAILABLE.—A producer may use the crop insurance yield for the producer's crop of a commodity for the preceding crop year for purposes of substituting yields under subsection (a) if the producer demonstrates to the Secretary that, through no fault of the producer, multiperil crop insurance under the Federal Crop Insurance Act was not made available to the producer for the producer's crop of the commodity for the crop year involved.

"(d) DEFINITION OF ELIGIBLE PRODUCER.—For purposes of this section, the term 'eligible producer' means a producer of a crop of wheat, feed grains, upland cotton, extra long staple cotton, rice, or oilseeds.

"SEC. 2251. DE MINIMIS YIELDS.

"The Secretary of Agriculture may determine a de minimis yield for each crop eligible for reduced yield disaster payments under this subchapter. The de minimis yield shall be set at a level that will minimize any incentive (because of the prospect of disaster payments) for a producer to abandon crops that have a value that exceeds the cost of harvesting. In no case may the de minimis yield be less than the amount of production that, when valued at current market prices, equals the average cost of harvesting the crop, as determined by the Secretary. Any producer whose actual yield for a crop is equal to or less than the de minimis yield for such crop shall be considered as having an actual yield of zero for the purpose of calculating any reduced yield disaster payments for such crop under this subchapter.

"SEC. 2252. SEPARATE TREATMENT OF EACH PRODUCER ON A FARM.

"A producer on a farm who produces any crop of a commodity for which disaster payments are made available under this subchapter shall qualify for a disaster payment if the total quantity of the commodity that the producer is able to harvest on that farm is reduced as a result of damaging weather or related condition in an amount that meets the criteria of section 2241, 2242, 2243, or 2244, even though the producers on the farm, collectively, may not meet such criteria.

"SEC. 2253. DEFINITIONS.

"For purposes of this chapter:

"(1) DAMAGING WEATHER.—The term 'damaging weather' includes but is not limited to drought, hail, excessive moisture, freeze, tornado, hurricane, earthquake, or excessive wind (or any combination thereof) that occurs during the calendar year in which the crop involved is intended to be harvested or the preceding calendar year.

"(2) RELATED CONDITION.—The term 'related condition' includes but is not limited to insect infestations, plant diseases, or other deterioration of a crop of a commodity, including aflatoxin, that is accelerated or exacerbated naturally as a result of damaging weather occurring prior to or during harvest.

"(3) PERSON.—The term 'person' shall have the meaning given such term by the Secretary in regulations, which shall conform, to the extent practicable, to the regulations defining such term issued under section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308) and the Disaster Assistance Act of 1988 (7 U.S.C. 1421 note).

"Subchapter B—Orchards

"SEC. 2255. ELIGIBILITY.

"(a) LOSS.—The Secretary of Agriculture shall provide assistance under section 2256 to eligible orchardists that planted trees for commercial purposes but lost such trees as a result of damaging weather or related condition occurring in 1993 or a subsequent calendar year.

"(b) LIMITATION.—An eligible orchardist shall qualify for assistance under subsection (a) only if such orchardist's tree mortality, as a result of the damaging weather or related condition, exceeds 35 percent (adjusted for normal mortality).

"SEC. 2256. ASSISTANCE.

"The assistance provided by the Secretary of Agriculture to eligible orchardists for losses described in section 2255 shall consist of either—

"(1) reimbursement of 65 percent of the cost of replanting trees lost and rehabilitating or restoring trees damaged as a result of damaging weather or related condition in the calendar year involved in excess of 35 percent mortality (adjusted for normal mortality); or

"(2) at the discretion of the Secretary, sufficient seedlings to reestablish the stand.

"SEC. 2257. DEFINITION.

"For purposes of this subchapter, the term 'eligible orchardist' means a person who produces annual crops from trees for commercial purposes and owns 500 acres or less of such trees.

"SEC. 2258. DUPLICATIVE PAYMENTS.

"The Secretary of Agriculture shall establish guidelines to ensure that no person receives duplicative payments under this subchapter and the forestry incentives program, agricultural conservation program, or other Federal program.

"Subchapter C—Forest Crops

"SEC. 2261. ELIGIBILITY.

"(a) LOSS.—The Secretary of Agriculture shall provide assistance, as specified in section 2262, to eligible tree farmers that planted tree seedlings in a calendar year or the next calendar year for commercial purposes but lost such seedlings as a result of damaging weather or related condition occurring in such next calendar year, as determined by the Secretary.

"(b) LIMITATION.—An eligible tree farmer shall qualify for assistance under subsection (a) only if such tree farmer's tree seedling mortality, as a result of the damaging weather or related condition, exceeds 35 percent (adjusted for normal mortality).

"SEC. 2262. ASSISTANCE.

"The assistance provided by the Secretary of Agriculture to eligible tree farmers for losses described in section 2261 shall consist of either—

"(1) reimbursement of 65 percent of the cost of replanting seedlings lost due to damaging weather or related conditions in the calendar year involved in excess of 35 percent mortality (adjusted for normal mortality); or

"(2) at the discretion of the Secretary, sufficient tree seedlings to reestablish the stand.

"SEC. 2263. LIMITATION ON ASSISTANCE.

"(a) LIMITATION.—The total amount of payments that a person shall be entitled to receive under this subchapter may not exceed $25,000 for a calendar year, or an equivalent value in tree seedlings.

"(b) REGULATIONS.—The Secretary of Agriculture shall issue regulations prescribing such rules as the Secretary determines necessary to ensure a fair and reasonable application of the limitation established under this section.

"SEC. 2264. DEFINITION.

"For purposes of this subchapter, the term 'eligible tree farmer' means a person who grows trees for harvest for commercial purposes and owns 1,000 acres or less of such trees.

"SEC. 2265. DUPLICATIVE PAYMENTS.

"The Secretary of Agriculture shall establish guidelines to ensure that no person receives duplicative payments under this subchapter and the forestry incentives program, agricultural conservation program, or other Federal program.

"Subchapter D—Administrative Provisions

"SEC. 2266. INELIGIBILITY.

"(a) GENERAL RULE.—A person who has qualifying gross revenues in excess of $2,000,000 annually, as determined by the Secretary of Agriculture, shall not be eligible to receive any disaster payment or other benefits under this chapter.

"(b) QUALIFYING GROSS REVENUES.—For purposes of this section, the term "qualifying gross revenues" means—

"(1) if a majority of the person's annual income is received from farming, ranching, and forestry operations, the gross revenue from the person's farming, ranching, and forestry operations; and

"(2) if less than a majority of the person's annual income is received from farming, ranching, and forestry operations, the person's gross revenue from all sources.

"SEC. 2267. TIMING AND MANNER OF ASSISTANCE.

"(a) TIMING OF ASSISTANCE.—

"(1) ASSISTANCE MADE AVAILABLE AS SOON AS PRACTICABLE.—Subject to paragraph (2), the Secretary of Agriculture shall make disaster assistance available under this chapter for a crop year or a calendar year, as applicable, as soon as practicable after the date on which appropriations are made available to carry out this chapter for such year.

"(2) COMPLETED APPLICATION.—No payment or benefit provided under this chapter shall be payable or due until such time as a completed application for such payment or benefit for a crop of a commodity has been approved.

"(b) MANNER.—The Secretary may make payments available under subchapter A in the form of cash, commodities, or commodity certificates, as determined by the Secretary.

"SEC. 2268. COMMODITY CREDIT CORPORATION.

"(a) USE.—The Secretary of Agriculture shall use the funds, facilities, and authorities of the Commodity Credit Corporation in carrying out this chapter.

"(b) EXISTING AUTHORITY.—The authority provided by this chapter shall be in addition to, and not in place of, any authority granted to the Secretary or the Commodity Credit Corporation under any other provision of law.

"SEC. 2269. EMERGENCY LOANS.

"Section 321(b) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(b)) shall not apply for a calendar year to persons who otherwise would be eligible for an emergency loan under subtitle C of such Act, if such eligibility is the result of damage to an annual crop planted for harvest in such year.

"SEC. 2270. REGULATIONS.

"The Secretary of Agriculture or the Commodity Credit Corporation, as appropriate, shall issue regulations to implement this chapter as soon as practicable after the date on which appropriations are made to carry out this chapter, without regard to the requirement for notice and public participation in rule making prescribed in section 553 of title 5, United States Code, or in any directive of the Secretary.

"Subchapter E—Appropriations

"SEC. 2271. AUTHORIZATION OF APPROPRIATIONS.

"Any benefits or assistance (including the foregiveness of unearned advanced deficiency payments or any emergency loans) made available under this chapter shall be provided for a year only to the extent provided for in advance in appropriations Acts. To carry out this chapter, there are authorized to be appropriated such sums as may be necessary. Sums appropriated under this section shall remain available until expended.

"SEC. 2272. PRORATION OF BENEFITS.

"Any funds made available for carrying out this chapter for a calendar year in appropriations Acts shall be prorated to all producers eligible for assistance under this chapter in such year.

"Subchapter F—Application of Chapter

"SEC. 2273. APPLICATION OF CHAPTER.

"(a) ANNUAL CROPS.—Subchapter A and section 2269 shall apply only with respect to the 1993 and subsequent crops.

"(b) ORCHARDS AND FOREST CROPS.—Subchapters B and C shall apply only with respect to the 1993 and subsequent calendar years."

(b) APPLICATION FOR ASSISTANCE.—

(1) PRODUCERS AFFECTED BY AMENDMENTS.—In the case of agricultural producers of 1993 or subsequent crops who are affected by the amendments made by this section, the Secretary of Agriculture shall allow those producers to subm[illegible] applications for initial or additional assi[illegible] under chapter 3 of subtitle B of title X[illegible] of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 1421 note) until the later of—

(A) the date established by the Secretary under section 2267(a) of such Act for final submission of applications;

(B) the end of the 60-day period beginning on the date of the enactment of this Act; or

(C) the end of the 60-day period beginning on the date on which funds are appropriated to provide assistance for losses resulting from disasters as provided under chapter 3 of subtitle B or subtitle C of title XXII of the Food, Agriculture, Conservation, and Trade Act of 1990, or under this Act.

(2) NOTICE OF DETERMINATION.—Not later than 60 days after the date on which the Secretary receives an application for assistance under subsection (a), the Secretary shall inform the producer submitting the application of the Secretary's determination with regard to the application.

(c) CLERICAL AMENDMENTS.—The table of contents in section 1(b) of the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101-624; 104 Stat. 3359) is amended—

(1) by inserting after the item relating to the chapter heading of chapter 3 of subtitle B of title XXII of such Act the following new item:

"Sec. 2240. Short title.";

(2) by striking the item relating to section 2242 and inserting the following new item:

"Sec. 2242. Payments to program nonparticipants for target price commodities and payments to program participants for target price commodities on flexible acres.";

(3) by striking the item relating to section 2244 and inserting the following new item:

"Sec. 2244. Oilseeds and nonprogram crops.";

(4) by striking the item relating to section 2247 and inserting the following new item:

"Sec. 2247. Crop insurance coverage required for next crop year.";

(5) by striking the item relating to section 2251 and inserting the following new items:

"Sec. 2251. De minimis yields.

"Sec. 2252. Separate treatment of each producer on a farm.

"Sec. 2253. Definitions."; and

(6) by inserting after the item relating to section 2272 the following new items:

"SUBCHAPTER F—APPLICATION OF CHAPTER

"Sec. 2273. Application of chapter.".

SEC. 2. EMERGENCY GRANTS TO ASSIST LOW-INCOME MIGRANT AND SEASONAL FARMWORKERS.

(a) INCLUSION OF PERMANENT FARMWORKERS AND PACKINGHOUSE WORKERS.—Section 2281 of the Food, Agriculture, Conservation, and Trade Act of 1990 (42 U.S.C. 5177a) is amended—

(1) by inserting ", permanent," after "migrant" each place it appears; and

(2) in subsection (b)—

(A) by inserting "(including a packinghouse worker)" after "an individual"; and

(B) by inserting "or packinghouse work" after "farm work" both places it appears.

(b) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The section heading of such section is amended to read as follows:

"SEC. 2281. EMERGENCY GRANTS TO ASSIST LOW-INCOME FARMWORKERS AND PACKINGHOUSE WORKERS.".

(2) TABLE OF CONTENTS.—The item relating to such section in the table of contents in section 1(b) of the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101-624; 104 Stat. 3359) is amended to read as follows:

"Sec. 2281. Emergency grants to assist low-income farmworkers and packinghouse workers.".

SEC. 3. EMERGENCY FEED ASSISTANCE.

Title VI of the Agricultural Act of 1949 (7 U.S.C. 1471 et seq.) is amended—

(1) in section 602(1)(A)(i) by striking "livestock or a dairy producer" and inserting "livestock, a dairy producer, or a beekeeper";

(2) in section 602(1)(A)(ii) by inserting after "husbandry," the term "beekeeping,";

(3) in section 602(1)(B) by inserting after "husbandry," the term "beekeeping,";

(4) in section 602(2) by inserting after "production of food," and the term "bees,"; and

(5) in section 602(b)(1)(A) by inserting after "ranching," the term "beekeeping,".

By Mr. DECONCINI (for himself and Mr. D'AMATO):

S.J. Res. 113. A joint resolution designating October 1993 as "Italian-American Heritage and Culture Month"; to the Committee on the Judiciary.

ITALIAN-AMERICAN HERITAGE AND CULTURE MONTH

• Mr. DECONCINI. Mr. President, I am honored to rise today along with my esteemed colleague from New York, Senator D'AMATO, to introduce a resolution designating October 1993 as Italian-American Heritage and Culture Month. This month of October will serve as a time for all Italian-Americans to celebrate the achievements of their ancestors and acknowledge their own contributions to this country and the world today.

On October 12, 1492, Christopher Columbus discovered the New World and, in the process, paved a path for future Italians, and persons of other nationalities, who wished to partake in the opportunities offered by this country. Italy has also given the world the renowned music of Vivaldi and Scarlatti, the wondrous literary works of Dante, and the spectacular art of Giotto, Leonardo da Vinci, and Michaelangelo. My colleagues and I are also reminded daily of the beautiful artwork of Brumidi that can be seen throughout the U.S. Capitol.

Americans of Italian descent are no less accomplished than their forefathers. William Paca, of Maryland, was one of the signers of the Declaration of Independence, and Philip Mazzei, of Virginia, assisted Thomas Jefferson with the composition of that innovative document. Joe DiMaggio was one of the greatest baseball players ever to participate in our national pastime. It is hard for one to forget Fiorello LaGuardia, the beloved mayor of New York City, or Enrico Fermi, winner of the 1938 Nobel Prize for physics. Geraldine Ferraro was the first female Vice-Presidential candidate, Mario Cuomo serves as the Governor of New York, Antonin Scalia is an Associate Justice of the U.S. Supreme Court, and Anthony S. Fauci, M.D., is Director of the National Institute for Allergy and Infectious Diseases.

Mr. President, it is important to recognize and honor the accomplishments of this bright and vibrant community. Italian-Americans deserve the recognition that Italian-American Heritage and Culture Month would bring them.

Mr. President, I ask unanimous consent that the text of the joint resolution be printed at this point in the RECORD.

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

S.J. RES. 113

Whereas Italians and Italian-Americans have contributed to the United States in all aspects of life, including art, science, civil service, military service, athletics, education, law, and politics;

Whereas Italian-Americans make up one of the largest ethnic groups in the United States;

Whereas in recognition of the accomplishments of Christopher Columbus, recognized as one of the greatest explorers in world history and the first to record the discovery of the Americas, a national observance day was established in October of every year;

Whereas the phrase in the Declaration of Independence "All men are created equal",

was suggested by the Italian patriot and immigrant Philip Mazzei;

Whereas the people of the United States take great pride in the accomplishments of the many outstanding men and women of Italian descent who have enriched our Nation's history such as Fiorello La Guardia, the beloved Mayor of New York City, and Enrico Fermi, who won the 1938 Nobel Prize in Physics;

Whereas Italy enjoys a rich cultural heritage and has given the world the great works of Dante, the breathtaking art of Giotti and Michelangelo, and the inspirational music of Antonio Vivaldi and Domenico Scarlatti;

Whereas the Americas were named after the Italian explorer Amerigo Vespucci;

Whereas Giuseppe Verdi, one of the world's most renowned opera composers, was born October 10, 1813;

Whereas William Paca, an Italian-American, was one of the signers of the Declaration of Independence; and

Whereas during October 1993 special attention will be directed at National, State, and local programs that promote Italian heritage and culture: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 1993 is designated as "Italian-American Heritage and Culture Month", and that the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such month with appropriate ceremonies and activities.●

● Mr. D'AMATO. Mr. President, it is an honor and a privilege to stand alongside my distinguished colleague from Arizona, Senator DECONCINI, to introduce a resolution designating the month of October, 1993 as "Italian-American Heritage and Culture Month." All Italian-Americans can share a collective sense of pride, achievement, and joy knowing that this month shall be a time for them to embrace their Italian heritage.

Italians have always been part of building our country. From the discovery of the New World just over five centuries ago this October 12 by Christopher Columbus, to the present-day accomplishments of Italian-Americans, Italian culture, history, and tradition have been key elements in the successes of our Nation. William Paca, an Italian-American, was one of the signers of the Declaration of Independence. His patriotism set an example for all Americans to be proud of.

Italian-Americans can be found everywhere where there is work to be done, in every endeavor, in every field of study, in every occupation. The 1938 Nobel Prize for physics was won by nuclear science pioneer Enrico Fermi. Italian-Americans such as Supreme Court Justice Antonin Scalia are steadfast upholders of American law and order. American sportsmen of Italian descent, such as baseball's beloved Joe DiMaggio, exemplify all that is best about American competition, teamwork, integrity, and drive.

Italian-Americans are students, workers, statesmen, business leaders, soldiers, diplomats, scientists, priests, and teachers. We should all recognize and honor the contributions and achievements of this wonderful community of Americans. Italian-Americans have earned the recognition which Italian-American Heritage and Culture Month will provide.●

ADDITIONAL COSPONSORS

S. 21

At the request of Mrs. FEINSTEIN, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 21, a bill to designate certain lands in the California Desert as wilderness to establish Death Valley, Joshua Tree, and Mojave National Parks, and for other purposes.

S. 103

At the request of Mr. COVERDELL, his name was withdrawn as a cosponsor of S. 103, a bill to fully apply the rights and protections of Federal civil rights and labor laws to employment by Congress.

S. 106

At the request of Mr. HATCH, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of S. 106, a bill to modernize the United States Customs Service.

S. 235

At the request of Mr. REID, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 235, a bill to limit State taxation of certain pension income, and for other purposes.

S. 289

At the request of Mr. REID, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 289, a bill to amend section 118 of the Internal Revenue Code of 1986 to provide for certain exceptions from rules for determining contributions in aid of construction, and for other purposes.

S. 377

At the request of Mr. GRAMM, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 377, a bill to require a balanced Federal budget by fiscal year 2000 and each year thereafter, to protect Social Security, to provide for zero-based budgeting and decennial sunsetting, to impose spending caps on the growth of entitlements during fiscal years 1994 through 2000, and to enforce those requirements through a budget process involving the President and Congress and sequestration.

S. 427

At the request of Mr. MITCHELL, the name of the Senator from Nebraska [Mr. KERREY] was added as a cosponsor of S. 427, a bill to amend the Internal Revenue Code of 1986 to permit private foundations to use common investment funds.

S. 469

At the request of Mr. ROTH, his name was added as a cosponsor of S. 469, a bill to require the Secretary of the Treasury to mint coins in commemoration of the Vietnam Women's Memorial.

S. 487

At the request of Mr. MITCHELL, the names of the Senator from Mississippi [Mr. COCHRAN], the Senator from Arizona [Mr. MCCAIN], and the Senator from Utah [Mr. BENNETT] were added as cosponsors of S. 487, a bill to amend the Internal Revenue Code of 1986 to permanently extend and modify the low-income housing tax credit.

S. 520

At the request of Mr. BUMPERS, the name of the Senator from New Jersey [Mr. LAUTENBERG] 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. 578

At the request of Mr. KENNEDY, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of S. 578, a bill to protect the free exercise of religion.

S. 600

At the request of Mr. BOREN, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of S. 600, a bill to amend the Internal Revenue Code of 1986 to extend and modify the targeted jobs credit.

S. 670

At the request of Mrs. KASSEBAUM, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 670, a bill to amend the Head Start Act to make quality improvements in Head Start programs, and for other purposes.

S. 737

At the request of Mr. HATFIELD, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of S. 737, a bill to amend the Small Business Investment Act of 1958 to permit prepayment of debentures issued by State and local development companies.

S. 833

At the request of Mr. GRASSLEY, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor 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. 985

At the request of Mr. INOUYE, the name of the Senator from Idaho [Mr. KEMPTHORNE] was added as a cosponsor of S. 985, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act with respect to minor uses of pesticides, and for other purposes.

S. 1054

At the request of Mr. GLENN, the names of the Senator from North Dakota [Mr. CONRAD] and the Senator

from Arkansas [Mr. BUMPERS] were added as cosponsors of S. 1054, a bill to impose sanctions against any foreign person or United States person that assists a foreign country in acquiring a nuclear explosive device or unsafeguarded nuclear material, and for other purposes.

S. 1055

At the request of Mr. GLENN, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 1055, a bill to amend the Nuclear Non-Proliferation Act of 1978 and the Atomic Energy Act of 1954 to improve the organization and management of United States nuclear export controls, and for other purposes.

S. 1119

At the request of Mr. ROBB, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 1119, a bill to amend the International Emergency Economic Powers Act to provide for the payment of certain secured debts, and for other purposes.

S. 1154

At the request of Mr. DECONCINI, the names of the Senator from North Dakota [Mr. CONRAD] and the Senator from Wisconsin [Mr. KOHL] were added as cosponsors of S. 1154, a bill to amend the Foreign Assistance Act of 1961 to provide for the establishment of a Microenterprise Development Fund, and for other purposes.

S. 1158

At the request of Mr. DURENBERGER, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 1158, a bill to authorize the National Institute of Corrections to make grants to States to carry out family unity demonstration projects, and for other purposes.

S. 1159

At the request of Mr. MURKOWSKI, the names of the Senator from Indiana [Mr. COATS] and the Senator from Indiana [Mr. LUGAR] 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.

S. 1172

At the request of Mr. MCCAIN, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of 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.

SENATE JOINT RESOLUTION 9

At the request of Mr. THURMOND, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of Senate Joint Resolution 9, a joint resolution proposing an amendment to the Constitution of the United States relating to voluntary school prayer.

SENATE JOINT RESOLUTION 92

At the request of Mr. MOYNIHAN, the names of the Senator from Vermont [Mr. LEAHY] and the Senator from West Virginia [Mr. ROCKEFELLER] were added as cosponsors of Senate Joint Resolution 92, a joint resolution to designate both the month of October 1993 and the month of October 1994 as "National Down Syndrome Awareness Month."

SENATE JOINT RESOLUTION 97

At the request of Mr. PACKWOOD, the names of the Senator from Indiana [Mr. COATS], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Louisiana [Mr. BREAUX], the Senator from Nebraska [Mr. EXON], the Senator from Nevada [Mr. BRYAN], the Senator from North Carolina [Mr. HELMS], the Senator from Oklahoma [Mr. BOREN], the Senator from Rhode Island [Mr. PELL], and the Senator from Tennessee [Mr. MATHEWS] 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 Wisconsin [Mr. FEINGOLD] the Senator from New Hampshire [Mr. GREGG] 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 CONCURRENT RESOLUTION 30

At the request of Mr. BROWN, the names of the Senator from Montana [Mr. BAUCUS], the Senator from Indiana [Mr. COATS], the Senator from Missouri [Mr. DANFORTH], the Senator from Nebraska [Mr. EXON], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Indiana [Mr. LUGAR], the Senator from Ohio [Mr. METZENBAUM], the Senator from Maryland [Ms. MIKULSKI], and the Senator from Oregon [Mr. PACKWOOD] were added as cosponsors of Senate Current Resolution 30, a concurrent resolution congratulating the Anti-Defamation League on the celebration of its 80th anniversary.

SENATE RESOLUTION 132—RELATIVE TO RULE XXV

Mr. FORD (for Mr. MITCHELL) submitted the following resolution; which was considered and agreed to:

S. RES. 132

Resolved, That paragraph 2 of Rule XXV of the Standing Rules of the Senate is amended for the One Hundred and Third Congress as follows,

Strike "13" after "Governmental Affairs" and insert in lieu thereof "14".

SENATE RESOLUTION 133—RELATIVE TO COMMITTEE APPOINTMENTS

Mr. FORD (for Mr. MITCHELL) submitted the following resolution; which was considered and agreed to:

S. RES. 133

Resolved, That the Senator from Nevada (Mr. Bryan) is hereby appointed to serve as a member on the Committee on Armed Services for the One Hundred and Third Congress,

That the Senator from Tennessee (Mr. Mathews) is hereby appointed to serve as a member on the Commerce, Science and Transportation Committee for the One Hundred and Third Congress,

That the Senator from North Dakota (Mr. Dorgan) is hereby appointed to serve as a member on the Energy, and Natural Resources Committee for the One Hundred and Third Congress,

That the Senator from Michigan (Mr. Riegle) is hereby appointed to serve as a member on the Special Committee on Aging, for the One Hundred and Third Congress.

AMENDMENTS SUBMITTED

HATCH ACT REFORM AMENDMENTS OF 1993

KASSEBAUM AMENDMENT NO. 570

(Ordered to lie on the table.)

Mrs. KASSEBAUM submitted an amendment intended to be proposed by her to the bill (S. 185) 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, as follows:

On page 15, line 22, beginning with the comma strike all through line 19 on page 16 and insert a semicolon.

DOMENICI AMENDMENTS NOS. 571–572

(Ordered to lie on the table.)

Mr. DOMENICI submitted two amendments intended to be proposed by him to the bill, S. 185, supra, as follows:

AMENDMENT NO. 571

On page 16, line 7, strike "a subordinate employee" and insert "a person employed or holding office in the employing office of such employee".

On page 16, line 22, strike "or discourage" and insert ", influence, or discourage".

On page 17, line 2, strike "or".

On page 17, line 6, strike the period and insert "; or".

On page 17 between lines 6 and 7, insert the following:

"(C) is a person employed or holding office in the employing office of such employee.

AMENDMENT NO. 572

On page 15, strike beginning with line 21 through line 19 on page 16 and insert the following:

"(2) knowingly solicit, accept, or receive a political contribution from any person;

On page 17, line 2, strike "or".

On page 17, line 6, strike the period and insert "; or".

On page 17 between lines 6 and 7, insert "the following:

"(C) is a person employed or holding office in the employing office of such employee.

ROTH AMENDMENTS NOS. 573–590

(Ordered to lie on the table.)

Mr. ROTH submitted 18 amendments intended to be proposed by him to the bill, S. 185, supra, as follows:

AMENDMENT NO. 573

On page 14, line 14, before the semicolon insert the following: "or a person employed in a position described under section 5104(14)".

On page 17, strike lines 7 through 15 and insert the following:

"(b)(1) A person described in paragraph (2) may not—

"(A) request or receive a political contribution from, or give a political contribution to—

"(i) an employee;

"(ii) a Member of Congress;

"(iii) an officer of a uniformed service; or

"(iv) a person employed in a position described in section 5104(14); or

"(B) take an active part in political management or political campaigns.

"(2) The persons referred to under paragraph (1) are—

"(A) an employee of the Federal Election Commission (except an officer appointed by the President, by and with the advice and consent of the Senate); and

"(B) any person employed in a position described under section 5104(14).

AMENDMENT NO. 574

On page 14, line 14, before the semicolon insert the following: "or a person employed in a position described under section 5104(15)".

On page 17, strike lines 7 through 15 and insert the following:

"(b)(1) A person described in paragraph (2) may not—

"(A) request or receive a political contribution from, or give a political contribution to—

"(i) an employee;

"(ii) a Member of Congress;

"(iii) an officer of a uniformed service; or

"(iv) a person employed in a position described in section 5104(15); or

"(B) take an active part in political management or political campaigns.

"(2) The persons referred to under paragraph (1) are—

"(A) an employee of the Federal Election Commission (except an officer appointed by the President, by and with the advice and consent of the Senate); and

"(B) any person employed in a position described under section 5104(15).

AMENDMENT NO. 575

On page 14, line 14, before the semicolon insert the following: "or a person employed in a position described under section 5104(13)".

On page 17, strike lines 7 through 15 and insert the following:

"(b)(1) A person described in paragraph (2) may not—

"(A) request or receive a political contribution from, or give a political contribution to—

"(i) an employee;

"(ii) a Member of Congress;

"(iii) an officer of a uniformed service; or

"(iv) a person employed in a position described in section 5104(13); or

"(B) take an active part in political management or political campaigns.

"(2) The persons referred to under paragraph (1) are—

"(A) an employee of the Federal Election Commission (except an officer appointed by the President, by and with the advice and consent of the Senate); and

"(B) any person employed in a position described under section 5104(13).

AMENDMENT NO. 576

On page 17, line 8, after "sion" insert "or the National Security Agency".

On page 17, line 12, after "Commission" insert "or the National Security Agency".

AMENDMENT NO. 577

On page 17, line 8, after "sion" insert "or the Central Intelligence Agency".

On page 17, line 12, after "Commission" insert "or the Central Intelligence Agency".

AMENDMENT NO. 578

On page 17, line 8, after "sion" insert "or the Defense Intelligence Agency".

On page 17, line 12, after "Commission" insert "or the Defense Intelligence Agency".

AMENDMENT NO. 579

On page 17, line 8, after "sion" insert "or the Department of Justice".

On page 17, line 12, after "Commission" insert "or the Department of Justice".

AMENDMENT NO. 580

On page 17, line 8, after "sion" insert "or the Federal Bureau of Investigation".

On page 17, line 12, after "Commission" insert "or the Federal Bureau of Investigation".

AMENDMENT NO. 581

On page 17, line 8, after "sion" insert "or the Secret Service".

On page 17, line 12, after "Commission" insert "or the Secret Service".

AMENDMENT NO. 582

On page 17, line 8, after "sion" insert "or the Customs Service".

On page 17, line 12, after "Commission" insert "or the Customs Service".

AMENDMENT NO. 583

On page 17, line 8, after "sion" insert "or the Bureau of Alcohol, Tobacco, and Firearms".

On page 17, line 12, after "Commission" insert "or the Bureau of Alcohol, Tobacco, and Firearms".

AMENDMENT NO. 584

On page 17, line 8, after "sion" insert "or the Merit Systems Protection Board".

On page 17, line 12, after "Commission" insert "or the Merit Systems Protection Board".

AMENDMENT NO. 585

On page 17, line 8, after "sion" insert "or the Office of Special Counsel".

On page 17, line 12, after "Commission" insert "or the Office of Special Counsel".

AMENDMENT NO. 586

On page 14, line 14, before the semicolon insert the following: "or a person covered under chapter 54 of this title".

On page 17, strike lines 7 through 15 and insert the following:

"(b)(1) A person described in paragraph (2) may not—

"(A) request or receive a political contribution from, or give a political contribution to—

"(i) an employee;

"(ii) a Member of Congress;

"(iii) an officer of a uniformed service; or

"(iv) a person covered under chapter 54 of this title; or

"(B) take an active part in political management or political campaigns.

"(2) The persons referred to under paragraph (1) are—

"(A) an employee of the Federal Election Commission (except an officer appointed by the President, by and with the advice and consent of the Senate); and

"(B) any person covered under chapter 54 of this title.

AMENDMENT NO. 587

On page 14, line 14, before the semicolon insert the following: "or a person employed in a position described under section 3132(a)(4)".

On page 17, strike lines 7 through 15 and insert the following:

"(b)(1) A person described in paragraph (2) may not—

"(A) request or receive a political contribution from, or give a political contribution to—

"(i) an employee;

"(ii) a Member of Congress;

"(iii) an officer of a uniformed service; or

"(iv) a person employed in a position described in section 3132(a)(4)"; or

"(B) take an active part in political management or political campaigns.

"(2) The persons referred to under paragraph (1) are—

"(A) an employee of the Federal Election Commission (except an officer appointed by the President, by and with the advice and consent of the Senate); and

"(B) any person employed in a position described under section 3132(a)(4).

AMENDMENT NO. 588

On page 17, line 8, after "sion" insert "or the Internal Revenue Service".

On page 17, line 12, after "Commission" insert "or the Internal Revenue Service".

AMENDMENT NO. 589

On page 14, line 14, before the semicolon insert the following: "or a person employed in a position described under section 5372a".

On page 17, strike lines 7 through 15 and insert the following:

"(b)(1) A person described in paragraph (2) may not—

"(A) request or receive a political contribution from, or give a political contribution to—

"(i) an employee;

"(ii) a Member of Congress;

"(iii) an officer of a uniformed service; or

"(iv) a person employed in a position described in section 5372a; or

"(B) take an active part in political management or political campaigns.

"(2) The persons referred to under paragraph (1) are—

"(A) an employee of the Federal Election Commission (except an officer appointed by the President, by and with the advice and consent of the Senate); and

"(B) any person employed in a position described under section 5372a.

AMENDMENT NO. 590

On page 14, line 14, before the semicolon insert the following: "or a person employed in a position described under section 5372".

On page 17, strike lines 7 through 15 and insert the following:

"(b)(1) A person described in paragraph (2) may not—

"(A) request or receive a political contribution from, or give a political contribution to—

"(i) an employee;

"(ii) a Member of Congress;

"(iii) an officer of a uniformed service; or

"(iv) a person employed in a position described in section 5372; or

"(B) take an active part in political management or political campaigns.

"(2) The persons referred to under paragraph (1) are—

"(A) an employee of the Federal Election Commission (except an officer appointed by the President, by and with the advice and consent of the Senate); and

"(B) any person employed in a position described under section 5372.

GRAMM AMENDMENTS NOS. 591–594

(Ordered to lie on the table.)

Mr. GRAMM submitted four amendments intended to be proposed by him to the bill, S. 185, supra, as follows:

AMENDMENT NO. 591

On page 17, strike out line 7 and all that follows through the period on line 15; and insert in lieu thereof:

"(b)(1) An employee of the Central Intelligence Agency, the Federal Bureau of Investigation, or the Federal Election Commission (except one appointed by the President, by and with the advice and consent of the Senate), may not request or receive from, or give to, an employee, a Member of Congress, or an officer of a uniformed service a political contribution.

"(2) No employee of the Central Intelligence Agency, the Federal Bureau of Investigation, or the Federal Election Commission (except one appointed by the President, by and with the advice and consent of the Senate), may take an active part in political management or political campaigns."

AMENDMENT NO. 592

On page 14, line 14, insert before the semicolon "or an employee of the Federal Bureau of Investigation or the Central Intelligence Agency".

On page 20, insert between lines 10 and 11 the following new subsection:

"(b) The provisions of subchapter III of chapter 73 of title 5, United States Code, (and any regulations promulgated under such provisions) in effect before the effective date of the amendments made under subsection (a) of this section shall continue to apply to any employee of the Federal Bureau of Investigation or the Central Intelligence Agency."

On page 20, line 11, strike out "(b)" and insert in lieu thereof "(c)".

AMENDMENT NO. 593

On page 14, strike line 14 and all that follows through line 11, page 20, and insert in lieu thereof the following:

"services or an employee of the Federal Bureau of Investigation or the Central Intelligence Agency;

"(2) 'partisan political office' means any office for which any candidate is nominated or elected as representing a party any of whose candidates for Presidential elector received votes in the last preceding election at which Presidential electors were selected, but shall exclude any office or position within a political party or affiliated organization; and

"(3) 'political contribution'—

"(A) means any gift, subscription, loan, advance, or deposit of money or anything of value, made for any political purpose;

"(B) includes any contract, promise, or agreement, express or implied, whether or not legally enforceable, to make a contribution for any political purpose;

"(C) includes any payment by any person, other than a candidate or a political party or affiliated organization, of compensation for the personal services of another person which are rendered to any candidate or political party or affiliated organization without charge for any political purpose; and

"(D) includes the provision of personal services for any political purpose.

"§ 7323. Political activity authorized; prohibitions

"(a) Subject to the provisions of subsection (b), an employee may take an active part in political management or in political campaigns, except an employee may not—

"(1) use his official authority or influence for the purpose of interfering with or affecting the result of an election;

"(2) knowingly solicit, accept, or receive a political contribution from any person, unless such person is—

"(A) a member of the same Federal labor organization as defined under section 7103(4) of this title or a Federal employee organization which as of the date of enactment of the Hatch Act Reform Amendments of 1993 had a multicandidate political committee (as defined under section 315(a)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(4)));

"(B) not a subordinate employee; and

"(C) the solicitation is for a contribution to the multicandidate political committee (as defined under section 315(a)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(4))) of such Federal labor organization as defined under section 7103(4) of this title or a Federal employee organization which as of the date of the enactment of the Hatch Act Reform Amendments of 1993 had a multicandidate political committee (as defined under section 315(a)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(4))); or

"(3) run for the nomination or as a candidate for election to a partisan political office; or

"(4) knowingly solicit or discourage the participation in any political activity of any person who—

"(A) has an application for any compensation, grant, contract, ruling, license, permit, or certificate pending before the employing office of such employee; or

"(B) is the subject of or a participant in an ongoing audit, investigation, or enforcement action being carried out by the employing office of such employee.

"(b)(1) An employee of the Federal Election Commission (except one appointed by the President, by and with the advice and consent of the Senate), may not request or receive from, or give to, an employee, a Member of Congress, or an officer of a uniformed service a political contribution.

"(2) No employee of the Federal Election Commission (except one appointed by the President, by and with the advice and consent of the Senate), may take an active part in political management or political campaigns.

"(3) For purposes of this subsection, the term 'active part in political management or in a political campaign' means those acts of political management or political campaigning which were prohibited for employees of the competitive service before July 19, 1940, by determinations of the Civil Service Commission under the rules prescribed by the President.

"§ 7324. Political activities on duty; prohibition

"(a) An employee may not engage in political activity—

"(1) while the employee is on duty;

"(2) in any room or building occupied in the discharge of official duties by an individual employed or holding office in the Government of the United States or any agency or instrumentality thereof;

"(3) while wearing a uniform or official insignia identifying the office or position of the employee; or

"(4) using any vehicle owned or leased by the Government of the United States or any agency or instrumentality thereof.

"(b)(1) An employee described in paragraph (2) of this subsection may engage in political activity otherwise prohibited by subsection (a) if the costs associated with that political activity are not paid for by money derived from the Treasury of the United States.

"(2) Paragraph (1) applies to an employee—

"(A) the duties and responsibilities of whose position continue outside normal duty hours and while away from the normal duty post; and

"(B) who is—

"(i) an employee paid from an appropriation for the Executive Office of the President; or

"(ii) an employee appointed by the President, by and with the advice and consent of the Senate, whose position is located within the United States, who determines policies to be pursued by the United States in relations with foreign powers or in the nationwide administration of Federal laws.

"§ 7325. Political activity permitted; employees residing in certain municipalities

"The Office of Personnel Management may prescribe regulations permitting employees, without regard to the prohibitions in paragraphs (2) and (3) of section 7323 of this title, to take an active part in political management and political campaigns involving the municipality or other political subdivision in which they reside, to the extent the Office considers it to be in their domestic interest, when—

"(1) the municipality or political subdivision is in Maryland or Virginia and in the immediate vicinity of the District of Columbia, or is a municipality in which the majority of voters are employed by the Government of the United States; and

"(2) the Office determines that because of special or unusual circumstances which exist in the municipality or political subdivision it is in the domestic interest of the employees and individuals to permit that political participation.

"§ 7326. Penalties

"An employee or individual who violates section 7323 or 7324 of this title shall be removed from his position, and funds appropriated for the position from which removed thereafter may not be used to pay the employee or individual. However, if the Merit System Protection Board finds by unanimous vote that the violation does not warrant removal, a penalty of not less than 30 days' suspension without pay shall be imposed by direction of the Board.".

"(b) The provisions of subchapter III of chapter 73 of title 5, United States Code, (and any regulations promulgated under such provisions) in effect before the effective date of the amendments made under subsection (a) of this section shall continue to apply to any employee of the Federal Bureau of Investigation or the Central Intelligence Agency."

"(c)(1) Section 3302(2) of title 5, United States Code,".

AMENDMENT NO. 594

At the appropriate place, add:

"(b)(1) An employee of the Central Intelligence Agency, the Federal Bureau of Investigation, or the Federal Election Commission (except one appointed by the President, by and with the advice and consent of the Senate), may not request or receive from, or give to, an employee, a Member of Congress, or an officer of a uniformed service a political contribution.

"(2) No employee of the Central Intelligence Agency, the Federal Bureau of Investigation, or the Federal Election Commission (except one appointed by the President, by and with the advice and consent of the Senate), may take an active part in political management or political campaigns."

DOMENICI AMENDMENT NO. 595

(Ordered to lie on the table.)

Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill, S. 185, supra, as follows:

On page 17, line 2, strike "or".

On page 17, line 6, strike the period and insert "; or".

On page 17, between lines 6 and 7, insert the following:

"(C) is a person employed or holding office in the employing office of such employee.

McCAIN (AND OTHERS) AMENDMENT NO. 596

Mr. McCAIN (for himself, Mr DOLE, and Mr. HELMS) proposed an amendment to the bill, S. 185, supra, as follows:

On page 34 between lines 18 and 19, insert the following:

SEC. 10. SENSE OF CONGRESS RELATING TO ASSISTANCE TO NICARAGUA.

(a) FINDINGS.—Congress finds the following:

(1) On May 23, 1993, an explosion in Managua, Nicaragua exposed a cache of weapons, including 19 surface-to-air missiles, hundreds of AK-47 assault rifles, machine guns, rocket propelled grenades, tons of ammunition and explosives.

(2) Investigations of the explosions have uncovered 310 passports from 21 different countries, including seven United States passports.

(3) Documents in the possession of those apprehended in connection with the February 26, 1993, bombing of the World Trade Center have been traced to Nicaragua.

(4) The acquisition and storage of these weapons and documents could not have been accomplished without the knowledge and cooperation of the Sandinista National Liberation Front and ministries of the Government of Nicaragua under its control.

(5) The Sandinista National Liberation Front has a history of subversion and links to international terrorism.

(6) The recent discovery demonstrates the inability of the legitimate Government of Nicaragua to control all of its ministries.

(7) This lack of authority makes uncertain the ability of the Government of Nicaragua to prevent the export of terrorism by the Sandinista National Liberation Front.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) no further United States foreign assistance to Nicaragua should be obligated pending investigation by an appropriate international body, with the participation of United States Federal agencies, of the Sandinista National Liberation Front; and

(2) such investigation should focus on the relationship of the Sandinista National Liberation Front to acts of terrorism which threaten to undermine the security of the United States and the political stability and economic prosperity of the Western Hemisphere and the Free World.

On page 34, line 19, strike out "**10.**" and insert "**11.**".

DOMENICI (AND OTHERS) AMENDMENT NO. 597

Mr. DOMENICI (for himself, Mr. DOLE, Mr. D'AMATO, Mr. GRASSLEY, Mr. GORTON, Mr. COCHRAN, and Mr. NICKLES) proposed an amendment to the bill, S. 185, supra, as follows:

At the appropriate place, insert the following: "It is the Sense of the Senate that the President should submit the supplementary budget as required by law no later than July 16 and the requisite information therein required."

GLENN AMENDMENTS NOS. 598-599

Mr. GLENN proposed two amendments to the bill, S. 185, supra, as follows:

AMENDMENT NO. 598

On page 19, line 9, strike out "section 7323" and insert in lieu thereof "section 7323(a)".

On page 25, line 19, insert before the period "making such recommendation or statement on the basis of the party affiliation of the employee or applicant".

On page 29, line 8, insert "(including a Member of Congress as defined under section 2106)" after "agency".

On page 17, insert between lines 22 and 23, the following new subsection:

"(c) An employee retains the right to vote as he chooses and to express his opinion on political subjects and candidates.

AMENDMENT NO. 599

On page 17, beginning with line 12, strike out all through line 15 and insert in lieu thereof the following:

"(2)(A) No employee described under subparagraph (B) (except one appointed by the President, by and with the advice and consent of the Senate), may take an active part in political management or political campaigns.

"(B) The provisions of subparagraph (A) shall apply to—

"(i) an employee of—

"(I) the Federal Election Commission;

"(II) the Federal Bureau of Investigation;

"(III) the Secret Service;

"(IV) the Central Intelligence Agency;

"(V) the National Security Council;

"(VI) the National Security Agency;

"(VII) the Defense Intelligence Agency;

"(VIII) the Merit Systems Protection Board;

"(IX) the Office of Special Counsel;

"(X) the Office of Criminal Investigation of the Internal Revenue Service;

"(XI) the Office of Investigative Programs of the United States Customs Service; or

"(XIII) the Office of Law Enforcement of the Bureau of Alcohol, Tobacco, and Firearms; or

"(ii) a person employed in a position described under section 3132(a)(4), 5372, or 5372a of title 5, United States Code.".

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for the public that a hearing has been scheduled before the full Committee on Energy and Natural Resources.

The hearing will take place Tuesday, July 20, 1993, at 9:30 a.m. in room 366 of the Senate Dirksen Office Building in Washington, DC.

The purpose of the hearing is to receive testimony from 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 BANKING, HOUSING, AND URBAN AFFAIRS

Mr. FORD. 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 Thursday, July 15, 1993, at 2 p.m. to hold a hearing on the administration's community development bank proposal.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet at 9:30 a.m. on July 15, 1993, on the nomination of Loretta L. Dunn to be an Assistant Secretary of Commerce.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet at 10 a.m. on July 15, 1993, on Senate Resolution 117, Senate Resolution 124, and prohibition of the Olympic games in Beijing.

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

SUBCOMMITTEE ON CLEAN AIR AND NUCLEAR REGULATION

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Clean Air and Nuclear Regulation, Committee on Environment and Public Works be authorized to meet during the session of the Senate on Thursday, July 15, beginning at 9 a.m., to conduct a hearing on the Nuclear Regulatory Commission's handling of allegations of intimidation and harassment that are raised by employees in the nuclear industry.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, July 15, 1993, at 10 a.m., to mark up the fiscal year 1994-95 Foreign Relations Authorization Act.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Thursday, July 15, 1993, beginning at 9:30 a.m., in 485 Russell Senate Office Building on the nomination of Ada Deer to be Assistant Secretary for Indian Affairs, U.S. Department of the Interior.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. FORD. Mr. President, the Committee on Veterans' Affairs would like to request unanimous consent to hold a markup on S. 843, veterans' reemployment rights legislation, and S. 1030, legislation concerning VA health care programs, and the nomination of Victor P. Raymond to be Assistant Secretary of Veterans Affairs for Policy and Planning. The markup will be held in room 418 of the Russell Senate Office Building at 2:30 p.m. on Thursday, July 15, 1993.

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

SUBCOMMITTEE ON CHILDREN, FAMILY, DRUGS AND ALCOHOLISM

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources' Subcommittee on Children, Family, Drugs and Alcoholism be authorized to meet for a hearing on barriers to adoption, and the Subcommittee on Aging be authorized to meet for a reauthorization hearing on the Centers for Disease Control Breast and Cervical Cancer Mortality Prevention Program, during the session of the Senate on Thursday, July 15, 1993, at 10 a.m.

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

ADDITIONAL STATEMENTS

SEVEN-YEAR MORATORIUM ON BGH APPROVED BY THE EC COMMISSION

• Mr. FEINGOLD. Mr. President, I rise to announce to this body that Tuesday the Commission of the European Community announced their recommendation to the European Parliament that a 7-year moratorium be placed on commercial use of the product bovine growth hormone [BGH]. The Parliament will most likely approve the recommendation. The significance of this event cannot be overemphasized.

The U.S. Federal Government, State governments, taxpayers, consumers, and dairy farmers have struggled with the policy questions created by BGH for many years now. I, personally, have been trying to address the problems created by this technology for over 7 years. I authored a 1-year moratorium for my home State of Wisconsin. I also introduced a 1-year moratorium earlier this year in the Senate, which this Chamber passed last month as part of the budget reconciliation package. The moratorium will decrease the budget deficit by at least $15 million in 1994 alone.

The moratorium in and of itself is not what is significant about the EC's actions. The significance is the time length of the moratorium. The EC has had a moratorium on BGH in place for several years now. They simply extended short-term moratoriums until they could answer the questions posed by this product.

Mr. President, they have answered those questions with great affirmation. The length of the moratorium makes clear the intentions of the European Community with regard to this product. The EC has determined that BGH would be wholly incompatible with their common agricultural policy for milk production. The Commission determined that the product would disrupt both milk and beef markets by increasing the number of dairy cows sent to slaughter. They also cited numerous studies that indicated strong consumer opposition to BGH both within the EC and non-EC countries and concluded that BGH would result in reduced consumption of milk by tarnishing its wholesome image.

Given the actions of the Commission, the question before the policymakers of this country becomes more clear.

The Senate's action last month was based on the budget costs of BGH to the Federal taxpayers. A moratorium through the end of September 1994 would save taxpayers $15 million. That is because this product results in greater milk production which in turn increases the costs of the dairy program to taxpayers, who ultimately pay for the surpluses.

Tuesday's action by the EC Commission raises another issue before this body. Now we can say with almost total certainty the European Community will have a ban on this product for 7 years. We must deal with the longer term trade questions associated with this technology, which will have additional adverse impacts on both our Federal deficit and trade deficit.

As many have feared, the trade impacts of BGH could be devastating to the dairy industry. Our domestic dairy industry is just now beginning to get their feet wet in the trading of dairy products. That is due in large part to the Dairy Export Incentive Program [DEIP]. The DEIP has dramatically increased exports of dairy products in countries who have imported products almost solely from the EC in the past. This program has allowed us to expand into markets, such as Algeria, where we would not have otherwise had access due to the subsidized exports of the EC.

Continued access to export markets is extremely important to the dairy industry since a surplus of just a few percentage point over current domestic use can cause a dramatic plunge in milk prices. Mr. President, the commercial use of BGH in the United States—by any producers—would mean that we may not have access to those markets. The EC will have a clear marketing advantage over the United States when it tries to sell its products abroad.

The EC's action virtually guarantees that we will not have access to the markets of the EC to which we exported 36 million dollars' worth of dairy products in fiscal year 1992. That represents nearly 6 percent of our exports of dairy products for that year. That is significant. Those are mostly value added products as well, which have the most opportunity for growth in trade. The Federal Government may have to purchase the surplus milk products that U.S. producers are no longer able to export to the EC.

If members were not convinced that a 1-year moratorium would save U.S. taxpayers dollars before, the action by the EC should make it clear just how important this moratorium is. If we lose export markets while simultaneously increasing production in this country, taxpayers will end up picking up the tab for the surplus. The budget costs will certainly exceed the $15 million CBO estimate when the Senate passed its moratorium.

Mr. President, I recognize that some Agriculture Committee conferees in the House do not support the moratorium, despite the budget savings and despite the wishes of their dairy farmers and consumers. But now, the conferees have something else to consider, a 7-year EC ban on BGH. Are they willing to jeopardize our export markets for dairy products?

Several years ago the EC banned imports of beef from the United States because our cattle industry uses several growth hormones in domestic beef production that are banned for use in cattle production in the EC. This has caused the beef industry hardship. Can we sit back and watch the same thing happen to dairy products? Not only will the 1-year moratorium save taxpayer dollars but it will provide this country with the time and opportunity to prevent a major trade disaster in dairy. My message to the conferees—Give us at least 1 year to address these trade concerns that will plague dairy for at least the next 7 years.

In this time of budget deficit reduction, I can't tell my constituents that BGH is good for U.S. taxpayers and dairy farmers. Is there any Member of this Congress who can?

I urge the conferees to retain the 1-year moratorium on BGH in the budget reconciliation package.•

MONTREAL CANADIENS, 1993 STANLEY CUP WINNERS

• Mr. JEFFORDS. Mr. President, I would like to take this opportunity to congratulate the Canadiens on their recent 1993 Stanley Cup win. Since Vermont has no hockey team to call its own, those Vermonters in the northern part of the State have adopted the Canadiens as their team. I should remind you that I could be presenting this speech before the Canadian Parliament, possibly in French, if Vermont had successfully negotiated with the Canadian Government in becoming a province or territory in Canada.

There is another reason why I congratulate the Canadiens, however. It was the exceptional performance of fellow Vermonter John LeClair in the finals that led to the team's winning of the 1993 Stanley Cup. His overtime goals in games three and four were instrumental in gathering the team's momentum. In game five, John tallied two assists to secure the Montreal Canadiens their 24th Stanley Cup title.

I am proud, as are the people of Vermont, of John's dedication to the sport of hockey. He has been on skates since he was a small boy in St. Albans, VT. He excelled in high school there, leading the team to two State championship wins. He accepted a hockey scholarship at the University of Vermont, where he also played exceptionally well. This landed him a position as a forward with the Montreal Canadiens two years ago.

This young man has been an inspiration to the State of Vermont. His perseverence and skills have paid off. I am proud of his accomplishments.•

RECOGNITION FOR YOUNG DEMOCRATS CHAIRMAN DONNA J. CAMPBELL

• Mr. WOFFORD. Mr. President, I rise today to salute Ms. Donna J. Campbell, Esq., of Philadelphia, PA, on her recent confirmation as chairman of the Pennsylvania Young Democrats.

Ms. Campbell's political career began as a campaign aide for Councilman Nicholas Hood of Detroit, MI. She presently serves as a legislative assistant for Philadelphia councilwoman-at-large Augusta Clark. Ms. Campbell has also served as a former president of the Philadelphia chapter of the National Bar Association, Women Lawyers Division.

She was recently appointed to the Racial Bias in the Courtroom Committee. Ms. Campbell is a former member of Governor Casey's 1990 Board of Pennsylvania Legal Service Centers. Currently her board membership includes: the Philadelphia Dance Company, the Pennsylvania AIDs Law Project, and the Cultural Diversity Board of the Philadelphia Orchestra.

Again, I offer my congratulations and best wishes to Ms. Campbell, her family and all those associated with the Pennsylvania Young Democrats.•

CHURCHES FOR MIDDLE EAST PEACE

• Mr. HATFIELD. Mr. President, members of the organization, Churches for Middle East Peace, have shared with me their letters to President Clinton which expressed deep concerns about the June 26 bombing of Iraq. I share their concerns and have expressed my own opinions here in the Senate. Today I would like to include their letters in the CONGRESSIONAL RECORD so that these voices of peace and reconciliation will be heard.

I ask that the attached be printed.

The material follows:

AMERICAN FRIENDS SERVICE COMMITTEE,
Philadelphia, PA, June 28, 1993.

President BILL CLINTON,
The White House, Washington, DC.

DEAR PRESIDENT CLINTON: We feel deeply that Saturday's missile attack against Iraq was wrong. We recognize that any violation of UN Security Council resolutions or international law by the Iraqi government must be taken seriously by the world community. Your decision to attack Iraq, however, was a morally unacceptable response to recent Iraqi actions.

You have stated that the attack was launched in response to the alleged involvement of Iraqi intelligence services in a plot to assassinate former President George Bush. This plot is said to have been hatched in retaliation for the US-led war on Iraq in 1991. Already, fears are being raised of Iraqi retribution for Saturday's missile attack, and possible US retaliation in kind.

The cycle of violence and revenge must stop. We appeal to you to display courage and moral leadership by refraining from military action in the face of apparent provocation.

According to Pentagon officials, a long-range missile attack on downtown Baghdad was likely to kill some innocent civilians. Is this the proportionate, measured response you proclaimed the attack to be? What new standards of international justice are set when innocent people are condemned to death for another's crime, even before trial and conviction?

We recognize that relations with the Iraqi government are complex and frustrating. The temptation to employ a quick military fix may be strong. Yet in this situation we believe that there are no quick and easy solutions. We are convinced that the full range of differences dividing Iraq and the United States can be resolved only through determined diplomatic efforts and patient, nonmilitary international action.

The 1991 Gulf War did not bring about lasting peace and mutual security, and we are convinced that further acts of war will be no more successful. War was not the answer then; acts of war are not the answer now. We strongly urge you to reject any further recourse to military action in Iraq.

Sincerely,

KARA NEWELL,
Executive Secretary.

CHURCH OF THE BRETHREN
GENERAL BOARD,
Elgin, IL, June 30, 1993.

President WILLIAM J. CLINTON,
The White House, Washington, DC.

DEAR MR. PRESIDENT: As one of the historic peace churches, the Church of the Brethren always deplores acts of violence. We are therefore deeply disturbed by the United States missile attack on Baghdad last Saturday. We consider the attack morally unjustifiable and politically counterproductive.

Last year our church, along with other church and humanitarian agencies, called for the lifting of sanctions against Iraq. Our assessment then, and now, is that Iraqi civilians have little influence in shaping their country's policies yet they suffer the greatest consequences of the economic sanctions. Now, in an even more deadly and direct manner, Iraqi civilians who had nothing to do with the crimes charged against their leaders have been killed by a US military strike in an effort to "send a message" to the Iraqi leadership.

You have stated that your goal in directing this attack is to return Iraq to the community of nations. However, it is difficult to understand how one more missile attack might achieve this end when the massive death and destruction visited upon Iraq during and after the Gulf war apparently failed to convince Iraq's leaders to cooperate more fully with the international community.

Rather than continuing to rely upon brutal and politically outmoded unilateral military approaches in response to such concerns, the U.S. could demonstrate true moral and global leadership by utilizing multilateral agencies such as the World Court or the United Nations. These agencies provide an appropriate forum to bring charges against Iraq for its role in plotting to assassinate Mr. Bush. Instead, the US risks damaging its relations within the community of nations through this unilateral military assault. In addition, it is likely that Saddam Hussein's support within Iraq and in other countries will increase in the aftermath of this military strike. We believe the missile attack was seriously counterproductive as well as morally unjustified.

We applaud your efforts to achieve substantial change in US domestic policies and today urge you to assume a much needed role in shaping international policies that strengthen the means for diplomatic and nonviolent conflict resolution initiatives. We urge you to seize this opportunity to provide creative and courageous leadership within our global community that rejects the unilateral use of force and undergirds diplomacy and international peacemaking. In such pursuits you have our wholehearted support.

Very respectfully yours,

DONALD E. MILLER,
General Secretary.

FRIENDS COMMITTEE
ON NATIONAL LEGISLATION,
Washington, DC, June 29, 1993.

President WILLIAM J. CLINTON,
The White House, Washington, DC.

DEAR PRESIDENT CLINTON: The Friends Committee on National Legislation is deeply disturbed by the United States' missile attack on Baghdad last Saturday. We believe it was an unwise and morally wrong response to a complex situation.

You and others speaking for your administration have acknowledged that this action did not (and was not expected to) destroy Iraq's capability for future terrorist actions,

but that it was intended primarily to "send a message" that no one can "tread upon" the United States. We do not think that the sending of messages is a moral justification for the killing of civilians, some of them children, who had nothing whatever to do with the crimes charged against their leader.

If the massive death and destruction visited upon Iraq during the Gulf war and its aftermath have not managed to convince Iraq's rulers to cooperate more fully with the international community, why should we imagine that one more missile strike would do so?

Indeed, it is far more probable that dramatic armed attacks such as this most recent one serve only to bolster Saddam Hussein's control and win him sympathy and support, both within Iraq and in numerous other countries. This U.S. action was not only immoral, it was seriously counterproductive.

The United States needs to begin without delay to apply the skills of patient diplomacy, international reconciliation, and peacemaking, even in such difficult and frustrating situations as that presented by the intransigence of Iraq. The old cliches about wielding a big stick just do not work in today's world, despite their purported political appeal at home. Why not take the case of Iraq's plot against Mr. Bush to the World Court? Not only is that a more appropriate forum than the streets of Baghdad, it would also strengthen the Court's standing for use in future disputes.

Mr. President, you have spoken eloquently about the need and the opportunity for change on the domestic agenda. FCNL applauds that. We think the need for fundamental change in the way we deal with international disputes is equally urgent. FCNL greatly appreciates the patience and persistence with which your administration has used diplomacy to try to bring about a just and peaceful resolution to the crisis in Haiti. We also endorse your decision not to "go it alone" in Bosnia, but to work in coalition with the UN and the European nations. The FCNL—and no doubt many others as well—would support your administration if it chose to adopt multilateral, diplomatic strategies toward Iraq, instead of brutal and outworn military approaches.

The United States must take the lead in rejecting the unilateral and too-facile resort to force. How creatively this nation manages to deal with Iraq's provocations is a test for how well it can lead the world toward a truly peaceful new world order. We are saddened that the U.S. and your administration have so far failed that test.

Sincerely,

JOE VOLK,
Executive Secretary.

NATIONAL COUNCIL OF THE CHURCHES OF CHRIST IN THE USA,
New York, NY, June 30, 1993.

President BILL CLINTON,
The White House.

DEAR PRESIDENT CLINTON: During the period between Iraq's invasion of Kuwait and the onset of the Gulf War, member churches of the National Council of Churches expressed to the administration of President Bush and to the Congress their deep misgivings about the use of military action to resolve the crisis in the Gulf. For some of our member churches the use of force itself represents a violation of deeply held pacifist principles; for others the criteria of the "just war" were judged not to have been met by the situation in the Gulf area. For all of us, the resort to military action represented "a failure for the human spirit," an inability to achieve reconciliation between human communities.

Assessments of the outcome of the Gulf War vary. Some will argue that important political, national and humanitarian goals were achieved—the liberation of Kuwait, the removal of significant quantities of weapons of mass destruction from the Iraqi arsenal, the assurance of the security of strategically important oil reserves. Others, including churches in the region and humanitarian organizations with which our churches work, will point out that the wider impact of the Gulf War has included the creation of large refugee populations, situations of malnutrition and famine in Iraq itself, a deepening Muslim antagonism against what is perceived to be the "Christian" West. They would further point out that after the war human rights abuses persist not only in Iraq, but also in countries that joined in the coalition against Iraq, including Syria, Saudi Arabia, Egypt and Kuwait itself.

It is not our purpose in this letter to revisit old arguments. Yours is a new administration, one in which we and the American people have invested great hopes. It is our fear that your decision to attack Iraq in retaliation for the plot against the life of former President Bush signals to the people of the region a continuity of attitudes and behavior that many Middle Easterners will find disturbing. We continue to hope that your administration will work to break past cycles of violence, of attack and retaliation. it is our observation that violence in the Middle East, however rationalized, tends to be cumulative rather than purgative. Each military action plants the seeds for the next. The deaths of civilians, however unintended, are never seen by their neighbors as "collateral damage": they are remembered as the deed of a nation believed to consider Middle Eastern lives less valuable than those of Americans.

We wish that you had permitted the judicial process in Kuwait to have reached its conclusion. Assuming that the Iraqi leadership was found to have been culpable in the plot against President Bush, we wish that the U.S. then could have taken its case to the United Nations or to an international tribunal. Then any punitive action taken would have had the moral authority of the international community, including Islamic countries. As matters now stand, the United States is accused of employing a double standard: of unilaterally and promptly punishing Muslim people for an attempt upon the life of prominent American while being unwilling or unable to take action against those who slaughter, torture and rape Muslins in Bosnia. The distinctions drawn by members of your administration between the two situations may have legal merit, but they are not politically persuasive. We believe that the good will of the United States will not be believed until that good will is expressed in deeds. That could, in turn, change the political culture of the region.

For this reason also we would urge you to pursue the Middle East peace process as an expression of the U.S. wish to be a full partner, seeking the best outcomes for Israelis and Palestinians alike. A process that would produce self-determination and security for both peoples, and for their neighbors, would contribute greatly to peace in the region and to a perception of the United States as a nation that cares not only for its own immediate short-term interests, but also for the longer term best interests of the people in the region. We believe that one important result of such a process could be a reconciliation among faith traditions whose current growing alienation from each other poses a serious threat to the peace of the world.

You have an opportunity, Mr. President, to do something new in the Middle East, to reverse past behavior and to signal an approach that genuinely respects the integrity and the aspirations of the people of the region. We urge you not to let this opportunity pass. We stand ready to be of assistance to you in the realization of a just peace in the Middle East.

Sincerely,

(The Rev.) JOAN B. CAMPBELL,
General Secretary.

CHURCH LEADERS CRITICIZE CLINTON'S BOMBING OF BAGHDAD

In a letter sent to President Bill Clinton June 30, the leaders of two Protestant churches criticized the United States' June 26 missile attack on Baghdad.

The Rev. Paul H. Sherry, president of the 1.6-million-member United Church of Christ, and the Rev. C. William Nichols, general minister and president of the 1-million-member Christian Church (Disciples of Christ), told Clinton they could not support the U.S.'s unilateral use of force, and urged him to act in the future through the United Nations Security Council and other international channels.

Here is the text of the letter sent to the president by Sherry and Nichols:

"In recent days, we have listened to, and prayerfully considered, the public statements made by you and other administration officials about your decision to bomb Iraq's intelligence headquarters in Baghdad on June 26. Though we both understand your felt need to respond firmly to acts of aggression, neither of us can support this unilateral use of force by the United States.

"The firing of U.S. missiles on Baghdad has done little to undermine Saddam Hussein's power and popularity, certainly has brought no gain commensurate with the loss of civilian lives it caused, and has further alienated our country from other countries and peoples of the Middle east and elsewhere. If it is true that Iraq was involved in trying to assassinate former U.S. President Bush, then its government and its leader, Saddam Hussein, deserve censure. But, in the future, we urge you, Mr. President, to seek such censure through the United Nations Security Council and other appropriate international channels."

The United Church of Christ, with national offices in Cleveland, and the Christian Church (Disciples of Christ), with general offices in Indianapolis, have shared a unique "ecumenical partnership" since 1985.

GENERAL BOARD OF CHURCH AND SOCIETY OF THE UNITED METHODIST CHURCH,
Washington, DC, June 30, 1993.

MARGIN OF ERROR IN BAGHDAD

(A statement by Thomas White Wolf Fassett, General Secretary of the General Board of Church and Society)

The regrettable decision by the Clinton administration to bomb the Iraqi Intelligence Service headquarters in Baghdad demands that citizens voice their opposition to making violence the first response to international disputes. United Methodists can base such opposition on the strong Social Principles statement, "We believe war is incompatible with the teachings and example

of Christ. We therefore reject war as an instrument of national foreign policy and insist that the first moral duty of all nations is to resolve by peaceful means every dispute that arises between or among them . . ."

With the end of the Cold War, people throughout the world expected a release from violence, a time of conciliation and peace making. Joyful evidence of new hope stemmed from the fall of the Berlin Wall, the break-up of the Soviet Union, and the signing of peace accords by the Central American nations. Then came Desert Storm.

Now, we hear that US missiles have destroyed a military site and killed eight or more civilians. The summary of our government's announcements tells us that they are sorry, but "missiles do have a margin of error."

What is Christ's answer to that "margin of error" bypassing talks for reconciliation and moving to swift, "surgical strikes" that take the lives of innocent civilians? How can the United States, which promotes the judicial process, respond violently before a trial and conviction takes place? What can we expect from the people of Baghdad but to draw together in fear and to develop more animosity toward the United States?

Our church has also stated in its Book of Resolutions, "We affirm the full meaning of God's peace. We are called to seek every possible means of establishing justice, achieving peace, and solving conflicts by active nonviolence."•

HONORING ST. JOHN'S BAPTIST CHURCH

• Mr. WOFFORD. Mr. President, I rise today to salute St. John's Baptist Church on the occasion of their 100th anniversary.

Since its founding in 1893, the church continues to play a vital role in the spiritual and social development of Camden, NJ, and the surrounding communities.

On April 3, 1993, the church demonstrated its commitment to the notion of community service, during dedication ceremonies for the St. John's Youth Development Center. Funded by Randall Cunningham, of the Philadelphia Eagles, the all-purpose center serves as a working model for many churches throughout the community.

Again, I offer congratulations and best wishes to Reverend Townsend, St. John's members, and all those associated with the youth development center.•

DEFENSE CONVERSION WITHOUT THE FACTS: THE REPORT OF THE INSPECTOR GENERAL ON THE FAILURE OF THE DEPARTMENT OF DEFENSE

• Mr. McCAIN. Mr. President, we have heard a great deal from the new administration about its concern for defense conversion and for the defense industrial base. We have heard that it is seeking to create a new type of defense industrial base that will rely on dual use technology, and help increase America's competitiveness. I am concerned, however, that several aspects of the administration's rhetoric do not match reality.

DEFENSE CONVERSION OR GLITTERING GENERALITIES

Several aspects of the administration's proposals to deal with the reshaping of our defense industrial base, and with defense conversion, have already presented serious problems.

In its initial budget plan, as presented in "Vision for America," the administration dealt in undefined generalities. The administration proposed funding nearly $20 billion worth of programs without distinguishing whether it was carrying on the programs of the Bush administration, expanding existing programs, or creating new ones.

Moreover, much of the proposed funding for defense conversion was actually going into new civil technology programs without any real prospect of converting existing defense firms.

We still live in a world of such glittering generalities. To date, the administration has not specified a single major program to preserve a single major sector of the defense industrial base. It has not identified programs specifically designed to aid industry in defense conversion. It has not complied with any of the bipartisan legislation covering these issues that was passed in the fiscal year 1993 Defense Authorization Act.

TRADING NEW JOBS FOR OLD

This lack of serious planning has been coupled to unrealistic rhetoric about jobs. What the administration fails to comprehend, or chooses to ignore, is that the downsizing of defense will result in substantial job losses of both military and civilian personnel.

Shifting some of the resulting savings to conversion programs can only ameliorate the number of jobs lost. It will not create any new jobs. At best, this is robbing Peter to pay Paul and then pay Paul only 15 cents on the dollar.

There is no way that defense conversion programs can get around the fact that they ultimately trade new jobs for old. When resources are declining, every dollar that is put into a new program is taken away from someone else's salary. Every job that is created or preserved is actually taken away from someone else.

Moreover, the administration conveniently forgets that new programs take time to implement and require new bureaucracies. As a result, any shift in Federal funds inevitably creates at least temporary loss in employment and—almost inevitably—creates new bureaucrats.

THE REPORT OF THE INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE ON THE INDUSTRIAL BASE

I have recently received a report from the inspector general of the Defense Department that raises even more serious issues about the new administration's approach to preserving our defense industrial base.

The inspector general drafted this report at my request to examine the reasons that the Department of Defense had failed to comply with legislation that I had developed in the fiscal year 1991 Defense Authorization Act calling for a comprehensive report on the defense industrial base.

This report traces, in considerable detail, the failure of the Department of Defense to develop any effective data base and organization for examining the impact of declining defense budgets on the defense industrial base.

I should stress that some of the blame for this failure is bipartisan. The previous administration failed to see the importance of this issue in time, and failed to organize an effective effort to understand what was happening to our defense production, technology, and development capabilities. In an effort to avoid an industrial policy, it created a situation where it also did not understand enough to be sure that market forces would be adequate, to know how to properly encourage competition, or prepare for those cases where we can only afford a single major supplier.

The problems affecting our defense industrial base have grown far more critical as a result of the massive additional cuts the new administration has proposed in the defense budget. We face sharper and more precipitous cuts in the defense industrial base, and far greater difficulties in preserving critical capabilities in aviation, armor, advanced electronics, intelligence, shipbuilding, and nuclear submarine construction.

This is why I believe that every Member concerned with defense conversion, the defense industrial base, and national security should read the report of the inspector general on the Department's review of the industrial base.

DEFENSE CONVERSION WITHOUT DATA, PLANS, OR MANAGEMENT

It is one thing to argue about different policies and different solutions to a problem. It is another for the administration failure to gather the basic facts involved, and to deliberately argue from ignorance.

Yet, this is precisely what the inspector general's report says the Department of Defense is doing. In his transmittal letter to me, Derek J. Vander Schaff, the deputy inspector general states:

> We concluded the lack of a data base on which to build a comprehensive assessment of the defense industrial base has been a recurring problem. * * * The lack of an adequate data base in 1993 continues to impede an effective analysis of the defense industrial base. That obstacle, coupled with the effects of ongoing vacancies in mid and senior level leadership positions within the Department, will make the timely submission of the required reports in 1993 difficult.

We are now in our seventh consecutive year of real cuts in defense spending. We have cut real procurement spending nearly 50 percent since 1985, and yet the inspector general of the Department of Defense has stated that the Department still has no real idea of what is happening to the defense industrial base.

A LACK OF ORGANIZATION AND MANAGEMENT

It is also clear from the inspector general's report that the Department lacks the organization and management to deal with these issues. It has been amazingly slow to comply with the bipartisan legislation passed last year in an effort to develop the information needed, and plans to preserve vital national defense production capabilities.

The inspector general states in the executive summary of his report that:

The 1993 Act requires the formation of an interagency council, chaired by the Secretary of Defense, and including the Secretaries of Energy, Commerce, and Labor. That council is to develop a Capabilities Assessment and Capabilities Plan for the defense industrial base and to submit them annually to the House and Senate Armed Services Committees.

To date, that Council has not been formed, nor have implementing regulations been prescribed (due by January 21, 1993) or has a defense industrial base analysis program (due by April 23, 1993) been established.

In view of the limited coordinated work that has taken place between agencies, departments, and directorates on preparing the 1993 Capabilities Assessment and Capabilities Plan, it is highly unlikely that a report meeting the requirements of the law * * * will be prepared.

* * * Primary factors contributing to the lack of coordinated action and delays include:

The absence of a clear statement of Administration policy on the defense industrial base;

The current lack of mid-level leadership due to vacancies within the agencies and departments involved;

The continued absence of an effective information system that would support an analysis of the overall defense industrial base.

This is not subtle or ambiguous bureaucratic prose. The inspector general of the Department of Defense is saying that the new administration has effectively done nothing to try to understand the changes taking place in the defense industrial base, to understand the problems involved, and to take action to solve them.

The inspector general is saying that the administration has no factual or valid analytic basis for its new programs for defense conversion, and no real means of understanding their effect. He is saying that—in spite of statements by Secretary Aspin and Deputy Secretary Perry that preserving our industrial base would have a high priority—no effective steps have been undertaken to even begin to deal with the issues involved.

THE NEED FOR ACTION, NOT RHETORIC

This situation simply is not acceptable. We may well cut the size of our defense industrial base by another 10 percent over the next 2 years. We cannot abandon the men and women in these industries to a form of industrial Darwinism where no real effort is made to determine our true national security needs.

We cannot afford to risk our national security and technology base in an unplanned build-down. We cannot afford to waste billions of taxpayer dollars on defense conversion programs that are not tied to any concept of defense conversion, to any clear estimate of conversion priorities, or to any measures of effectiveness.

The time is long overdue for the administration and the Defense Department to come to grips with reality, and to substitute planning for rhetoric, and information for ideology. Until it does so, we will match any increasingly hollow force structure with a defense conversion program that is little more than a hollow farce.

Mr. President, I respectfully request that Mr. Vander Schaaf's transmittal letter, and summary excerpts of his report, be entered into the RECORD at the end of my report.

The material follows:

DEPARTMENT OF DEFENSE,
Arlington, VA, June 24, 1993.

Hon. JOHN MCCAIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCAIN: In reply to your letter of February 9, 1993, we recently completed a review of the Department's reporting on the defense industrial base. The review focused on the quality of the 1991 report, the reasons no report was submitted in 1992 and the steps taken to ensure that future reports are completed on time and meet congressional requirements. A copy of the report on our review is enclosed.

We concluded the lack of a data base on which to build a comprehensive assessment of the defense industrial base has been a recurring problem. While meeting the letter of the law, the 1991 report was limited in scope and depth, primarily as a result of the lack of validated data to support an assessment that would meet congressional expectations. The failure to establish an effective information collection and management system to correct the problem led the Department to seek other means to meet the statutory requirements for the 1992 report. When those efforts also failed, the Department was unable to draft a 1992 report prior to the enactment of the Defense Authorization Act of 1993 and subsequently terminated its efforts to produce a report.

The lack of an adequate data base in 1993 continues to impede an effective analysis of the defense industrial base. That obstacle, coupled with the effects of the ongoing vacancies in the mid and senior level leadership positions within the Department, will make the timely submission of the required reports in 1993 difficult. There are, however, several steps included in the enclosed report for the consideration of the Department, which we believe would facilitate compliance with congressional mandates.

I hope the report will be of assistance to you. If you should have any questions, please contact me or John R. Crane, Office of Congressional Liaison, at (703) 614-0491.

Sincerely,

DEREK J. VANDER SCHAAF,
Deputy Inspector General.

[Inspector General, Department of Defense, June 1993]

REVIEW OF THE DEFENSE INDUSTRIAL BASE

EXECUTIVE SUMMARY

In a letter dated February 9, 1993, Senator John McCain requested that the Inspector General, Department of Defense, examine certain issues related to the preparation of the 1991 and 1992 Department of Defense Reports to the Congress on the defense industrial base. Senator McCain also asked what steps the Department has taken to ensure that future reports will be submitted on time and will meet the requirements of Congress. The Deputy Inspector General subsequently directed a review to assess Department of Defense compliance with the reporting requirements of the 1991 Defense Authorization Act, to determine why no 1992 report was submitted, and to assess measures taken by the Department of Defense to meet the reporting requirements directed by the 1993 Defense Authorization Act.

The review concluded that the requirements contained in the 1991 Defense Authorization Act were clear and well defined. However, the Department did not have a comprehensive information system capable of supporting a detailed analysis of the defense industrial base. As a result, the 1991 Report to the Congress was abridged in scope and depth and of limited use in helping Congressional leaders make informed judgments about the ability of the defense industrial base to meet the national security needs of the United States.

The Department of Defense faced the same obstacle in attempting to prepare the 1992 Report. To compensate for the absence of an adequate data base, the Deputy Secretary of Defense and the Under Secretary of Defense for Acquisition decided that the 1992 report would focus on the process the Department intended to use in monitoring the industrial base. The intent was to develop a methodology based on the techniques used to resolve the major issues that had been identified in connection with the study of the shipbuilding industry already underway. The methodology envisioned would include a hierarchy of questions that could be used not only in the shipbuilding study, but also to evaluate the other defense technology and industrial sectors as well.

However, the shipbuilding study became bogged down in policy issues, such as the respective roles of the Office of the Secretary of Defense and the Military Services in the acquisition process. When those could not be resolved in a timely manner, the core of the 1992 Report was put on hold. When the 1993 Defense Authorization Act was enacted on October 23, 1992, new reporting requirements were established and the section mandating the 1992 Report was repealed. At that point, all efforts to complete and submit the required 1992 Report to the Congress ceased.

The requirements contained in the 1993 Act are much more detailed than those promulgated by the 1991 Act. The 1993 Act requires the formation of an interagency council, chaired by the Secretary of Defense, and including the Secretaries of Energy, Commerce, and Labor. That Council is to develop a Capabilities Assessment and Capabilities Plan for the defense industrial base and to submit them annually to the House and Senate Armed Services Committees. To date,

that Council has not been formed, nor have implementing regulations been prescribed (due by January 21, 1993) or a defense industrial base analysis program (due by April 23, 1993) been established. In view of the limited coordinated work that has taken place between agencies, departments and directorates on preparing the 1993 Capabilities Assessment and Capabilities Plan, it is highly unlikely that a report meeting the requirements of the law, even in the preliminary forms authorized for the first submissions, will be prepared by September 30, 1993, (Assessment) and December 1, 1993 (Plan). Primary factors contributing to the lack of coordinated action and delays include:

The absence of a clear statement of Administration policy on the defense industrial base;

The current lack of mid-level leadership due to vacancies within the agencies and departments involved;

The continued absence of an effective information system that would support an analysis of the overall defense industrial base.

Notwithstanding the authorization given to provide the information in a preliminary form, the failure of the Department to provide clear policy guidance, meet any milestones, or prescribe implementing regulations puts in question whether the Department has made a reasonable effort to comply with the provisions of the 1993 Defense Authorization Act.

If the Department of Defense, in conjunction with the other departments, is to meet current statutory reporting requirements, the following actions should be taken:

Identify and promulgate a clear policy (including goals, objectives, and guidelines) with respect to management and reporting on the defense industrial base.

Establish a Primary Action Office for industrial base issues and reporting within the Department of Defense.

Formalize a plan, including identification of milestones and funding, to comply with statutory requirements.

Select, fund, develop, and maintain a comprehensive data base capable of supporting the Department's reporting responsibilities under the 1993 Act.

STATUS OF THE 1993 REPORT

Some day-to-day activity (i.e., work on the shipbuilding study, industrial base questionnaires, and production base planning) is taking place in individual sections and offices of the Department of Defense. However, as of April 20, 1993, we found no evidence of coordinated work among agencies, departments, and directorates to complete the 1993 Report. The lack of an adequate data base within the Department of Defense continues to hamper analysis and reporting on the defense industrial base.

Of greater significance, however, is the fact that no specific and clearly defined statement of the new administration's policy toward management of, and reporting on, the defense industrial base has been officially promulgated within the Department of Defense. The individuals and offices that could, or should, be involved in preparing the reports required by the 1993 Defense Authorization Act stated that some changes in philosophy, policy, and priorities were expected with the change in administration, but that none have been specifically announced nor has continued support for the policies of the previous administration been confirmed. As a result of a February 21, 1992, memorandum from the Deputy Secretary of Defense, the basic directives of the Industrial Preparedness Program (Department of Defense Instructions 4005.1, 4005.3, and 4005.3-M) were cancelled on November 3, 1992. Although at least two drafts have been proposed to replace the cancelled directives, no updated instructions have yet been promulgated to provide new direction to the Industrial Preparedness Program.

Given the dominant role that administration policy played in the 1991 and 1992 reporting process, the lack of a strong policy statement on the defense industrial base by the senior Department of Defense leadership has, at this point, fostered a "wait and see" attitude among those likely to be responsible for drafting the 1993 report. While the law is clear and the requirements well defined, bureaucratic inertia has been allowed to continue. The policies and programs in place prior to the transition period have, in general, continued but the staff has also devoted time to new programs such as the "bottom up review." Notwithstanding the specific statutory requirements contained in the 1993 Defense Authorization Act, we found senior Department managers have not set clear priorities to reallocate the resources needed to complete the requirements of the 1993 Capabilities Assessment and Plan.

Lack of direction

The lack of direction and guidance in matters involving analysis and reporting on the defense industrial base has been further aggravated by the number of vacancies that remain at the mid and senior levels of leadership within the Department of Defense. That is particularly apparent where decisions need to be made in adjusting funding and resource allocations to meet the 1993 Congressional reporting requirements. Funding was authorized in the 1993 Defense Authorization Act to support activities, such as the program to analyze the defense industrial base, but no funds were subsequently appropriated. The failure to appropriate funds means that decisions redirecting and reprioritizing resources are required. However, without general policy guidance and policy-level decision makers, those decisions are not being made.

Lack of guidance

We found further indications of the lack of strong policy guidance in defense industrial base issues. For example, the Department of Defense has not designated a Primary Action Office for the Report or officially identified a single focal point within the Department of Defense for industrial base matters. In commenting on the draft of this report the Principal Deputy Assistant Secretary of Defense (Production and Logistics) stated that the focal point for the sector analyses and the corresponding reports will be the Industrial Engineering Quality Division of the Office of the Assistant Secretary of Defense (Production and Logistics). During our review, however, we found that the assignment of specific responsibilities and areas of concentration were unclear at the working levels.

Council not established

At the interagency level, the National Defense Technology and Industrial Base Council has not been established. As of April 20, only one interagency meeting had been held to begin laying the groundwork for the Council. While some interagency work involving the Department of Defense, National Economic council, Office of Science and Technology Policy, and other agencies has taken place, the vacancies in the Department of Defense and in the other agencies have adversely affected the establishment and utilization of effective channels of interagency coordination.

Non-compliance with 1993 act

The public law enacting the 1993 Defense Authorization Act directed that the Secretary of Defense, within 90 days following enactment of the law, prescribe regulations, including milestones for actions, to ensure the timely and thorough collection of information, completion of assessments, and issuance of plans required by the Act. Although due not later than January 21, 1993, no regulations or instructions have been promulgated and we found none under development during our review. Further, the legislation required the Secretary of Defense, in consultation with the National Defense Technology and Industrial Base Council, to establish a program for analysis of the national technology and industrial base by April 23, 1993. While some efforts have occurred to establish the Council, no program has been established. We believe the date the Act was passed may have affected compliance with the statutory provisions. The short time period between passage of the legislation and the election, coupled with the change in Administration, made the January 21, 1993 (90 day) deadline difficult to meet. Despite the timing, however, the statutory requirements are clearly defined and the Department could have proceeded to collect the data required by the Act.

PART III—OVERALL CONCLUSIONS

The review concluded that the Department of Defense Report on the Defense Industrial Base, submitted to the Congress in November 1991, met the minimum requirement of the law in terms of content. However, the report was of limited value in meeting the Congressional objectives, as defined by Senator McCain in his letter of February 9, 1993, to the Deputy Inspector General. The quality and timeliness of the Report were determined primarily by:

The "free market" philosophy of the Administration with respect to management and analysis of the defense industrial base, and

The lack of a comprehensive data base that would enable effective analysis and reporting.

The Department of Defense efforts to produce a 1992 report were affected by the same factors, plus the Department's plans to use the SEAWOLF study as a key component of the 1992 Report. The inability of the Department of Defense to resolve the policy issues associated with the SEAWOLF program constituted an obstacle that the Department of Defense was unable to overcome prior to the passage of the 1993 Defense Authorization Act with its associated changes in reporting requirements.

For 1993, several important issues may further affect Department of Defense programs and policies for industrial base reporting. The basic philosophy of the new Administration and its approach to defense industrial base matters has yet to be promulgated. The policy issues involved, along with delays already incurred, when coupled with problems in assembling a data base capable of supporting an effective industrial base analysis, combine to make the timely completion of the required Capability Assessment and Capability Plan highly unlikely.

In authorizing the presentation of the information in a preliminary form for the first periodic assessment and the first periodic plan, the Congress has provided the Department a degree of flexibility. The law specifies that the information can be in preliminary form "to the extent that the necessary information cannot reasonably be collected, analyzed, or presented in accordance with

section 2505 and 2506, respectively, of Title 10, United States Code, by the dates specified." We concluded, however, that the Department's actions to date indicate the defense industrial base reporting requirements are a secondary concern. The failure of the Department to provide clear policy guidance, to meet any milestones to date, or to prescribe regulations for the preparation of the report will make it difficult, in our opinion, to establish the "reasonableness" of the Department's efforts to comply with the statutory requirements, even in a preliminary form.

PART IV—RECOMMENDATIONS

If the Department of Defense, in conjunction with the other departments, is to comply with the statutory requirements to complete a 1993 Capabilities Assessment and a Capabilities Plan of the defense industrial base and its ability to support national security objectives, the following actions are recommended:

The Secretary of Defense should promulgate within the Department of Defense a clear statement of the Administration policy with respect to management and reporting on the Defense Industrial Base. That policy statement should include goals, objectives, and guidelines in sufficient detail to support prioritization of plans and resource allocation.

The Secretary of Defense should establish a Primary Action Office for industrial base issues and reporting within the Department of Defense.

The Primary Action Office should develop and disseminate a plan of action, including identification of milestones and funding, to ensure full compliance with Administration policy in meeting the statutory reporting requirements.

The Secretary of Defense, in conjunction with the other departments, should select, fund, develop, and maintain a comprehensive data base capable of supporting defense industrial base management and reporting responsibilities.●

HONORING CANDLELIGHT ASSISTED LIVING PERSONAL CARE HOME

● Mr. WOFFORD. Mr. President, I rise today to congratulate James F. Miles, owner of the Candlelight Assisted Living Personal Care Home, on its recent citing as a residential care facility of the year by the National Association of Residential Care Facilities. Located in Washington, PA, Candlelight Assisted Living is 1 of 50 facilities out of more than 28,000 nationwide chosen for such an honor.

Mr. Miles has a long and distinguished record in the personal care home industry. At the age of 18 he became the youngest licensed personal care homeowner in Pennsylvania. Since acquiring the Candlelight Assisted Living Home in 1980, Mr. Miles has consistently demonstrated his commitment to offering quality and efficient personal care to all residents of the home.

Again, I offer my congratulations and best wishes to Mr. Miles, administration, staff, and residents of the Candlelight Assisted Living Personal Care Home.●

ORDER OF BUSINESS

Mr. FORD. Mr. President, I might advise the Chair that all items that I have offered this evening have been cleared by the Republican side.

ORDER OF PROCEDURE

MR. FORD. Mr. President, the distinguished Senator from Massachusetts has a statement he wishes to make.

I ask unanimous consent that Senator KERRY be permitted to speak and at the conclusion of his statement the Senate then stand in recess, as ordered.

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

Mr. KERRY. I thank the Chair and I thank the acting majority leader.

SENATOR KENNEDY'S 31 YEARS OF SERVICE

Mr. KERRY. Mr. President, I had hoped to be able to get to the floor earlier today to talk about this but, as the distinguished Chair knows, we were wrapped up in a markup on the authorization bill for the State Department today.

But I did want to come to the floor to mark a very, very significant moment, really, in the career of my distinguished colleague, the senior Senator from Massachusetts [Mr. KENNEDY].

Today, according to an analysis undertaken by Martin F. Nolan of the Boston Globe, the senior Senator from Massachusetts has become the seniormost Senator from Massachusetts in history for the length of service that he has given to his Nation and to his State. According the Globe, he has served now longer than Henry Cabot Lodge, who held the record to this time. He has served longer than Daniel Webster; longer than Charles Sumner.

Senator TED KENNEDY, rightfully, and with extraordinary capacity, has earned his right to be viewed as the greatest Senator that has served from the Commonwealth of Massachusetts.

In the 31 years that he has served our Nation and our State, we have gone from the Presidency of his own brother, John F. Kennedy, to the Presidency of a man who came into politics and into Washington in a program where he was inspired by shaking the hand of President Kennedy, the brother of Senator KENNEDY.

Much has obviously changed in the world in that course of time. The Berlin Wall has fallen, communism is dead. We have preserved and prospered. And throughout all of this and a great deal more, TED KENNEDY has stood fighting for the people of Massachusetts, for the things that he believes in, for the fundamental American values, year after year, even decade after decade.

From the time that TED KENNEDY entered the Senate, he became one of the most important and first voices for health care in this country. He had an opportunity to become, in a sense, the legislator's legislator. He gained skills and expertise in the process of this institution that neither of his brothers who served here with him had an opportunity, because of their career paths, ever to achieve.

He was, as I know full well and others remember, one of the great voices for peace during the course of the Vietnam war, showing the characteristic courage which has marked many of the positions he has taken and the efforts he has made.

He was a beacon of hope for those who wanted to see peace and change during the 1960's. During the time when the arms race was flourishing, Senator TED KENNEDY was again one of the foremost voices of reason, for restraint, for arms control. And he fought for and gained a nuclear test ban which we have achieved only finally again this year, after three decades of struggle.

His work on health care has really defined his capacity for foresight and for defining the issues of our time. Indeed, for being ahead of his time, again, and again, and again.

The things that TED KENNEDY said we need to do in health care, like universal coverage, were revolutionary when he first talked about them, and they met their wall of opposition. But notwithstanding the wall of opposition, again, and again, and again, TED KENNEDY went out to this country, he carried that banner, and today health care is on everyone's agenda. But it was on TED KENNEDY's first.

He has been the champion of civil rights in the U.S. Senate, in the country. He has been a national leader, working to give every single American a fighting opportunity, a chance to achieve their dreams and to meet their needs. I think one of the great characteristics of TED KENNEDY is, despite the great privilege which his family and background afforded him, he has clearly never forgotten what it means to be a champion of people, and to fight for the everyday working person of the United States.

He has been one of the great advocates of the U.S. Senate for the poor and for the disenfranchised.

He has fought simultaneously to make our streets safe for everyone. His work on the Judiciary Committee, once as chairman, now as senior member, is without parallel. He has fought to try to guarantee that the addicted get treatment, that children are protected, and that others—the weak and the elderly who do not have the capacity always to fight for themselves—will have a voice here that fights for them.

He has helped to make America a symbol of hope for all people and all nations across this planet. He has carried that torch well, whether it has been in South Africa or in Poland or in

Russia. He has stood by the dissidents. He has fought, again, for those who believe in what our country is all about.

I will say as one who has watched him in Massachusetts, this is a man, despite the breadth of the scope of his legislative effort and his interest and passion, when it comes to Massachusetts there is no one who fights harder for jobs or fights harder for the people of our State. When there were tricky moments here on the floor of the Senate for the passage of the Third Harbor Tunnel and Artery, one of the most important projects we have in our State and one of the largest in the Nation, it was Senator TED KENNEDY who was here on the floor, fighting to make certain that legislation passed and that it leapt over all of the last-minute hurdles that were placed in front of it.

When it comes to mass transit, or high-speed rail, or promoting research and development, or helping our research hospitals, or dealing with biotechnology, or defense conversion, the range of TED KENNEDY's interests and accomplishments is absolutely unmatched by any Member of this institution.

There are millions of women today who are freer because of the work that TED KENNEDY has done to protect the right to choose, to end the gag rule that prevents doctors from telling women about their choices and limiting those choices.

Literally millions of children in the United States of America are protected against disease today and may grow into healthy adults and may lead productive lives because Senator TED KENNEDY championed the Federal funds that are available for immunizations against disease. There are homeless people today who have shelter because TED KENNEDY was willing to fight to guarantee—against the odds at times—that there would be money in our budget to do so.

If you look at the breadth of the Labor and Human Resources Committee, and the breadth of his efforts through the Armed Services Committee, and the breadth of his efforts through the Judiciary Committee, this U.S. Senator, I think it can fairly be said, is one of the very few in this body who has set the agenda of this institution, year after year, decade after decade.

I think Massachusetts has never had a better Senator than TED KENNEDY, and I am absolutely convinced that it never will have a better Senator than TED KENNEDY.

I think for most of us, though, beyond the power of the passion of his arguments and the advocacy which he is so tenacious and consistent with, there is a personal side to this man which all of us have come to know here, and love. There is probably not a Senator here who could not recount the story of TED KENNEDY picking up the phone at a time of stress or distress, and being responsive and caring. There is not a person who has not run for office who has not had TED KENNEDY offer help or provide help. There are those who have gone through difficult times who have found that one of the first people there at that moment is TED KENNEDY.

The examples of his largess and caring are legion.

I remember once when I had pneumonia. I suddenly had a phone call, and the next thing I knew, TED KENNEDY has made his house available for my recuperation and, indeed, urged me to go and take advantage of it. That is the kind of person he is.

So, Mr. President, we are all the better for having had this man legislate with us, and we are the better for having had this man as a friend.

I congratulate him on the occasion of this remarkable achievement. I am absolutely confident that TED KENNEDY will have the ability to continue to press the agenda of the American people for as long as he wants and that Massachusetts truly is lucky to have such a powerful and persuasive and passionate advocate.

I thank the Chair, and I yield the floor.

ORDERS FOR FRIDAY JULY 16, 1993

Mr. FORD. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m., Friday, July 16; that following the prayer, the Journal of proceedings be deemed approved to date; that the time for the two leaders be reserved for their use later in the day; that there then be a period for morning business, with Senators permitted to speak therein for up to 5 minutes each; with the first 80 minutes under the control of Senator DASCHLE or his designee.

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

RECESS UNTIL TOMORROW AT 9:30 A.M.

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 9:30 a.m., Friday, July 16.

Thereupon, the Senate, at 7:39 p.m., recessed until Friday, July 16, 1993, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate July 15, 1993:

DEPARTMENT OF STATE

AURELIA ERSKINE BRAZEAL, OF GEORGIA, 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 KENYA.

JOHN S. DAVISON, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORINDARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF NIGER.

JAMES ROBERT JONES, OF OKLAHOMA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO MEXICO.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

NELSON A. DIAZ, OF PENNSYLVANIA, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, VICE FRANCIS ANTHONY KEATING, II, RESIGNED.

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE U.S. OFFICERS FOR PROMOTION IN THE RESERVE OF THE AIR FORCE UNDER THE PROVISIONS OF SECTIONS 593 AND 8379, TITLE 10 OF THE UNITED STATES CODE. PROMOTIONS MADE UNDER SECTION 8379 AND CONFIRMED BY THE SENATE UNDER SECTION 593 SHALL BEAR AN EFFECTIVE DATE ESTABLISHED IN ACCORDANCE WITH SECTION 8374, TITLE 10 OF THE UNITED STATES CODE. (EFFECTIVE DATE FOLLOWS SERIAL NUMBER)

LINE OF THE AIR FORCE

To be lieutenant colonel

MAJ. JOHN C. CHASE, [redacted] 3/24/93
MAJ. ERIC L. CINTRON, [redacted] 3/5/93
MAJ. LARRY R. DAVIS, [redacted] 3/6/93
MAJ. STEVEN P. FUNDKHOUSER, [redacted] 3/29/93
MAJ. WILLIAM R. GAIN, [redacted] 3/2/93
MAJ. ANTHONY M. GRAVAGNE, [redacted] 3/7/93
MAJ. MICHAEL L. HAPPE, [redacted] 3/22/93
MAJ. DON S. JACKSON, JR., [redacted] 3/29/93
MAJ. JOHN P. JANSON, [redacted] 2/25/93
MAJ. ERIC J. JASPER, [redacted] 3/25/93
MAJ. CHRISTOPHER M. KENNEDY, [redacted] 1/1/93
MAJ. DAVID A. KINGSELLA, [redacted] 3/13/93
MAJ. DAVID F. KIRST, [redacted] 3/16/93
MAJ. JAMES W. KWIATKOWSKI, [redacted] 2/2/93
MAJ. MARK W. LAVERTY, [redacted] 3/13/93
MAJ. JOSEPH B. LEADINGHAM, [redacted] 3/5/93
MAJ. RAYMOND B. MAGEE, [redacted] 3/6/93
MAJ. GARY L. NICHOLS, [redacted] 3/23/93
MAJ. MICHAEL R. OPITZ, [redacted] 3/5/93
MAJ. JOHN E. PARROTT, [redacted] 3/29/93
MAJ. MARK W. PEARSON, [redacted] 3/2/93
MAJ. KARL J. PROVOST, [redacted] 3/29/93
MAJ. MICHAEL D. REDMAN, [redacted] 1/26/93
MAJ. RONALD L. RODNEY, [redacted] 3/25/93
MAJ. WILLIAM P. SKAINS, [redacted] 3/29/93
MAJ. WENDYL B. STEWART, [redacted] 3/15/93
MAJ. JOSEPH R. STONE, [redacted] 3/18/93
MAJ. GARBRIEL V. TREMBLAY, [redacted] 3/18/93
MAJ. ROBERT F. WELLMAN, [redacted] 3/25/93
MAJ. JAMES J. WHITE, [redacted] 2/25/93
MAJ. CHARLES E. WILLIAMS, [redacted] 3/15/93
MAJ. BRENT E. WINGET, [redacted] 3/6/93

JUDGE ADVOCATE GENERALS DEPARTMENT

To be lieutenant colonel

MAJ. ROBERT W. BISHOP, [redacted] 3/13/93
MAJ. DAVID N. POWELL, [redacted] 3/12/93

CHAPLAIN CORPS

To be lieutenant colonel

MAJ. WILLIAM M. ZIEGLER, [redacted] 3/25/93

MEDICAL SERVICES CORPS

To be lieutenant colonel

MAJ. WILLIAM G. DAVIS, [redacted] 3/21/93

MEDICAL CORPS

To be lieutenant colonel

MAJ. JIMMY D. CODY, [redacted] 3/13/93
MAJ. HUGH F. JOHNSTON, [redacted] 3/6/93

NURSE CORPS

To be lieutenant colonel

MAJ. DALE M. HOWARD, [redacted] 3/16/93

DENTAL CORPS

To be lieutenant colonel

MAJ. ROBERT C. PAOLILLO, [redacted] 3/13/93

CONFIRMATION

Executive nomination confirmed by the Senate July 15, 1993:

DEPARTMENT OF STATE

DANIEL K. TARULLO, OF MASSACHUSETTS, TO BE AN ASSISTANT SECRETARY OF STATE.

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—*Thursday, July 15, 1993*

The House met at 10 a.m.

PRAYER

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

We pray, almighty God, that as we strive to know the truth about ourselves and our world, we do not lose sight of the gifts of the spirit—that spirit that gives vigor and vitality and power to all we do. We know that we can so easily see the things of the world—the world of the physical and the world of what is called reality. Open our eyes, O God, to see not only what is before us and around us, but to see more clearly the reality of the spirit that gives rise to hope and love and to all the values of the heart. Give us, O God, Your spirit of love and understanding, that binds us to all people and allows us to serve with graciousness and integrity. Bless us this day and every day, we pray. 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. The Chair will ask the gentleman from Indiana [Mr. VISCLOSKY] if he would kindly come forward and lead the membership in the Pledge of Allegiance.

Mr. VISCLOSKY led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

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

H.R. 2034. An act to amend title 38, United States Code, to revise and improve veterans' health programs, and for other purposes.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 409. An act to extend the terms of various patents, and for other purposes.

S. 616. An act to increase the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.

S. 1130. An act to provide for continuing authorization of Federal employee leave transfer and leave bank programs, and for other purposes.

THE PRESIDENT'S ECONOMIC PLAN IS STRONG ON DEFICIT REDUCTION

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

Mr. RICHARDSON. Mr. Speaker, it is high noon again. The conference committee on the President's economic plan starts today.

Mr. Speaker, the President's plan is strong on deficit reduction. We will accomplish the largest deficit reduction in history and lock it into a deficit trust fund.

The rich will pay their share, requiring the 6-percent wealthiest in this country to pay at least three-fourths of all the new taxes in the plan.

The President's plan creates jobs, and we target incentives for businesses to create these jobs. Investment specifically is targeted to spur growth, and Social Security is protected. We will protect older Americans from draconian cuts in Social Security, Medicare, and VA benefits that the Republicans have proposed.

Mr. Speaker, the Wall Street Journal had an analysis of the Republican plan. There is nothing there. There is no alternative to the President's economic plan, one that is equitable, that is fair, and will get us moving in the economy again.

THE BUSINESS FOR SMALL BUSINESS

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

Mr. GOODLATTE. Mr. Speaker, President Clinton's laser beam on the economy is more of a death ray on small business and jobs. Perhaps nowhere else in the Clinton agenda is there a broader chasm between what this President says and what he does.

In his speech to Congress February 17, 1993, President Clinton said, and I quote:

Because small business has created such a high percentage of all the new jobs in our nation over the last 10 to 15 years, our plan includes the boldest targeted incentives for small business in history.

And what are those incentives? A job burning Btu tax and while America's 50 largest corporations will pay 3 percent more taxes, small businesses get from Clinton up to a 60-percent tax hike, and 10 percent capital gains tax increase. And Clinton's class warfare soak-the-rich program: it does not soak the rich. It drowns small businesses. Bill Clinton's economic program has historic incentives for small business, all right. The Clinton incentives encourage small business to go out of business.

TIME TO SUPPORT AMERICA

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

Mrs. MEEK. Mr. Speaker, if we are going to put people first, we must remind our Republican colleagues of what this budget debate is really about. It is about children. The Republicans want to cut funding for child immunization and Head Start. Family preservation provisions passed by the House will save lives and reduce child abuse.

This is a deficit cutting package. But it is also a responsible one. Behind the facade of the Republican cry over spending caps is the elimination of provisions aimed at helping children and poor families. Continued tax breaks for the rich is not the backbone of our society and economy. That was tried and failed. It is time to pass the President's $500 billion deficit reduction plan which takes responsibility for the deficit that grew out of control during the Reagan-Bush years.

They will help keep children safe and improve foster care and adoption assistance for children at risk. If the Republicans have their way, they will deny increased food assistance to children whose families cannot buy enough food due to high housing costs.

The earned income tax credit will reward poor families that help themselves through hard work. I think it is time for Members of both parties to be responsible for the decisions we make today for future generations.

DON'T BET ON IT

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

Mr. BALLENGER. Mr. Speaker, will Clintonomics create jobs, spur economic growth, and promote prosperity?

Let us ask those on the front lines of the economy, the small business owners.

Ralph Reiland, who owns a restaurant in Pittsburgh, has this to say about the Clinton style of Government:

> Clinton's mass of proposed new taxes, mandates and regulations has spooked American business, especially the ones that create jobs. As the owner of a small restaurant I am looking at higher energy taxes, higher minimum wages, new family leave costs, insurance liability increases, higher alcohol taxes, new health-care taxes, and smaller entertainment deductions for my customers . . . I must react to higher costs by cutting jobs. In fact, I already know which cooks and servers I have to fire, and I know they have done nothing wrong.

Mr. Speaker, this story could be repeated tenfold.

Will Clintonomics spur economic growth? Don't bet on it.

BOSNIA NEEDS HELP IMMEDIATELY

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

Mr. BONIOR. Mr. Speaker, the images from Sarajevo compel me to rise. We are sickened by the horrible carnage wrought by a Serbian mortar shell striking a crowd waiting to get water. Twelve people were killed.

After the attack, surgeons were forced to operate on the wounded without anesthesia, without monitors for vital signs, with only flashlights for illumination.

This senseless killing in which we have somewhere in the neighborhood of between 140,000 and 200,000 people either killed or missing within the last year is a sad metaphor for the fate of this city in this once great land.

Sarajevo has not had electricity, tap water, natural gas for 5 weeks. Dysentery is widespread, and diseases are spreading throughout the city.

Unfortunately we have not allowed the Bosnians to do much on their own behalf. We have to act immediately to fulfill the U.N. mandate to deliver humanitarian aid, and we must lift the arms embargo to allow the Bosnians to defend themselves. It is the least, Mr. Speaker, that we can do.

HIGHEST EARNERS PAY LARGEST SHARE OF TAXES

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

Mr. HOKE. Mr. Speaker, as you know, the Internal Revenue Service [IRS] just released its analysis of all tax returns filed in 1991.

Yesterday, I pointed out to our Members that raising the top tax rate in 1991 about 10—from 28 to 31 percent—had the perverse yet entirely predictable affect of decreasing Federal revenues by 6 percent among wealthiest taxpayers.

Today, I would like to expose and explode another tax myth that the Clinton administration is promoting to sell its $322 billion tax increase—the myth that the rich just don't carry their fair share of the tax burden.

According to the IRS' own data, the top one-half percent of all income earners pay nearly a quarter of all taxes. That's right. In 1991, the top 850,000 taxpayers paid $100 billion in taxes out of a total of $349 billion.

Now, you tell me, when one-half of 1 percent of the people are paying 22 percent of the taxes is that unfair?

Or, is it strictly a demagogic appeal to mean-spirited and un-American class warfare?

Mr. Speaker, we won't find the solution to our deficit problem by raising taxes. The solution is to decrease the size of Government. Cut spending first.

□ 1010

PRESIDENT CLINTON'S ECONOMIC PLAN OFFERS REAL CHANGE AND A BRIGHT FUTURE

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

Mr. VISCLOSKY. Mr. Speaker, President Clinton and the Democrats have a plan to reduce the deficit by $500 billion. The Republican plan falls short of $500 billion while using the same gimmicks that quadrupled our debt during the past 12 years.

The Democrats' plan makes 200 specific cuts in Federal spending. Even though the Republicans say "cut spending first" their latest plan didn't offer even one additional cut above what is included in President Clinton's plan.

The Democrats make the richest 6 percent of Americans pay 75 percent of all new taxes. The Republicans protect the rich at the expense of our children, and the middle class.

The Democrats' plan has created lower interest rates, making it easier to own a home. In fact, refinancing a $100,000 mortgage from 10 to 7.5 percent will save working Americans $175 a month, which more than offsets the $17 a month in increased taxes.

Mr. Speaker, it is clear that the economic plan proposed by President Clinton and the Democrats is good for the country. It offers real change and it will work to secure the brightest future for our Nation.

NORTH AMERICAN FREE-TRADE AGREEMENT

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

Mr. BARRETT of Nebraska. Mr. Speaker, opponents of the North American Free-Trade Agreement [NAFTA] keep pulling rabbits out of the hat in trying to justify their continued opposition to NAFTA.

First, they say there is no way that the American worker can compete against low-paid Mexican workers, despite the fact that American workers are already competing and winning, as reflected in our trade surplus with Mexico.

Then, leftist environmental groups hold up Judge Richey's decision requiring the administration to submit an environmental impact study on NAFTA, despite the fact that NAFTA will allow us to help Mexico improve its environmental standards.

Mr. Speaker, it is time to quit the magic act and look at the fact that NAFTA will increase trade—period. And, anytime you increase trade, you create jobs and increase the standard of living—these are proven historical facts.

I urge my colleagues to approve NAFTA.

GENOCIDE GOES UNCHECKED IN BOSNIA

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

Mr. OLVER. Mr. Speaker, genocide continues in Bosnia. In 50 years, the United Nations has never proved so impotent. In fact the United Nations has encouraged genocide by denying Bosnia—one of its members—the fundamental right of self defense.

No atrocity, not 200,000 slaughtered for their religion, not deliberate starvation of besieged refugees, not wholesale destruction of religious shrines, not bombardment of children in schoolyards or people lined up to get water or mourners burying their dead; not even the death of wounded and premature babies in hospitals denied medicine and fuel and electricity to operate is enough to shame the European Community to action.

The only unabashedly Communist dictator left in Europe who boasts of the final solution, using Hitler's very words, will be given exactly what he wants.

And the United States, the world's beacon of religious freedom and ethnic diversity, and the most powerful nation in history, does nothing. What a disgraceful performance.

AMERICANS ARE SAYING CUT SPENDING FIRST

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

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Mr. KINGSTON. Mr. Speaker, during the break I had the experience of traveling to 16 cities in my district and I talked and spoke to people. Most importantly, I listened.

It is still out there, they are still saying it: "Cut spending first."

They know that since 1982 we have had five tax increases designed to reduce the deficit. Congress was quick to increase taxes, but when it came time to do the cutting, Congress had forgotten all about it. Not one of the five had reduced the deficit or done anything to reduce our national debt.

The people also know that they are paying about 40 to 50 percent of their income in taxes. You add it up—and I challenge folks who are listening to do this—you add up your property tax, your sales tax, your utility tax, your insurance premium taxes, ad valorem taxes, your license fees, your income tax on city, State, and Federal levels, and you are already paying more than you need to be paying. You are patriotic enough, you do not need to invest.

Two weeks ago, I had the opportunity to speak to some Soviet Georgians, and I asked them, "What is your highest tax bracket?" And they said, "22 percent." That is from a former Communist country.

Mr. Speaker, folks in my district and all over America are saying it right: "Cut spending first."

APPROVAL OF CLINTON PLAN—A STEP TOWARD BALANCING FEDERAL BUDGET

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

Mr. BARLOW. Mr. Speaker, as we move toward conference, I want to ask the American people to join together and send a message to the naysayers in Congress to quit bickering, tell the truth and pass the President's budget. Of course, there are things in this proposed budget that must not stand final passage, especially the barge tax and Btu tax that will unduly harm the barge industry and farmers. However, with a few changes, the President's budget will serve as a very important first step for America toward the eventual balancing of the Federal budget.

To those in the minority, I say: Quit distorting the facts. Rise above partisan politics and pull together for the benefit of our Nation that I know you respect and love. The truth is that the budget plan that we passed does cut the overall spending trend. It does provide $500 billion in deficit reduction over the next 5 years rather than only $335 billion as the minority has proposed. It does make those citizens who have benefited the most pay their fair share while keeping taxes low on working men and women. We must show the American people that we can successfully rise to meet our national challenges. America's economic future hangs in the balance.

DEMOCRATS, SAVE YOUR PRESIDENT: VOTE AGAINST HIS PLAN

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

Mr. ARMEY. Mr. Speaker, President Clinton's administration is again showing why they cannot be trusted with words or numbers.

First, they redefine income to allege that only the rich will pay the tax increase, the largest in American history.

Mr. Speaker, now, to answer the criticism that his plan will clobber small business, the Clinton Treasury Department has defined away small business. As the Wall Street Journal reports, the Treasury Department "refuses to count anybody who gets more than half his income as wage or salary, which effectively whittles the business-owning population down from 21 million to 7 million."

It does not matter how President Clinton messes up the English language, the reality is that nearly 1 million small business owners are going to face a whopping tax increase under the Clinton plan. It is small business, my Democrat friends, that creates three out of four new jobs in the economy.

You cannot raise taxes $300 billion and only effect the rich.

I implore my Democrat friends, save your President, vote against his plan. After all, you owe it to yourselves.

UNITED STATES LACKING IN RESOLVE ON TRAGEDY IN FORMER YUGOSLAVIA

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

Mr. HASTINGS. Mr. Speaker, I rise today to express my outrage over the situation in the former Yugoslavia. I am not, this morning, advocating that we take one position or another, or even that we endorse one side over another. I am saying that we cannot be seduced into forgetting about the conflict because it is easier to push it out of our minds than it is to remember that these people are suffering tremendously and we have done little to help them.

Sarajevo has not had water, natural gas, or electricity in weeks. Schools have been closed, food supplies are virtually nonexistent. People on all sides of the conflict are being slaughtered mercilessly while their leaders are stalling the peace talks and strutting about with pathetic machismo.

I understand the President's position on avoiding unilateral actions and agree that the European Community must also take responsibility for bringing about a resolution to this conflict. But even if we cannot solve the situation singlehandedly, we cannot stop thinking about the children who go to sleep at night worrying if there will still be a roof over their heads when they awake. The children of the former Yugoslavia are not going to camp this summer—they are dodging mortar. They are not complaining about having to get up to go to school in the mornings—they are already out looking for food.

We cannot ignore the fact that lives are being ruined and families are being destroyed. Do I have an answer? No. Do I have a better idea than that already put forth by this administration? No. What do I plan to do about it? I plan to remember every single day that while my own children are safe and my mother is well taken care of, that people only a short plane ride away are being massacred because of intangible hatreds and long-remembered slights. I will think about them, pray for their safety and hope that someday they will forgive us for our lack of resolve.

□ 1020

HEALTH CARE FOR ILLEGAL ALIENS

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

Mr. BAKER of California. Mr. Speaker, I am in shock.

President Clinton and the Democrats in Congress want to provide $300 million so illegal aliens can have health care at taxpayer expense.

At a time when not all Americans have health insurance, when our Federal debt and deficit are at record highs, and when this administration is about to pass the largest tax increase in the history of the world, how can the President even consider spending one dime for health care for illegal aliens?

I can tell you that my constituents in Contra Costa and Alameda Counties in California do not want to pay the medical bills for people who sneak into this country. First, they want American citizens to have access to quality, affordable health care.

I am still outraged to know that illegal aliens already receive some Federal medical assistance free of charge. But to add insult to injury, the President wants to make the Federal Government foot the whole bill.

This makes no sense at all. The President and the Democrats in this body are sending a message to the world: "If you have a problem, come to the United States, we'll take care of you."

Mr. Speaker, I urge my colleagues and our President to rethink this horrendous idea.

FLOOD LOSSES BY FARMERS

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

Mr. MINGE. Mr. Speaker, I rise today to correct disinformation that appeared last night on the CBS News regarding flooding losses suffered by farmers. The thrust of the report was that these farmers do not deserve assistance from their Government because they chose not to have flood insurance. Such logic would suggest that people who choose to live in California should not be entitled to earthquake relief and people who choose to live in Florida or Hawaii should not be entitled to hurricane relief.

More importantly, for thousands of farmers who did purchase insurance, the insurance program itself is a disaster.

These farmers cannot collect a thin dime because they were not able to plant the seed. They have seen their coverage disappear because the Draconian provisions of the program further penalize them because they could not plant on time due to the flooding.

Mr. Speaker, the people in my home State of Minnesota have not seen a disaster of this dimension for 100 years. If the Government is not here to help them in this time of crisis, then I ask, what does the Government exist for?

DEMOCRATIC SPENDING

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

Mr. WALKER. Mr. Speaker, the tax-and-spend Democrats are at it again. They have come to the floor today claiming that what they want to do is tax the rich, but the American people have already figured out that the rich in their definition are $20,000 a year families and small business operators.

And what are all those new taxes going to go for? Well, they have told us today what they are going to go for. They are going to go for bigger Government. The country is better, they believe, when the Government is bigger.

Just look at the national service bill they have on the floor right now that adds 25,000 new Federal employees in the name of bigger Government.

They also want more welfare. Listen to the people who have talked here today. No matter how they couch the terms, the reality is that they want more social welfare spending. They want welfare, rather than work. They want spending, rather than saving. They want bigger Government, rather than better Government.

The American people have figured this all out. That is why the Democrats have become so worried. Their welfare state is not wanted by the people who have to pay the bill.

Not one Republican is expected to vote for the tax-and-spend package. Every dime of new taxes will be Democrat taxes. Every dime of new debt will be Democrat debt. Every dime of new spending will be Democrat spending. Every dime of new deficit will be Democrat deficit.

OUR RIDICULOUS CHINA POLICY

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

Mr. TRAFICANT. Mr. Speaker, the free traders in Congress have given China most-favored-nation trade status. They say that China is moving toward new free market reform.

Check out this new reform. China has a new consumer protection law. Here is how it works. If you do shoddy work, you can get a life sentence in jail. If you knowingly produce a faulty product, Mr. Speaker, you get the death penalty.

I guess those two prison laborers over there are saying, "What happened to number 126?"

They are saying, "Well, he made a faulty toaster."

Mr. Speaker, this is not reform. This is ridiculous. China is now our No. 2 trade deficit partner, and it is time we straightened it out.

This is not reform. This is stretching quality control a little too far. The free traders better take a look at it.

NAFTA, THE JOB KILLER

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

Mr. BROWN of Ohio. Mr. Speaker, why is our Trade Representative in such a hurry to force the flawed North American Free-Trade Agreement on the American people? The North American Free-Trade Agreement is a job killer.

What happens to small business under NAFTA? Recently over July 4, I visited a cement plant in Medina, OH, in my district. Workers and management are scared to death of the North American Free-Trade Agreement. How do they compete with a large American firm that moves to Mexico and hires workers at 58 cents an hour and avoids environmental laws and evades job safety and child labor laws? How do they compete?

If a plant leaves Ohio or leaves the United States and moves south, NAFTA, the job killer, kills communities. It hurts the schools. It hurts other businesses. It hurts insurance agents and florists and all kinds of retail outlets that serve those workers that are now unemployed.

Mr. President, slow down and get it right. Get it right for American business, get it right for American jobs, get it right for American workers.

Mr. Speaker, the more the American people know about NAFTA, the less they like it.

The SPEAKER pro tempore (Mr. OLVER). The gentleman should address his remarks to the Chair and not to the President.

HEALTH CARE FOR ILLEGAL ALIENS

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

Mr. COLLINS of Georgia. Mr. Speaker, the House version of the tax bill, or so-called deficit reduction bill, includes $300 million in Medicaid funds for additional health benefits to illegal aliens. In the 6 months I have served in this body, I have seen some bad legislation. But the proposal to spend $300 million more of taxpayers hard-earned dollars to pay the health care costs of illegal aliens takes the cake.

I hope those Members who are opposed to spending Federal dollars on illegal aliens will use their influence to encourage the House conferees to strip this $300 million boondoggle from the budget proposal. The time has come for this body to take responsibility for how it spends the hard-earned dollars of American taxpayers.

Mr. Speaker, we do not know for sure how many illegal aliens are residing in this country today, but the number is estimated to be at least 5 million. This number is increasing daily, and according to one study the cost of supporting these illegal aliens is at least $7 billion annually.

During the July recess, I had meetings with over 150 business and civic leaders from my district. Their message was to cut benefits for illegal aliens and defeat the Clinton tax plan.

APPOINTMENT OF ADDITIONAL CONFEREES ON H.R. 2264, OMNIBUS BUDGET RECONCILIATION ACT OF 1993

The SPEAKER pro tempore (Mr. OLVER). Without objection, the Chair appoints the following additional conferees on H.R. 2264, the Omnibus Budget Reconciliation Act of 1993:

As additional conferees from the Committee on Agriculture, for consideration of title I and section 9005 (a)–(c) and (f) of the House bill, and title I and section 5001, 5002 (a), (b) and (d), and 5003 of the Senate amendment, and modifications committed to conference: Messrs. DE LA GARZA, ROSE, GLICKMAN, VOLKMER, PENNY, ROBERTS, EMERSON, and GUNDERSON.

As additional conferees from the Committee on Government Operations, for consideration of sections 1405(c) of the House bill, and that portion of section 1201 which adds a new section 305(c)(4) to the Rural Electrification

Act, of the Senate amendment, and modifications committed to conference: Messrs. CONYERS, ENGLISH of Oklahoma, PETERSON of Minnesota, BARRETT of Wisconsin, WASHINGTON, CLINGER, MCCANDLESS, and HASTERT.

As additional conferees from the Committee on Government Operations, for consideration of those portions of section 4002 which add new sections 453(a)(3) and 456(a)(2) to the Higher Education Act, 4029 and 13560 of the House bill, and those portions of section 12011 which add new section 453(a)(4) and 456(a)(2) to the Higher Education Act, of the Senate amendment, and modifications committeed to conference: Mr. CONYERS, Mrs. COLLINS of Illinois, and Messrs. TOWNS, WAXMAN, SPRATT, CLINGER, MCCANDLESS, and HASTERT.

As additional conferees from the Committee on Government Operations, for consideration of section 9008 of the House bill, and modifications committed to conference: Mr. CONYERS, Mrs. COLLINS of Illinois, and Messrs. SPRATT, SYNAR, WASHINGTON, CLINGER, MCCANDLESS, and HASTERT.

As additional conferees from the Committee on Government Operations, for consideration of title XVI and sections 15001–111, 15206, and 15301 of the House bill, and modifications committed to conference: Messrs. CONYERS, SPRATT, and WAXMAN, Mrs. COLLINS of Illinois, and Messrs. SYNAR, CLINGER, MCCANDLESS, and HASTERT.

As additional conferees from the Committee on the Judiciary for consideration of title VII of the House bill, and title XI and section 12047(a) of the Senate amendment, and modifications committed to conference: Messrs. BROOKS, HUGHES, EDWARDS of California, CONYERS, SYNAR, MOORHEAD, COBLE, and FISH.

As additional conferees from the Committee on the Judiciary, for consideration of section 4025(7) and that portion of section 5203 which adds a new section 309(j)(8) to the Communications Act of 1934, of the House bill, and that portion of section 12011 which adds a new section 455(j) to the Higher Education Act, 12045(7), of the Senate amendment, and modifications committed to conference: Messrs. BROOKS, CONYERS, and SYNAR, Mrs. SCHROEDER, and Messrs. BERMAN, FISH, GALLEGLY, and MOORHEAD.

As additional conferees from the Committee on the Judiciary, for consideration of section 12105 of the Senate amendment, and modifications committed to conference: Messrs. BROOKS, BRYANT, GLICKMAN, FRANK of Massachusetts, BERMAN, GEKAS, RAMSTAD, and FISH.

Mr. WALKER. Mr. Speaker, I reserve the right to object.

The SPEAKER. The Chair advises the gentleman from Pennsylvania [Mr. WALKER] that these are the Speaker's additional appointments to the conference committee under rule X. Unanimous consent is not required under the rule, and consequently reservations of objection are not in order.

PARLIAMENTARY INQUIRY

Mr. WALKER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WALKER. Just before the Speaker took the chair, the action before the House then was without objection that these appointments would be made. I understand rule X, but are we going to now revise the procedure on the floor, and is the Speaker announcing such?

The SPEAKER. The gentleman is correct.

IN THE COMMITTEE OF THE WHOLE

Mr. STEARNS. Mr. Chairman, I ask that my amendment be considered as an en bloc amendment.

The CHAIRMAN. The Chair will state to the gentleman that that request is not necessary. The gentleman from Florida [Mr. STEARNS] is recognized for 5 minutes in support of his amendment.

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

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

Mr. YATES. Mr. Chairman, I ask unanimous consent that all time on this amendment, and all amendments thereto, be confined to 20 minutes on each side, with the gentleman from Florida [Mr. STEARNS] controlling half of the time and myself controlling half of that time.

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

Mr. STEARNS. Mr. Chairman, reserving the right to object, that is satisfactory. As I understand it, the request is just for my amendment; it does not apply to subsequent amendments?

Mr. YATES. Mr. Chairman, if the gentleman will yield, let me say that the gentleman is correct.

Mr. STEARNS. 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. The request is only for the amendment offered by the gentleman from Florida [Mr. STEARNS] and all amendments thereto.

The gentleman from Illinois [Mr. YATES] will be recognized for 20 minutes, and the gentleman from Florida [Mr. STEARNS] will be recognized for 20 minutes.

Mr. STEARNS. Mr. Chairman, I rise to offer an amendment which would reduce funding for the National Endowment for the Arts by 5 percent. This cut would result in a $8.7 million reduction from the $174.5 million amount requested by the committee and leave $165.9 million to the NEA.

For the last several years, I have offered amendments to the Interior appropriations bill to reduce funding for the National Endowment for the Arts. I continue to feel strongly that the U.S. Government must take a stern approach in reducing our national deficit. In these times of budgetary crisis, it is necessary to reduce funding for a program that is not vital to the economic health of this Nation.

We must concentrate our resources on what is absolutely necessary, not just desirable. I seriously question Federal funding of the NEA when private funding for the arts was $9.32 billion in 1992. When the vast majority of arts funding comes from private sources, why is NEA funding considered absolutely necessary when our deficit continues to climb toward $400 billion?

When Congress is asking our constituents back home to accept more taxes, how can we justify spending $174.5 million on this program. Oftentimes when I am on the floor of the House, I hear Members comment that an $8 or $10 million reduction is not significant, but let me assure you $8 million is significant back home. The $8.7 million that we save here can be spent on a school lunch program or a Head Start Program.

Throughout the past few weeks, we have cut spending in many programs, both large and small. These proposals have spanned from the elimination of the superconducting super collider and a reduction in the space station to reductions in construction costs of Federal buildings. We will continue to see similar proposals in the appropriations bills that have not yet reached the floor of the House. In light of this, it seems appropriate that we should reduce the funding of such a controversial program as the NEA.

This current funding proposal for the NEA is $39 million more than the funding for breast and cervical cancer prevention passed earlier this year. We must ask ourselves what is more important—promotion of the arts or the health of the women of this Nation?

Several years ago, the NEA was involved in tremendous controversy over funding programs that were considered unfit for public viewing. More recently though, the NEA has litigated with artists who claim discrimination against their artwork. When these subsidies result in so much controversy, we should review the existence and the importance of funding this organization. These court battles have absorbed even more of our taxpayers' money. It makes sense to reduce the funding level so the NEA can fund only the most important cultural projects and avoid projects which could result in controversy.

My colleagues, we simply must prioritize our spending, and a 5-percent cut in the NEA is a good place to start. We must continue to be diligent in our spending reductions. Although this $8.7 million reduction is a small start, it is

a start nonetheless. We must begin somewhere.

Last, many Members have asked me to cut more. I understand their concern, but I think this is a good start. And for those Members who did not want to eliminate the NEA but wanted a vote on this matter showing that they wanted to reduce NEA funding, I believe this amendment is a fair way to do that.

□ 1040

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

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

Mr. Chairman, my good friend, the gentleman from Florida [Mr. STEARNS], predicated his argument upon the same arguments that were presented yesterday by the gentleman from Illinois [Mr. CRANE], and I think that in the course of that debate it was shown that the figures used by the gentleman from Illinois [Mr. CRANE] to indicate that there was no need for public funding of the arts anymore because private funding had increased to the point where it could adequately supply funds for all the arts organizations in the country, were in error. Nothing is further from the truth, Mr. Chairman.

Just as the gentleman from Illinois [Mr. CRANE] used distorted figures, my friend, the gentleman from Florida, uses the same figures when he quotes the sum of $9 billion being available annually for the arts from private sources. I read, in response to the argument by the gentleman from Illinois [Mr. CRANE], that that was an inappropriate figure. The facts from the document that had been used to establish that figure are that the figure was established not on the basis only for the arts. It was established based upon a category that included, as well, funds for the humanities and funds for so-called culture. When we consider the amount of funds that went into the other two subcategories, it leaves a relatively low sum available for the arts.

For example, the figure is based upon grants to organizations such as communications organizations like film, video, and holography, television, print, publishing, newspapers, literary journals, publishers, producers of print material, radio, also to history museums, to marine and maritime museums, to natural history and natural science museums, anthropological and Native American museums, science and technological museums, sports, hobby museums, specialized museums, art history, history and archeology, classical languages, foreign language schools—I could go on and on, Mr. Chairman. This is just about half of the organizations which received grants that are included in that figure and which have no relationship to the arts.

So that figure is totally irrelevant in making an argument that arts organizations receive this vast amount of private funds.

In addition to that, Mr. Chairman, my friend, the gentleman from Florida [Mr. STEARNS], talked about the sensational art that NEA was financing. The fact is, Mr. Chairman, that it is an aberration of the usual grant when NEA has art that is sensational. You could count them on the fingers of both hands, compared to the amount of grants by NEA that are the kind of grants that the people of America want and cherish and which make up their approval of the arts endowment.

So I say to my friend, the gentleman from Florida, that his cut will hurt NEA. A cut of $8.7 million will have enormous impact upon the arts funding in this country. It will mean the difference between life and death for numbers of arts organizations which depend upon NEA and upon the private giving that NEA stimulates, the private giving that each grant requires in order that the grant be approved, a match of one to one, from private giving, or more than that, up to as much as 1 to 5 or 1 to 10 in many circumstances. If this seed money is cut out by this kind of amendment, an amendment that deprives the arts of over $8 million, Mr. Chairman, the arts indeed will be terribly, terribly hurt.

Mr. Chairman, I hope the gentleman's amendment is disapproved.

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

Mr. Chairman, I have just a few comments. I want my friend and colleague, the gentleman from Illinois [Mr. YATES], to know how much respect I have for him. I think he does an able job presenting the other side.

The argument I am trying to make here is one of fiscal restraint, and I would say this to the gentleman: He and I have talked about this over a period of 2 or 3 months now, and my argument this morning is that if all programs in Congress are talking a reduction of 1 or 2 percent, certainly the NEA could take a reduction of 5 percent.

□ 1050

I want to say to the gentleman I understand the budget this year has only gone up about $100,000 over last year, and I think that is a good step. I want to compliment the gentleman for that. But I would say to the gentleman, a 5-percent cut in anything is probably a prudent position, and I think the seed money the gentleman is talking about could be garnered through more efficient operation, or in many ways prioritized the different projects you were going to award for.

Mr. Chairman, I yield 6 minutes to the gentleman from California [Mr. DORNAN].

Mr. DORNAN. Mr. Chairman, I want to begin by reiterating my respect for the gentleman from Illinois [Mr. YATES]. The gentleman certainly is a worthy proponent of the arts on the House floor. Yesterday, with great sorrow I voted for total abolition of NEA funds. Why? Because of the arrogance of a handful of people who continue to offend the sensibilities of hardworking American taxpayers by funding disgusting and sophomoric pseudo-art. Yes, these offensive works can be counted on the fingers of two hands, out of thousands of grants, but these instances of arrogance, blasphemy, and desecration of American virtues make up in offense what they lack in numbers. The assault on virtues held dear to the overwhelming majority of American people are so egregious and so arrogant that we must have at least this 5-percent cut. We must get a message across to the bureaucrats who administer the National Endowment for the Arts that we are not going to tolerate this filth. How else are we ever going to get control of these precious dollars for the arts?

Now, I would say to my colleague, the gentleman from Illinois [Mr. YATES], that I was driving around Los Angeles last weekend. While driving through the Sepulveda Pass from the west Los Angeles area to the San Fernando Valley, I saw giant cranes building one of the Nation's largest art museums. This was sponsored by one person, long gone to his eternal reward, J. Paul Getty.

The Getty Foundation is building a museum in the hills of the Santa Monica Park area that will cost more than the entire NEA appropriation.

If we should take the $9.2 billion figure of private money spent on general cultural projects and whittle it down because I did not hear a bottom line figure from the gentleman from Illinois [Mr. YATES]. If it is $9 billion and you take out all the maritime museums and everything else that the gentleman enumerated, what is it, $7, $6, $5, $4, $2 billion that the private sector spent on art?

The last Van Gogh painting on the market sold for more than 30 percent of the entire NEA budget. This painting was created by an artist who never sold a painting in his life.

I mentioned a column yesterday by a great commentator, Mona Charen, and I just want to read two paragraphs. Before that, however, I went to talk again about this Whitney Museum in New York, because yesterday we nitpicked to death whether or not the $200,000 given in the last 2 years to the Whitney Museum of New York City has spent on one of these offensive, ugly, blasphemous displays. The question is whether or not if we give $200,000 of taxpayer funds to turn on the lights, to heat or cool the place, to pay for the security guards, the cleaning people. We are paying for this particular abject art exhibit. Are we not being more than disingenuous, and maybe a little

phony, to say that no public money is going to the ugly exhibit that is at the Whitney Museum at this moment? Does the money just melt into thin air?

Listen to what Mona Charen says about our country. She says,

This moral swamp we have allowed to emerge threatens the United States far more than huge budget deficits, a failing educational system or the challenges of global competition.

She said in a paragraph earlier,

Liberals, evangelists of the sexual revolution, never believed that by devaluing chastity they would be devaluing women. An information survey of 50 youngsters from a variety of neighborhoods in the New York area conducted by the New York Times reveals the coarse and vulgar world in which teenagers now react. This is a world in which romance is gone—replaced by easy sex and trashy language. Ask the girls, who are almost universally addressed as bitch in New York City, whether free sex has resulted in greater respect.

Would we like to take some of these kids to the Whitney Museum right there at 945 Madison Avenue on the corner of 75th Street? I went to the first and second grades in New York City, not six blocks from this museum. Imagine that we take them to this publicly funded institution on a field trip, and what do they see? This abject art exhibit, with a young woman relieving herself in a toilet; a three-foot mound of excrement; a dismembered sculpture of two women engaging in sodomy; framed samples of baby fecal stains; a film by two homosexual men called Skull, and then the street word for intercourse, where one man is shown—and again I cannot read this—inserting his head into another human being's body and then engaging in more perversion, a film titled "Spy" with Jesus Christ our Savior depicted as a woman standing naked with all of the genitalia exposed.

Mr. Chairman, I repeat what I said yesterday: there should be a ground rule that the tax dollars from hardworking men and women across this country should never go to anything that we cannot discuss in detail on the floor of this House.

You bet I come to the floor in support of the amendment of the gentleman from Florida [Mr. STEARNS].

I came to the floor a few weeks ago and read a phrase from George Washington's first inaugural address. I saw the original document in the Archives in his own handwriting. The Father of our Country said there is an "indissoluble link between virtue and happiness." That is 1789.

Many people do not like to speak about virtue here on the House floor. They are afraid that speaking of virtue might seem to suggest that we elected officials are forcing our morality on those that we represent. That is the view of those who believe that we live in a tyrannical political system with Members of Congress dictating to the entire country their own personal whims.

Well, nothing is further from the truth. Just the opposite is the fact with the National Endowment for the Arts. When the NEA can fund indirectly—hear that word, colleagues—indirectly, $200,000 to the Whitney Museum to set up this abject art exhibit and one on rape, the American people are disgusted. These exhibits are a disgrace when our country leads the world in rape, with every 15 seconds someone being raped in this country alone. Then we call this garbage, this degrading of women and our whole society, art. Please vote for this 5-percent cut.

Mr. Chairman, I would like to respond to the convoluted reasoning of some of my colleagues. They contend that even though the Whitney receives indirect funding through the NEA no funds went toward this particular exhibit. If Federal funds given to an institution are not in any way used for major exhibits within that institution, then what are the funds used for? If the Whitney can put on exhibits without the NEA then why do we fund them? It has been conceded that the Whitney does not need the NEA to put on its exhibits. That is the argument we have been making over the last couple of days. Let the Whitney continue their work without taxpayer funds. I commend the following article to my colleagues' attention.

[From the Washington Times, July 6, 1993]

ART TURNS HEADS, STOMACHS

(By Joyce Price)

As Congress considers bills to reauthorize the National Endowment for the Arts, an NEA-funded museum in New York is displaying an art exhibit featuring images of excrement and homoerotic acts.

A catalog for the "Abject Art: Repulsion and Desire" exhibit at the Whitney Museum of American Art says the show is intended to "confront taboo issues of gender and sexuality" using subject matter offensive to conservatives.

The catalog's introduction explains that "abject art" is a "body of work which incorporates or suggests abject materials such as dirt, hair, excrement, dead animals menstrual blood and rotting food."

Martin Mawyer, president of the Christian Action Network (CAN), viewed the show last week.

"The goal of the exhibit was to repulse, and I was repulsed," Mr. Mawyer said. "I guess that makes me an art connoisseur."

The NEA, which has endured several battles over its funding of controversial artists and artworks, has given $302,000 to the Whitney Museum since 1990.

Since 1991, the federal arts endowment has provided $65,000 to the Whitney's Independent Study Program, which mounted both "Abject Art" and a second exhibit, "The Subject of Rape." The two exhibits currently are the only ones on display at the museum.

Whitney spokesman Steven Schlough said the "Abject Art" exhibit has not received funds from the NEA or any other government source.

"Of the Independent Study Program's $350,000 annual budget, the $20,000 received last year from the NEA was allocated entirely for operating costs of the museum's studies programs," Mr. Schlough said.

CAN officials this week hand-delivered letters to the 114 freshman members of Congress and Republican congressional leaders urging them to abolish the NEA. The letter cites "Abject Art" as a prime reason to end NEA funding.

Mr. Mawyer blamed the depictions in the exhibit on the Clinton administration.

Although the Whitney's Independent Study Program was last awarded an NEA grant in 1992, during the Bush administration, Mr. Mawyer charged that "the fact that no one is at the helm of the NEA is exactly why these types of grants get abused at museums."

In the absence of a permanent chairman, the NEA is being run by Anna Steele, a senior deputy director.

"I feel that if Anne-Imelda Radice were still at the helm of the NEA, she would have denounced the exhibit and demanded the money back," Mr. Mawyer said.

Miss Radice took over as NEA chairman after President Bush fired John Frohnmayer. She won the support of many conservatives by insisting that are supported by the endowment should reflect the values of the majority of Americans.

NEA spokeswoman Ginny Terzano said the CAN president's comments "indicate how Mr. Mawyer's organization and other special interest groups spread misinformation about this agency."

"The [Whitney] grant was awarded by the previous administration. For him to blame it on the lack of a Clinton-appointed head of the endowment makes absolutely no sense," Ms. Terzano said.

As for "Abject Art," the museum catalog says the exhibit was "deemed urgent" because of recent American politics.

The introduction decries the "art censorship" of the late 1980s and early 1990s, the "verbal attacks on artists such as Robert Mapplethorpe, Andres Serrano, . . . Annie Sprinkle and Karen Finley" and the "rhetoric" of "Jesse Helms, Patrick Buchanan, and David Duke, not to mention Presidents Reagan and Bush."

"Employing methodologies adapted from feminism, queer theory, post-structuralism, Marxism and psychoanalysis, our goal is to talk dirty in the institution and degrade its atmosphere of purity and prudery," wrote Jack Ben-Levi, Craig Houser, Leslie C. Jones and Simon Taylor, all participants in the Whitney's Independent Study Program during 1992–93.

"Abject Art" includes depictions of:

A 3-foot mound of "synthetic" excrement.

A dismembered sculpture of two women engaging in oral sex.

A film showing one man pushing his head into another man's rectum.

A film titled "A Spy," which depicts Jesus Christ as a woman standing naked with her breasts exposed.

A film by porn star Annie Sprinkle titled "The Sluts and Goddesses Video Workshop or How to be a Sex Goddess in 101 Easy Steps."

Andres Serrano's "Piss Christ," a photo of a crucifix standing in a jar of urine, and the late Robert Mapplethorne's "Self-Portrait," a photo showing him with a bullwhip in his rectum.

In the CAN letter, Mr. Mawyer tells freshman House members they "have been elected to Congress to reform a government fraught with waste and fraud. The NEA is a classic example . . . There exists no principled reason for allowing the federal government to fund art—especially when that art may not reflect the values and culture of the taxpayers footing the bill."

He also points out that the Serrano and Mapplethorpe works included in the show ignited the political controversy that has surrounded the NEA since the late 1980s. The Serrano and Mapplethorpe works are the "same two pieces of art which the House chose to defend in 1989," he says in the letter.

The House cut $45,000—the total amount the NEA had provided in grants for two exhibits that included the Serrano and Mapplethorpe photographs—from the endowment's budget in fiscal 1990.

One freshman House member, Peter T. King, New York Republican, said Thursday he "opposes the NEA" and will vote to strike the $174.59 million in funding being sought for the agency in fiscal 1994. That amount is $130,000 over current funding levels.

Mr. Chairman, I come to the floor today in support of Mr. STEARN's amendment. There are many good arguments for cutting the NEA, but the most compelling I believe is that the NEA no longer serves the taxpayers of our country. American art used to represent the virtues of our country. Pre-postmodern artists were trying to push the American pioneering spirit of adventure into the realm of art and intellect. Instead of those explorations, today we find callow pandering to the worst in the human spirit. This infantile shock art passes for intellectual and spiritual sustenance. I have already detailed some of the worst abuses of the NEA but I would like to keep focused on the larger issue. Because in this NEA-funded art, we find an assassination of virtue.

I came to the floor a few weeks ago to read a phrase from George Washington's first inaugural address. In that address our first President said that there is an "indissoluble link between virtue and happiness."

Many people don't like to speak about virtue here on the floor of the House. They are afraid that speaking of virtue might seem to suggest that we elected officials are forcing our morality on those that we represent. That is the view of those who believe that we live in a tyrannical political system with Members of Congress dictating to the entire country our own personal whims. Nothing could be further from the truth. We are here because we represent people, citizens, who have consented for these 2 years to give us legislative power over this body and the laws of this Nation. They have empowered us to come here and try to write laws that conform to the virtues of our community. These laws are the moral instruments of our day. Their essence is profoundly moral. We are here to say how our affairs will be conducted, how our public money will be spent and how America should move forward. If our Federal Government is not constantly fighting for excellence and virtue on every front, the Nation's stable happiness will be degraded.

For these reasons, I believe an NEA that does not fit with the virtue of our communities should cease to exist.

Yes, art can make us question our society, our norms, and our roles. That is why last year $9.32 billion was spent in the private sector on art, an incredible increase of $1.42 billion over the previous year. Allow the critique of capitalism, the critique of virtue, the critique of America to take place on someone else's dime. My constituents are striving for a more virtuous world, and one in which they can better attain happiness. The NEA is no longer a part of that world. Therefore, I urge everyone to support the Stearn amendment.

REFLECTED IN THE WHIRLPOOL RITUAL

(By Mona Charen)

Venture with me once more into the world liberalism has created; New York City. New York has been governed politically, educationally, spiritually and morally by liberal ideas for at least 30 years. Fads that merely sideswiped other parts of the nation—like high-school condom distribution and a therapeutic approach to crime—have become institutional pillars of New York's liberal superstructure.

So how are they doing? One of the things liberals told us they could manage so much better than anyone else was the treatment of women.

News item: At least five teen-age boys have been arrested during the past week in New York for engaging in gang molestation of girls in public swimming pools. In a ritual called "the whirlpool," reports the New York Times, as many as 20 to 30 boys ranging in age from 12 to 17 link arms and surround a lone girl. They chant a slogan popular at basketball games—"Oops, there it is"—and then attack her, dunking her head under water, frequently tearing off her bathing suit top and sometimes grabbing at her breasts and genitals. This is high humor for the boys, perhaps especially if the girl is reduced to sobs of fear and humiliation.

All right, you say. Teen-agers misbehave. How can you possibly blame liberalism?

Consider the response of Betty Gotbaum, New York City commissioner of parks and appointee (presumably) of Liberal Mayor David Dinkins. She is the authority here. She is the representative of society's mores. Here's what she said: "This has been going on since time immemorial. And it's not right. But . . . we just have had a really bad five days."

No, New York has had a bad 30 years. "It's not right" is about the most tepid censure in the lexicon. How about "It's outrageous and will not be tolerated." Moreover, Miss Gotbaum betrays her limitations by suggesting that this behavior has been going on since "time immemorial." It has not. This kind of contempt for and cruelty to women wasn't a part of the America I grew up in. It wasn't a part of my mother's America either. Women were never treated this way in the worst days of the Great Depression or in the most libertine era of the Wild West.

No, it required the concentrated assault on "bourgeois values" that began in the '60s to so thoroughly unravel the fabric of civility that had previously survived war, depression and natural disasters.

An informal survey of 50 youngsters from a variety of neighborhoods in the New York area conducted by the New York Times reveals the coarse and vulgar world in which teen-agers now interact. This is a world in which romance is gone—replaced by easy sex and trash language. Liberals, evangelists of the sexual revolution, never believed that by devaluing chastity they'd be devaluing women. But ask the girls who are almost universally addressed as "bitch" in New York City whether free sex has resulted in greater respect.

The term "bitch" is no accident. It literally refers to a female dog. And the girls reciprocate by addressing boys as "dogs." Derrick James, 18, of Bogota, N.J., was asked by the Times how he accounted for the predatory, pack behavior of teenage boys.

"It's nature," he explained. "Look at a female dog and a male dog: Its the same thing. You see 20 male dogs on a female dog. It's the male nature in a way."

So much for 5,000 years of civilization insisting that human beings, creatures created in the image and likeness of God, are not mere dogs in heat and are capable of better behavior.

This moral swamp we have allowed to emerge threatens the United States far more than huge budget deficits, a failing educational system or the challenges of global competition.

In my lifetime we have gone from a world in which men customarily rose from their chairs when a woman entered the room to a world in which a 14-year-old cannot swim in a public pool without fear of sexual assault.

It's been a steep decline.

Mr. YATES. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I wish to respond to the gentleman from California [Mr. DORNAN]. Apparently the gentleman did not hear my reply yesterday that I received from the Arts Endowment. The Arts Endowment specifically says it did not supply the money for the art exhibit to which the gentleman makes reference. That was a student project. It was funded by private funds given to the Whitney Museum. It was not funded by NEA.

Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. HOUGHTON].

Mr. HOUGHTON. Mr. Chairman, I was going to talk a little bit about arithmetic, for the NEA but I would like to start off talking about the Whitney Museum.

Mr. Chairman, I think that these are false accusations. The Whitney Museum is one of the great museums in this country. Every 2 years it has a project which exposes the American public to all the avant garde art. There it is, out there, for everyone to see. Some is great, some is horrible; some is good, some enduring. Then they cut the program. This is all, repeat all, privately funded. The accusations against the Whitney, in brief, are a red herring.

In any event, I rise here today in opposition to the Stearns amendment. I have great respect for the gentleman from Florida, I understand where he is coming from. I understand the desire to cut expenses and to be a responsible public servant.

But frankly, I think this is a ridiculous approach. If you do not like Federal support of the arts, say so. But do not nibble. Nibbling does not produce cost cuts. If one does not like the size of the Federal expense budget, cut it. Do not wave at it. Do not toy with it. That is not how you really get a big, important savings.

But I have a feeling, and I, of course, may be wrong, that the real thrust in this amendment is not to cut costs at all. It is to eliminate Federal arts funding altogether. The words are not there, but the arithmetic is.

Two years ago there was a suggestion to cut $7 million; 1 year ago there was a suggestion to cut $3 million. This

year it is $8.7 million. At a compounded rate, you eliminate the whole arts budget in 6 years.

Private funds help big cities. They do not help rural communities. I live in a small community. Over the years we have contributed privately, both corporately and individually, more funding for the arts than I suppose almost any community our size in the country. It still was not enough. NEA came to the rescue, along with State funds.

□ 1100

The private funds will not do it alone, and cultural training is not an exotic area out there by itself. It is education, just as reading and writing means education.

Do we cut Spanish from schools because we are mad at El Salvador? Do we cut science because of the Challenger tragedy?

If we are going to cut because we have budget difficulties, then cut—do it—and tell people why. Do not camouflage the objective.

Once again, I plead that we not appear brave, which we are in fact timid—and in the process, snip at the edges. This gives us the worst of both worlds. We keep a program we really do not want while we delay the death notice.

Frankly, that is not what we are about here.

Mr. STEARNS. Mr. Chairman, I yield 1 minute and 30 seconds to the gentleman from Tennessee [Mr. DUNCAN].

Mr. DUNCAN. Mr. Chairman, I rise in strong support of this very fair and reasonable and moderate amendment by the gentleman from Florida [Mr. STEARNS]. I commend him for offering this amendment, and I thank him for yielding time to me.

When a family is broke and not only broke but deeply in debt, they spend their limited resources on the basics like food, clothing, shelter and medical care. They do not spend their limited funds on expensive artwork.

Our Nation is in that same situation today. As almost everyone knows, we have a national debt of over $4 trillion, $4.2 trillion. As staggering as that is and as bad as that is, even worse, if something could be worse, is that we are continuing to lose money at the Federal level of almost $1 billion a day every day. Today we will lose almost $1 billion in the Federal Government.

We have got to cut spending. Every place I go today, my constituents are saying, cut spending first. All over the Nation we are hearing that cry. In the national media, from Prime Time Live to many other national organizations, we are hearing the cry of reducing spending.

The national polls show that 75 to 80 percent of the American people want us to balance the budget. Yet we cannot do it unless we start cutting someplace. This will save at least $8.9 million. At least it is a start. I urge my colleagues to support his very reasonable effort by the gentleman from Florida [Mr. STEARNS].

Mr. YATES. Mr. Chairman, I yield 4 minutes to the gentleman from Washington [Mr. DICKS].

Mr. DICKS. Mr. Chairman, yesterday the distinguished gentleman from Montana [Mr. WILLIAMS] came to the floor. There has been a question raised here about some of the grants that have been made by the National Endowment for the Arts. I would argue that over its history, we are talking about 100,000 grant applications that have been made by the Endowment. In very few cases has anyone raised a question about the judgment of the Endowment.

In some instances, money is awarded to an artist under the artists program, the new artists program. And we do not know for sure just exactly what they are going to do.

But in order to deal with this issue, as the gentleman from Montana [Mr. WILLIAMS] pointed out yesterday, I want to read this language into the RECORD, he said, and I quote him, and this is the language that was put into the legislation reauthorizing the National Endowment for the Arts, that is, "Obscenity is without artistic merit, is not protected speech, and shall not be funded by the National Endowment for the Arts." As he said, "The debate is over. The debate is over. It is illegal for the National Endowment for the Arts to fund obscenity."

In fact, here in the statute, it says, this is under section (b), "Section 5(d) of the National Foundation on the Arts and the Humanities Act of 1965 is amended to read as follows:

No payment shall be made under this section except upon application therefor which is submitted to the National Endowment for the Arts in accordance with regulations issued and procedures established by the chairperson. In establishing such regulations and procedures, the chairperson shall ensure that "artistic excellence and artistic merit are the criteria by which applications are judged, taking into consideration general standards of decency and respect for the diverse beliefs and values of the American public; and (2) applications are consistent with the purposes of this section. Such regulations and procedures shall clearly indicate that obscenity is without artistic merit, is not protected speech, and shall not be funded. Projects, productions, workshops, and programs that are determined to be obscene are prohibited from receiving financial assistance under this act from the National Endowment for the Arts.

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

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

Mr. YATES. Mr. Chairman, as I said before, the exhibition which was referred to in the debate during the course of this as being an indecent exhibition was not paid for by the National Endowment for the Arts.

Mr. DICKS. Mr. Chairman, the point I am making is, we have a panel system which consists of some of the very best people in this country who review these applications for funding very closely. The record, over a period from 1965 to 1993, is extraordinary. The amount of money in this budget today is below the 1992 funding level. Congress has cut this budget back, has reduced this funding.

The other thing is, if we factor in inflation, we are continuing to erode the amount of money that is there for the National Endowment for the Arts. I frankly am embarrassed that we are not doing more for the arts in this country than we are. So I would urge my colleagues, knowing full well that the gentleman is offering a sincere amendment, not an amendment to eliminate the arts but a sincere effort to reduce it, but I think the committee, again, has done a good job. We have done the work. We have looked at the fiscal realities. We have held the funding down.

I would urge the House to reject this amendment.

Mr. STEARNS. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Chairman, whether we are talking about direct or indirect taxpayer support of pornographic arts, it amounts to the same thing, as far as I am concerned. The gentleman over here keeps saying that none of the money that went from the National Endowment for the Arts went to fund this pornographic art exhibit at the Whitney Museum. The fact of the matter is, let me state this clearly, like the gentleman from California [Mr. DORNAN] did, $200,000 of taxpayers money went to the Whitney Museum.

The Whitney Museum put on this exhibition that has a young woman urinating in the toilet, a 3-foot mound of excrement, a dismembered sculpture of two women having oral sex, and on and on. Maybe there was not a direct subsidy of that art, but the fact of the matter is the museum that gave this demonstration or gave this exhibition was being funded by the National Endowment for the Arts.

The American taxpayers do not want their tax dollars spent for that. Very pure and simple, if my colleagues go out to any district in the country and start talking about this thing, they do not want direct or indirect subsidies of pornographic art. We have got enough problems with the fiscal problems of this Nation right now without using taxpayers dollars for this. The debt is $4.35 trillion; the deficit is running $300 billion, $400 billion a year. We are spending taxpayers dollars for this.

Members say it is not undermining the moral fiber of this country. We have more rapes, more sexual crimes, more violent crimes than we have ever had before in the history of this country, and we wonder why it is happening. It is because our kids get a steady

diet of this in the movies and on television and even with our taxpayers dollars directly or indirectly funding this kind of trash.

For the gentleman from Florida to offer a minimal 5-percent cut, I think, is the right direction that this Congress ought to take. Yesterday we had a complete cut of the National Endowment for the Arts. I voted for that, not because I am not for the symphonies or ballets or other forms of art that is helpful to a society like ours, but because we want to send a message to the National Endowment for the Arts that we do not want our taxpayers dollars being spent for this kind of pornography.

We could not get that passed. I submit to my colleagues, a small 5-percent cut will at least send a message to the National Endowment for the Arts that we do not want the taxpayers, the hard-earned money of the people of this country going for this kind of trash, directly or indirectly.

I will say to the gentleman one more time, $200,000 came from the NEA to the Whitney Museum that sponsored this trashy pornographic exhibition.

□ 1110

Mr. STEARNS. Mr. Chairman, I would ask the gentleman from Illinois [Mr. YATES] if he has any more speakers.

Mr. YATES. Mr. Chairman, I would tell the gentleman I have one more speaker.

The CHAIRMAN. The gentleman from Illinois [Mr. YATES] has one more speaker, and is entitled to close.

Mr. STEARNS. Mr. Chairman, I yield myself such time as I may consume, in order to finish my concluding comments.

Without belaboring this amendment, Mr. Chairman, it is merely a 5-percent reduction. I ask my colleagues who wanted to vote for some type of spending reduction, this is their opportunity. I think that the debate has shown that most programs in Congress have been reduced. This is one that should be.

The argument that the private sector is not providing $9.2 billion, as the gentleman from California [Mr. DORNAN] has pointed out, maybe it is not $9.2 billion, maybe it is $9 billion, but at any rate, it is a multiple of what the Federal Government has been doing. Before this whole program was started under President Lyndon Johnson, we were able to fund the arts adequately through private funds.

My position is that this is a modest reduction, and I ask my colleagues to support it.

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

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

Mr. Chairman, respecting what the gentleman from Indiana [Mr. BURTON] has said about the funds going to the Whitney, the Whitney receives both public funds and receives private funds. Public funds were not used for this exhibition. Private funds were used for this exhibition. If I remember the arguments made by the gentleman from Indiana [Mr. BURTON] and by those who speak, as he does, against the arts ordinarily, he said, "I do not care what you do with your private funds, you can do anything you like, you cannot do it with public funds."

Public funds were not used for this purpose. The Whitney used private funds for that purpose. The gentleman may think, as he does, that money is fungible and if we had not given this money, the NEA money, the exhibition would not have taken place.

The exhibition would have taken place without the NEA funds, because it was financed by private funds.

In closing, Mr. Chairman, let me point out that the arts are considered an integral part of a student's education. I quote from the speech of the Secretary of Education, Mr. Riley, on March 17, 1993, when he said: "Our literature, paintings, dance, and music are part of what defines us as Americans. Those subjects are just as important as history, politics, and geography in understanding what it means to be an American."

I would add science to that, Mr. Chairman. The National Science Foundation receives $3 billion a year for distribution, for its grants and for education in the sciences and mathematics throughout the country. Yet we compare the paltry sums that the arts receive for education with the amount of education that is financed by the National Science Foundation.

I think our education requires the well-roundedness that the arts bring to this. I have no opposition or hostility to the National Science Foundation grants for education purposes. I think they are excellent. I think we have to establish a foundation in the sciences and in mathematics, but I believe also that we have to teach the arts; that we deprive our children of this country of the opportunity of listening to Mozart and to Beethoven and to the great composers, and to see the artists as they go to the museums, the Impressionists and everybody else, if we approve a cut of the kind of the gentleman from Florida [Mr. STEARNS].

I hope, Mr. Chairman, that this amendment will be defeated.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. STEARNS].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. STEARNS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 240, noes 184, not voting 15, as follows:

[Roll No. 330]

AYES—240

Allard
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Brewster
Browder
Brown (OH)
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cantwell
Chapman
Coble
Collins (GA)
Combest
Condit
Cooper
Costello
Cox
Cramer
Crane
Crapo
Cunningham
de la Garza
Deal
DeFazio
DeLay
Derrick
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards (TX)
Emerson
English (OK)
Everett
Ewing
Fawell
Fields (TX)
Fingerhut
Fish
Fowler
Franks (CT)
Franks (NJ)
Frost
Gallegly
Gallo
Gekas
Geren
Gibbons
Gilchrest
Gillmor
Gingrich
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Greenwood
Gunderson
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hayes
Hefley
Herger
Hoagland
Hobson
Hoekstra
Hoke
Holden
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Johnson (CT)
Johnson (GA)
Johnson, Sam
Kanjorski
Kaptur
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kyl
Lambert
Laughlin
Lazio
Levy
Lewis (FL)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Manzullo
Margolies-Mezvinsky
Martinez
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McHale
McHugh
McInnis
McKeon
McMillan
McNulty
Meyers
Mica
Michel
Miller (FL)
Minge
Molinari
Montgomery
Moorhead
Murphy
Myers
Neal (NC)
Nussle
Ortiz
Orton
Oxley
Parker
Paxon
Payne (VA)
Penny
Peterson (MN)
Petri
Pickett
Pombo
Porter
Portman
Poshard
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Ravenel
Regula
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Rowland
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Sisisky
Skelton
Slattery
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stearns
Stenholm
Stump
Sundquist
Swett
Talent
Tanner
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Thornton
Thurman
Torkildsen
Traficant
Upton
Valentine
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Weldon
Wise
Wolf
Wynn
Young (AK)
Zeliff
Zimmer

NOES—184

Abercrombie
Andrews (ME)
Andrews (NJ)
Baesler
Barca
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bilbray
Bishop

Blackwell
Bonior
Borski
Boucher
Brooks
Brown (CA)
Brown (FL)
Bryant
Byrne
Cardin
Carr
Castle
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Coppersmith
Coyne
Danner
Darden
de Lugo (VI)
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Durbin
Edwards (CA)
Engel
English (AZ)
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Furse
Gejdenson
Gephardt
Gilman
Glickman
Gonzalez
Green
Gutierrez
Hall (OH)
Hamburg
Harman
Hastings
Hefner
Hilliard
Hinchey
Hochbrueckner
Horn
Houghton
Hoyer
Hughes
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lancaster
Lantos
LaRocco
Leach
Levin
Lewis (CA)
Lewis (GA)
Lowey
Machtley
Maloney
Mann
Manton
Markey
Matsui
Mazzoli
McDermott
McKinney
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Moran
Morella
Murtha
Nadler
Natcher
Neal (MA)
Norton (DC)
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Pickle
Price (NC)
Rangel
Reed
Reynolds
Richardson
Romero-Barcelo (PR)
Rose
Rostenkowski
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Skaggs
Skeen
Slaughter
Smith (IA)
Stark
Stokes
Strickland
Studds
Stupak
Swift
Synar
Tejeda
Thompson
Torricelli
Tucker
Underwood (GU)
Unsoeld
Velazquez
Vento
Washington
Waters
Watt
Wheat
Whitten
Williams
Wilson
Woolsey
Wyden
Yates

NOT VOTING—15

Ackerman
Bevill
Conyers
Faleomavaega (AS)
Henry
Kolbe
Lehman
Packard
Pomeroy
Sarpalius
Tauzin
Torres
Towns
Waxman
Young (FL)

□ 1134

The Clerk announced the following pairs:

On this vote:

Mr. Kolbe for, with Mr. Waxman against.

Mr. Packard for, with Mr. Ackerman against.

Mr. SHARP changed his vote from "aye" to "no."

Messrs. ENGLISH of Oklahoma, DOOLITTLE, and ORTIZ changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. YATES

Mr. YATES. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. YATES: On page 84, after line 18, insert:

SEC. 308. None of the funds in this Act may be used to plan, prepare, or offer for sale timber from trees classified as giant sequoia (sequoiadendron giganteum) which are located on National Forest System or Bureau of Land Management lands.

Mr. YATES (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 Illinois?

There was no objection.

Mr. YATES. Mr. Chairman, this is an amendment that prohibits the use of any of the funds in the act to plan, prepare, or offer for sale timber from trees that are classified as giant sequoias. I do not think all of you who have not seen the giant sequoias know what magnificent specimens they are. Too many have already been cut in the harvests that have taken place. Only a few remain. This amendment seeks to protect those that remain from being cut down in the future.

Mr. THOMAS of California. Mr. Chairman, I move to strike the last word to inquire whether this is an amendment to the appropriation.

The CHAIRMAN. The gentleman has offered the amendment.

Mr. THOMAS of California. In what way does this relate to section 308 of title III, which was subject to a point of order as legislation on an appropriations bill yesterday?

The CHAIRMAN. The Chair cannot interpret the amendment. No point of order was made against the amendment.

Mr. THOMAS of California. I understand that.

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

Mr. THOMAS of California. Certainly I yield to the chairman.

Mr. YATES. I thank the gentleman for yielding.

I will tell the gentleman that the point of order was addressed to the section as a whole, and the section as a whole contained the following language; that is, this language plus, "Until an environmental assessment has been completed and the giant sequoia management implementation plan is approved," and that is obviously legislative language. This is not. I am offering this as a funding limitation.

Mr. THOMAS of California. Could the chairman tell me how this amendment affects the mediated settlement between environmentalists and the Forest Service dealing with the protection and preservation of the giant sequoia?

Mr. YATES. They are working on an environmental assessment at the present time.

Mr. THOMAS of California. The mediated settlement has been agreed upon. How does this affect that mediated settlement?

Mr. YATES. I do not think it affects it in any way.

Mr. THOMAS of California. The chairman does not think it affects it?

Mr. YATES. If the gentleman is asking me that question, I will tell the gentleman I think that the language that was stricken yesterday which carried conditions may have had something that the gentleman wanted, that conditioned the action. This says that none of the funds may be used to destroy those trees.

Mr. THOMAS of California. Can the chairman tell me under what law giant sequoias can currently be planned, prepared, or offered for sale?

Mr. YATES. Well, under the general legislation which authorizes the Forest Service to offer timber in the national forests for sale.

Mr. THOMAS of California. Does the chairman know that it is against the law to log giant sequoias? And not only is it against the law to log giant sequoias, but the mediated settlement creates a significant buffer zone around the giant sequoia, and not only is it illegal to harvest giant sequoia, it is illegal to harvest any tree with a diameter greater than 30 inches anywhere near the buffer zone of the giant sequoia.

□ 1140

I need to know the reason for this language, since it is totally superfluous.

Mr. YATES. Well, it may be totally superfluous. The information we have is the giant sequoia is still under threat for destruction of that kind.

Mr. THOMAS of California. The purpose of the mediated settlement was to make sure that they were not under threat.

Mr. YATES. Well, this language goes further and says they shall not be under further threat.

Mr. THOMAS of California. It is against the law to do this.

Mr. YATES. Well, then, none of the funds may be used for that purpose.

Mr. THOMAS of California. Mr. Chairman, this is exactly the kind of amendment that drives this House crazy. Currently, nothing can be done that this amendment is trying to prevent. You cannot do what the amendment says it wants to prevent from being done.

Now, I guess we can be redundant on every point and every subject in the universe to give somebody some assurance somewhere.

What this body should be doing is dealing with relevancy. This amendment is totally irrelevant to what is going on in the real world.

Mr. VENTO. Mr. Chairman, I rise in support of the amendment.

I commend the gentleman for persisting on this amendment, notwithstanding the fact there are points of order yesterday where he could have, I think, dealt with some of the concerns of the gentleman from California.

The existing limitation, I understand, is a restriction in the appropriation bill today, so one set expires this

year and the agreements, obviously, are administrative agreements, so they do not provide necessarily—I hope ideally they would—but they do not necessarily provide the protection that the chairman rightfully, and the Appropriations Subcommittee, is seeking for these giant sequoias in California.

Furthermore, there are other expenses that are involved in other expenditures that could take place short of cutting the tree.

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

Mr. VENTO. I yield to the gentleman on this point.

Mr. YATES. Mr. Chairman, I should point out to the gentleman from California that I am advised by staff that there is no law on the books forbiding the cutting down of giant sequoias. The only protection the giant sequoias have had over the years is the funds limitation that we have put in our appropriations bill every year, which has had the force of law. There is no law on the books at the present time, I will tell the gentleman.

Mr. VENTO. Mr. Chairman, I would urge support for the amendment, and yield back the balance of my time.

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

Mr. Chairman, I am a little confused about the form of the amendment, given the discussion the chairman and I had yesterday.

As I understand this amendment, it is a funds limitation amendment. It is therefore an amendment that is supposed to come at the end of the bill after the motion to rise.

The chairman explained to me yesterday that I could not have such a funds limitation amendment to deal with the problems of the Midwest flood because that would not be proper form.

Now the chairman himself comes along and offers a funds limitation amendment on his own, while denying me the opportunity to come to the floor to try to deal with the Midwest flood situation in a responsible way by limiting funding.

Can the gentleman explain to me why it is not proper for this Member to deal with the subject matter of some importance, and the chairman himself offers an amendment that would otherwise not be in order?

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

Mr. WALKER. Yes, I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, the gentleman has the same rights as I have in offering this amendment. As I understand it, this amendment is subject to a point of order because it was not made after rising. The point of order was not made. Had it been made, it might have been sustained. I do not know that anybody had a point of order against this amendment, because we struck the legislative provisions on a point of order yesterday.

If the gentleman wants to offer his amendment at this time, I propose to make a point of order against it.

The gentleman has the same rights as I have of offering an amendment, subject to the House rules.

Mr. WALKER. Mr. Chairman, I thank the gentleman for his explanation.

I guess what we are going to have to do then, Mr. Chairman, is demand absolute order in the House, because in all honesty it was not clear what was happening here.

I certainly would have made a point of order if clearly this was happening.

Since the gentleman has indicated that he would not allow others the same rights that he has taken for himself, it seems to me then that we are going to have to make some points of order to prevent this kind of thing from happening on the floor.

It seems to me that what is good for the leaders of the committee out here ought to be good for the rest of the membership in the House.

Mr. YATES. Mr. Chairman, if the gentleman will yield, that is exactly the fact here. As I explained to the gentleman, it was subject to a point of order.

I have asked unanimous consent to withdraw my amendment at this time, because the gentleman felt that he was unfairly dealt with at the time the amendment was read.

Mr. Chairman, I, therefore, ask unanimous consent to withdraw that amendment at this time and ask that it be presented at this time.

The CHAIRMAN. Without objection, the amendment offered by the gentleman from Illinois [Mr. YATES] is withdrawn.

There was no objection.

The CHAIRMAN. Does the gentleman reoffer the amendment?

AMENDMENT OFFERED BY MR. YATES

Mr. YATES. Mr. Chairman, I reoffer the amendment.

The Clerk read as follows:

Amendment offered by Mr. YATES:

SEC. 308. None of the funds in this Act may be used to plan, prepare, or offer for sale timber from trees classified as giant sequoia (sequoiadendron giganteum) which are located on National Forest System or Bureau of Land Management lands.

POINT OF ORDER

Mr. THOMAS of California. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. THOMAS of California. Mr. Chairman, I believe this amendment is out of order, because under the rule a limitation amendment cannot be presented until after the motion to rise has been defeated, and, therefore, it is not appropriate to offer this amendment at this time.

The CHAIRMAN. Does the gentleman from Illinois wish to be heard on the point of order?

Mr. YATES. Mr. Chairman, I concede the point of order.

The CHAIRMAN (Mr. GLICKMAN). The point of order is conceded, and the Chair sustains the point of order.

AMENDMENT OFFERED BY MR. YATES

Mr. YATES. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. YATES: Page 15, line 2 after "program" insert the following:

" , $38,400 for a lump-sum payment to Marlene Anita Hudson of Washington, District of Columbia, which payment shall be in addition to any other amount that is otherwise payable under any other provision of law based on the death of James A. Hudson".

Mr. YATES. Mr. Chairman, this is a provision to pay to the widow and the family of a National Park Service employee who for 8 years was a temporary employee of the National Park Service. As a temporary employee, he did not enjoy any of the privileges of permanent employment, and obviously he was continued as a temporary employee during a period when he should have been shifted to permanent employment which would have entitled him to the benefits which are contained in this bill.

He was an employee whose services were described by all those who knew him, by his superiors, by his supervisors, as being super-excellent. He was conscientious. He was industrious. He did good work.

It is the purpose of this amendment to indicate to the Park Service that, the extended use of temporary employees is a practice that ought not to be continued and that, where the Service has situations of this kind of temporary employment, it ought to be corrected.

□ 1150

Mr. Chairman, I ask unanimous consent that all time on this amendment be limited to 20 minutes, 10 minutes on our side, and 10 minutes on the other side.

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

Mr. WALKER. Reserving the right to object, Mr. Chairman, I do not intend to object to the amendment. On the other hand, how is that time going to be divided? Is there a Member in opposition?

Mr. YATES. Mr. Chairman, if the gentleman will yield, let me say that he may have time on his side and I will take the time on my side, unless he would prefer Mr. REGULA to be in charge.

Mr. WALKER. Yes, we may give the time to the gentleman from Ohio.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. So the unanimous-consent request is for 10 minutes on each side, the gentleman from Illinois [Mr. YATES] controlling 10 minutes and the gentleman from Ohio [Mr. REGULA] controlling 10 minutes, 20 minutes

total debate time on this amendment and all amendments thereto.

Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. YATES. Mr. Chairman, I yield 5 minutes to the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Chairman, I thank the gentleman from Illinois [Mr. YATES] for his gracious and generous support of the amendment that also has the support of the administration. I will ask unanimous consent that that support be entered into the RECORD.

Members may have read about this man in two front-page stories in the Washington Post and a recent editorial. This amendment, cosponsored by our colleague, the gentleman from Nebraska [Mr. BARRETT], is an important, and small and compassionate one-time measure providing financial relief to the family of James A. Hudson. The amendment calls for a lump sum payment of $38,400, Mr. Chairman, which is the equivalent of a minimum life insurance benefit from the Federal Employees Group Life Insurance Program to Marlene Anita Hudson, the surviving spouse of this devoted Federal worker and family man who left seven children after his recent death occurred on the job. Last week James A. Hudson, a temporary employee of the National Park Service, well known for his work attending the great Lincoln Memorial statue, died while on the job after having worked three shifts over 2 days during the extreme heat of the July 4 holiday weekend. As a temporary employee, even with 8 years of service, James Hudson was not eligible for the basic health care, life insurance, and retirement benefits available to permanent Federal employees. Thus his wife, Marlene, and their seven children cannot receive the usual benefits.

Mr. Chairman, Mr. Hudson's tragic death points up the serious problem created by Federal agencies who abuse the temporary employee classification by carrying these employees and that employment status for many years while they are denied essential benefits that would otherwise have been awarded to them. Legislation will also be necessary to remedy this situation by providing temporary workers with a basic benefits package. Meanwhile, Mr. Chairman, this is a one-time emergency, compassionate measure, and I will be especially grateful if this body would favorably consider this amendment in that light, as a compassionate measure necessary to assist the widow and the seven Hudson children.

Mr. VENTO. Mr. Chairman, will the gentlewoman yield?

Ms. NORTON. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I thank the gentlewoman from the District of Columbia [Ms. NORTON] for her statement.

Mr. Chairman, I think that this is an unusual measure. I hope, and I do not think that anyone intends it to be a precedent for seasonal or temporary employees in the National Government, but the fact is that I know, especially in the land management agencies, that I think there has been misuse, if not abuse, of the use of seasonal and temporary employees. I think it is regrettable because they do not accrue the health insurance benefits, they do not provide the other host of benefits, that we expect would be accorded employees in the fair and equitable manner, and that is a concern. But I think this allows me and others to speak out.

Recently the Park Service, specifically the Vail Conference, talked about these seasonal employees, part-time employees. There is a role for them, but I think it has gone well beyond that.

Mr. DICKS. Mr. Chairman, will the gentlewoman yield?

Ms. NORTON. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I want to concur with my friend, the gentleman from Minnesota [Mr. VENTO]. I think one of the tragedies of temporary employment, and this is all over the Government; this is not just the Park Service, but this is the Defense Department, this is in every Government Agency; they use temporaries as a way, and this is not a cold-hearted private sector here, but this is the Federal Government not paying retirement benefits, not paying health care benefits, not taking care of the basic requirements for people, and I think this is a demonstration of the concern that this House has about the way we treat temporaries.

Mr. Chairman, I hope that the committees that have jurisdiction over this will take this step as a first step in trying to correct this problem. I think we have got to give a basic benefit package to temporary workers, and I am glad that the gentlewoman from the District of Columbia [Ms. NORTON] has raised this issue because I think, as we look at this, we need to think about the rest of the people who work for the Federal Government all over this country, all over the world, who do not get health care, who do not have retirement, who do not have the basic benefit package, and I am certainly glad to vote for this amendment.

However, Mr. Chairman, I hope we can go far beyond this in correcting the problem that faces thousands, if not millions, of people who work for the Federal Government, and I thank the gentlewoman from the District of Columbia [Ms. NORTON] for having yielded to me.

Ms. NORTON. Mr. Chairman, I submit for the RECORD a letter from the director of the United States Office of Personnel Management and the article from the Washington Post entitled "James Hudson in Life and Death":

OFFICE OF PERSONNEL MANAGEMENT,
Washington, DC, July 15, 1993.

Hon. ELEANOR HOLMES NORTON,
Chair, Subcommittee on Compensation and Employee Benefits, Committee on Post Office and Civil Service, House of Representatives, Washington, DC.

DEAR REPRESENTATIVE NORTON: I have discussed with the Office of Management and Budget your effort to amend H.R. 2520, the Department of Interior Appropriations bill, to provide a payment of $38,400 to the survivors of James Hudson. I am pleased to advise you that the Administration supports your effort.

Mr. Hudson's tragic death last week has focused our attention not only on the unfortunate circumstances in which his family now finds itself but also on the inequity of denying most benefits to dedicated long-time Government employees whose work is by no means temporary. We pledge our efforts to reform the process of employee temporary employees in the federal workforce and praise your efforts on behalf of Mr. Hudson's survivors.

Please let me know if I may be of some personal assistance in this important effort.

Sincerely,

JAMES B. KING,
Director.

[From the Washington Post, July 13, 1993]

JAMES HUDSON IN LIFE AND DEATH

When President Clinton spoke last year about honoring and rewarding those who work hard and play by the rules, he could have been talking about James Hudson. Mr. Hudson, who died last week while on his job caring for Abraham Lincoln's statue, took his responsibilities seriously, and he worked hard. It was Mr. Hudson and his wife Marlene—and not the government—who raised their five children mostly on his $29,000-a-year salary. In the end, when his heart gave out after working his third shift in two days in above 90-degree temperatures at his beloved Lincoln Memorial, his family learned that although he worked full-time for the government, he was not entitled to a pension or government-supported health or life insurance. James Hudson wasn't the only American in this fix. There are about 150,000 others in comparable situations. They're called temporary employees—people whose jobs last a year or less. Mr. Hudson had been working temporarily for the U.S. government for the past eight years with no benefits—except the good news that his job was being extended year after year. Even though he never received the benefits, he kept on working hard, starting as a laborer and rising to foreman of a seven-member crew who maintained America's cherished national shrines.

The Lincoln and Jefferson memorials, the Washington Monument—they were all his. Lincoln was his personal responsibility, in the dead of winter or in the heat of summer. That's why after he left his 16-hour shift on the Fourth of July, he was back there sweeping and mopping the marble floors of the Lincoln Memorial. He kept a newspaper photo of himself standing on Lincoln's shoulders hanging on his living room wall. When he wasn't doing the job, he was at home with his children and other neighborhood kids. He did more than serve his country on the Mall; he had served in Vietnam.

In the end, the man who never sought something for nothing got nothing for all he did. His family had to be driven to the funeral by neighbors because they couldn't afford the $100 for the limousine, what with the

funeral and burial costs. There's a chance the Hudson family may be eligible for benefits under worker's compensation, if the Labor Department agrees with the Park Service that his death was work-related, and we understand they may also be eligible for Social Security benefits. They shouldn't have to wait to find out what the government will do. They are at least entitled to that consideration. But should that be all? We don't think so.

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

Mr. Chairman, we recognize the compassionate nature of this amendment and will not oppose it, but I do want to point out that I think in conference we should tighten the language so that we do not create a precedent here that would give rise to claims, both prospectively as well as retroactively.

I think also that it is important that the authorizing committees, that have responsibility for establishing the parameters for employment, should address this problem long term so that we are not faced with these kinds of individual choices. This would also give a sense of security to the part-time employees.

So, again we need to ensure that we are not establishing a precedent that would create problems that we do not anticipate today. I think we will have an opportunity to deal with that in conference.

Having said that, Mr. Chairman, I yield 3 minutes to the gentleman from Nebraska [Mr. BARRETT].

Mr. BARRETT of Nebraska. Mr. Chairman, I rise in wholehearted support of the amendment offered by the gentleman from Illinois [Mr. YATES] and the gentlewoman from the District of Columbia [Ms. NORTON], and I thank the chairman and also the gentlewoman from the District of Columbia for their interest in this issue which has come to our attention just in the post-July 4th period. I also thank the ranking member, the gentleman from Ohio [Mr. REGULA], for his cooperation and his concern in this issue as well.

Mr. Chairman, as the gentlewoman from the District of Columbia [Ms. NORTON] and the gentleman from Illinois [Mr. YATES] have explained, this is a straightforward amendment. We are asking the House to set aside in the appropriations bill for the operation of the National Park System the sum of $38,400. This money would provide the family of James A. Hudson a lump sum payment that approximates the amount that would have been paid to the family, had Mr. Hudson been allowed to participate in the basic Federal employees group life insurance program.

In dollar amounts, this amendment is very modest in comparison to the spending we are usually debating on this floor. The arithmetic we often use to round off some spending levels, accounts for far more than the $38,400 we are proposing. Certainly, in the context of this $13.4 billion bill, it's almost insignificant.

But, to a recent widow and her now fatherless seven children, this amendment is significant. It is important. It says that Government is not a calloused employer. It says that James A. Hudson was an appreciated and valued employee of the Federal Government.

Mr. Chairman, I am certain I was not the only Member of this House to return from my district after our July 4th recess to read of James Hudson's death and, then, to be shocked that the family of this dedicated, exceptional employee—a decorated veteran of the Vietnam war—was not entitled to any survivors' of life insurance benefits because he had been exploited by his employer for 8 years as a temporary full-time employee.

Let me repeat that. Mr. Hudson was a temporary employee for 8 years. A temporary Federal job is defined as having a duration of less than 1 year. There's something wrong with those numbers and the system that allows them.

Working to address this situation during the last couple of days, I've been told time and time again by some of my colleagues that facing up to Mr. Hudson's situation would be opening a can of worms, setting a precedent for other Federal employees.

Well, I say to my colleagues, this is a can of worms that we should open wide and clean out. We're not elected to ignore problems; I always understood that we were here to try to address them.

I fully realize that Federal agencies have been using temporary employees to stretch their budgets. It was reported to me that there are as many as 145,000 temporary full-time employees in the Federal work force at this time. Many of them could be in the same situation as Mr. Hudson, working long and hard without even the chance to participate in benefit programs and protect their families.

The Federal Government should not be taking advantage, and exploiting employees in this fashion. To the contrary, we should be setting the example.

As a Republican—and I speak to my fellow Republicans—we oppose mandates on private-sector employers, because we argue that they know the right thing to do, to take care of their work force. How can we expect this to be true in the private sector, when it is not true in the example we set in the Government?

Obviously, we cannot afford a fix for all the past mistakes and mistreatment, even if it was possible to identify those workers. But we can fix this oversight and abuse from this point forward. Mr. Hudson's death, leaving seven children, brought the problem into full light. Let's fix it for his family and from this point forward.

I joined with the gentlewoman from the District of Columbia [Ms. NORTON] to draft this amendment, because I have assurances from her that her Post Office and Civil Service subcommittee, along with Mr. MCCLOSKEY's subcommittee, is moving forward immediately with legislation to address the issue of full-time, but temporary workers. There was, in fact, a hearing on this issue just recently. The gentleman from Indiana [Mr. MYERS], the ranking member of Post Office and Civil Service, also tells me of his plans to move forward with legislation on the issue.

Mr. Hudson's widow and seven children are strapped financially now. Thankfully, they have Ms. NORTON on their case trying to expedite release of Mr. Hudson's last paycheck and trying to expedite the application for Social Security and, possibly, workers' compensation benefits. This amendment is the quickest, surest way to get this modest payment to the family. It is the right thing to do.

I urge my colleagues to support the amendment.

Mr. YATES. Mr. Chairman, I yield 2 minutes to the gentlewoman from Hawaii [Mrs. MINK].

Mrs. MINK. Mr. Chairman, I thank the gentleman from Illinois [Mr. YATES] for yielding this time to me, and I applaud the offering of this amendment from the gentlewoman from the District of Columbia and the chairman of the subcommittee. This is an issue that has confronted the Congress for some time.

Mr. Chairman, some of my colleagues will recall in the defense appropriation bill the gentleman from Indiana [Mr. MCCLOSKEY] and I put in an amendment there calling upon the Defense Department to review this policy with reference to temporaries, and that review has been completed, and, as a consequence, the gentleman from Indiana [Mr. MCCLOSKEY] called a subcommittee meeting a few weeks ago in which this matter was very strongly viewed, and we had assurance by the Office of Personnel Management that they would take strong measures to correct this problem. So, I am really appreciative of the initiative of the gentleman from Illinois [Mr. YATES] here in presenting this issue and bringing sharper focus to the problem.

Mr. Chairman, there are tens of thousands of employees in the Federal Government, in all departments, who are confronted by this issue of being a temporary year, after year, after year and not having the benefits of health care, and insurance and retirement.

□ 1200

There are many in my district who brought this issue up, and as a consequence I introduced a bill. I am really very, very grateful that finally we have some momentum created here to correct this problem. With the tragedy

of this death here in the District of Columbia of a temporary who had worked as long as 8 years without any health coverage, we might conclude perhaps that the lack of health coverage caused his death, when one stops to think of the fact that he had no protection whatsoever in terms of his own family.

So I call upon this Congress not just to support this amendment and then walk away from the issue but to carry it forward and do something and pass a law. My own bill says that if a temporary works for 2 years cumulatively, he should automatically be given the protection of health coverage. I think that kind of support is required here for our temporaries.

Mr. REGULA. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. CUNNINGHAM].

I have a question for the chairman of the subcommittee, the gentleman from Illinois [Mr. YATES]. I do not plan on opposing this amendment, but I have this question: I understand this is just for one time and does not set precedents?

Mr. YATES. Mr. Chairman, if the gentleman will yield, let me say that the gentleman is correct.

Mr. CUNNINGHAM. Mr. Chairman, I laud both the gentleman from Illinois [Mr. YATES] and the gentlewoman from the District of Columbia [Ms. NORTON], but let me say this: The amendment brings attention to the fact that we are talking about Federal employees right now, but in the upcoming health care plan of the President's wife, I am sure there would be a lot of small businesses who are going to do the same thing to avoid costs. I would ask the chairman of the subcommittee to also look at the cost of any measure such as this. When we have been increasing the size of Government, I would ask the gentleman to look at the cost to the American taxpayer and also the cost to small business, because it could affect them desperately also.

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

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

Mr. YATES. Mr. Chairman, if the gentleman will look at the form of the amendment, it is to be taken out of existing funds, so there would be nothing else added for expenditures from the budget.

Mr. REGULA. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. WALKER].

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

No one is going to oppose this particular item for this particular family as a hardship case that needs to be addressed, but I do think the House had better focus on a couple of things here.

First of all, we are establishing a precedent of going around the House rules as they are presently written. This kind of a bill would normally go through the channels of a private bill. It is exactly that kind of thing that the private bill calendar is established for, and we are doing an end run around the rules of the House, around the process, in order to get by that particular factor.

The second thing is that I enjoy all the nice features here about these temporary employees and that this is not going to set a precedent, and I think it is something that has to be corrected. But we are in the process of creating 25,000 new temporary employees without these kinds of protection in the national service bill. So all the Members who have been up here making these kinds of statements, when it comes to the national service bill, I wonder where they are going to be because we are creating exactly that kind of temporary employee there who also is not going to have these kinds of protections, and the question is going to be, when one of them finds themselves in a circumstance like this, whether or not we are going to be back here citing this precedent and suggesting that for these national service employees we ought to be doing the same thing as we did in this particular case. that could amount to real big expenses that we are not going to be able to take out of existing funds.

So, Mr. Chairman, I ask the chairman of the subcommittee this question specifically: Is this in any way a precedent in any way, shape, or form that could be used in the future for people engaged in national service should that become the law of the land?

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

Mr. WALKER. I yield to the subcommittee chairman.

Mr. YATES. Mr. Chairman, the answer to that question is an emphatic "no." And if the gentleman will yield further on the first point, I recognized when I offered this amendment that it was subject to a point of order, because, as the gentleman pointed out, it did violate the House rules. In accordance with the gentleman's admonition earlier, order had been declared, and no Member made a point of order on it. We have had our debate on the amendment, and in response to the gentleman's second point, the answer to that again is "no."

Mr. WALKER. Mr. Chairman, I thank the gentleman, and let me say that the gentleman is absolutely correct, that we specifically decided not to raise a point of order. But I did raise the point that there are processes that can be utilized for exactly this kind of case, and we would be better off in most cases sticking to the process rather than going for these ways around what is the legitimate aims of the House to deal with emergency situations.

Mr. YATES. Mr. Chairman, I yield 1 minute to the gentleman from Indiana [Mr. MCCLOSKEY].

Mr. MCCLOSKEY. Mr. Chairman, I thank the distinguished chairman of the subcommittee for this time.

I appreciate the contours of this very important debate. I might say that the gentlewoman from the District of Columbia [Ms. NORTON], the gentlewoman from Hawaii [Mrs. MINK], and I have been working on these concerns for some time.

The simple fact is that this process is an outrage. Some of us had 19 and 20 and 21 years as cases in our districts in which people have been strung along as temporary employees with no protection.

This afternoon, at 2 o'clock, Jim King, the Director of OPM, the gentlewoman from the District of Columbia [Ms. NORTON], the gentlewoman from Hawaii [Mrs. MINK], and I will be announcing improvements to be made right now, particularly as to health insurance and life insurance for temporary employees. Later on today a bill will go in to take care of more long-range and permanent measures in effect to abolish and reform this totally oppressive system.

I would ask for the support of the House, and I will ask for cosponsors of the legislation immediately.

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

Mr. MCCLOSKEY. I would say this: It does not go to national service, those who are not career employees.

Mr. YATES. Mr. Chairman, I yield myself 1 minute, and I yield to the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Chairman, I want to thank the chairman of the subcommittee and the Members on both sides for their remarks and their compassionate treatment of this bill and indicate that I am a cosponsor, along with the gentleman from Indiana [Mr. MCCLOSKEY], of a bill that we are going to entitle the James Hudson Temporary Employee Equity Act of 1993.

We have a bill that is not going to cost the Government anything but would allow true temporary employees to buy into the Federal employee benefit program themselves after 6 months and pay for their own health benefits. It would also allow them to buy life insurance after their first day of employment, and if Mr. Hudson could have bought his own life insurance policy, of course his seven children would not be left in the condition they will be in.

Mr. Chairman, I want to thank the subcommittee chairman once again and the Members on both sides for the way in which they have treated this issue.

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

Mr. REGULA. 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 Illinois [Mr. YATES].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. WALKER

Mr. WALKER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WALKER: Page 61, line 23, strike "$19,366,000" and insert "$18,091,000".

Page 66, after line 22, insert the following:

REVISION OF AMOUNTS FOR DEPARTMENT OF ENERGY

The amounts otherwise provided by this title for the Department of Energy are revised by reducing the amount made available under the heading "Fossil Energy Research and Development" by, and also transferring from the remaining amount made available under such heading to the appropriation for "Energy Conservation" an additional, $24,873,000.

Mr. WALKER (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 Pennsylvania?

There was no objection.

Mr. REGULA. Mr. Chairman, I ask that the question be divided on this amendment.

Mr. WALKER. Mr. Chairman, I do not believe the amendment in its present form is subject to a question of division.

The CHAIRMAN. As between the two parts of the amendment, the one on page 61, line 23, and the one on page 66, after line 22, it would be subject to a division of the question. Those two parts would be subject to a division, if that is how the gentleman is offering this amendment.

Mr. WALKER. All right. I thank the Chair.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. WALKER] is recognized for 5 minutes.

PARLIAMENTARY INQUIRY

Mr. YATES. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. YATES. Will the Chair describe again just what the parliamentary situation is? What amendment are we considering at the present time?

The CHAIRMAN. A demand for a division of the question has been made. The first vote will occur on the portion of the amendment which is on page 61, line 23, the striking and inserting of dollars. The second vote will occur on page 66, after line 22, inserting the following.

Mr. YATES. I thank the Chair.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. WALKER] is recognized for 5 minutes in support of his amendment.

□ 1210

Mr. WALKER. Mr. Chairman, let me explain the situation we have. We have two parts to the amendment.

Mr. YATES. Mr. Chairman, we do not have a copy of the amendment.

The CHAIRMAN. The Clerk will provide a copy.

Mr. YATES. Mr. Chairman, may I reserve a point of order at this moment?

The CHAIRMAN. The gentleman from Pennsylvania [Mr. WALKER] has begun debate. We have passed the point of a point of order on this amendment.

Mr. YATES. Mr. Chairman, had we really?

The CHAIRMAN. The gentleman from Pennsylvania [Mr. WALKER] asked unanimous consent that the amendment be considered as read and printed in the RECORD, so debate had begun on the amendment.

Mr. WALKER. Mr. Chairman, I think it is all right and this would not be subject to a point of order.

Mr. Chairman, let me explain the amendment. Because of the requested division, it is in two parts. The first part simply brings an aluminum research program down to the present authorized level. Essentially it strikes the figure $19,366,000 and inserts $18,091,000. The sum of $18,091,000 is the present authorized level for the program, and so that is what it does.

The second part of the amendment is the real thing that I am doing here. What that does is cuts about $50 million from the fossil energy research and development program by cutting coal R&D and fossil operating expenses consistent with President Clinton's request. But at the same time what it does is puts some of the money back into the conservation program. So what you get is a cut in the coal R&D, but at the same time it puts the money into energy conservation.

The reason for this cut is again going to the authorizing intent. When we had an authorization bill we decided that the coal research program should be at a particular level. This committee bill exceeds that by about $50 million.

I am attempting to bring the figure back down to the authorized levels, and at the same time though put the money back in that we had intended for conservation programs and so on.

The result of this is that it is a savings of about $25 million. It is about $25 million also going then to conservation. The whole thing puts the appropriations bill, both in conservation and in coal R&D, in line with where the authorizing committee had its bill when we passed the Energy Policy Act.

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

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

Mr. YATES. Mr. Chairman, I have had the opportunity to read the amendment of the gentleman from Pennsylvania [Mr. WALKER], and I must tell the gentleman I do not understand it. If the gentleman will refer to the wording of his amendment, I do not see where in there the designation of the amount sought to be cut is. If the gentleman will examine the amendment, let me give him the amendment that I received.

Mr. WALKER. Mr. Chairman, reclaiming my time, I have seen the amendment. I am told this was drafted by legislative counsel and was drafted, in all honesty, as a way of attempting a division of the question on the fossil energy program. It is done by transferring money from the fossil energy research and development account to the energy conservation account in the amount of $24,873,000.

Mr. YATES. Mr. Chairman, I ask unanimous consent that all time on this amendment and all amendments thereto be limited to 20 minutes, to be controlled equally by the gentleman from Pennsylvania [Mr. WALKER] and myself.

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

There was no objection.

Mr. YATES. Mr. Chairman, I yield myself such time as I may consume in order to address this amendment.

Mr. Chairman, I am frank to say that I do not understand this. I have never seen an amendment like this. It says:

The amounts otherwise provided by this title for the Department of Energy are revised by reducing the amount made available under the heading "Fossil Energy Research and Development" by, and also transferring from the remaining amount made available under such heading to the appropriation for "Energy Conservation" an additional, $24,873,000.

Mr. WALKER. Mr. Chairman, if the gentleman would yield on that point, I now sought clarification on it, and the way the wording is, if you take a look at the comma, what it assures is that the account is cut by $24,873,000, and there is also transferring money by that amount. So you cut it by and also transfer from the remaining amount another amount equal to that. So you have a reduction of the amount by $24,873,000, and you also have a transfer from the remaining money of that $24 million.

It is not the same amount of money. It is a total of $49 million.

Mr. YATES. In other words, it is double this figure?

Mr. WALKER. It is double that figure, because you are transferring that amount of money out of the remaining accounts and you are also cutting the fossil energy research and development by that amount.

Mr. YATES. If I understand correctly, the purpose of the gentleman is to cut the energy conservation accounts.

Mr. WALKER. No. I am cutting the fossil energy research and development account by that amount, and I am transferring an amount of almost $25 million into energy conservation. So it pumps up the energy conservation number and reduces by $49 million all told the fossil energy research and development account.

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

Mr. YATES. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I am very much opposed to this, because what it does is it takes money out of very important ongoing research, and that is coal research which I think is important not only for the United States, but for our world leadership in improving the global environment.

Many of the emerging countries are depending on coal as a fuel for the production of electricity of many, many years to come, and they look to the United States for leadership in developing technologies that will allow them to burn this coal in an environmentally safe manner.

Now, we can say that what happens in China, or Indonesia, with the fourth largest population, is immaterial, but that simply is not true.

We have heard a lot about the global environment, and here is a classic example of ways in which it will be abused if we do not continue the basic research.

Mr. Chairman, I would point out that coal research in this bill is 8 percent below 1993 and 23 percent below 1992. If we cut further, we are going to damage our ability to develop clean burning coal techniques.

It does provide for cost sharing. I think that is an important element. Yesterday we eliminated oil shale, research, as a future source of energy. To now take a big hit on coal research would be in my judgment a great mistake environmentally.

As we well know, China is a fast growing economy. They depend largely on coal as their source of energy, and they look to the United States not only just for leadership in technology, but it is a big market for American technology.

Earlier today one of our colleagues pointed out that we have a deficit balance of payments with China and it will probably be a growing problem. This offers an opportunity to sell them this technology that is developed as a result of our fossil energy research successes. I think as a policy issue it would be a great mistake for this body to reduce, even further than the committee has done, our commitment to coal research and to the development of clean burning and more efficient technologies for the use of this fuel.

Even the United States has coal as its greatest source of energy in terms of Btu's. Therefore, just from the standpoint of our own country, it is very important that we continue this research in coal burning technology.

Mr. WALKER. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from California [Mr. BROWN], the chairman of the Committee on Science, Space, and Technology.

Mr. BROWN of California. Mr. Chairman, I appreciate the opportunity to say a few words about this. Normally I would not be identified with the gentleman from Pennsylvania [Mr. WALKER] in support of a purely cutting amendment, but in this particular case the amendment combines two virtues. It actually cuts $25 million approximately out of the figure, and then it readjusts the remaining amount about another $25 million from coal research, which I have supported in the past, but which in this bill is something like $40 million over what the President has requested.

□ 1220

I am supporting a transfer of about $25 million to the Conservation Act, which funds a number of very important initiatives.

One of the previous speakers has indicated how important coal research is in terms of meeting the needs of the Third World, such as China and so forth. I want to assure all of the Members that there is nothing more important than the research which allows us to develop the technologies for conservation and for alternative forms of energy which will be able to supplant the use of coal in the Third World. This will end up giving a market to the United States far greater than any coal market. We are not going to sell much coal to China or any other place, because they have the coal. But they will buy the technology, which will substitute for coal and which will allow them to conserve in their overall use of energy.

It is for this reason that I am supporting this kind of an amendment, which actually reflects the priorities set by this House in the energy policy bill which we passed last year.

This change, and I compliment the gentleman from Pennsylvania [Mr. WALKER] for it, reflects the administration's views. It rebalances the allocation of funds to conform to what the President wants.

I urge support for this amendment.

Mr. YATES. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Chairman, I stand in strong opposition to this amendment.

I would say to the Members of the House of Representatives, we are talking about an industry in America which is on the ropes. We are talking about an industry where because of our Clean Air Act and a lot of changes in our energy demands, coal production in America is threatened.

I live in a State that is one of the major coal producers in our Nation.

I can tell Members over the last 12 years what has happened in my State. We have gone from 20,000 coal miners in Illinois to 8,000 coal miners. These are men and women who work hard for a living and are losing their jobs because of Federal legislation and our lack of research to find new technology to use this coal.

That plea may fall on deaf ears in this Chamber, because there are Members who have bases being closed and are losing jobs right and left. But if Members do not feel for the families that are involved here, and I do, but if they do not feel for them, think about the future of this country if we ignore this energy resource.

We are still dependent on foreign energy resources, a dependence which drags us into wars, which costs us dearly, which literally threatens the lives of our children. Can we afford $50 million in research to find safe, clean ways to use American coal? We can find billions of dollars to fight a war in the Middle East. We cannot find $50 million for research? We certainly can.

I urge the Members of the House, take this amendment seriously. Defeat the Walker amendment. Reduce our dependence on foreign energy.

Mr. WALKER. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota [Mr. GRAMS].

Mr. GRAMS. Mr. Chairman, I rise in support of this amendment. First, because I believe we have to begin reducing the Government's role in these types of activities and, second, the money should be used in part to reduce our Federal deficit.

One thing I would like to talk about is, I received a copy of the National Taxpayers Union letter supporting this amendment itself. It states some key points very well, so I just want to read from that letter.

> The President requested $216 million for clean coal, technology, the intent being to wind down the Government's role in the development of the process and to allow commercial ventures to take over. The Appropriations Committee added almost $50 million to this total, thereby, subverting the intention that this technology finally be subject to the rigors of the marketplace.
>
> In any year, the goal of cutting the Federal pursue strings from a technologically mature project such as clean coal would be desirable. In this fiscal year, however, when Congress faces a $300 billion plus deficit, this amendment is essential. Supporting your amendment would be an important sign of Congress' intent to assign budgetary priorities and allow the market economy to determine the feasibility and viability of energy technologies.

I strongly support this amendment. First, $50 million would be cut from coal with $25 million of that going to spending reductions, $25 million to conservation R&D. I fully support the intent to get the Government out of the way, turn it over to the private sector.

I commend the gentleman from offering this amendment, and I urge my colleagues to support it.

Mr. WALKER. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota [Mr. PENNY].

Mr. PENNY. Mr. Chairman, the amendment we offer today reduces appropriations for fossil energy research

and development by $49.7 billion and increases the appropriation for energy conservation programs by $24.8 million. The remainder of the savings—$24.8 million are dedicated to budget deficit reduction.

The committee's mark for fossil energy R&D is 22 percent over the administration's request. In my judgment Clinton didn't propose enough spending reductions. We ought to support the President when he tries to save money. Additionally, this appropriation contravenes the intent of the Energy Policy Act which clearly sets a policy for reducing spending on these R&D programs. Furthermore, unlike other Federal science programs, many of the fossil research programs receive a Federal cost share of 70 to 90 percent, depending on the project. It is clearly time, Mr. Chairman, to shift more of the funding of these technologies to the private sector.

Mr. Chairman, we can provide additional funding for programs as long as it is done on a pay-as-you-go basis. This amendment is fiscally responsible because it reduces spending $25 million while at the same time shifting a comparable amount to energy conservation programs. I urge adoption of the Walker-Penny-Brown amendment.

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

Mr. PENNY. I yield to the gentleman from Kentucky.

Mr. BARLOW. Mr. Chairman, I rise in opposition to this very unwise amendment.

I rise in strong opposition to the Walker amendment to cut $50 million from the clean coal technology program of the Federal Government. Half of our energy in America comes from coal-fired power plants. Even higher percentages of energy are generated from coal in other nations around the world. Tens of thousands of American jobs are involved in our coal economy. Emissions from coal burning do have impacts on environmental conditions in our Nation and the world. I strongly support every dollar of expenditure for research into coal burning that will clean up emissions. This will support growth of energy generation to boost our Nation's economy. We will also be generating thousands of jobs in the coal industry which will help local economies and expand tax revenues across the Nation.

Mr. WALKER. Mr. Chairman, I yield 30 seconds to the gentleman from Ohio [Mr. REGULA].

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

I just want to point out that we are $123 million over last year for conservation. We are $15 million below last year on coal research and development. We have $703 million in here for conservation and only $173 million for coal research.

I think that the committee bill represents good balanced policy. I just want to clarify that conservation is way up; coal research is down in the committee bill.

If we go with this amendment, it will be totally out of proportion.

Mr. WALKER. Mr. Chairman, I yield 1 minute to the gentlewoman from Tennessee [Mrs. LLOYD].

Mrs. LLOYD. Mr. Chairman, I commend Chairman YATES for his efforts in bringing the bill before us today. This is a compromise amendment to provide reallocation of funding within the Department of Energy and I rise in support of the amendment. The proposed transfer would provide funding to restore essential conservation research and development activities and to fund high-priority areas that we authorized in the Energy Policy Act. This could include funding for buildings, industry, and the transportation programs including advanced materials and manufacturing, and to restore funding for the electric and Hybrid Vehicle Program.

The amendment also contributes to deficit reductions.

Mr. Chairman, I urge my colleagues to support the amendment.

□ 1230

Mr. WALKER. I would ask the Chair, do I have 2½ minutes remaining?

The CHAIRMAN. The gentleman has 2½ minutes remaining.

Mr. WALKER. Mr. Chairman, I understand the gentleman from Illinois [Mr. YATES] has one speaker remaining. I would ask the gentleman, is that correct?

Mr. YATES. If the gentleman will yield, yes, that is correct.

Mr. WALKER. Mr. Chairman, I yield myself the remainder of my time.

Mr. Chairman, this is one of those situations when there seems to be some confusion about who makes policy in the House and who decides on funding levels. The policy with regard to where we are going with our energy programs was established in the Energy Policy Act. Under the Energy Policy Act, our intention was to move us away from more and more of these mature technologies, move them on into industry, and they have more in the way of research and development in some of the new areas, such as energy conservation.

That is exactly what the authorizing committees decided to do. We, too, hold hearings on these things. We, too, make decisions. We, too, decide what are the priority efforts for the country.

We have decided that we ought to move away from some of the mature technologies that have been developed in coal R&D and move toward energy conservation efforts and toward some of the newer technologies that are necessary for the country.

This amendment is in line with that authorizing intent. This amendment takes money out of an area where the authorizing committee thought we ought to begin to move down the funding level, puts money into the areas where we thought we ought to move up the levels of funding. At the same time, what we are able to do is cut some spending, in line with what the Clinton administration has requested.

I would say to my colleagues, what they get out of this particular amendment is a $25 million cut in terms of deficit reduction. At the same time they get $25 million more in energy conservation, and it comes out of an account that the authorizers have decided is an account that should begin coming down in cost. That particular account is one which the Energy Policy Act said should be dropped, so we are in line, then, with the authorization, and at the same time, I think, achieving something in both deficit reduction and in better energy conservation for our future.

I would ask for the Members' support of this bill. It is a good measure, I think, environmentally; it is a good measure economically; and it does meet the intent of the law that Congress endorsed just a matter of months ago in energy policy.

Mr. YATES. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. COSTELLO].

Mr. COSTELLO. Mr. Chairman, I rise in opposition to the amendment.

Mr. YATES. Mr. Chairman, I yield the balance of my time to the gentleman from Illinois [Mr. POSHARD].

Mr. POSHARD. Mr. Chairman, I rise in strong opposition to this amendment.

All over this country, Mr. Chairman, there are coal-producing communities which stand, not on the brink of economic disaster, but in the midst of economic disaster. A once-proud heritage of working people, whose livelihood and contribution to the prosperity of this country has been to go down into the belly of the Earth and bring up the coal that has supplied the energy needs of this country for years, these proud people and the main streets they have supported all across rural America are now finding their lives, and their main streets, shutting down.

Why? Has some economic colossus across the oceans outproduced them? No. Has some other energy source proved itself to be more valuable in supplying the incredible amounts of electrical power this Nation uses? Can solar, can wind, can hydroelectric, can nuclear? No. We have enough coal reserves to supply our total energy needs in this country for 200 years.

What is the problem? The problem is, many of these reserves cannot be used because the sulfur content of the coal is too high to comply with Federal clean air standards. Mr. Chairman, there is not a single coal miner, not a single coal operator, not a single coal user in this country who does not want the cleanest air possible. We have families, too. We want a safer, cleaner

world for our children just like every American. But we have to know how to clean this coal so it can be used safely to benefit our country, to make us less dependent on foreign energy. That is what this bill does. It gives us the opportunity through fossil energy research and development programs to find the technology to clean the coal. That is good for America, unemployment rate 7 percent, but it is better for Perry County, IL, unemployment rate 27 percent; Hamilton County, IL, unemployment rate 26 percent; Saline County, IL, 18 percent. It is good for coal communities all over this country, who suffer at 3 and 4 times the national unemployment rate.

We can stand here in this House of the people today, and with a sharp, sterile, antiseptic cut of the knife, eliminate $49 million of research meant to help provide jobs for the poorest regions of the country. And we will go home touting our record of fiscal responsibility. But we will not have to look into the eyes of poverty of children in the Mississippi Delta or the Appalachian regions of this country or the Midwest and explain that vote. Vote against this amendment today.

Mr. MARKEY. Mr. Chairman, I rise in support of the Penny-Walker amendment to cut Federal spending and to improve our energy funding priorities.

This amendment will cut $49 million from coal-related spending that is over the amount requested by the administration. The Federal Government is supporting cost-share programs with the coal industry to the tune of 70, 80, even 90 percent. This is oversubsidizing a mature technology.

Half of the savings would go to deficit reduction; half of the savings would go to energy conservation programs, including low-income weatherization, conservation R&D, State energy office grants, and much more. Even with this amendment, the Interior Appropriations bill will contain less in it for energy conservation than requested by the President.

The energy conservation programs that will be supported by this amendment are more than just essential energy policy: they are important high-technology and economic development programs. For example, the Massachusetts Energy Advisor Service has used Federal support to identify energy cost-cutting opportunities for 500 companies. One of those companies, Kraft-Sealtest, was able to keep open an ice cream factory saving jobs in Framingham because the energy advisor service was able to identify enough energy-saving opportunities to slash the factory's utility bills. I am including some information in the RECORD on this excellent program.

These are some of the best programs from the taxpayers' point of view: a recent survey found that for every $1 of Federal funds for State energy conservation grants, the States leveraged $43 in State, private, and other funds, 43–1. That's not only great energy policy, it's great budget policy.

This amendment will cut Federal spending and restore a stronger balance to energy spending that will lead us into the future with a proenvironment, proconsumer, probusiness energy policy.

MASSACHUSETTS DIVISION OF ENERGY RESOURCES,
Boston, MA.

ENERGY ADVISOR SERVICE

The Energy Advisor Service (EAS), a program administered by the Massachusetts Division of Energy Resources, identifies energy cost-cutting opportunities for industries. The Energy Advisors are private-sector engineers contracted to provide custom, on-site engineering. Their cost-effective recommendations are as varied as Massachusetts' industries, ranging from the investigation of industrial process opportunities to cogeneration-feasibility studies. Under EAS, oil overcharge funds (returned to states for restitution to customers overcharged by oil companies in the 1970's) are used to pay over 85% of the cost of engineering analyses of private manufacturing processes.

Over 490 Massachusetts industries have been assisted by the EAS program in identifying energy cost-cutting opportunities at their facilities. Nearly $60 million in annual savings opportunities were identified for 440 clients. These opportunities had an average payback of 2 years. Manufacturers interested in increasing their economic competitiveness through energy efficiency, should take advantage of this program by contacting William Eddy or Clifford Sullivan at the Massachusetts Division of Energy Resources (617–727–4732).

Statewide

Total number of clients: some are in progress	490
Summary for 440 clients:	
Total identified annual savings	$60,000,000
Cost to install recommended measures	$108,670,805
Average payback	2 years
Average identified annual savings	$132,529

MASSACHUSETTS DIVISION OF ENERGY RESOURCES,
Boston, MA.

DOER/KRAFT-SEALTEST FACT SHEET

Energy efficiency for industry

The Massachusetts Division of Energy Resources (DOER) has been helping Massachusetts industry cut energy costs and become more competitive.

DOER's technical assistance service, known as the Energy Advisor Service (EAS), has worked with over 440 companies to identify approximately $54 million in annual energy savings.

DOER clients include well known companies such as Digital Equipment Corporation of Maynard, Raytheon Company of Lexington, Acushnet "Titleist" Company of New Bedford, and Polaroid Corporation of Cambridge.

DOER's technical service is flexible and cost effective. The energy advisors, private sector engineers, specialize in eliminating waste in manufacturing processes.

DOER at Kraft-Sealtest

Kraft General Foods is the second largest packaged food company in the world. Kraft-Sealtest in Framingham, Massachusetts is an ice cream and frozen dessert manufacturing plant which produces nearly 20 million gallons of ice cream annually. Kraft-Sealtest products include Sealtest, Breyers, Frusen Gladje, and Light n' Lively ice creams.

DOER served as a catalyst for the dramatic energy efficiency improvements at Kraft-Sealtest. DOER identified and recommended energy conservation measures that will reduce the plant's energy bills by over $425,000 per year. DOER then helped to arrange for utility financing of those conservation measures.

Utility incentives for Kraft-Sealtest

Kraft-Sealtest became the first project for Boston Edison's new Energy Efficiency Partnership, a $213 million plan under which the utility will invest in conservation.

Mrs. MORELLA. Mr. Chairman, I speak in support of the Walker-Penny-Brown amendment which transfers needed Federal funds from coal R&D Programs into energy conservation R&D. This transfer brings the research and development total closer to the administration's request. The amount in the bill for conservation R&D, which is $703 million, would increase by $24.8 million. I have just come from a hearing on green technologies. Energy conservation R&D, I hope, will assist the United States in taking the lead in promoting technologies that are good for the environment and the pocketbook.

I urge my colleagues to support this amendment.

Mr. COSTELLO. Mr. Chairman, I rise today in strong opposition to the Walker-Penny amendment to cut $49.7 million from the DOE fossil energy research and development program. This year, Congress worked hard to increase the administration's request for coal research and development, to boost our Nation's most bountiful energy source and in turn help areas which rely on coal for their source of employment. This amendment would delete one of the most ambitious and important coal research projects, to be located in my congressional district at Southern Illinois University at Carbondale.

Mr. Chairman, one of the most important ways to offset loss of use for Illinois coal is to find new markets. This project will turn coal into an environmentally sound form of coke for use in our steel factories and foundries.

To date, our project has received almost $6 million in Federal funds. Last year, no funds were appropriated in the House but were later restored in a House-Senate conference committee. However, with the appropriation included in today's legislation, Congress is sending a strong signal to the U.S. Energy Department to break ground and move the project forward.

In today's legislation, Congress is speaking loud and clear in saying that we want this project to begin immediately. Congressman GLENN POSHARD, Congressman DICK DURBIN, Congressman SID YATES, and I are dedicated to work with our two Senators to see that this project is equally supported in the other body.

The project, cosponsored by SIU-Carbondale and the Institute of Gas Technology, has been selected by the Department of Energy to demonstrate the mild gasification of coal. While most conventional gasification technologies convert coal to a synthetic gas fuel, mild gasification converts the coal to a char briquette. The primary use for this char will be in the form of coke briquettes for steel factories, an environmentally sound alternative to conventional coke ovens. A team headed by Kerr-McGee is currently under contract with DOE to build a one-ton-per-hour scaleup of

this technology at the Illinois Coal Development Park at SIU-Carbondale, with 20-percent cost sharing provided by the State of Illinois.

Mr. Chairman, this project is a benefit to both the coal and steel industries, and an excellent project for all of Illinois. Construction on the project will begin as soon as DOE completes an environmental review of the project. Today's appropriation would expedite that process, with a potential groundbreaking late in 1993. I urge my colleagues to defeat this amendment and move forward on essential technology to our Nation's future.

Mr. REGULA. Mr. Chairman, I withdraw my demand for a division of the question.

The CHAIRMAN. The gentleman from Ohio [Mr. REGULA] withdraws his demand for a division of the question.

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

The question was taken; and on a division (demanded by Mr. WALKER), there were ayes 14, noes 11.

RECORDED VOTE

Mr. YATES. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 276, noes 144, not voting 19, as follows:

[Roll No. 331]

AYES—276

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Becerra
Beilenson
Bereuter
Bilbray
Bilirakis
Blute
Boehlert
Bonilla
Brewster
Browder
Brown (CA)
Brown (FL)
Bryant
Bunning
Burton
Buyer
Byrne
Calvert
Camp
Canady
Cantwell
Cardin
Castle
Clayton
Clinger
Coble
Collins (GA)
Combest
Condit
Coppersmith
Cramer
Crane
Crapo
Cunningham
Darden
de la Garza
Deal
DeFazio
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards (TX)
English (OK)
Eshoo
Everett
Farr
Fields (TX)
Fingerhut
Fish
Flake
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Geren
Gilchrest
Gingrich
Glickman
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Hall (TX)
Hancock
Harman
Hayes
Hefley
Hefner
Herger
Hinchey
Hoagland
Hochbrueckner
Hoekstra
Holden
Horn
Huffington
Hughes
Hunter
Hutchinson
Hutto
Inglis
Inhofe
Inslee
Istook
Jacobs
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Klein
Klug
Knollenberg
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Livingston
Lloyd
Machtley
Maloney
Mann
Manzullo
Markey
McCandless
McCollum
McCrery
McCurdy
McDermott
McHugh
McInnis
McKeon
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Miller (CA)
Miller (FL)
Minge
Mink
Molinari
Montgomery
Moorhead
Moran
Morella
Nadler
Neal (MA)
Neal (NC)
Norton (DC)
Nussle
Olver
Ortiz
Orton
Pallone
Parker
Paxon
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickle
Pombo
Portman
Price (NC)
Quinn
Ramstad
Rangel
Ravenel
Reed
Richardson
Roberts
Roemer
Rohrabacher
Ros-Lehtinen
Rose
Roth
Rowland
Roybal-Allard
Royce
Sanders
Saxton
Schiff
Schroeder
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shepherd
Shuster
Skaggs
Skelton
Slattery
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spratt
Stark
Stearns
Stenholm
Studds
Stump
Stupak
Swett
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Tejeda
Thomas (CA)
Thornton
Thurman
Torkildsen
Unsoeld
Upton
Valentine
Velazquez
Vento
Volkmer
Vucanovich
Walker
Walsh
Waters
Watt
Weldon
Wilson
Wolf
Woolsey
Wyden
Wynn
Young (FL)
Zeliff
Zimmer

NOES—144

Applegate
Barlow
Bateman
Bentley
Berman
Bishop
Blackwell
Bliley
Boehner
Bonior
Borski
Boucher
Brooks
Brown (OH)
Callahan
Carr
Chapman
Clay
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Cooper
Costello
Coyne
Danner
de Lugo (VI)
Dellums
Derrick
Dingell
Dixon
Durbin
Edwards (CA)
Emerson
Engel
English (AZ)
Evans
Ewing
Fawell
Fazio
Fields (LA)
Filner
Foglietta
Ford (MI)
Franks (NJ)
Gephardt
Gibbons
Gillmor
Gilman
Gonzalez
Goodlatte
Gutierrez
Hall (OH)
Hamburg
Hamilton
Hansen
Hastert
Hilliard
Hobson
Hoke
Houghton
Hoyer
Hyde
Jefferson
Kanjorski
Kaptur
Kasich
Kleczka
Klink
Kopetski
Lightfoot
Linder
Lipinski
Long
Lowey
Manton
Margolies-Mezvinsky
Martinez
Matsui
Mazzoli
McCloskey
McDade
McHale
McKinney
McMillan
Mica
Michel
Mineta
Moakley
Mollohan
Murphy
Murtha
Myers
Natcher
Oberstar
Obey
Owens
Oxley
Pastor
Payne (NJ)
Payne (VA)
Pickett
Pomeroy
Porter
Poshard
Pryce (OH)
Quillen
Rahall
Regula
Reynolds
Rogers
Rostenkowski
Roukema
Sabo
Sangmeister
Santorum
Sawyer
Schenk
Scott
Serrano
Sisisky
Skeen
Slaughter
Smith (IA)
Spence
Stokes
Strickland
Sundquist
Swift
Taylor (NC)
Thomas (WY)
Torricelli
Traficant
Tucker
Underwood (GU)
Visclosky
Washington
Wheat
Whitten
Williams
Wise
Yates
Young (AK)

NOT VOTING—19

Allard
Bevill
Conyers
Cox
Faleomavaega (AS)
Hastings
Henry
Kolbe
Lehman
Packard
Ridge
Romero-Barcelo (PR)
Rush
Sarpalius
Schaefer
Thompson
Torres
Towns
Waxman

□ 1303

The Clerk announced the following pairs:

On this vote:

Mr. Waxman for, with Mr. Towns against.
Mr. Kolbe for, with Mr. Rush against.

Messrs. HYDE, PORTER, SUNDQUIST, HOKE, WHEAT, FOGLIETTA, and GUTIERREZ changed their vote from "aye" to "no."

Messrs. HEFLEY, NADLER, BARCIA of Michigan, NEAL of Massachusetts, VOLKMER, LAFALCE, and Mrs. UNSOELD changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. VENTO

Mr. VENTO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. VENTO: on page 16, after line 4 insert:

CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities, without regard to the Act of August 24, 1912, as amended (16 U.S.C. 451), $183,949,000, to remain available until expended of which $2,000,000 for the Boston Public Library shall be derived from the Historic Preservation Fund pursuant to 16 U.S.C. 470a: *Provided*, That not to exceed $4,500,000 shall be paid to the Army Corps of Engineers for modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989: *Provided further*, That the $250,000 for Great Basin National Park, Nevada is for the Baker Water and Sewer General Improvement District to cover the additional cost of oversizing the system to serve National Park Service facilities at the administrative site.

Mr. VENTO (during the reading). Mr. Chairman, I ask unanimous consent the amendment be considered as read and printed in the RECORD.

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

There was no objection.

POINT OF ORDER

Mr. FAWELL. Mr. Chairman, I raise a point of order against the proposed amendment, though I have not, I must confess, seen it. But on the basis of what I believe is in it, I raise the point of order because it constitutes legislation on an appropriation bill as well as limitations on expenditures in an appropriation bill, and also constitutes expenditures in an appropriation bill not previously authorized by law.

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

The CHAIRMAN. The gentleman from Illinois [Mr. FAWELL] makes a point of order against the amendment.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Chairman, I concede the point of order.

The CHAIRMAN (Mr. GLICKMAN). The gentleman from Minnesota [Mr. VENTO] concedes the point of order, and the Chair sustains the point of order.

AMENDMENT OFFERED BY MR. VENTO

Mr. VENTO. Mr. Chairman, I offer an alternative amendment.

The Clerk read as follows:

Amendment offered by Mr. VENTO: on page 16, after line 4 insert:

CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities, $183,949,000, to remain available until expended of which $2,000,000 for the Boston Public Library shall be derived from the Historic Preservation Fund pursuant to 16 U.S.C. 470a.

Mr. VENTO (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

Mr. FAWELL. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from Illinois [Mr. FAWELL] has raised a point of order on the amendment, and his rights will be protected.

Is there objection to the request of the gentleman from Minnesota that the amendment be considered as read and printed in the RECORD.

There was no objection.

Mr, VENTO. Mr. Chairman, yesterday, on my action on a point of order, I struck the Park Service construction account, which had the effect of deleting all the Park Service construction funding for the bill. While I did not prefer this course of action, it was necessary in order to get unauthorized projects and legislative language contained in the National Park Service construction paragraph. The difficulty that arises here with my friend from Illinois [Mr. FAWELL] and his point of order against the original amendment is because there was limitation language and other language which was acceptable to me that was not necessarily legislation on an appropriation bill, but it is subject to the limitation language of the previous amendment.

This simply restores the bulk of the funding, when the deletion or modification of two projects that were unauthorized; one was the New Jersey Coastal Heritage Trail Route, which has no authorization, and also this amendment then deletes the money for it, $255,000, and we delete the $495,000 of the $670,000 earmarked in the committee report for the Lackawanna Heritage Park. All that will remain is the technical assistance in the amendment at that point.

I would be happy to yield to the chairman of the committee, who I believe supports this amendment.

Mr. YATES. I thank the gentleman for yielding.

Mr. Chairman, I do support this amendment. I understand that it no longer contains any provisions which are subject to points of order, and this side of the aisle accepts the amendment.

Mr. VENTO. Mr. Chairman, I would yield to the gentleman from Ohio [Mr. REGULA].

Mr. REGULA. I thank the gentleman for yielding.

Mr. Chairman, and members of the committee, we also accept the amendment. It is vitally important that we do these construction projects.

The CHAIRMAN. Does the gentleman from Illinois [Mr. FAWELL] still insist on his point of order?

Mr. FAWELL. Yes; I do, Mr. Chairman.

POINT OF ORDER

The CHAIRMAN. The gentleman will state his point of order.

Mr. FAWELL. Mr. Chairman, I have just had a short time to review this, but it would seem to me that the language in reference to the $2 million, the wording, "to remain available until expended, of which $2 million for the Boston Public Library shall be derived from historic preservation fund pursuant to section 16 U.S.C. 470a," still would constitute expenditures in an appropriation bill not previously authorized by law, in violation and that it would constitute also legislating.

Mr. VENTO. Mr. Chairman, I would like to be recognized on the point of order.

The CHAIRMAN. The gentleman from Minnesota [Mr. VENTO] is recognized.

Mr. VENTO. Mr. Chairman, this is authorized language in terms of the Historic Preservation Act. This is entirely consistent. A certain percentage of the dollars can be—up to 10 percent of the appropriation—can be reserved in this particular manner. In this instance, out of the $40 million, $2 million is, in the wisdom of the Appropriations Committee, being utilized for this particular purpose.

So, it is entirely consistent with the authorizing language with which I am familiar and which has been researched and evidenced. So, this language is simply using the authorities and powers that the Appropriations Committee has and is authorized in the law for that particular purpose.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois [Mr. FAWELL].

Mr. FAWELL. Mr. Chairman, I have just one comment: I do make special reference in regard to my questions about legislating in an appropriations bill to the rather ancient law, but it is set forth in section 451 of title XVI, where it states that no expenditure for construction of administration or other building costs in case of any building exceeding $3,000 shall be made in any national park except under express authority of Congress, and it does appear to me that that express authority——

Mr. VENTO. Mr. Chairman, that is not in the amendment at the desk. I regret the gentleman does not have a copy. He is referring to the original amendment, to the second phrase with regard to the act of August 24, 1912. That has been deleted because, and the gentleman is correct, we have a technical corrections bill that will correct that.

□ 1310

Mr. FAWELL. I do understand that was deleted. I agree that that is an important deletion and I accede to that point; however, in reference to the wording about a certain amount of money in the amount of $2 million remaining available until expended, of which $2 million for the Boston Public Library shall be derived from the Historic Preservation Fund, it does appear to me that that still would be in violation of existing law which I just referred to. Section 415 still exists.

It does seem to me that it sets forth that there must be express authority from Congress for any expenditure for construction or other building costs exceeding $3,000. You must have express authority from the Congress.

Mr. VENTO. Well, of course, the express authority is in the Historic Preservation Act that sets aside these dollars in terms of the amounts and authorizes and permits this type of designation in terms of percentage of those funds up to 10 percent of the funds for this purpose.

In other words, the authority is in the Historic Preservation Act, so the gentleman's argument is not a point of order basically, It may go to the substance of the law.

Mr. FAWELL. Well, I am not aware that there is a $2 million express authority of Congress.

Mr. VENTO. The code citation for the $3,000 limitation is dollars spent within national parks.

On the Historic Preservation Fund, this is generally money that is not spent within parks, but the dollars are going to the fund to be expended in a different manner; so the limitation the gentleman is applying is an archaic limitation that really only deals with expenditures within the national parks. It does not deal with the Boston historic library.

Mr. FAWELL. Well, I would seek a ruling from the Chair on that point. I do not quite agree with that.

The CHAIRMAN (Mr. GLICKMAN). The Chair is prepared to rule.

The Chair has a copy of the statute in question, the Historic Preservation Act, which is referred to in the amendment, 16 U.S.C. 470a–e (1), (2) and (3).

Mr. FAWELL. Mr. Chairman, is that not 451?

The CHAIRMAN. No. It is 470a. It is described correctly in the amendment. The Chair understands that the Boston

Public Library has in fact been designated as a national historic landmark threatened with impairment pursuant to this section of the law.

Therefore, the Chair does not find any problem with respect to this language in terms of legislation on an appropriations bill.

The Chair overrules the point of order.

POINT OF ORDER

Mr. WALKER. Mr. Chairman, I have a further point of order.

The CHAIRMAN. The gentleman will state it.

Mr. WALKER. Mr. Chairman, I am a little confused how made available until expended cannot be legislation in an appropriation bill.

But the point of order I make is that this does go beyond the scope of the bill, and therefore it is not an appropriate amendment because it exceeds the scope of the legislation before us.

The CHAIRMAN (Mr. GLICKMAN). The Chair would rule that this amendment is germane to the bill as a whole, and the subject matter of funds for construction for the National Park Service contained with respect to the Historic Preservation Act is relevant to the appropriations bill under consideration.

So the Chair would overrule the gentleman's point of order.

Is there any further discussion on the amendment?

The question is on the amendment offered by the gentleman from Minnesota [Mr. VENTO].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. YOUNG OF ALASKA

Mr. YOUNG of Alaska. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

On page 31, line 19, delete "." and insert "; *Provided further*, That $650,000 of the funds made available in this Act shall be available as a grant to the Bering Sea Fishermen's Association, of which $400,000 shall be used for rehabilitation and upgrading of four fish processing facilities in the villages of Quinhagak, Bethel, Mountain Village, and Kotzebue, Alaska and $250,000 shall be used to market fish products from these facilities."

Mr. YOUNG of Alaska (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 Alaska?

There was no objection.

Mr. YOUNG of Alaska. Mr. Chairman, my amendment would grant $650,000 to the Bering Sea Fishermen's Association to rehabilitate and upgrade fish processing plants owned by four Native villages in Alaska and to market fish products from these facilities. This grant is needed because these four villages have no other renewable natural resource to develop. The commercial fisheries in these four villages are still developing and would provide economic opportunities to many of the residents. Residents in these four villages support this grant proposal because it would provide many local jobs in the fish processing facilities, freight transportation, and an opportunity for many of the residents to compete in developing commercial fisheries. I cannot stress the many positive economic opportunities this would provide for the residents in these villages.

Mr. Chairman, I am aware that, as a general rule, the Interior Appropriations Subcommittee is very reluctant to earmark money for economic development. These are often sound policy reasons for this rule and I respect it. Therefore, I will not insist on my amendment at this time. However, I am sure that the chairman and ranking member of the subcommittee are sensitive to the fact that agencies sometimes resist the will of their committee and the Congress in the manner in which they administer grant programs. In the July 1992 Interior appropriations report, the committee directed the BIA to appropriately consider an application for a similar grant. Unfortunately the potential grantee was told that money would not be available because of other worthy priorities, which I suspect amount to informal earmarks from one source or another.

As a result, Mr. Chairman, these worthy and important projects have not been funded and the communities involved have seen their hopes for economic self-sufficiency ignored. I think we owe Native Americans in Alaska a better deal, especially when they have shown the ability, desire, and likelihood of success as these villages have.

Since this is really just the first stage of the process, I will continue to work with the other members of the Alaska delegation and the leadership of the Appropriations Committee to ensure that these villages are treated fairly.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

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

There was no objection.

The CHAIRMAN. The amendment offered by the gentleman from Alaska [Mr. YOUNG] is withdrawn.

AMENDMENT OFFERED BY MR. ANDREWS OF TEXAS

Mr. ANDREWS of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ANDREWS of Texas: Page 15, line 7, strike "$1,059,333,000" and insert "$1,056,207,000".

Mr. YATES. Mr. Chairman, I ask unanimous consent that the time on this amendment and all amendments thereto be limited to 20 minutes, 10 minutes to be controlled by the gentleman from Texas [Mr. ANDREWS] and 10 minutes by the gentleman from Pennsylvania [Mr. MCDADE].

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

Mr. REGULA. We object, Mr. Chairman. We need more time.

The CHAIRMAN. Objection is heard.

Mr. YATES. Mr. Chairman, may I ask, how much time does the gentleman need?

Mr. MCDADE. My understanding is that there is going to be an amendment to the amendment. I do not know that to be the case. It has not been offered yet. So, I would ask if we can limit it to 10 minutes and 10 minutes on this amendment alone.

Mr. ANDREWS of Texas. Mr. Chairman, I am not aware there is going to be an amendment to the amendment.

Mr. YATES. Mr. Chairman, I will amend my request to make the time pertain to this amendment alone.

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

There was no objection.

The CHAIRMAN. The time on this amendment will be limited to 10 minutes on each side on this amendment alone, 10 minutes controlled by the gentleman from Texas [Mr. ANDREWS] and 10 minutes controlled by the gentleman from Pennsylvania [Mr. MCDADE].

Mr. ANDREWS of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today to end what is one of the worst misappropriations of tax dollars in recent memory: Steamtown, USA in Scranton, PA. My amendment would reduce the National Park Service's operations budget by $3,126,000, the amount requested to operate Steamtown, USA for next year.

Should this amendment be successful, I plan to introduce legislation giving the Park Service the discretion to put this project back where it belongs: in the private sector.

Protecting and preserving our history and national parks is one of the great responsibilities of every Congress. At a time of such scarce Federal resources, Congress must act responsibly.

Mr. Chairman, the case against Steamtown, USA is indefensible. This is not a unique project of great historical importance: America already has 217 railroad museums across the country. Historians have noted that Scranton is of only modest historical significance, as compared to Chicago, recognized as the greatest rail center in the Nation since 1870, St. Louis, historically the second largest hub and already home to a magnificent rail collection, or nearby Baltimore, home of the Mount Clair shops, which date to 1830. These sites were much more important to the growth of the railroads and would be more appropriate sites for a national rail museum.

Steamtown's collection of steam engines is not of great historical significance, either. Over 25 percent of the steam engines at Steamtown are Canadian in origin, not American.

Mr. Chairman, others far more familiar with this project than I echo my sentiments. The president of the National Parks and Conservation Association, a watchdog group overseeing the National Park System, has stated: "Steamtown is nothing more than an abuse of the public trust and should be sidetracked immediately."

The Smithsonian Institution's transportation curator called Steamtown "an inconsequential collection [which] largely duplicates what can be found elsewhere in better condition."

More than once, I have heard the project described as a second-rate collection of trains on a third-rate site. Hardly what one would call an essential part of our National Park System.

Steamtown, however, does stand out in the manner it has been developed and funded. It began as a private venture in Vermont and was moved to Pennsylvania in the early 1980's. When private funding dried up, proponents turned to Congress. So, Congress studied the proposal, received comments from the Park Service, and made a responsible addition to the National Park System, right? Wrong. Steamtown was first authorized in a continuing resolution appropriations bill late in the 99th Congress in 1986, thus bypassing the normal authorizing process and the usual review by the National Park Service. The project has received $66 million through fiscal year 1993, although it was originally authorized for only $20 million. This $66 million is enough to operate the Grand Canyon National Park for roughly 6 years, and Steamtown's operation costs are 10 times per visitor that of Grand Canyon's.

This year, the Park Service has requested $3.126 million for the operation of Steamtown, an increase of 33 percent from the fiscal year 1993 level. A recent GAO study finds that upon completion the park will need in excess of $6 million a year for operations. This is not a one-time expense. This is $6 million every year for a project that is really nothing more than a hometown jobs program.

Mr. Chairman, I am as interested in historical preservation as anyone in this chamber. That is another reason why I offer this amendment. Funding for projects like Steamtown diverts the National Park Service from its historic mission of preserving and maintaining great national parks like Yosemite and Yellowstone. Both of these parks have had to scramble in recent years to provide scaled-back services to users, such as fewer patrols, longer response time to requests, and less interpretive services. Yosemite has actually had to keep closed campgrounds that would normally have opened this summer. Noting this, the New York Times stated: "it's galling to let a boondoggle siphon even another penny from the Park Service's worthier, maintenance-starved projects." I think it is a travesty that we neglect two of the true gems of our Park System so that we can fund Steamtown.

Mr. Chairman, my opponents will likely rise and proclaim the many supposed merits of this dubious project. But, if it has merits, then surely the private sector will jump at the chance to participate in its operation. This simply is not a project that the Federal Government should be funding.

Steamtown is an embarrassment to the Congress and the National Park System. It is a runaway train loaded with pork barrels, and it's time to throw the switch. I urge my colleagues to vote for my amendment.

Mr. McDADE. Mr. Chairman, I yield myself such time as I may consume. Mr. Chairman, at the outset I want to briefly set the record straight about who is in favor of this national park: the National Park Service in this administration, the National Park Service in the last administration, the Governor of Pennsylvania who is a Democrat, the former Governor of Pennsylvania who is a Republican, and both Senators from Pennsylvania, one from the Republican Party, one from the Democrat Party. It has had full hearings and full authorizations twice in front of the Committee on Natural Resources.

I deeply regret, may I say, Mr. Chairman, that the gentleman from Texas [Mr. ANDREWS] has chosen to bring forward this amendment. In my opinion it is destructive, and it is irresponsible.

I have been a Member of this body for 31 years, and I have been a member of the Appropriations Subcommittee on the Interior for 29 of those 31 years. During that time I think I have served with some of the finest people I have met in this Congress, and I have worked on a bipartisan basis with Members from that side of the aisle, Members from this side of the aisle, to develop the cultural and natural resources of this country. I do not believe there has been a Member that I have not been able to work with in a bipartisan and cooperative spirit.

One of the developments in the system that I view as having great significance is the Steamtown National Historic Site. Let me repeat, Mr. Chairman, that this project was unanimously authorized by the House in 1986 after full hearings in front of the Subcommittee on Public Lands of the Interior Committee and then in the full committee. Funding for construction has already been provided annually in this bill in 1987, 1988, 1989, 1990, 1991, and 1992 with support by the Congress of the United States, and it was reauthorized in February of last year.

Mr. Chairman and my colleagues, a total of $66 million of Federal tax funds have been invested, and it has been complemented by $20 million, roughly $10 million of which is State funding, $5 million of which is city of Scranton funding, local funding, and $5 million of which is private support. All those funds, State, Federal, and local, have been combined to support the construction of this national historic site, and this system is open and running. Last year 400,000 people visited this site from all 50 States in the Nation and from 40 foreign countries, and the comments of the people who go there, who bring their children there, are uniformly, uniformly, complimentary.

I say to my friend that the best definition I ever heard of a national park is a window on the past, and our parks raise various kinds of windows on the past. I say to my colleagues, if you go to Yosemite or Yellowstone, you look through that window, and you see the pristine beauty of this great Nation as God created it. You can go to Independence Park, and you open the window in Independence Park, and you look in, and you see what the Framers of the Constitution and the Declaration of Independence did at the time they did it, as they did it. You breathe the air as they breathed it, you see the scene as they saw it. And, when you go to this historic site, you see the Industrial Revolution in this country that took place from 1830 to 1920, as it cannot exist, and does not exist, any place else like this in the country. You can take your children there. They can hear it, they can feel it, they can see it, they can watch the locomotives, the rails, that tied this Nation together and changed us from an agrarian nation into one of the great industrial powers of the world.

Now comes this destructive amendment well after the ninth inning, $66 million in Federal dollars appropriated, $20 million in State, and private, and local, and says to the American public, "Keep out. Take out the operating money. We're going to lock the door, turn this into a rust bucket." It says to the people who work there, "Get out on the streets. You have been working here for 7 years, but you're through now. We're not going to use this resource."

If I ever, Mr. Chairman, saw an amendment that was ill considered, penny-wise and pound-foolish, it is this one that tries to say we can save $3 million by throwing away $86 million in investments.

Mr. Chairman and my colleagues, I hope this amendment is roundly defeated.

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

Mr. ANDREWS of Texas. Mr. Chairman, I yield 2 minutes to the gentleman from Oklahoma [Mr. SYNAR].

Mr. SYNAR. Mr. Chairman, I rise today in support of the Andrews

amendment to H.R. 2520, which will eliminate funding for the Steamtown National Historic Site.

This site has little purpose or worth, yet Steamtown needs $3.1 million to operate in fiscal year 1994. To put this into perspective, that is one-sixth of the operating costs of Yellowstone, $18,247 million; one-fifth of the operating costs of Yosemite, $15,910 million; and one-fourth of the operating costs of the Grand Canyon, $11.241 million. Moreover, this site has received over $66 million to date, enough to run any one of these parks for several years. This is a substantial amount of money for a site that is of modest historical significance and which is at best second rate. To continue to fund this site would be an unwise use of taxpayer dollars.

I urge my colleagues to cut the funding for Steamtown and to support the Andrews amendment.

Mr. MCDADE. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Ohio [Mr. REGULA].

Mr. REGULA. Mr. Chairman, I thank the gentleman from Pennsylvania [Mr. MCDADE] for yielding this time to me.

Mr. Chairman and my colleagues, the Akron Beacon Journal, which is one of the most respected papers in the State of Ohio, in last Sunday's travel section had a very extensive story about Steamtown U.S.A., inviting the people in Ohio to come and visit. Now I think this points out that here is a facility that will serve millions of people. It is accessible to New York City, to Philadelphia, to Ohio, to many people who otherwise would not have an opportunity to see a facility of this type and who understand that railroads made this Nation great. This is a rich part of our Nation's history. As the Beacon Journal states "Steamtown keeps alive railroad's past and its natural habitat in the Scranton train yard."

□ 1330

It goes on to say in this article, "There are dozens of railroad museums in North America, but Steamtown National Historic Site in Scranton is special." It goes on to say, "The collection of 35 steam locomotives and 78 cars is regarded as one of the country's finest."

I think it would be a tragedy not to make this facility, which is a part of the National Park System, available to those millions of people that will have an opportunity to understand an industry that has built this Nation and is respected particularly in the eastern part of the United States.

I would point out, this has been reauthorized unanimously by this body, so that the authorizing committees, and this body, have made it very clear that they support this as a national park.

Mr. VENTO. If the gentleman would yield, I would point out to the gentleman that there has not been a reauthorization bill passed. It was the subject of House passage, but it was not acted on by the Senate. So in essence it is not authorized.

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

Mr. Chairman, as the gentleman from Minnesota [Mr. VENTO] knows, we do not control the other body. When the gentleman and I talked about it, we had extensive hearings in front of the gentleman's committee. The bill was reported out and passed by the House without dissent and it got locked up in the other body. We do not control the other body, and that happens a lot around here.

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

Mr. MCDADE. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, again this issue is before the House today, not before the other body, and this body has reauthorized this as a national park. I would also point out that this is unique in that there has been a public-private partnership. I think this is the future direction we must go as far as the development of resources of this type, and we will see more of that. The local community and State have put assets into this park to make it a success.

Mr. Chairman, I urge my colleagues to reject this amendment.

The CHAIRMAN. The Chair would point out that the gentleman from Ohio [Mr. REGULA] has the right to close debate, representing the committee's position on this issue.

Mr. MCDADE. Mr. Chairman, I believe I have the right to close.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. MCDADE] is correct.

Mr. ANDREWS of Texas. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota [Mr. PENNY].

Mr. PENNY. Mr. Chairman, my four kids love the story of the little engine that could. But Steamtown USA is no bedtime story. It is a nightmare for American taxpayers.

The National Park Service did not originally request this project. In fact, every dollar spent on Steamtown USA is a dollar we cannot spend on national parks and other sites of greater historical significance.

Last year the Committee on Interior and Insular Affairs considered authorization of the Steamtown project. But it is important to stress that the justification for authorization was to finally put the brakes on this program by limiting its authorization level.

Mr. Chairman, it is time to take the steam out of Steamtown. Over the past several years, as a result of pork-barrel politics at its worst, American taxpayers have forked over $66 million to finance this venture. Now taxpayers are being asked to foot the bill for the annual operating costs.

It is an embarrassment that this Steamtown train ever left the station. It is a shame that this project has been kept on track with $66 million of appropriations through the years.

Steamtown is not a national priority, it is a national disgrace. It ought to be derailed. I urge support for the Andrews amendment.

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

Mr. Chairman, I would simply reply to the remarks of the gentleman from Minnesota [Mr. PENNY] about the National Park Service not requesting this park. Let me say to the gentleman that we are not sent here to be people who have no authority. We are not sent here to be penny-wise and pound-foolish, as I said earlier.

Mr. Chairman, between 1970 and 1990 there were 116 units added to the National Park Service. Only 56 of those were formally recommended by the National Park Service. Sixty of them were independent and unilateral actions taken by this Congress.

Listen to the ones I am talking about: Golden Gate National Recreation Area. You can turn that over to San Francisco and say, "You pay for it." You can turn over the Padre Islands in Texas and say, "OK, Texas, you have got the money; you pay for it."

You can turn over Big Bend or Golden Gate. Gateway National Park on the east coast was not recommended by the National Park Service. The Lyndon Johnson National Historic Park in Texas was not recommended by the National Park Service; it was done by Congress. Neither was Glen Canyon, nor Tuskegee Institute. Valley Forge was not recommended by the National Park Service. It was done by this Congress. And the list goes on. More than half of the initiatives taken were congressional initiatives.

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

Mr. ANDREWS of Texas. Mr. Chairman, I yield myself 15 seconds to say that Steamtown, USA is no Valley Forge.

Mr. Chairman, I yield 2 minutes to the gentleman from Kansas [Mr. SLATTERY].

Mr. SLATTERY. Mr. Chairman, cutting spending is not easy. None of us like to come to the floor of the House and confront a colleague that we all admire and like, who we have a lot of respect for his efforts. The fact that he has tried to push this project through for years is something we do not enjoy taking on. But I think in making the decision that we have to make here today, we have to make one basic choice, and please listen to this choice: Are we willing to raise taxes to pay for Steamtown, yes or no?

If you cannot go home to your constituents and look your constituents in the eye and say that we have got to

raise taxes to build Steamtown, then your vote today is a simple yes vote for the Andrews amendment to terminate this project.

A lot of arguments can be made for this project and other projects. But when we are raising taxes, and no one likes to raise taxes, the gentleman from Kansas does not and the gentleman from Pennsylvania does not either, but when we have a $300 billion deficit and when we are facing the reality of raising taxes to deal with that, and then dealing with this kind of spending, we have to honestly answer that fundamental question: Will we raise taxes to fund Steamtown, yes or no?

The gentleman from Kansas says no. I cannot go home to Kansas and sell a tax raise in Kansas to fund Steamtown.

Now, if my colleagues can, then they should vote for Steamtown and vote against the Andrews amendment. I am going to vote for the Andrews amendment because I cannot go home to Kansas and sell a tax increase to fund these kinds of projects.

Mr. MCDADE. Mr. Chairman, I yield 30 seconds to the gentleman from Ohio [Mr. REGULA].

Mr. REGULA. Mr. Chairman, I would just point out in Kansas we are spending $655,000 to operate Fort Larned, with 51,000 visitors. And for Fort Scott, we are spending $572,000 to operate it, with 87,000 visitors.

Mr. Chairman, you heard the gentleman from Pennsylvania [Mr. MCDADE] give the number of visitors at Steamtown.

Mr. SLATTERY. Mr. Chairman, if the gentleman will yield, the gentleman will check further, the gentleman will find out when it comes to the National Park Service, Kansas gets probably less money in total than any other State of the Union. In terms of the National Park Service, Kansas gets a lot less than most States.

Mr. MCDADE. Mr. Chairman, the gentleman ought to confer with his delegation about how to remedy that, and not take it out on the rest of us.

Mr. Chairman, I yield 30 seconds to the gentleman from Florida [Mr. SHAW].

The CHAIRMAN. The Chair is restraining himself from this debate.

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

Mr. Chairman, I think it is wrong in this debate to try to measure something like Steamtown against some of our great western parks. This seems to be trading off as a West versus East situation.

Mr. Chairman, the railroad train is a very important part of our history. I can tell you as the great grandson of one of the engineers of the great railroads, the Lackawanna Railroad, in the Scranton, Carbondale, Truth areas, that I think this is an important landmark. I think this is important to save. It is an important part of our history, and it is a very dangerous situation when you start talking about going into a bill and picking out small items, as this is a very small item relative to some of the other items that are in this particular bill.

Mr. Chairman, I would urge a "no" vote on this amendment.

The CHAIRMAN. Both the gentleman from Texas [Mr. ANDREWS] and the gentleman from Pennsylvania [Mr. MCDADE] have 1 minute remaining. The gentleman from Pennsylvania has the right to close.

□ 1340

Mr. ANDREWS of Texas. Mr. Chairman, I yield myself 30 seconds.

I want to point out to the Members a recent GAO study reflects that the operational expenses for Steamtown, USA, will be into the future $6.5 million a year. At the same time, taxpayers are spending only $10 million a year to run Grand Canyon National Park. Something is dramatically wrong here. Let us stop this absolute waste of taxpayer dollars and spend our money where it can be most effective, to help our parks that count and matter.

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

Mr. MCDADE. Mr. Chairman, I yield myself the balance of my time.

I just want to bring the direction of the House around a little bit to some of the conversations we have had about taxes. $3 million is the sum we are talking about here.

Let us look at the State of the gentleman from Texas and the annual operating costs of the park system there: Big Thicket Preserve, $1.5 million every year; Chamizal National Park, $1.4 million; Big Bend, $3.5 million; LBJ Historic Site, $2.6 million; Padre Island National Seashore, $2 million; San Antonio Missions, $1.5 million; Lake Meredith Recreation Area, $1.6 million; Amistad National Recreation Area, $1.5 million; Fort Davis National Monument, about $700,000; the Guadaloupe National Park, $1.4 million; for a grand total of $17.9 million.

We could make the same argument against all of these. In fact, maybe when we get around to it, maybe what we ought to do is just close all these parks and put a fence around everything.

Mr. Chairman, I hope this amendment is roundly defeated. It would throw away $88 million and almost 10 years of effort in a very inequitable effort.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Texas [Mr. ANDREWS].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. ANDREWS of Texas. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 192, noes 229, not voting 18 as follows:

[Roll No. 332]

AYES—192

Allard	Gilchrest	Norton (DC)
Andrews (ME)	Glickman	Nussle
Andrews (NJ)	Goodlatte	Payne (VA)
Andrews (TX)	Gordon	Penny
Archer	Green	Peterson (FL)
Bacchus (FL)	Gutierrez	Peterson (MN)
Bachus (AL)	Hall (TX)	Pomeroy
Baker (LA)	Hamburg	Poshard
Ballenger	Hamilton	Price (NC)
Barca	Hancock	Ramstad
Barcia	Hayes	Ravenel
Barlow	Hefley	Reed
Barrett (WI)	Hoagland	Reynolds
Bartlett	Hoke	Richardson
Bilbray	Holden	Roberts
Bilirakis	Huffington	Roemer
Brewster	Hutchinson	Rohrabacher
Browder	Inglis	Rostenkowski
Brown (OH)	Inhofe	Roth
Bryant	Inslee	Roukema
Bunning	Istook	Royce
Burton	Jacobs	Sanders
Canady	Johnson (CT)	Sangmeister
Cantwell	Johnson (GA)	Sawyer
Cardin	Johnson (SD)	Schaefer
Carr	Johnson, Sam	Schenk
Castle	Kaptur	Schroeder
Clement	Kasich	Schumer
Coble	Kennedy	Sensenbrenner
Condit	Kildee	Sharp
Cooper	Kingston	Shays
Coppersmith	Kleczka	Shepherd
Costello	Klug	Skaggs
Cox	Kreidler	Skelton
Cramer	Kyl	Slattery
Crane	Lambert	Smith (MI)
Danner	Lancaster	Snowe
Deal	LaRocco	Spratt
DeFazio	Laughlin	Stark
Derrick	Levin	Stenholm
Deutsch	Lewis (GA)	Stokes
Dooley	Lipinski	Strickland
Doolittle	Long	Studds
Dornan	Maloney	Stump
Duncan	Mann	Stupak
Edwards (TX)	Manzullo	Sundquist
Emerson	McCandless	Swett
English (AZ)	McCurdy	Synar
English (OK)	McDermott	Talent
Eshoo	McHale	Tanner
Evans	McInnis	Tauzin
Everett	McKeon	Taylor (MS)
Ewing	McKinney	Thurman
Fawell	Meehan	Torricelli
Fields (TX)	Meyers	Vento
Filner	Mfume	Volkmer
Fingerhut	Mica	Walker
Franks (NJ)	Miller (CA)	Wheat
Furse	Miller (FL)	Williams
Gallegly	Minge	Woolsey
Gekas	Mink	Wyden
Gephardt	Moorhead	Yates
Geren	Neal (MA)	Young (FL)
Gibbons	Neal (NC)	Zimmer

NOES—229

Abercrombie	Blute	Clayton
Ackerman	Boehlert	Clinger
Applegate	Boehner	Clyburn
Armey	Bonilla	Collins (GA)
Baesler	Bonior	Collins (IL)
Baker (CA)	Borski	Collins (MI)
Barrett (NE)	Boucher	Combest
Barton	Brooks	Coyne
Bateman	Brown (CA)	Crapo
Becerra	Brown (FL)	Cunningham
Beilenson	Buyer	Darden
Bentley	Byrne	de la Garza
Bereuter	Callahan	de Lugo (VI)
Berman	Calvert	DeLauro
Bishop	Camp	DeLay
Blackwell	Chapman	Dellums
Bliley	Clay	Diaz-Balart

Dickey
Dicks
Dingell
Dixon
Dreier
Dunn
Durbin
Edwards (CA)
Engel
Farr
Fazio
Fields (LA)
Fish
Flake
Foglietta
Ford (MI)
Fowler
Frank (MA)
Franks (CT)
Frost
Gallo
Gejdenson
Gillmor
Gilman
Gingrich
Gonzalez
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hall (OH)
Hansen
Harman
Hastert
Hefner
Herger
Hilliard
Hinchey
Hobson
Hochbrueckner
Hoekstra
Horn
Houghton
Hoyer
Hughes
Hunter
Hutto
Hyde
Jefferson
Johnson, E. B.
Kanjorski
Kennelly
Kim
King
Klein
Klink
Knollenberg
Kopetski
LaFalce
Lantos
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Lloyd
Lowey
Machtley
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCollum
McCrery
McDade
McHugh
McMillan
McNulty
Meek
Menendez
Michel
Mineta
Moakley
Molinari
Mollohan
Montgomery
Moran
Morella
Murtha
Myers
Nadler
Natcher
Oberstar
Olver
Ortiz
Orton
Owens
Oxley
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Pelosi
Petri
Pickett
Pickle
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Porter
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Pryce (OH)
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Quinn
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Rangel
Regula
Ridge
Rogers
Ros-Lehtinen
Rose
Rowland
Roybal-Allard
Rush
Sabo
Santorum
Saxton
Schiff
Scott
Serrano
Shaw
Shuster
Sisisky
Skeen
Slaughter
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Solomon
Spence
Stearns
Swift
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thornton
Torkildsen
Traficant
Tucker
Underwood (GU)
Unsoeld
Upton
Valentine
Velazquez
Visclosky
Vucanovich
Walsh
Washington
Waters
Watt
Waxman
Weldon
Whitten
Wilson
Wise
Wolf
Wynn
Young (AK)
Zeliff

NOT VOTING—18

Bevill
Coleman
Conyers
Faleomavaega (AS)
Ford (TN)
Hastings
Henry
Johnston
Kolbe
Lehman
Murphy
Obey
Packard
Romero-Barcelo (PR)
Sarpalius
Thompson
Torres
Towns

□ 1402

Mrs. COLLINS of Michigan, Mr. FARR of California, Mr. ABERCROMBIE, Mr. SERRANO, Mrs. LOWEY, Mr. CUNNINGHAM, Mrs. UNSOELD, Ms. SLAUGHTER, and Messrs. ZELIFF, DREIER, McHUGH, HERGER, and HALL of Ohio changed their vote from "aye" to "no."

Messrs. McCANDLESS, SMITH of Michigan, BARCIA of Michigan, MFUME, and LEWIS of Georgia changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. YATES. Mr. Chairman, I move to strike the last word to engage in a colloquy with the gentleman from Wyoming [Mr. THOMAS] and I yield to the gentleman from Wyoming.

Mr. THOMAS of Wyoming. I thank the gentleman for yielding, Mr. Chairman.

I rise for the purpose of entering into a colloquy with the chairman of the subcommittee, Mr. YATES.

Mr. Chairman, the administration's budget request included construction funding for several fish hatcheries. It is my understanding that the Fish and Wildlife Service is currently reviewing its hatchery system and the committee decided to defer these funding requests until such time as that review is complete and a comprehensive hatchery policy is in place.

As you know, Mr. Chairman, the Jackson National Fish Hatchery in Wyoming has a spring pipeline that is in dire need of replacement. Spring water is supplied to the hatchery through a 34-year-old steel pipeline that is leaking along most of its length. The pipeline is buried along a hillside and through wetland areas that creates shifting and provides an unstable base for the pipeline. A primary focus of the Jackson hatchery program is to sustain healthy populations of Snake River cutthroat trout, a species of concern throughout its range, so that the species will not require listing under the Endangered Species Act. Should the pipeline fail, not only is the hatchery's entire fish production for 1 year in danger, but the adult broodstock for the Snake River cutthroat trout could be wiped out, a population that would take 7 years to replace.

This is a situation we are all very concerned about for obvious reasons. The committee report lists funding for emergency construction projects under the Fish and Wildlife Service at $1 million. Is it the chairman's understanding that if the Fish and Wildlife Service deems the hatchery is at risk, the Service could utilize some of the emergency funding for the Jackson National Fish Hatchery?

Mr. YATES. Yes, the gentleman is correct. I would encourage the Fish and Wildlife Service to use the emergency funding for this purpose, as necessary.

Mr. THOMAS of Wyoming. Mr. Chairman, I thank the chairman of the subcommittee for his consideration.

Ms. SHEPHERD. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of H.R. 2520 and I thank Chairman YATES and the committee for their wise choices in this difficult year. One provision with which I am particularly pleased relates to the Book Cliffs area of Utah, a spectacular, little-known mountainous plateau with rugged, wilderness characteristics. The elevation is approximately 8,500 feet at the Book Cliffs Divide and 6,500 feet at the lower elevation, with precipitation at as much as 18 to 20 inches at the higher elevations. The north slopes give way to deep, sharp canyons of sagebrush, browse, pinon/juniper, and riparian areas. The lower elevation has broad flats between the draws and canyons and produces forewing, serviceberry, mahogany, wheatgrass and pinon/juniper. The vast plateau is almost completely uninhabited and the huge public lands grazing allotments are controlled by only five ranches.

This year's land and water conservation fund includes an appropriation of $2.45 million to the Bureau of Land Management intended to fund the acquisition of the S&H Ranch and part of the Cripple Cowboy, two privately owned ranches. These are riparian lands along Bitter Creek, Chipeta Canyon, Sweetwater Canyon, South Canyon, Main Canyon, Meadow Creek, and Willow Creek and includes Utah's only designated roadless area. The lands at the higher elevations will provide increased forage for a variety of wildlife and the Utah Division of Wildlife Resources has already begun moose transplants. Bighorn sheep and bison were once found in the areas and will be reintroduced. Wildlife such as deer, black bear, mountain lion, raptors, and small mammals will once again become part of the landscape.

This effort to acquire and preserve the cultural and resource values of these ranches was a project of the Book Cliffs conservation initiative, a cooperative program between the Bureau of Land Management and the Utah Division of Wildlife Resources. I had the pleasure of voting as a Utah senator to support this acquisition. Several local and national conservation organizations, including the Nature Conservancy, the Rocky Mt. Elk Foundation, and the Foundation for North American Wild Sheep, are working together in the initiative and will provide additional funding. The Book Cliffs conservation initiative will result in increased and improved wildlife habitat on over 600,000 acres of public and private land. Because the lands acquired include vast contiguous tracts encompassing entire watersheds, the initiative will have the opportunity to create a model for ecosystem management.

Again, I commend the chairman for his hard work and thank him for his foresight in helping to preserve these priceless lands.

Mr. YATES. Mr. Chairman, I move to strike the last word in order to engage in a colloquy with the gentleman from Montana [Mr. WILLIAMS]. I yield to the gentleman from Montana.

Mr. WILLIAMS. Mr. Chairman, I thank the gentleman for yielding. Along with expressing my appreciation for your work on this bill, Mr. Chairman, I would like to clarify that the National Appropriate Technology Assistance Service [NATAS] was funded in the fiscal year 1994 Department of Energy appropriation.

Mr. YATES. The gentleman is correct. The administration requested $1.4 million for fiscal year 1994 in its budget for energy conservation and our bill supports the NATAS program in full.

Mr. WILLIAMS. My understanding is that the NATAS program has been run successfully from its inception by the nonprofit organization, the National Center for Appropriate Technology [NCAT]. It is the chairman's intent that this program should be continued to be administered by NCAT to ensure continued quality?

□ 1410

Mr. YATES. To the extent that I can do so, I would be willing to say yes.

I am aware of NCAT's good work and strong program management and expect the NATAS program to be continued to be managed by NCAT as indicated in the budget submission.

Mr. WILLIAMS. I wish to thank the chairman. As the chairman is aware NCAT has demonstrated good innovation and solid technical support and has received special acknowledgment by consumers and industry alike.

Mr. Chairman, I thank him and his colleagues on the committee for their continued support.

AMENDMENT OFFERED BY MR. DUNCAN

Mr. DUNCAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DUNCAN: Page 15, line 7, strike "$1,059,333,000" and insert "$1,045,333,000".

Mr. DUNCAN. Mr. Chairman, this bill, as it presently stands, has a 122-percent increase in funding for the Presidio in San Francisco.

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

Mr. DUNCAN. I am happy to yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, I ask unanimous consent that all time on this amendment and amendments thereto may close after 20 minutes on each side, 20 minutes to be controlled by the gentleman from Tennessee [Mr. DUNCAN], 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.

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

Mr. Chairman, this bill, as it presently stands, has a 122-percent increase in funding for the Presidio in San Francisco.

The bill increases funding from $11.4 million this year to $25.4 million this coming year.

My amendment is a simple freeze of this funding. It would save $14 million. This amendment is supported and has been endorsed by the National Taxpayers Union, the Citizens for a Sound Economy, and the Citizens Against Government Waste.

This amendment would save the taxpayers $14 million.

The GAO estimates a one-time cost of between $850 million and $1.2 billion to convert this base from a military base to a National Park.

After that, the Presidio will cost at least $45 million a year to operate, three times as much as the Yellowstone National Park and five times as much as the Great Smoky Mountains National Park.

This park will be the most expensive national park in the country. It will drain money from every other park in the Nation.

All of this to create a park out of a base that now contains a pet cemetery, a bowling alley, a movie theater, and 1,200 units of 1950's-style housing.

In 1970, the Park Service professional staff specifically recommended that the major developed portions of the Presidio not be transferred to National Park Service jurisdiction.

The original bill recommended that only the coastal and historic areas be made a park.

This would require only about one-third of the acreage now being covered in this bill. The GAO has told us that $49.3 million has already been allocated in the Department of Defense Budget to spend on improvements at the Presidio.

Mr. Chairman, over the last 2 years, Congress has appropriated $15.4 million to the National Park Service for activities at the Presidio. Although the original schedule of the Park Service provided for the agency to develop a final plan for the Presidio in 1993, they have yet to even release a draft plan for public review.

Yet, the budget request by the administration, and this bill before us today, would allocate an additional $25.4 million to the National Park Service for Presidio programs in fiscal year 1994. This bill seeks approval of the Congress to blindly go along with funding for this project, a project which is destined to be the most expensive park in the National Park System. I would like to provide my colleagues with a little history of this project.

The idea of turning the Presidio into a park originated in a single obscure sentence in the 1972 legislation establishing Golden Gate national recreation area in San Francisco. This sentence simply stated that if the Army ever determined that the Presidio was surplus to their needs, jurisdiction over the area would be turned over to the National Park Service.

Since there were no plans for the Army to leave in the foreseeable future, this provision was not extensively debated. However, the House report accompanying that bill made it clear that Congress did not believe the National Park Service should take over the entire Presidio. Therefore, it is entirely appropriate that Congress fully review this issue before allocating millions of scarce dollars.

The Presidio has a long history of military service and it has numerous historic buildings and natural resource areas which should be preserved. But the Presidio also has such facilities as huge hospitals, a bowling alley, a golf course, over 1,200 housing units, a medical research lab, a church, a supermarket, warehouses, a pet cemetery, and numerous other buildings and facilities.

In all, there are over 6 million square feet of building space within the Presidio. These buildings and facilities are not needed for any park purpose, nor is the Park Service, or even the Federal Government, best suited for their management.

Recently, the Base Closure Commission recommended that the 6th Army should continue to use the Presidio as its headquarters. However, that will provide for continued Federal occupation of less than 10 percent of the building space at the Presidio.

Unfortunately, like many of our Federal facilities around the country, the Presidio has not been adequately maintained by the Defense Department and is in need of massive amounts of funding for rehabilitation.

The current estimates are that about $77 million is needed for initial toxic waste cleanup—excluding lead paint and asbestos removal—$93 million is needed for infrastructure repair and somewhere between $678 million and $1 billion is needed to rehabilitate the 870 buildings.

In all, the total cost to rehabilitate this park is projected by the GAO to be somewhere between $850 million to $1.2 billion. Of course, toxic waste cleanup is a necessary Government expense, but the other 93 percent of the costs need not be Government expenses, unless the Government proposes to permanently occupy the entire area.

I must also add that just last year, the National Park Service estimated that rehabilitation of the buildings would cost somewhere between $110 and $325 million, so one can only wonder how high actual costs will really soar.

This one-time billion dollar cost for fixing up the Presidio is just the beginning. After initial startup costs comes the permanent cost of operating the park. The Park Service and Army have jointly estimated that the average cost of operating the Presidio over the last 5 years has been about $45 million.

Even if costs of operating the Presidio as a park are no higher, this will still be the most expensive park to operate in the country by far; about 3 times the annual cost of operating Yosemite National Park.

In light of our Federal budget problems, imagine the outrage of hard-working Americans if they learned that a military base we are closing in San Francisco, in order to save taxpayer money, is going to actually cost

the taxpayers over $1 billion to convert into a national park.

The Park Service is proposing a not too novel concept to reduce the burden to the Federal Government of operating this project. Since the National Park Service readily agrees that the building space is far in excess of any conceivable future agency needs, they want to just become landlords and lease it out.

The problem is that just 15 months before the National Park Service is scheduled to take over, they have just one tenant. I should not fail to mention that the Park Service is currently reviewing all sorts of imaginative proposals from such groups as the Pickle Family Circus and bungee jumping groups to name a few.

The preliminary National Park Service plan also includes such concepts as tearing down hospitals and destroying quality housing in a city where affordable housing is virtually nonexistent. These proposals are neither logical or economically justifiable.

It is my opinion that the Federal Government does not make a very good landlord. And, as is obvious from the underwhelming response to the Park Service's call for interested tenants, there is no great interest on behalf of the private sector to come in and invest hundreds of millions of dollars in Government facilities, which the Government will turn around and rent back to them at fair market value.

Perhaps some of my colleagues who have been here longer than I will remember what happened when the Park Service was identified as the agency to take over and run Union Station as the National Visitor Center. Despite pouring tens of millions of Federal dollars into that project over a 13-year period, the building came very close to succumbing to the wrecker's ball, leaking roof and all—until Congress passed legislation turning the building over to the private sector to rehabilitate and operate.

Well, the Presidio is the complexity of Union Station times 1,000. It is far beyond the capability of the National Park Service to operate, as their progress to date amply illustrates.

In my opinion, the best solution to this situation is for the Federal Government to retain only those Presidio lands which truly meet the high standards we have set for inclusion in the park system, and to divest itself of the remainder of the lands and facilities to the benefit of the Federal taxpayer, the U.S. Treasury, and the city of San Francisco.

We must not ignore options for non-Federal management of this site, because of a single sentence enacted over 20 years ago. However, I recognize that we will probably not debate the merits of such authorizing legislation here today.

What we must instead debate today is the merits of whether we should concede to the administration proposal to spend $25.4 million, which the administration presents as half the annual future cost of operating the Presidio as a national park, before there is any agreed upon plan.

My friends, buying into this proposal is the beginning of a tumble down a long slippery slope. I think that we must avoid committing huge amounts of additional Federal dollars to this project until we have a better idea of its total magnitude.

I believe that this project is one which we cannot afford, at a time when we are shutting down military bases all over the country to save taxpayer dollars and at a time when the existing park system is so underfunded and understaffed that visitors and resources are suffering.

I ask my colleagues who have a national park in your district if that park is adequately funded today, and I ask you to think what a billion dollar liability would do to your ability to secure the funds needed to fully operate those existing parks.

Today, the National Park Service faces a backlog of several billion dollars in land acquisition, about $400 million in annual park operations, and billions of dollars in construction. All these high priority needs at existing parks will be pushed aside in an effort to meet the needs at the Presidio.

Proposals to provide adequate employee housing, fix park roads, protect park resources from vandals, search for lost visitors, provide adequate interpretation, and save historic buildings around the country will be impacted by this project. It is not acceptable to me to take precious funds from the operation of Yosemite, Yellowstone, or other National Park System areas to operate a bowling alley or golf course at the Presidio.

I know that each year, members of the Interior appropriation committee work very hard to meet all the requests of members, and I cannot imagine how much harder their jobs will be if we allow this billion dollar project to march forward.

I want to also point out to members, as I said earlier, that the bill which provided for Park Service takeover of the Presidio also established Golden Gate National Park. It is important to recognize that the Federal Government already owns extensive park lands within the city of San Francisco and surrounding counties.

The 73,000-acre Golden Gate National Recreation Area, which was established in 1972, will continue to provide recreation opportunities to millions of people at an annual operation cost of over $10 million in 1994. In fact, the entire Presidio could still be developed as parkland, it is just that the total cost should not be underwritten by the Federal Government, as is currently envisioned.

Mr. Chairman, I urge my colleagues to support this simple freeze amendment, and I suggest we hold the line on spending at this site until we have a better idea of where we are going.

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

Mr. YATES. Mr. Chairman, I yield myself 2 minutes to correct several statements the gentleman made.

The gentleman said that this funding was not authorized. It is authorized, Mr. Chairman. It is authorized by the basic legislation creating the Golden Gate National Recreation Area.

The gentleman was correct in citing the law which says that at such time as the Department of Defense indicated that it had decided to turn over the Presidio, to surrender it for civilian use, it would become a national park. That is now the law.

All that the Committee on Appropriations seeks to do at this time, Mr. Chairman, is to provide caretaker funds. We are not enhancing the park. We are not embellishing its facilities.

This is an area that is one of the most beautiful in the entire United States, overlooking the Pacific Ocean. The real estate industry would dream about taking this over for subdivision.

We, the Army, the Department of the Interior, the administration, those who are responsible for deciding what to do with the Presidio, have not yet made a decision, and I think that we have to preserve the grounds. We have to preserve the resource qualities of the unit. We have to do those things which will not permit it to diminish in value. That is the reason we have put this money in.

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

Mr. DUNCAN. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from California [Mr. DOOLITTLE].

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

Mr. Chairman, the Presidio is a beautiful piece of property, as anybody knows who has visited it. My point is we simply cannot afford it. It is not worth borrowing more money so that we can add a new park like this to the national system.

We have had testimony, and the evidence is clear and indisputable, the National Park Service has had a 50-percent increase in operating and maintenance funds over the last 5 years. What business do we know of that can lay claim to that kind of an increase?

The tragedy is that once we go forward with this, as you can see from this chart, the annual costs of maintenance and operating the Presidio are going to be at about $45 million per year.

□ 1420

It is going to be 2½ times as expensive to operate and maintain the Presidio as Yellowstone Park. Now, when

we are closing campgrounds within the existing parks right now and limiting the use of facilities ostensibly because we do not have enough money, I cannot see why we would want to go forward with this project when the bay area already has so many high-quality recreational areas, other facilities that can be used.

If we are serious about reducing the deficit, we ought to take one of the first steps right here and vote for the Duncan amendment. This is a responsible amendment.

We are not saying the Presidio is a bad project; we just cannot afford it. At a time when we are proposing to hike the tax on Social Security benefits from 50 to 85 percent, levy an energy tax, and dramatically increase the taxes on small businesses and individuals, we should not be continuing to squander public money in this fashion.

I would ask your support for the Duncan amendment.

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

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

Mr. YATES. I thank the gentleman for yielding.

Mr. Chairman, the law now says that it shall be a national park. Inasmuch as the law now says that, we have to take care of it as a national park.

The amount of money that we, the Committee on Appropriations, put into this bill is money that must be maintained until such time as the legislative committee decides whether it will remain a park or whether it is too expensive to maintain as a park, as the gentleman asserts. Perhaps that is the case. But I can see no choice at the present time except to preserve this very valuable property.

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

Mr. Chairman, in the original legislation dealing with this—I have the actual language here right in front of me—it says:

> Altogether, the Presidio of San Francisco totals about 1,400 acres of land. Under the terms of H.R. 16444, only 494 acres would be converted to recreation uses.

The original bill on this in 1970 specifically stated in the report accompanying that bill that not the entire Presidio would be converted into a park. That was never the intention of the Congress.

Mr. Chairman, I yield 3 minutes to the distinguished ranking member of the Subcommittee on the Interior of the Committee on Appropriations, the gentleman from Ohio [Mr. REGULA].

Mr. REGULA. I thank the gentleman for yielding.

Mr. Chairman and members of the committee, here is an example of how we drifted into a situation that is going to create large problems in the future. It has been pointed out there is no management plan; it has been pointed out this is going to cost $45 to $50 million a year to operate once it is taken over. I think for the Defense Department, with a budget of $240 billion, to dump this onto the Park Service, with a budget of $1 billion, does not make any sense as a national policy.

There are 870 buildings in this facility; what do we do with them? There are contaminants. This will be a Superfund site, probably, before it gets done.

The total Park Service operating budget, is only $1 billion. Yet it is estimated that just to rehab the buildings will cost $1 billion.

The point I want to make today is that we need to stop and decide whether that one sentence that pushed the Presidio into park development was a correct national policy. If we simply continue to fund this year after year, the problem will grow. I think now is the time to step back and say, "Does this make sense for the Park Service to become responsible for 870 buildings?"

Certainly there are many environmental values there including natural habitat that would be a wonderful addition to Golden Gate. But let us address that and separate out the buildings, let us separate out the problems that are being handed to the Park Service by the Defense Department in this action.

I think it was a bad policy initially. Let us not add to that bad policy by simply putting money in. Fund it at last year's level, $11 million, save $14 million and let us get the plan that has been in the works for about 3 years finished.

What is the proper policy, given the fact that we have 367 parks and museums, and so on, that need to share the $1 billion annual operating budget for the Park Service? To put such a large share of that funding into one unit simply does not make good policy. There must be a better way, and we need to address it at this time.

Mr. YATES. Mr. Chairman, I yield 5 minutes to the distinguished congresswoman from San Francisco, the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. I thank the gentleman for yielding.

Mr. Chairman, I commend the chairman and members of the committee who crafted such a balanced Interior appropriations bill that addresses the important natural resource needs of our Nation and offers us a good road map on the difficult journey to protect our national parks, rivers, wilderness areas, as well as programs important to the arts and other cultural and historical resources. Chairman YATES, ranking minority member MCDADE, Mr. DICKS, Mr. MURTHA, Mr. REGULA, and all the other members and staff who worked diligently on this measure deserve our appreciation. Again I thank the chairman.

Mr. Chairman, I rise, obviously, in opposition to the amendment of the gentleman from Tennessee [Mr. DUNCAN].

The Presidio project is an authorized project which has already received congressional funding and is in the advanced stages of development as a national park.

Mr. Chairman, this is perhaps one of the most exciting base closure conversions projects in the country. You will recall a few years ago Congresswoman BOXER and I came before this body and beseeched the House of Representatives to resist closing the Presidio because it had a 200-year history in our community, the Army did, and we thought it would cost the taxpayers money to convert that into something other than an Army base.

The Presidio plan that we are working on now, we hope, will be, as I said, a model. It will be a source of jobs, it will preserve the beauty of the Presidio and the Golden Gate National Recreation Area, and it will, yes, indeed, it will produce revenue to help reduce the deficit.

The Presidio plan will be available in September, I say to the gentleman from Ohio [Mr. REGULA]. I am sure he is looking forward to the plan, which is not here. It will outline future uses of the park and the many ways to mitigate the cost to the Federal Government.

Every effort is being made to maximize revenues to the park and minimize the impact on the Federal Treasury. The Presidio has been a military installation since the Declaration of Independence was signed. Now, it represents a remarkable model for Defense conversion where swords can really be turned into plowshares. After over 200 years of military control, we can now march into the future knowing we have made our best attempt to preserve the important history of the Presidio and its unique natural resources for the generations to follow.

The Golden Gate National Recreation Area, of which the Presidio will become a part, is the most visited park in the national system.

I urge my colleagues to listen to this: It is an international treasure, and almost 20 million people—some years it is 20 million, other years it is more than 20 million, some years it is fewer than 20 million people—visit each year from throughout the United States and around the world.

That is, please listen, three times as many visitors to the Golden Gate National Recreation Area than visit Yosemite and Grand Canyon combined each year.

Given the importance of the Presidio as a natural resource, a historic treasure and a place of beauty for the enjoyment of all Americans—and the fact that the Park Service will soon release documents containing facts critical to any discussion of the future of the base as a park—it would be irresponsible to

act today in this very capricious manner that could jeopardize the viability of this important public resource.

I believe we can look forward to an exemplary national park that will continue to benefit millions of worldwide visitors, bringing revenues to our park and that many generations will walk its paths after us.

Mr. Chairman, our colleagues, Chairman VENTO, Chairman MILLER, Chairman DELLUMS, and Chairman MURTHA, Chairs of the committees of jurisdiction governing the agreement between the Army and the Park Service, sent a "Dear Colleague" on this subject, and I would just like to read a little bit from the "Dear Colleague."

There they said:

The Presidio of San Francisco, one of the most beautiful and historic military bases in the Nation, will become a national park in 1994. Its conversion marks an unprecedented opportunity to reshape a natural and human-made resource into a world-class urban park and a global center for solutions to problems of the natural and human environments.

Under the 1988 Base Realignment and Closure Act enacted by Congress, 86 military installations in the United States were mandated for closure or realignment. Only the Presidio will remain under Government management as part of the national park system. Because of the efforts of former Congressman Phillip Burton, the Presidio will become part of the Golden Gate National Recreation Area, the largest urban park in the world and the most heavily visited park in the country.

The Presidio represents a perfect example of how swords can be turned into plowshares.

□ 1430

I repeat for my colleagues' information:

Three times as many people visit the GGNRA as visit Yosemite and Grand Canyon National Parks combined this year.

This fall the Park Service will release their plan.

Over 400 organizations have responded to calls for interest that sought expression of interest from potential tenant institutions.

Our colleague, the gentleman from Illinois [Mr. PORTER] was on the floor earlier and I thanked the gentleman because the Base Closure Commission this time gave us the Army as a tenant for a few more years to come.

With that, Mr. Chairman, I close my remarks by asking my colleagues to vote no, no, no on the Duncan amendment.

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

Mr. Chairman, I would simply like to point out that nothing in my amendment would prohibit turning the coastal areas and the historic areas of the Presidio into a national park, but the pet cemetery, the bowling alley, the movie theater, the 1,200 acres of 1950-style housing, some of that does not belong in a national park.

In addition, the leases that are mentioned, 15 months before departure by the Department of Defense there is only one non-Federal tenant that has leased any space there so far.

Mr. Chairman, I yield 3 minutes to the gentleman from Florida [Mr. STEARNS].

Mr. STEARNS. Mr. Chairman, I thank my colleague, the gentleman from Tennessee, for yielding me this time.

I just want to ask my colleague. Also does not the Presidio consist of golf courses, warehouses, and supermarkets, too?

Mr. DUNCAN. Mr. Chairman, if the gentleman will yield, that is correct.

Mr. STEARNS. Mr. Chairman, I rise in behalf of Mr. DUNCAN's amendment to freeze the funding for the Presidio. Last year the National Park Service was appropriated $11.4 million to run the areas of the Presidio which fall under its jurisdiction. This year the amount was increased to $25.4 million to care for the base.

It is my understanding that, at this time, there is no final plan for utilization of these buildings. To my knowledge, the Park Service has four proposals which range in cost from $850 million to $1.2 billion for transforming these buildings into park facilities. I believe we need take a step back and determine what the best utilization will be of the existing facilities before we fund a program for their transition.

In the bill, $25.4 million is appropriated for maintenance of the areas previously under jurisdiction of the Park Service and for the areas to be under the Park Service's jurisdiction in the future. By freezing this funding we save $14 million, and there is still enough for maintenance.

There are many other national parks and forests, who have been waiting years for a couple million dollars for construction and renovation projects, which have not been granted funding this year because of budgetary constraints. Yet, this bill includes funding for a plan that has not been developed. The Army will be departing the Presidio in 14 months. Why not wait until then—when we have a better idea of what we will be funding.

Mr. YATES. Mr. Chairman, I yield 3 minutes to the distinguished chairman of the Committee on Natural Resources, the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Chairman, I would hope that we would reject the Duncan amendment to cut the funding for the planning and maintenance of the Presidio.

As has already been stated in this debate, we are talking about a world-class urban park, national park, a park that has garnered more interest internationally than any other park that we have. Its visitors days exceed anything we have seen in any other of our national parks.

As the critics of this program quite correctly point out, we do not have a plan in place yet. The plan is dealing with the development of that park. They suggest that we will be running supermarkets and fire stations and items such as that. We do not know that.

We know that the planning process, and Congresswoman PELOSI and myself and others have talked to the National Park Service and explained to them that this must maintain and include the attributes and the assets and the values that we place in national parks as they develop that plan.

We will have to see what happens to all the buildings and all the real estate.

But let me explain to you. This may be one of the more successful efforts we have ever had in economic conversion from a military base to civilian use.

Across the bay in my district, this Congress is going to spend over a billion dollars to do nothing more than close the facility, without any understanding or any plan or even any thought about how it will be used in the future.

Many of the costs that are attributed to the Presidio are there whether it was a park or it was simply a closed facility.

We have requests from people who want to be rent-paying tenants, international organizations of international significance that want to contribute to the participation and the support of the Presidio, and at the same time we are able to maintain one of the great urban resources in this entire country.

This amendment does nothing more than make this process more expensive. This amendment does nothing more than interrupt an ongoing planning process so we can start to decide what it is the taxpayers of this country should start to pay for and what it is that others will have to pay for if they want to maintain those facilities or real estate that does affect the programs and the assets and the value of the National Park System.

So I want say to my colleagues that this is a very unwise amendment. We had a quick look at this amendment, this proposal, in the Committee on Natural Resources and we rejected it. We rejected it out of hand.

When the Park Service comes forward with that plan, it is the intent of the Committee on Natural Resources to hold hearings on that proposal, to make sure that we protect both the values of this park and we protect the taxpayers who will be expected to fund that share of it.

I would hope, Mr. Chairman, that we would vote "no" on the Duncan amendment.

Mr. YATES. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Chairman, I rise in strong opposition to the Duncan amendment.

The Duncan amendment and the proponents of this would try and turn the

clock back. The fact is that the Golden Gate National Recreation Area which has been derived from the Presidio almost in its entirety, most of this land was national military land, and wisely a policy was put forth that provided when and if the military withdrew, and/or they found less use for some of these important lands, it would go into a public recreational area and for other values related to this park unit.

And why? Because many of the features of the Presidio are outstanding. It contains federally and State-listed rare, threatened, and endangered plant and animal species.

The Presidio represents 228 years of land use and occupation by three nations as a permanent military garrison.

The Presidio's military architecture even today contains styles that span every period of military history from 1848.

The Presidio has been a logistical center for every military engagement since the Mexican-American war.

The Presidio is a place of unique scenic quality and contains a broad range of recreational activities within a major metropolitan area.

It is simply the most visited park unit in the Nation, with over 20 million visits.

The point is that whether we want to spend this money or not, if the Park Service does not spend it, then another pocket of the national government, the military must.

As a matter of fact, many of the expenses that they are maintaining in terms of cleanup and other expenses are expenses that legitimately must be borne by the military under the present policy path.

To cut this funding today simply is to try to turn back history. This will prevent the Park Service from moving ahead with its plan, from trying to implement the adaptive leasing and the other types of innovation that are necessary to fulfill the role envisioned under law and necessary to be performed by the National Government.

We stand ready and prepared to deal with the special problems that are presented with the assessment of the park unit by the planning process now in place, but the NPS cannot do what must be done if we don't move forward with the plan, and that is what this amendment frustrates, so I urge defeat of the amendment. It is a major retreat from facing problems at the GGNRA/Presidio.

Mr. Chairman, I yield 2 minutes to the gentleman from Washington [Mr. DICKS].

Mr. DICKS. Mr. Chairman, I rise in opposition to the Duncan amendment.

I can remember very well when Congressman Phil Burton of California passed this legislation. Part of the legislation was that at some future date if the base was closed down that significant parts of it, or I guess all of it, would be transferred to the Park Service.

□ 1440

Mr. Chairman, I would just like to ask a question of the gentleman from Minnesota [Mr. VENTO].

Is there a plan that is being developed about what will be, in fact, transferred to the Park Service, or has that been accomplished?

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

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

Mr. VENTO. Mr. Chairman, working on a plan for several years. There are several problems with some of the buildings and facilities. Some of them may well be retained by the military, but that is evolving. None of the money here is expended on buildings that are inappropriate. We are looking for activities that would be appropriate, like the adaptive leasing under the Historic Preservation Act, and, as the gentlewoman has pointed out, the hope is that much of the expense of this park could be offset by such long-term leasing. We may need to rewrite some of the leasing laws to facilitate the unique problems presented by this transfer of land and buildings.

Mr. DICKS. Mr. Chairman, I would just say that I have been out to the site twice, and I think it is one of the great treasures of our country, and this notion that we can only have a park in a rural area I think is a mistake. We have urban parks all over the United States, and this particular site is probably one of the most striking that any individual will ever see. Congressman Burton did, I think, a brilliant job in setting this thing aside and having a great vision, and I think the numbers, like 88.5 million people, went to that park last year. I mean that is unbelievable, and I know that obviously it is expensive, and we are worried about being able to take care of our—20 million; I am corrected here properly, 20 million people went.

I mean we need parks in urban areas. Not everybody is financially capable in this society of ours, especially with the standard of living dropping, of going out to Yosemite, so I would urge opposition to the Duncan amendment. Let us support this and work with the committee to make the best possible judgment about the future.

Mr. DUNCAN. Mr. Chairman, I yield 1 additional minute to the gentleman from Ohio [Mr. REGULA], who spoke earlier and who has also been to the site.

Mr. REGULA. Mr. Chairman, we have no disagreement with the park portions. The park land is beautiful. I have been to the Presidio. I have been to Golden Gate. Both are terrific assets.

The problem is 870 buildings that are going to become a burden for the park service. The problem is the contaminated areas, and, when we are faced with rationing in Yosemite, when we are faced with closing down facilities, or restricting hours, to take this amount of money to save the defense budget does not make any sense. This is a Defense Department problem, and it, therefore, should be paying for this.

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

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

Mr. VENTO. Mr. Chairman, I share the gentleman's concern about any contamination by the military. This is not an uncommon problem with military withdrawals across the country.

Mr. REGULA. That is why the park department should not be paying the bill.

Mr. VENTO. I agree, but the dollars that are being cut here are not going for the cleanup purpose. They are going for the adaptive leasing and management of the park unit.

The CHAIRMAN. The time of the gentleman from Ohio [Mr. REGULA] has expired.

Mr. YATES. Mr. Chairman, I yield an additional minute to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, as my colleagues know, I regret that this debate did not take place some years ago. I think we backed into this one, and it was put in there in an overnight fashion. We should have been debating all of these policy issues. But, nevertheless, at some point, we have to step back and say, "Given the obligations that the chairman, and I, and the members of the subcommittee have to 367 parks, is this going to cripple our ability to meet needs in other areas?" That is the reason why I support this amendment.

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

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

Mr. YATES. The Defense Department has committed itself to pay $62 million for the cleanup that the gentleman referred to.

Mr. REGULA. But we have no idea what the total cost will be. We are talking about a potential $1 billion to deal with the contamination and rehabbing the buildings.

Mr. YATES. Well, the gentleman and I, I think, are together on what we want to do. We do not want to have an overexpenditure, but we have put into this bill, the gentleman and I, the amount of money that was requested by the Park Service——

Mr. REGULA. I understand.

Mr. YATES. Purely for caretaking, and I cannot escape the conclusion that, if the amendment offered by the gentleman from Tennessee were to prevail, we are going to cripple the activities of the Park Service in taking care of this very valuable property, and I

know the gentleman would not want that.

Mr. REGULA. I appreciate the value of the park portion.

The CHAIRMAN pro tempore (Mr. CLEMENT). The time of the gentleman from Ohio [Mr. REGULA] has expired.

Mr. DUNCAN. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from North Carolina [Mr. TAYLOR], another member of the Committee on Appropriations.

Mr. TAYLOR of North Carolina. Mr. Chairman and my colleagues, I rise in support of the amendment offered by the gentleman from Tennessee [Mr. DUNCAN]. Today I think we have the opportunity to do what the people have been saying for several months, and that is, cut spending first. They recognize it is going to mean sacrifice in some areas. They recognize that it is not going to be pleasant to all parts of the country, but they are saying it is needed and that it must be done now.

The question comes to their minds, I am sure, as to why, as the gentleman from Tennessee pointed out, we are taking on a pet cemetery, hospitals, medical research labs, bowling alleys, churches, and other facilities that have nothing to do with national parks, but the cost of that also is a question. Now the GAO estimates the cleanup at somewhere between $1 and $1.2 billion, not to mention the additional funds that we have.

I would like to point out that the leases that we have been talking about, one has applied, several have inquired. The Pickle Family Circus School has inquired about a lease, the Golden Gate bungee tower, the frisbee golf course, the surf condition hot line, and the Institutes for Public Golf. Those may be perfectly legitimate uses for this land, but not to be paid for by the people, the taxpayers in this area, at a time when we need to cut spending.

I will tell my colleagues that in the Smokies right now, on the North Carolina side, taking up 85 percent of those counties unemployment runs 20 to 25 percent, and we cannot get a few million dollars to open a heritage center, or to do road work, or to take care of overworked camp areas where people have to wait in line to get into those, and we are talking about putting hundreds, hundreds of millions of dollars in a new facility.

Mr. Chairman, it is not right. It is not what the people of this country want. I hope my colleagues will support the amendment offered by the gentleman from Tennessee [Mr. DUNCAN].

Mr. DUNCAN. Mr. Chairman, may I inquire how much time we have remaining on this side?

The CHAIRMAN. The gentleman from Tennessee has 2 minutes remaining.

Mr. DUNCAN. Mr. Chairman, to close our debate on our side, I yield my remaining 2 minutes to my good friend, the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Chairman, I thank the gentleman from Tennessee [Mr. DUNCAN] for yielding this time to me, and I would just like to say that here is a classic example of how things get out of control. We misprioritize spending around this place, and here we are talking about spending $1.2 billion on a new park when right next door there is a 74,000-acre park, and the park department is only spending $10 million a year on that one, and they want to put $25 million or so, $25.4 million, into this this year. The gentleman from Tennessee [Mr. DUNCAN] wants to cut that by $14 million, thus leaving $11.4 million for this particular facility. That is still more than the Golden Gate Park which is only getting $10 million.

And what is this going to do? Without further study, without completely studying this issue and this project, we are going to be spending ultimately $1.2 billion for hazardous waste cleanup, and we do not know how severe that is going to be.

Infrastructure rehabilitation, personal property replacement, building rehabilitation, two hospitals, a golf course, a bowling alley, pet cemetery; give me a break. The gentlewoman from California said that there was going to be a lot of receipts coming in from this, and many people would be led to believe by that remark that that would help pay off the cost of this $1.2 billion.

There is an old song by Zager and Evans that said, "In the year 2525, if man is still alive." Well, maybe in that length of time we would have enough receipts from this project for it to pay for itself.

□ 1450

But the fact of the matter is, we are not going to live that long, and if we keep spending like this, the country will not live that long. We have got a $4.3 trillion debt, skyrocketing towards $7 trillion. The interest alone is going to be one of the biggest expenditures in our budget. We must prioritize spending. This issue must be studied fully before we appropriate this kind of money for this.

Mr. Chairman, I think all of my colleagues, if they are really concerned about fiscal responsibility, if they are really concerned about what President Clinton promised, getting control of spending, they ought to vote for the amendment of the gentleman from Tennessee [Mr. DUNCAN] to cut this back to $11.4 million. It is the right thing to do. It is the right thing to do at this time, because this economy is on the road to disaster if we do not get control of spending and do not start prioritizing around this place.

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

Mr. Chairman, the gentleman from Indiana [Mr. BURTON] said that he wanted a break. Rather than giving him a break, we will give him the truth about his figures.

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

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

Mr. VENTO. Mr. Chairman, a "Dear Colleague" distributed by our friends advancing this amendment has figures and representations that are inaccurate. They attribute the figures to the GAO.

The GAO has provided no cost estimate as to what the total costs for the Presidio transfer would be.

Mr. Chairman, they suggested in their "Dear Colleague" that such dollar numbers are $850 million to $1.2 billion. These are not GAO figures. So I challenge the gentleman not to use or refer to this in terms of their debate here, nor Members to consider it valid with regard to making a judgment today.

What is in this bill and what is at the heart of this amendment is cutting out building maintenance repair of $9 million; $1.8 million in police and fire; utilities, concessions, business management, some $14 million.

The truth is the NPS need those dollars to shift the ownership and implement the plan and to accomplish and implement a rational program of management. The military would have many expenses no matter what occurs here today. Hopefully, Congress will not let them walk away from the toxic and other problems that they should resolve. This Member and others will fight to be certain that these obligations are met.

But the citizens in this community are looking to have this become part of the park. There is no other place or entity prepared to take over this area. We made the decision on closing the base. Now we have to step up and do the job with regards to the remainder of the law that exists and complete the policy and meet our responsibilities. Vote "no" on the Duncan amendment.

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

The CHAIRMAN pro tempore (Mr. CLEMENT). The question is on the amendment offered by the gentleman from Tennessee [Mr. DUNCAN].

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

RECORDED VOTE

Mr. DUNCAN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 193, noes 230, not voting 16, as follows:

[Roll No. 333]

AYES—193

Allard
Andrews (NJ)
Applegate
Archer
Armey
Bachus (AL)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bentley
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Brewster
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clement
Clinger
Coble
Collins (GA)
Combest
Cooper
Costello
Cox
Cramer
Crane
Crapo
Cunningham
Danner
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
English (OK)
Everett
Ewing
Fawell
Fields (TX)
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Geren
Gilchrest
Gillmor
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hall (TX)
Hancock
Hansen
Hastert
Hayes
Hefley
Herger
Hobson
Hoekstra
Hoke
Holden
Houghton
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kyl
Laughlin
Lazio
Levy
Lewis (FL)
Lightfoot
Linder
Lipinski
Livingston
Machtley
Mann
Manzullo
McCandless
McCollum
McCrery
McHugh
McInnis
McKeon
Menendez
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Murphy
Myers
Neal (NC)
Nussle
Orton
Oxley
Pallone
Parker
Paxon
Penny
Peterson (MN)
Petri
Pombo
Porter
Portman
Poshard
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
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
Valentine
Volkmer
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—230

Abercrombie
Ackerman
Andrews (ME)
Andrews (TX)
Bacchus (FL)
Baesler
Baker (CA)
Barca
Barcia
Barlow
Barrett (WI)
Bateman
Becerra
Beilenson
Bereuter
Berman
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clyburn
Collins (IL)
Collins (MI)
Condit
Coppersmith
Coyne
Darden
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Horn
Hoyer
Huffington
Hughes
Inslee
Jacobs
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Leach
Levin
Lewis (CA)
Lewis (GA)
Lloyd
Long
Lowey
Maloney
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDade
McDermott
McHale
McKinney
McMillan
McNulty
Meehan
Meek
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Morella
Murtha
Nadler
Natcher
Neal (MA)
Norton (DC)
Oberstar
Obey
Olver
Ortiz
Owens
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Romero-Barcelo (PR)
Rose
Rostenkowski
Rowland
Roybal-Allard
Sabo
Sanders
Sangmeister
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tejeda
Thompson
Thornton
Thurman
Torricelli
Traficant
Tucker
Underwood (GU)
Unsoeld
Velazquez
Vento
Visclosky
Washington
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—16

Bevill
Coleman
Conyers
Faleomavaega (AS)
Fish
Ford (TN)
Hastings
Henry
Kolbe
Lehman
Packard
Pickle
Rush
Sarpalius
Torres
Towns

□ 1511

Messrs. POMEROY, PAYNE of Virginia, and KENNEDY changed their vote from " aye" to "no."

Mr. KASICH changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mrs. UNSOELD. Mr. Chairman, I move to strike the last word.

Mr. Chairman, this bill reflects a new direction in the stewardship of our Nation's Federal lands and natural resources. The mismanagement of the past has undermined both healthy forest ecosystems, timber-dependent communities, salmon runs, and hydroelectric customers. Now, a new administration and a new management approach offers us an opportunity to sustain natural resources for both habitat and human needs. This bill marks an important transition point in this change.

Thanks to the leadership of the chairman, the gentleman from Illinois [Mr. YATES], my Washington State colleague, NORM DICKS, other members of the committee, and the indefatigable staff; this bill moves us into a new era of resource stewardship. While the full transition cannot take place overnight, the Interior appropriations bill reflects the restructuring of the national forest system under the administration's gridlock-breaking forest plan; it begins to shift the emphasis—from narrow, short term, profit-based resource management that led to the species-by-species crisis to a broader ecosystem management approach; it highlights the vital importance of watershed protection and restoration to ecosystem health if we are to have sustainable use of our resources; it boosts recreation as a management goal by calling for the conversion of old logging roads to recreational trails; and it helps provide good jobs in the same communities that have depended on our natural resources.

Mr. Chairman, not everyone is happy or ready to accept the kinds of change advocated by the new administration and reflected in this bill. Those advocating more forest preservation, for example, attempted to reduce the Forest Service's road construction budget to further reduce timber harvests. But the House sent a message to these people when it rejected that amendment. The message was that we are prepared to work together with this administration to break through the court injunctions and bring back some stability and certainty to our timber-dependent communities. After 5 years of rhetorical debates in this body that produced nothing but false hopes, I see no acceptable alternatives.

This is not an easy process, but the committee has done a commendable job of balancing the need for change with the impact of change on affected communities. It has done this delicate balancing within tighter budget constraints than ever before. And I want to commend the committee for its progress toward this new era of resource stewardship.

Finally, Mr. Chairman, I want to thank the chairman of the subcommittee for his support of a project I call roads to trails and, in particular, for setting aside $200,000 for a roads assessment in Washington's Gifford Pinchot National Forest.

Due to declining timber sales, many roads in our national forests no longer are needed. In most cases, these roads cannot simply be abandoned. They are affecting natural resources now, or will do so in the future, without costly regular maintenance. Sidecasting, slope, and culvert failures, slumping, and other problems cause siltation of streams and degradation of water quality. Removing roads requires planned reconstruction, including removing fill

slopes, bridges, and culverts, establishing original slope contours, and replanting road alignments with native vegetation.

Roads to trails conversion projects offer opportunities to expand recreation by converting the roads into trails rather than obliterating them. Such projects also could save money by eliminating maintenance costs on unneeded roads and preventing expenditures on rehabilitation of watersheds damaged by road failures in the future. In fact, it is cheaper to expand the trails network through roads-to-trails conversion than it is to construct new trails. The cost of constructing new trails in the Gifford Pinchot is, on average, three times greater than converting roads to trails.

Roads to trails projects also will provide employment opportunities for dislocated workers in timber communities—jobs in the forest. The public is demanding that we protect ancient forests and manage timber production for sustainable yield. Entire timber communities are affected by this change in policy, and we must assist them by supporting real jobs within the forest—as opposed to retraining programs in big cities hundreds of miles away.

H.R. 2520 sets aside $200,000 from the Forest Service budget for the Gifford Pinchot National Forest to complete a comprehensive inventory and assessment of roads, to identify roads that should be scheduled for permanent closure or obliteration, and to determine which of those roads are suitable for conversion to recreational trails. The inventory should identify all roads that should be closed, abandoned, or obliterated for fisheries wildlife, watershed protection or recovery, ecosystem management, cultural resource protection, or fiscal reasons.

The Gifford Pinchot's inventory and assessment process should use effective public participation to identify roads to trails project proposals—including conversion standards and potential trail users. This inventory and assessment should identify potential roads to trails conversion areas which would expand recreational trails and help alleviate multiple use conflicts.

The process also should include comprehensive review and input by Forest Service and other agency resource specialists to ensure all resource concerns are identified. Through the advice of resource experts, the public and the Forest Service should be discouraged from investing energy in project proposals that have resource conflicts, such as trails for motorized vehicles in endangered species recovery areas.

The inventory and assessment on the Gifford Pinchot can be a model planning process for national forests across the country. In fact, while money is specifically earmarked for the Gifford Pinchot, the committee intends roads assessments to be conducted on all of our national forests where roads are scheduled for permanent closure or removal. I am encouraged by the committee's foresight in supporting a creative forest management program to help restore natural resource areas, cut spending, create jobs, and enhance the quality of life for everyone who visits our national forests.

The CHAIRMAN. The committee will rise informally in order that the House may receive a message.

The SPEAKER pro tempore (Mr. WISE) assumed the chair.

The SPEAKER pro tempore. The Chair will receive a message.

MESSAGE FROM THE PRESIDENT

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

The SPEAKER pro tempore. The Committee will resume its sitting.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1994

The Committee resumed its sitting.

AMENDMENT OFFERED BY MR. VENTO

Mr. VENTO. Mr. Chairman, I offer an amendment on page 15, line 23.

The Clerk read as follows:

Amendment offered by Mr. VENTO: On page 15 line 23, strike "$35,606,000," and insert in lieu thereof "$34,838,000.".

Mr. VENTO. Mr. Chairman, subsequent to preparing my amendment to delete funding for the National Institute on the Conservation of Cultural Property, I have had discussions with Chairman YATES regarding the use of these funds, and I believe this matter can be addressed to the satisfaction of both of us by a colloquy.

The gentleman from Illinois [Mr. YATES] has consented to agree to such a colloquy. I would ask the gentleman, as I said, I am prepared to withdrew the amendment with the understanding and concurrence of the chairman, that any grant for such purpose be competitively awarded; that the National Park Service may decide to do this work internally if it so chooses, and that any grants be coordinated with other National Park Service activities, specifically with the Center for Preservation Technology and Training.

I would ask the chairman of the subcommittee if he agrees with my comments.

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

Mr. VENTO. I am glad to yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, that is my understanding of it, yes.

Mr. VENTO. Mr. Chairman, with that understanding and concurrence, I ask unanimous conset to withdraw the amendment.

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

There was no objection.

AMENDMENT OFFERED BY MR. VENTO

Mr. VENTO. Mr. Chairman, I offer an amendment on page 15, line 7.

The clerk read as follows:

Amendment offered by Mr. VENTO: On page 15, line 7, strike "$1,059,333,000," and insert in lieu thereof "$1,059,033,000,".

Mr. VENTO. Mr. Chairman, this simply deletes $300 million earmarked for the committee report for an unauthorized project in New Jersey called the Coastal Heritage Trail Route.

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

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

Mr. YATES. Mr. Chairman, just to correct the gentleman, the correct amount is $ 300,000, and we accept the amendment.

Mr. VENTO. Mr. Chairman, I appreciate the correction.

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

Mr. VENTO. I am glad to yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, we accept the gentleman's amendment.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. VENTO].

The amendment was agreed to.

□ 1520

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

Mr. Chairman, I just wanted to take a moment to highlight the significance of my point of order, which was sustained, against the original amendment offered by the gentleman from Minnesota [Mr. VENTO] on National Park Service construction. That amendment would have waived the provisions of the act of August 24, 1912, as amended (16 U.S.C. 451) which state: "No expenditure for construction of administration or other buildings cost in case of any building exceeding $3,000 shall be made in any national park except under express authority of Congress."

Consequently, that amendment would have preserved the Appropriations Committee's earmarked funding of nearly all of the $49.84 million for 56 site-specific projects included in H.R. 2520 and the accompanying report (House Report 103-158, pages 29-33).

As a result of my point of order, the final bill language on National Park Service construction approves $183,949,000 for all the Service's construction—including, regrettably, an additional $2,000,000 for the Boston Public Library under the authority of the Historic Preservation Fund—subject to the provisions of 16 U.S.C. 451. This has the effect of completely eliminating the other $47.84 million in earmarked projects contained in H.R. 2520

and in House Report 103–158, because they are not expressly authorized and are obviously in excess of $3,000.

I also want to point out that the inclusion of these earmarks resulted in the committee deleting $51.591 million impacting 74 projects which the Park Service had proposed in its fiscal year 1994 construction budget. I particularly want to note that the committee cut nearly $11 million for restoration of the Martin Luther King, Jr. National Historic Site in Atlanta, GA, and funding for many, many other worthy projects which had passed the scrutiny and procedures of the professionals in the National Park Service. A complete list of these earmarks and deletions, as well as Park Service comments on these projects are attached to my statement for the RECORD.

Unless the act is amended or unless waived in the Senate or in the conference committee on this bill, none of the funds contained in the Park Service's construction budget may be used "for construction of administration or other buildings cost in case of any building exceeding $3,000 * * * in any national park except under express authority of Congress." We must, therefore, watch carefully to see to it that the act is not repealed and/or otherwise waived in the continuation of the appropriations process for this bill.

NATIONAL PARK SERVICE CONSTRUCTION

The Committee recommends an appropriation of $184,699,000, a reduction of $1,001,000 from the Administration's request of $185,700,000, and a decrease of $45,132,000 from the FY 1993 level of $229,831,000. (House Report 103–158, pages 29–33; H.R. 2520, page 16 line 5 through page 17, line 3.)

The Committee recommends 57 specific increases totaling $50,590,000, including 56 increases totaling $49,840,000 as listed below.

1. *Allegheny Portage Railroad National Historic Site, Pennsylvania*—Line Item Construction: $1,930,000 increase to $0 request for Lemon House rehabilitation. (House Report 103–158, page 30.)

NPS: "Very low SWP [Servicewide Priority]; should be deferred".

2. *Boston National Historical Park, Massachusetts*—Line Item Construction: $2,700,000 increase to $0 request for Old South Meeting House. (House Report 103–158, page 30.)

NPS: "No SWP [Servicewide Priority]; should be deferred".

3. *Boston National Historical Park, Massachusetts*—Line Item Construction: $700,000 increase to $0 request for Dorchester Heights. (House Report 103–158, page 30.)

NPS: "No SWP [Servicewide Priority]; should be deferred".

4. *Boston Public Library, Massachusetts*—Line Item Construction: $2,000,000 increase to $0 request for rehabilitation. (House Report 103–158, page 30; H.R. 2520, page 16, lines 9–12.)

NPS: "The library is not affiliated with the NPS. However, as a National Historic Landmark, it could receive funds under the National Preservation Act. The estimated total cost for rehabilitation is expected to total $50 million."

5. *Chamizal National Monument, Texas*—Line Item Construction: $840,000 increase to $0 request for landscape, lighting. (House Report 103–158, page 30.)

NPS: "No SWP [Servicewide Priority]; should be deferred".

6. *Chickamauga-Chattanooga National Military Park, Tennessee*—Line Item Construction: $5,000,000 increase to $0 request for road relocation. (House Report 103–158, page 30.)

NPS: "Low SWP [Servicewide Priority]; additional work could be deferred".

7. *Coulee Dam National Recreational Area, Washington*—Line Item Construction: $416,000 increase to $0 request for boat launch. (House Report 103–158, page 30.)

NPS: "Low SWP [Servicewide Priority]; should be deferred".

8. *Cuyahoga Valley National Recreational Area, Ohio*—Line Item Construction: $1,264,000 increase to $0 request to rehabilitate historic structures. (House Report 103–158, page 30.)

NPS: "No SWP [Servicewide Priority]; should be deferred".

9. *Cuyahoga Valley National Recreational Area, Ohio*—Line Item Construction: $2,000,000 increase to $0 request for railroad track and bridges: $2,000,000. (House Report 103–158, page 30.)

NPS: "No SWP [Servicewide Priority]; should be deferred".

10. *Cuyahoga Valley National Recreational Area, Ohio*—Line Item Construction: $2,500,000 increase to $0 request for Boston General Store. (House Report 103–158, page 30.)

NPS: "No SWP [Servicewide Priority]; should be deferred".

11. *Delaware Water Gap National Recreational Area, Pennsylvania*—Line Item Construction: $195,000 increase to $0 request for trail development. (House Report 103–158, page 30.)

NPS: "Not part of overall rehabilitation project; should be deferred".

12. *Gateway National Recreational Area, New York*—Line Item Construction: $5,200,000 increase to $0 request for Jacob Riis Park. (House Report 103–158, page 30.)

NPS: "Lower SWP [Servicewide Priority]; could be deferred".

13. *Gettysburg National Military Park, Pennsylvania*—Line Item Construction: $100,000 increase to $0 request for technical assistance: $100,000. (House Report 103–158, page 30.)

NPS: "No SWP [Servicewide Priority]; nonpark related local support should be deferred".

14. *Glacier National Park, Montana*—Line Item Construction: $600,000 increase to $0 request to rehabilitate chalets. "A total of $1,000,000 has been provided to bring National Historic Landmark chalets at Glacier National Park into compliance with Montana and Federal health and safety standards. In providing this appropriation the Committee expects the National Park Service to continue providing a valued visitor experience; to assure a safe, efficient, and cost effective operating plan; and to provide appropriate disposal systems that will ensure the long term capability of these facilities to operate in an environmentally responsible manner." (House Report 103–158, pages 30 and 31.)

NPS: "No SWP [Servicewide Priority], should be deferred; $200,000 would need to be used for planning".

15. *Great Basin National Park, Nevada*—Line Item Construction: $250,000 increase to $0 request for water system. "The general management plan for Great Basin National Park designates that administrative, maintenance, housing and visitor contact facilities be placed on the 80-acre administrative site adjacent to Baker, NV. These new facilities will require construction of adequate water and wastewater services. The new administrative site will hook into the joint National Park Service/Baker water and sewer system. The Committee has provided $250,000 to the Baker Water and Sewer General Improvement District to cover the additional cost for oversizing the system to serve Service facilities in addition to the community of Baker, NV." (House Report 103–158, pages 30 and 32, and H.R. 2520, page 16, line 24; page 17, line 3.)

NPS: "No SWP [Servicewide Priority], amount is lower than current estimates, archeo work needed".

16. *Ice Age Scientific Reserve, Wisconsin*—Line Item Construction: $500,000 increase to $0 request for exhibits. (House Report 103–158, page 30.)

NPS: "No SWP [Servicewide Priority], non-NPS area should be deferred".

17. *Indiana Dunes National Lakeshore, Indiana*—Line Item Construction: $125,000 increase to $0 request for Long Lake Wetlands Overlook. (House Report 103–158, page 30.)

NPS: "No SWP [Servicewide Priority], nonsafety/preservation issue should be deferred".

18. *James A. Garfield National Historic Site, Ohio*—Line Item Construction: $1,311,000 increase to $0 request for site, building restoration. (House Report 103–158, page 30.)

NPS: "Additional phase of ongoing rehabilitation could be deferred".

19. *Jean Lafitte National Historical Park, Louisiana*—Line Item Construction: $100,000 increase to $0 request for Barataria levee recreation plan. (House Report 103–158, page 30.)

NPS: "No SWP [Servicewide Priority], nonsafety/preservation issue should be deferred".

20. *Lackawanna Heritage Park, Pennsylvania*—Line Item Construction: $670,000 increase to $0 request for technical assistance. (House Report 103–158, page 30.)

NPS: "No SWP [Servicewide Priority]; nonpark related local support should be deferred".

21. *Lincoln Research Center, Illinois*—Line Item Construction: $3,000,000 increase to $0 request "for the Lincoln Center to be developed in Springfield, Illinois in conjunction with the Lincoln Home National Historic Site. The National Park Service should not use this money until the appropriate authorization is in place which sets out the overall scope of the project." (House Report 103–158, pages 30 and 32, and H.R. 2520, page 16, lines 15–18.)

NPS: "No SWP [Servicewide Priority], not NPS area related, funds cannot be obligated in FY 1994".

22. *Lincoln Home National Historic Site, Illinois*—Line Item Construction: $709,000 increase to $0 request for Dubois House rehabilitation. (House Report 103–158, page 30.)

NPS: "No SWP [Servicewide Priority], structure not jeopardized, work could be deferred".

23. *Lincoln Home National Historic Site, Illinois*—Line Item Construction: $707,000 increase to $0 request for Morse House rehabilitation. (House Report 103–158, page 30.)

NPS: "No SWP [Servicewide Priority], structure not jeopardized, work could be deferred".

24. *Lyndon B. Johnson National Historic Site, Texas*—Line Item Construction: $100,000 increase to $1,300,000 request for exhibits. (House Report 103–158, page 30.)

NPS: "Additional amounts for exhibits can be obligated".

25. *Mount Vernon Bicycle Trail, Virginia*—Line Item Construction: $450,000 increase to $0 request to correct safety hazards. (House Report 103–158, page 30.)

NPS: "No SWP [Servicewide Priority], work should be deferred".

26. *Natchez Trace Parkway, Mississippi*—Line Item Construction: $4,000,000 increase to $0 request for Parkway construction in addition to $5,500,000 request in the Federal Lands Highway Program. (House Report 103-158, pages 30 and 31.)

NPS: "Additional phase could be deferred, ongoing work in progress".

27. *New Jersey Coastal Heritage Trail, New Jersey*—Line Item Construction: $255,000 increase to $0 request for signage/interpretative plan. (House Report 103-158, page 30.)

NPS: "No SWP [Servicewide Priority], would develop interpretative plan, trails, exhibits".

28. *North Cascades National Park, Washington*—Line Item Construction: $40,000 increase to $0 request for Sterling Munro Nature Trail. (House Report 103-158, page 30.)

NPS: "No SWP [Service Priority], work more appropriately accomplished in ONPS [Operation of the National Park System] program".

29. *Port Chicago National Memorial, California*—Line Item Construction: $40,000 increase to $0 request for memorial fabrication/construction. (House Report 103-158, page 30.)

NPS: "No SWP [Servicewide Priority], not an NPS area, funds could be appropriated to the Navy".

30. *Salem Maritime National Historical Park, Massachusetts*—Line Item Construction: $1,300,000 increase to $0 request for various projects. $1,300,000. (House Report 103-158, page 30.)

NPS: "Additional Central Wharf exhibits, waysides, etc., should be deferred."

31. *San Antonio Missions National Historical Park, Texas*—Line Item Construction: $1,406,000 increase to $0 for exhibitions. (House Report 103-158, page 31.)

NPS: "No SWP [Servicewide Priority], exhibit work should be deferred".

32. *Stones River National Battlefield, Tennessee*—Line Item Construction: $700,000 increase to $0 for trail connector. (House Report 103-158, page 31.)

NPS: "No SWP [Servicewide Priority], nonsafety/preservation work could be deferred".

33. *Thomas Stone National Historic Site, Maryland*—Line Item Construction: $1,170,000 increase to $0 for main house restoration. (House Report 103-158, page 31.)

NPS: "No SWP [Servicewide Priority], nonsafety/preservation issue should be deferred".

34. *Ulysses S. Grant National Historic Site, Missouri*—Line Item Construction: $150,000 increase to $0 to restore historic structures (House Report 103-158, page 31.)

NPS: "No SWP [Servicewide Priority], only planning work could be undertaken in FY 1994".

35. *Upper Susquehanna Heritage, Pennsylvania*—Line Item Construction: $50,000 increase for technical assistance. (House Report 103-158, page 31.)

NPS: "No SWP [Servicewide Priority]; nonpark related local support should be deferred".

36. *War in the Pacific, Guam*—Line Item Construction: $500,000 increase to $0 request for monument. (House Report 103-158, page 31.)

NPS: "No SWP [Servicewide Priority], should be deferred".

37. *Weir Farm National Historic Site, Connecticut*—Line Item Construction: $395,000 increase to $0 request to restore historic structures. (House Report 103-158, page 31.)

NPS: "No SWP [Servicewide Priority], next phase of work could be deferred".

38. *Yosemite National Park, California*—Line Item Construction: $250,000 increase to $0 request for Bearbox installation. (House Report 103-158, page 31.)

NPS: "No SWP [Servicewide Priority], should be deferred".

39. *Boston National Historical Park, Massachusetts*—Planning: $315,000 increase to $0 request for Old South Meeting House. (House Report 103-158, page 32.)

NPS: "No SWP [Servicewide Priority], should be deferred".

40. *Cuyahoga Valley National Recreation Area, Ohio*—Planning: $185,000 increase to $0 request for riverbank stabilization. (House Report 103-158, page 32.)

NPS: "No SWP [Servicewide Priority], should be deferred".

41. *Cuyahoga Valley National Recreation Area, Ohio*—Planning: $200,000 increase to $0 request for railroad maintenance facility.

NPS: "No SWP [Servicewide Priority], should be deferred".

42. *Cuyahoga Valley National Recreation Area, Ohio*—Planning: $50,000 increase to $0 request for Snowville and Dover reclamation: $50,000. (House Report 103-158, page 32.)

NPS: "No SWP [Servicewide Priority], should be deferred".

43. *Cuyahoga Valley National Recreation Area, Ohio*—Planning: $80,000 increase to $0 request for Tinkers Creek Aqueduct. (House Report 103-158, page 32.)

NPS: "No SWP [Servicewide Priority], should be deferred".

44. *Fort Necessity National Battlefield, Pennsylvania*—Planning: $775,000 increase to $0 request for Historic Structures Report; exhibit plans; archaeological research.

NPS: "No SWP [Servicewide Priority], should be deferred".

45. *Glacier National Park, Montana*—Planning: $400,000 increase to $0 request to rehabilitate chalets. "A total of $1,000,000 has been provided to bring National Historic Landmark chalets at Glacier National Park into compliance with Montana and Federal health and safety standards. In providing this appropriation the Committee expects the National Park Service to continue providing a valued visitor experience; to assure a safe, efficient, and cost effective operating plan; and to provide appropriate disposal systems that will ensure the long term capability of these facilities to operate in an environmentally responsible manner." (House Report 103-158, pages 31 and 32.)

NPS: "No SWP [Servicewide Priority], should be deferred; would need $200,000 more from line item to do".

46. *James A. Garfield National Historic Site, Ohio*—Planning: $210,000 increase to $0 request for site, building restoration. (House Report 103-158, page 32.)

NPS: "No SWP [Servicewide Priority], should be deferred".

47. *Olympic National Park, Washington*—Planning: $2,464,000 increase to $336,000 request for Elwha Dam removal. "Funds provided to implement the Elwha River Ecosystem and Fisheries Restoration Act (P.L. 102-495) shall also allow for baseline studies to be conducted to consider potential impacts on water quality that would occur from the removal of the Elwha dams. (House Report 103-158, page 32.)

NPS: "No SWP [Servicewide Priority], should be deferred".

48. *Thomas Stone National Historic Site, Maryland*—Planning: $150,000 increase to $0 request for main house restoration. (House Report 103-158, page 32.)

NPS: "No SWP [Servicewide Priority], should be deferred".

49. *Zion National Park, Utah*—Planning: $360,000 increase to $0 request for transportation system. (House Report 103-158, page 32.)

NPS: "No SWP [Servicewide Priority], should be deferred".

50. *Salt River Bay National Historical Park and Ecological Preserve, Virgin Islands*—General Management Plans: $125,000 increase to $0 request. "In addition, the Committee recommends $125,000 within the general management plan budget for Salt River NHP, VI." (House Report 103-158, page 32.)

NPS: "Earmarking $125,000 for Salt River will affect one or more of the GMP projects on the NPS priority list. Either amounts will be decreased on several projects, or the lowest ranked project (Wolf Trap Farm Park or Regional Office Projects) will be reduced substantially."

51. *Camino Real, New Mexico and Texas*—Special Resource Studies: $150,000 increase to $0 request. (House Report 103-158, page 32.)

52. *El Paso Missions, Texas*—Special Resource Studies: $150,000 increase to $0 request. (House Report 103-158, page 32.)

53. *Golden Gate Recreation Area, California*—Special Resource Studies: $10,000 increase to $0 request. (House Report 103-158, page 32.)

54. *Hudson Valley Greenway, New York*—General Management Plans, Special Resource Studies: $200,000 increase to $0 request. (House Report 103-158, page 32.)

55. *Rutherford B. Hayes, Ohio*—General Management Plans, Special Resource Studies: $100,000 increase to $0 request. (House Report 103-158, page 32.)

56. *Toledo Urban Waterfront, Ohio*—General Management Plans, Special Resource Studies: $150,000 increase to $0 request. (House Report 103-158, page 32.)

57. *Emergency, Unscheduled, and Housing Projects:* $750,000 increase to $2,000,0000 request.

The Committee recommends decreases totaling $51,591,000 impacting 74 projects; decreases of $45,642,000 for 15 line-item construction projects; a decrease of $760,000 for special resource studies results in the elimination of 10 ongoing studies and 9 planned new studies; and a decrease of $5,159,000 for 40 planning projects.

NPS LINE-ITEM CONSTRUCTION DECREASES:

$46,415,000 FOR 15

1. Biscayne National Park, Florida: $1,500,000 decrease of $4,855,000 request for equipment exhibits, trails. "The reduction to the Biscayne NP, FL construction project defers the trails portion for a subsequent appropriation." (House Report 103-158, page 31.)

NPS: "Defers mangrove restoration requiring more expensive phase".

2. Cuyahoga Valley National Recreation Area, Ohio: $3,930,000 decrease to $5,055,000 request for Krejci toxic waste cleanup. (House Report 103-158, page 30.)

NPS: "The NPS is currently violating hazardous materials storage health and safety laws. If the full $5,055,000 is not restored, the project will have to shut down. The State will issue a Notice of Violation against the Service. Restart of cleanup work in a future year will cost more because of mobilization costs."

3. Cuyahoga Valley National Recreation Area, Ohio: $275,000 decrease to $400,000 request for Armington Dam No. 1 safety modifications. (House Report 103-158, page 30.)

NPS: "Revised amount can be obligated".

4. Delaware Water Gap National Recreation Area, Pennsylvania: $1,250,000 decrease to $1,250,000 request for Pahaquarry Copper Mines. (House Report 103-158, page 30.)

NPS: "High SWP [Servicewide Priority], safety concerns for mine stabilization".

5. Denahli National Park and Preserve, Alaska: $1,487,000 decrease to $1,487,000 request for mountain rescue center. (House Report 103-158, page 30.)

NPS: "High SWP [Servicewide Priority], leased building cannot handle increased rescue incidents".

6. Denahli National Park and Preserve, Alaska: $2,200,000 decrease to $2,200,000 request for Teklinika restrooms. (House Report 103–158, page 30.)

NPS: "If this project is not built, visitors on the popular park road will continue to use unhygienic portable chemical toilets and be forced to stand in line outdoors for extended periods of time in an area of heavy mosquito infestation and frequent storms."

7. Gateway National Recreation Area, New York: $6,430,000 decrease to $13,030,000 request for Great Kills Bathhouse. (House Report 103–158, page 30.)

NPS: "High SWP [Servicewide Priority], however, project could be phased, one year delay".

8. Great Smoky Mountains National Park, North Carolina: $5,000,000 decrease to $5,000,000 request for Oconalluftee Visitors Center infrastructure. (House Report 103–158, page 30.)

NPS: "High SWP [Servicewide Priority], deferral will increase costs.

9. John D. Rockefeller Parkway, Wyoming: $2,159,000 decrease to $2,859,000 request to relocate Flagg Ranch. (House Report 103–158, page 30.)

NPS: "The House substituted the $700,000 component contained in the FY'93 Economic Stimulus Program for underground power lines in lieu of the FY'94 project to construct a contact station and staff housing. This means there will be no NPS visitor contact for interpretation or dissemination of safety information nor any public restrooms at the concessionaire's new Flagg Ranch facility."

10. Klondike Gold Rush National Historical Park, Alaska: $1,015,000 decrease to $1,015,000 request to restore Skagway Historic District. (House Report 103–158, page 30.)

NPS: "High SWP [Servicewide Priority]".

11. Martin Luther King, Jr., National Historic Site, Georgia: $1,000,000 decrease to $1,800,000 request to restore Birth Home block historic structures. (House Report 103–158, page 30.)

NPS: "Dr. King's birthhome block contains structures that are deteriorated, historically inaccurate, and one important historic structure has already collapsed. Without full funding, the birthhome block, the historic resource of this park, will continue to be a substandard unit of the National Park System."

12. Martin Luther King, Jr., National Historic Site, Georgia: $9,982,000 decrease to $9,982,000 request for visitor facilities. (House Report 103–158, page 30.)

NPS: "Without this project, the park will not have a facility to interpret Dr. King's contribution to America, and, since current visitation cannot be handled by current facilities (parking and comfort stations, exhibits), the park will be totally unable to handle expected visitation during the Atlantic Olympic Games in 1996."

13. National Capitol Parks, District of Columbia: $3,100,000 decrease to $3,100,000 request to restore Washington Monument grounds. (House Report 103–158, page 30.)

NPS. "High SWP [Servicewide Priority], defers and makes more expensive first phase".

14. Yosemite National Park, California: $1,214,000 decrease to $1,214,000 request for sign plan implementation. (House Report 103–158, page 31.)

NPS: "Very high SWP [Servicewide Priority], safety concern disrupts visitor traffic flow".

15. Yosemite National Park, California: $5,100,000 decrease to $5,100,000 request to rehabilitate electrical system. (House Report 103–158, page 31.)

NPS: "Very high SWP [Servicewide Priority], poses severe safety issue, system rapidly decaying".

NPS, SPECIAL RESOURCE STUDIES DECREASES: $760,000 FOR ELIMINATION OF 19

1. African American Heritage, New Jersey/Pennsylvania—Special Resource Studies: $0 for proposed new study.

2. Agricultural/Industrial Heritage, Iowa—Special Resource Studies: $0 for proposed new study.

3. Bear Tooth Highway, Montana—Special Resource Studies: $0 for proposed new study.

4. Big Two-Hearted River, Michigan—Special Resource Studies: $0 for proposed new study.

5. Blood Run, Iowa—Special Resource Studies: $0 for proposed new study.

6. Carnegie Steel Mill Towns, Pennsylvania—Special Resource Studies: $0 for proposed new study.

7. Great Cypress Swamp, Delaware—Special Resource Studies: $0 for proposed new study.

8. Kennicott-McCarthy, Alaska—Special Resource Studies: $0 for proposed new study.

9. Oak Hill, Virginia—Special Resource Studies: $0 for proposed new study.

10. Atchafalaya Basin, Louisiana—Special Resource Studies: $0 for ongoing study.

11. Bear River Massacre Site, Idaho—Special Resource Studies: $0 for ongoing study.

12. Buffalo Prairie National Park, Nebraska—Special Resource Studies: $0 for ongoing study.

13. Lower Eastern Shore, Maryland—Special Resource Studies. $0 for ongoing study.

14. Missouri National Recreation Center Area, Nebraska/South Dakota—Special Resource Studies: $0 for ongoing study.

15. New Jersey Delaware Bay, New Jersey—Special Resource Studies: $0 for ongoing study.

16. Route 66, Illinois/California—Special Resource Studies: $0 for ongoing study.

17. Susan B. Anthony, New York—Special Resource Studies: $0 for ongoing study.

18. Underground Railroad Study, Multi-State—Special Resource Studies; $0 for ongoing study.

19. Wounded Knee, South Dakota—Special Resource Studies: $0 for ongoing study.

NPS, PLANNING DECREASES: $5,189,000 IMPACTS 40

1. Acadia National Park, Maine—Planning: Decrease to $150,000 request to restore carriage roads.

2. Alaska Regionwide—Planning: Decrease to $550,000 request for regionwide employee housing.

3. Appalachian National Scenic Trail, Connecticut/Maine/Maryland/Massachusetts/New Hampshire/New Jersey/New York/Pennsylvania/Vermont/Virginia—Planning: Decrease to $250,000 request to restore sites, rehabilitate structures, remove unsafe conditions.

4. Biscayne National Park, Florida—Planning: Decrease to $150,000 request to replace visitor and support facilities.

5. Crater Lake National Park, Oregon—Planning: Decrease to $383,000 request for reevaluation of development concept plan/environmental assessment.

6. Delaware Water Gap National Recreation Area, Pennsylvania/New Jersey—Planning: Decrease to $1,300,000 request to rehabilitate visitor and support facilities.

7. Denali National Park and Preserve, Alaska—Planning: Decrease to $150,000 request for Teklanika comfort stations.

8. Denali National Park and Preserve, Alaska—Planning: Decrease to $150,000 request for South Side Denalhi Environmental Impact Statement.

9. Fort Sumter National Monument, South Carolina—Planning: Decrease to $200,000 request for Charleston tour boat facility, Phases I and II.

10. Gateway National Recreation Area, New York—Planning: Decrease to $75,000 request for rehabilitation of Jacob Riis Bathouse.

11. Gateway National Recreation Area, New York—Planning: Decrease to $1,300,000 request for construction of Great Kills Park facilities.

12. Gateway National Recreation Area, New York—Planning: Decrease to $400,00 request for Floyd Bennett Field water system repairs.

13. George Washington Memorial Parkway, Maryland—Planning: Decrease to $1,200,000 request for Glen Echo utilities and buildings.

14. Grand Canyon National Park, Arizona—Planning: Decrease to $600,000 request for employee housing.

15. Great Smoky Mountains National Park, North Carolina—Planning: Decrease to $225,000 request for Oconoluftnee visitor center.

16. Harpers Ferry National Historical Park, West Virginia—Planning: Decrease to $750,000 request to rehabilitate Shipley and Grandview schools.

17. Independence National Historical Park, Pennsylvania—Planning: Decrease to $7,564,000 request to rehabilitate Park utilities.

18. John D. Rockefeller Memorial Parkway, Wyoming—Planning: Decrease to $425,000 request for Flagg Ranch facilities, Phase I and Phase II.

19. Kenai Fjords National Park, Alaska—Planning: Decrease to $225,000 request for development concept plans.

20. Klondike Gold Rush National Historical Park, Alaska—Planning: Decrease to $200,000 request to restore Skagway Historic District.

21. Lake Mead National Recreation Area, Nevada/Arizona—Planning: Decrease to $100,000 request to implement entrance station program.

22. Lyndon B. Johnson National Historical Park, Texas—Planning: Decrease to $130,000 request to provide Park operations/headquarters building, Phase IV.

23. Martin Luther King, Jr. National Historic Site, Georgia—Planning: Decrease to $850,000 request for visitor facilities and exhibits.

24. Mount Rainier National Park, Washington—Planning: Decrease to $150,000 request to rehabilitate Paradise Valley water and sewer systems.

25. Mount Rainier National Park, Washington—Planning: Decrease to $455,000 request to replace Sunrise Lodge.

26. Mount Rainier National Park, Washington—Planning: Decrease to $97,000 request to replace employee dorm at Paradise.

27. National Capital Region, Central, District of Columbia—Planning: Decrease to $1,260,000 request to restore Washington Monument grounds.

28. National Capital Region, Central, District of Columbia—Planning: Decrease to $2,200,000 request for Lincoln and Jefferson Memorials. Phase IV and future phases.

29. National Capital Region, White House, District of Columbia—Planning: Decrease to $100,000 request to rehabilitate White House heating and air conditioning systems.

30. North Cascades National Park, Washington—Planning: Decrease to $350,000 request for environmental impact statement for Stehekin implementation plan.

31. Ozark National Scenic Riverway, Missouri—Planning: Decrease to $1,050,000 request for Akers Ferry Campground. Phases I and II.

32. Sequoia National Park, California—Planning: Decrease to $1,180,000 request to replace Giant Forest facilities.

33. Shenandoah National Park, Virginia—Planning: Decrease to $60,000 request for employee housing facilities development.

34. Upper Delaware Scenic and Recreational River, New York/New Jersey—Planning: Decrease to $750,000 request for restoration of Roebling Bridge.

35. Yellowstone National Park, Wyoming/Montana—Planning: Decrease to $800,000 request for employee housing, Phase I.

36. Yosemite National Park, California—Planning: Decrease to $390,000 request to rehabilitate electrical system.

37. Yosemite National Park, California—Planning: Decrease to $300,000 request to remove facilities from Yosemite Valley.

38. Yosemite National Park, California—Planning: Decrease to $195,000 request for El Portal maintenance facilities.

39. Yosemite National Park, California—Planning: Decrease to $750,000 request for El Portal employee housing.

40. Yosemite National Park, California—Planning: Decrease to $250,000 request to implement parkwide sign program.

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

Mr. FAWELL. I am glad to yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, the gentleman has some information, and I have not heard all of the gentleman's statement, but I would just suggest that the $3,000 limitation he referred to only refers to where there is not a specific authorization for construction in a park. Very often there is.

Mr. FAWELL. Reclaiming my time, I would agree with the gentleman, if there is a specific authorization.

Mr. VENTO Second, I would disagree with the gentleman and would point out specifically that the provision for the set-aside we made from the Historic Preservation Fund is entirely appropriate and consistent with the law, and is not in the same category as the other types of earmarks that have been appropriated that the gentleman has referenced. I also share many of the gentleman's concerns about unauthorized projects and earmarking in these projects. I did not hear the gentleman's entire statement, but I wanted to make certain that he knows I will work in good faith with him to establish sound policy based on legislative action.

Mr. FAWELL. I appreciate those words, and I do not think I basically disagree with them, as long as there is a specific authorization there. And I certainly have no problem in that regard.

Mr. DE LUGO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I wish to commend the chairman and ranking member of the committee for the provisions in here relating to the insular areas, and also commend the staff for the work done, and urge support for H.R. 2250.

Mr. Chairman, I rise in support of H.R. 2250, a bill making appropriations for the Department of Interior for fiscal year 1994.

As chairman of the authorizing subcommittee with general jurisdiction over the U.S. insular areas which receive assistance through the Department of the Interior, I want to commend my friend and distinguished colleague, the chairman of the Appropriations Subcommittee, SIDNEY YATES, for his hard work and dedication in bringing this bill to the floor today. I also want to express my thanks and appreciation to him for his continued sensitivity to the Federal responsibilities and needs of the U.S. insular areas.

Mr. Chairman, H.R. 2250 includes the President's request for reconstruction grants related to the devastation of Hurricane Hugo in the Virgin Islands. These funds are to complete essential projects at the University of the Virgin Islands, including renovations to bring facilities into compliance with basic safety standards. I testified before Chairman YATES' subcommittee in support of this request earlier this year and I am very pleased to see that this request for the University of the Virgin Islands was included in the bill before us today.

H.R. 2250 would also provide funding for land acquisition at the Salt River National Historical Park on St. Croix in the Virgin Islands which was established last year, as a result of legislation which I sponsored.

The de Lugo Salt River bill protects a unique complex of natural and cultural resources that goes back as far back a 2000 BC. It is a 912 acre park that will bring about an unprecedented degree of joint Federal/territorial management of the resources of the area.

The enactment of the de Lugo Salt River bill was an achievement of which I am particularly proud. It was the culmination of my efforts to save Salt River which began in 1958, when I sponsored legislation as a member of the local legislature of the Virgin Islands, to purchase 50 acres of the area including the 5-acre beach where Christopher Columbus landed on his second voyage to the New World.

Initially, there was little political support for a park at Salt River, partly because many did not understand the enormous economic benefits that such a park could generate for the island and the people of St. Croix. Also, many did not believe it was possible to establish a jointly managed park as my legislation did.

I wish to thank the chairman of the Subcommittee on National Parks Forests and Public Lands, BRUCE VENTO and GEORGE MILLER, chairman of the Committee on Natural Resources for their support of this unique park. I also want to thank the Governor of the Virgin Islands, Alexander Farrelly, who has become a strong supporter of the park and whose wife is a member of the management commission.

I also want to thank Virgin Islanders like Jessie Thompson, Rudy O'Reilly, Jr., and William J. Cissel, a noted historian with the National Park Service on St. Croix, for their support as well. In addition, I would like to thank groups like the St. Croix Environmental Association and the Nature Conservancy and Liz Wilson and Helen Gessing of the League of Woman's Voters for their help also.

Salt River continues to enjoy widespread support in the Virgin Islands, and I am very hopeful that with the enactment of this legislation we can begin the process of making this truly unique national treasure a reality.

Mr. Chairman, I would also like to thank Chairman YATES for his support of the needs of the other insular areas particularly American Samoa and Palau where there continues to be great needs but with very little economic resources for the people there to draw upon to help meet these needs.

In conclusion I want to again thank the chairman of the Subcommittee, Chairman YATES, and the ranking member of the subcommittee, RALPH REGULA, for the support they have shown to the people of the U.S. offshore areas. I also want to thank the chairman of the full Appropriations committee, the distinguished gentleman from Kentucky, BILL NATCHER for his support as well, and I urge my colleagues to support this bill.

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 46, line 17, strike "$155,903,000" and insert "$148,955,000".

Mr. BURTON of Indiana. Mr. Chairman, this amendment would strike the funding of $6.9 million for the Forest Legacy Program. This is another case of the Federal Government attempting to purchase additional parkland when we do not even have the resources to take care of the parks that we already have and wilderness areas we already have in this country.

Under the Forest Legacy Program the Federal Government has authority to purchase virtually any woodland with the potential for development. Given the current economic circumstances, taxpayers do not need to see further erosion in their property tax base, especially in rural areas. The Federal Government confiscates the property or takes the property, and it erodes the property tax base, and it hurts local communities around this country that rely on property taxes to run their local governments.

Given today's economic conditions, how can Congress justify spending $6.9 million on this program?

The Forest Legacy Program was enacted by circumventing the normal committee process. No public hearings were held, no input from local government was ever requested. It was never even debated by either the House or the Senate.

This money would be far better spent on forest management and fire protection for our current forests rather than further expansion.

I would like to also point out that the Forest Legacy Program is strongly opposed by the American Farm Bureau. Let me quote what the Farm Bureau said about this program.

As written, the authority to purchase forest land or place easements on forest land is not limited to lands that offer unique or significant environmental values. Instead, it

extends well beyond environmentally valuable lands to make eligible for Federal purchase virtually any woodland that may be developed.

Second, as organization of landowners and taxpayers, a large portion of whom own forest and woodland, we do not consider the purchase of land that offers no unique and special value a wise public policy or an efficient use of tax dollars.

Third, furthermore, we do not need to see further reduction in the property tax base, especially in rural areas.

Fourth, and finally, from the standpoint of private property rights, we are concerned about the impact this legislation has on those entering the long-term contracts as well as on adjacent and nearby property owners. We believe that the forest legacy program will result in a further erosion of private property rights.

There have been no open hearings in the House or Senate on this program. It was established with the support of environmental extremists in the 1990 farm bill, literally in the dead of night and behind closed doors.

The program is opposed by the forest products industry. It is opposed by the American Farm Bureau and opposed by property rights organizations.

I hope my colleagues will show their support for the Farm Bureau and the people who want to keep their property without Government infringement by supporting this amendment, and I hope my colleagues on the committee will look with favor on supporting it.

□ 1530

Mr. YATES. Mr. Chairman, I ask unanimous consent that all time on this amendment may close in 5 minutes, if that is acceptable to the gentleman, and that I be allowed to control 3 minutes and the gentleman from Indiana [Mr. BURTON] be allowed to control the remaining 2 minutes, if he wants it.

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

There was no objection.

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

Mr. Chairman, this program was authorized in the 1990 farm bill to meet a need identified in a study requested by Congress to provide a mechanism for conserving and protecting forest lands in the New England States, New York, and Washington State. Only local governments who are willing to participate may receive funding to acquire easements which will then provide for long-term protection of remaining forest lands in these States.

The goal is to conserve environmentally important private forest lands threatened with conversion to nonforest uses. For some cases, the right to public access becomes part of the conservation easement.

This was a program, Mr. Chairman, that was initially funded in the Senate, and as far as the House is concerned, we went along with the Senate on this.

The amendment offered by the gentleman is one that, I think, ought to be opposed. It does offer opportunities for those municipalities, and only those municipalities, that want to participate, and I would urge a vote against the amendment, Mr. Chairman.

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

Mr. BURTON. of Indiana. Mr. Chairman, I yield 1 minute to my good friend, the gentleman from Ohio [Mr. REGULA].

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

Mr. Chairman and Members, I support this amendment.

We have 750 million acres of land now in the public domain. We have a tough time, as we have heard in the last 2 days, financing what we have. Let us not start taking more. Certainly in this Nation we have a great respect for property rights and, therefore, in this instance, I do not think, this program makes good policy. I certainly support the amendment of the gentleman from Indiana.

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

Mr. Chairman, I just would urge a vote against the amendment.

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

Mr. BURTON of Indiana. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, let me just end up by saying to my colleagues that there have been no open hearings on this bill. It is opposed by the Farm Bureau. It is opposed by many private-property-rights organizations, and local governments opposite it because it allows the Federal Government to take property away, and that erodes their property tax base.

This is a very good amendment, and I hope you will support it.

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 amendment was agreed to.

AMENDMENT OFFERED BY MR. POMBO

Mr. POMBO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. POMBO: Page 11, line 20, strike "$61,610,000" and insert "$60,610,000".

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

Mr. POMBO. I am happy to yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, I ask unanimous consent that all time on this amendment be limited to 10 minutes, 5 minutes to be controlled by the gentleman from California [Mr. POMBO] and 5 minutes to be controlled by the gentleman from California [Mr. FAZIO].

The CHAIRMAN. The unanimous-consent request is for 10 minutes, 5 minutes on each side.

Is there objection to the request of the gentleman from Illinois?

Mr. POMBO. Mr. Chairman, reserving the right to object. I will agree to 10 minutes on each side.

The CHAIRMAN. The gentleman from California [Mr. POMBO] does not agree to that unanimous-consent request. He suggests that it be 10 minutes on each side.

Mr. YATES. All right. Mr. Chairman, I will amend my request to make it 10 minutes on each side to the amendment, and all amendments thereto.

The CHAIRMAN. To this amendment and all amendments thereto.

Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN. The gentleman from California [Mr. POMBO] will be recognized for 10 minutes, and the gentleman from California [Mr. FAZIO] will be recognized for 10 minutes.

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

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

Mr. Chairman, my amendment will cut $1 million from H.R. 2520, the Department of the Interior appropriations for fiscal year 1994.

I propose to reduce the Fish and Wildlife Service acquisition appropriation by $1 million.

It is my intention to have this $1 million cut come from funds intended for my district.

The committee report provides that $1 million be directed toward the Stone Lakes Wildlife Refuge, the vast majority of which is included in my congressional district.

Many of my constituents who reside near this refuge are opposed to the Stone Lakes Refuge.

Mr. Chairman, I would like to give a few reasons why. One of the main reasons that has come up over the last couple of years that we have been working on this issue is the health reason. We have the potential of creating a health problem in a very populated area and an area nearby which is planned for development.

I would like to read, if I may, an excerpt from a letter that was sent October 7, 1991, from the Department of Health Services in Sacramento. It states:

I am concerned about locating this refuge in particular, and any wildlife refuge in general, adjacent to human habitation. The draft environmental impact statement [DEIS] does not address the potential public health impact from production of insects and other animals which may harbor or transmit disease organisms to man.

A major concern is mosquitoes. When land is intermittently flooded, several species of mosquitoes may be produced. Not only are floodwater mosquitoes voracious feeders and therefore directly injurious, but one common species has been implicated in the transmission cycle of Western equine encephalitis, a serious disease of horses and humans. Quiescent water gives rise to the carriers of

western equine and St. Louis encephalitis and of malaria, all of which have occurred in the area of the proposed refuge.

Mr. Chairman, I would also like to make comment as to a letter sent out by the mosquito and vector control district on April 1 of this year, and a portion of the letter states:

As a Board we are mindful of the consequences of being constrained from doing our job of mosquito abatement and the effect this could have on nearby urban populations of Laguna, Elk Grove and South Sacramento neighborhoods. It seems as a society we have forgotten how important mosquito control is. Many think only of the nuisance caused by mosquito populations. The truth of the matter is that these mosquitoes can pose a significant health risk as they can transmit many harmful disease organisms to man.

Mr. Chairman, those are just a couple of things that have been pointed out recently on the health issue, and it is becoming a serious issue in the northern part of my district.

Recently, we have had an outbreak of equine encephalitis in the area, and it is of immense concern to myself and to many of my constituents as to how we handle that matter.

The other issue that has been brought out by my constituents has to do with property rights. I believe that it is extremely important that we protect the property rights of our citizens.

These particular farmers and ranchers who are in this area feel that they have not had their day in court, so to speak, and have not had their property rights effected. What happens many times with the Fish and Wildlife Service is they will step in and designate an area as a future wildlife refuge, which devalues the property in the area and puts restrictions on what they are able to do in the area. What has happened in this particular area is many of the ranchers and farmers are having a difficult time obtaining financing because of the wildlife-refuge designation, and I feel that it is important to preserve the property rights of those who are affected.

Mr. Chairman, I am including at this point in the RECORD the letter dated October 7, 1991, from the Department of Health Services, and the letter dated April 1, 1993, from the Sacramento-Yolo Mosquito and Vector Control District, as follows:

DEPARTMENT OF HEALTH SERVICES,
Sacramento, CA, October 7, 1991.

PETER JEROME,
Refuge Manager, U.S. Fish and Wildlife Service, Sacramento, CA.

DEAR MR. JEROME: Thank you for the opportunity to make comments on the "Jones and Stokes Associates, Inc., 1991. Environmental Impact Statement for the Proposed Stone Lakes National Wildlife Refuge. Draft (JSA 91-046.) Sacramento, California."

I am concerned about locating this refuge in particular, and any wildlife refuge in general, adjacent to human habitation. The draft environmental impact statement (DEIS) does not address the potential public health impact from production of insects and other animals which may harbor or transmit disease organisms to man.

A major concern is mosquitoes. When land is intermittently flooded, several species of mosquitoes may be produced. Not only are floodwater mosquitoes voracious feeders and therefore directly injurious, but one common species has been implicated in the transmission cycle of western equine encephalitis, a serious disease of horses and humans. Quiescent water gives rise to the carriers of western equine and St. Louis encephalitis and of malaria, all of which have occurred in the area of the proposed refuge.

The recent actions of the U.S. Fish and Wildlife Service and the project consultants in working with the local mosquito and vector control district is commendable and supported by the Department. However, I am concerned that a system, however well designed, can fail unless properly operated and maintained. Existing refuges in the Sacramento Valley continually undergo mosquito surveillance and chemical control efforts by local agencies. Furthermore, I am made extremely uncomfortable by the stated efforts by some refuges elsewhere in the nation to use "incompatible activities" as reasoning to get out from under the jurisdiction of mosquito abatement agencies. The DEIS does not address the use of pesticides for public health. While I strongly favor limited use of pesticides, I equally strongly support the judicious use of chemical mosquito control to protect people from mosquitoes and mosquitoborne diseases.

Diseases such as Lyme disease and rabies may be problems associated with the proposed refuge. We are just learning to understand the distribution of Lyme disease, transmitted by ticks. Rabies, however, is known to be endemic in the area. The proposed refuge will support increased numbers of skunks and promote an increase in the incidence of rabies.

There is a place for refuges, certainly. That place however, is not immediately adjacent to existing or planned residential areas.

If you have any questions, please contact me at (916) 445-0498.

Sincerely,

DON J. WOMELDORF,
Chief, Environmental Management Branch.

SACRAMENTO-YOLO MOSQUITO AND VECTOR CONTROL DISTRICT,
Sacramento, CA, April 1, 1993.

Re Stone Lakes National Wildlife Refuge—South Sacramento Preservation Council versus Plenert.

HOWARD ELLMAN,
Ellman, Burke, Hoffman & Johnson, San Francisco, CA.

DEAR MR. ELLMAN: This letter is to inform you of the Sacramento-Yolo Mosquito and Vector Control District, Board decision, to instruct its counsel to seek leave of the court to file a non-party amicus curiae ("Friend of the court") brief in support of plantiffs' case. Said case focuses on the potential mosquito impacts and the failure and reluctance of the U.S. fish & Wildlife Service (USF&WS) to date to fully disclose and mitigate mosquito impacts resulting from the creation of Stone Lakes National Wildlife Refuge. We have been attempting in good faith to reach a memorandum of understanding (MOU) for more than a year with the USF&WS to no use. Despite these good faith efforts by the district, we have not come very far toward a workable MOU that is acceptable to the District. Further, unless the Service commits to adequate funding even a well worded MOU is useless in the fight for a decent level of public health and safety.

It is interesting that the complaint alleges that the "Service is currently engaged in disputes with mosquito abatement districts in the Sacramento Valley who contend that the Service is obstructing abatement on other refuges, material facts that cast out on the efficacy of vague promises of 'cooperation' and non binding management agreements." (Complaint, p. 16.) This is a clear reference to the recent discussions with Service personnel concerning the problems encountered by the Colusa Mosquito Abatement District in its efforts to apply pesticides last year at the Colusa National Wildlife Refuge. The Sacramento-Yolo District and its staff have been participating in these discussions because of similar problems that are anticipated concerning pesticide application at the Stone Lakes National Wildlife refuge.

As a Board we are mindful of the consequences of being constrained from doing our job of mosquito abatement and the effect this could have on nearby urban populations of Laguna, Elk Grove and South Sacramento neighborhoods. It seems as a society we have forgotten how important mosquito control is. Many think only of the nuisance caused by mosquito populations. The truth of the matter is that these mosquitoes can pose a significant health risk as they can transmit many harmful disease organisms to man.

We feel it is our responsibility to protect our ability to do our job in the most effective manner possible unhampered by unreasonable Federal Government constraints. To that end we have instructed our counsel Mr. Shanahan to cooperate with you fully as he prepares our amicus curiae brief. Further, we have instructed our staff to cooperate with you in providing any information about vector control that you require and is in their ability to provide, also to cooperate with you on providing details of our negotiations with the USF&WS to develop a MOU. If you need any further help please don't hesitate to call me directly. We look forward to a positive solution to these troublesome issues.

Sincerely,

JOHN GOLDEN,
President, Sacramento-Yolo Mosquito and Vector Control Board.

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

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

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from California [Mr. POMBO].

First of all, I want to say that this wildlife refuge is located in southern Sacramento County, an area that I represented prior to reapportionment. The gentleman from California [Mr. POMBO] has inherited a concern that I dealt with for a number of years.

I might say that I was the last elected official to sign on to the support for Stone Lakes National Wildlife Refuge, after spending a good deal of time working on behalf of the farmers and landowners in the area. But I have now done so, and I rise in opposition to striking the funds, knowing full well that this project has very broad bipartisan support.

It was supported by both the administration of President Bush before President Clinton requested funds again this year.

The committee was unable to proceed last year because of a moratorium on new starts.

It also has the support of the gentleman from California [Mr. PACKARD], a member of the subcommittee and a Republican member of the California delegation, and I believe the support of the gentleman from California [Mr. PACKARD] is predicated on the continuing support of Governor Wilson. The Governor recently signed into law funding for State purchase of land from willing sellers in this area. He chose not to blue-pencil, or line-item veto, language that funded the State contribution. The Governor continues to support this project.

□ 1540

The refuge also has strong bipartisan support at the local level. The mayor and the city council in Sacramento support it. The chairman of the Sacramento County Board of Supervisors also. In fact, as I think I have already indicated, I was the last public official to support this.

I was the author of a provision that directed the Fish and Wildlife Service to study the possibility of creating this refuge. But it was only after I worked with local landowners and helped gain significant protections for agriculture in southern Sacramento County that I officially endorsed the project.

A number of accommodations have been made to address the concerns of the landowners, many of whom are involved in agriculture. Mr. POMBO and others have asserted that the United States Fish and Wildlife Service has not taken into consideration the concerns of these individuals. I really think they have.

At my request, the American Farmland Trust stepped in to help negotiate a settlement to the conflicts between the landowners and U.S. Fish and Wildlife Service. The American Farmland Trust, a national organization of farmers committed to voluntary habitat protection, worked with the service and the landowners to see that the concerns of agriculture were addressed. An agreement was struck that addressed the vast majority of the concerns raised by the landowners, and the American Farmland Trust has endorsed the creation of this important refuge.

No less than seven major concessions were made to landowners in the area in response to the concerns they raised.

KEY CONCESSIONS

In general, the agreement directed USFWS to reduce the size of the refuge, delete significant agricultural areas from the refuge boundary, and protect wildlife and habitat values primarily through cooperative agreements and the purchase of conservation easements.

The key compromises reached, included the following:

The fee acquisition of land by USFWS was reduced by more than two-thirds of what was originally proposed for acquisition, from 9,167 acres to no more than 3,017 acres.

USFWS adopted a policy of making all acquisitions on a willing seller basis. To emphasize this point, our committee included language in last year's report to accompany the Interior appropriations bill which stated that "all land acquisitions shall be from willing sellers only, consistent with the environmental impact statement."

The committee further directed USFWS to minimize, to the greatest degree practicable, the fee acquisition of existing farm land. As a response to this language and at the urging of the American Farmland Trust, USFWS added a provision to the Record of Decision that requires the Service to cooperate with landowners, private organizations and county, State and Federal agencies to minimize the need for fee acquisitions of existing farmlands in the core area of the refuge.

The Service also adopted a provision in the EIS that will prohibit the reintroduction of federally listed threatened or endangered species, so there will be no future issue of that as the wildlife refuge boundaries are flushed out.

The Service agreed to create appropriate buffers on USFWS-controlled lands wherever wetlands are established next to private agricultural lands, in order to avoid conflicts with adjacent landowners, particularly over pesticide and herbicide use.

The Service agreed to work with the Sacramento-Yolo Mosquito Vector Control District to establish a memorandum of understanding that would define wetland design criteria and annual operating procedures for the control of mosquitos at the Stone Lakes National Wildlife Refuge.

By the way, I want to make very clear that in a June 23 letter to Mr. POMBO from the Mosquito Vector Control District, they stipulate that a position of theirs was mistakenly reported and that the board of trustees of the district has never gone on record in opposition to this wildlife refuge's creation. I think it is important to make clear that the public health of the community is being given consideration. That letter makes it clear that we are working together, and a memorandum of understanding has been reached so that there will not be any breakout of infectious diseases based on the wetland's creation.

In addition, I want to say that this binding and meaningful agreement between the mosquito abatement district and the Fish and Wildlife Service is in place and I believe we can, through the use of binding arbitration over disputes between the agencies, make sure that the public health and safety is protected.

I think we have gone a long way to minimize the environmental impact of this on the surrounding landowners and farmers. I think we have made every legitimate effort that we could to accommodate the concerns of people in the region. But this is not simply a local project; it is an extremely important one for the entire Sacramento area, and I believe we have gone about as far as we can go to accommodate the legitimate concerns of people who, I maintain, in some instances still utilizing their right to go to court, oppose the project.

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

Mr. POMBO. Mr. Chairman, I yield 2 minutes to my colleague, the gentleman from California [Mr. DOOLITTLE].

Mr. DOOLITTLE. I thank the gentleman for yielding.

Mr. Chairman, I am familiar with this area as well. I was approached by some of the unhappy landowners who are very much opposed to creating this refuge and they asked me to visit the site. At the time, this was near my district, which is now that area taken over by the gentleman from California [Mr. POMBO]. He now represents the area previously represented by Mr. FAZIO, where much of this property is located.

What struck me was that this is prime farmland. This is undoubtedly some of the finest farmland in the United States. These landowners are very happy farming it.

They are terribly opposed to having this idea of this kind of wildlife refuge established there which will preclude them from carrying on their business. It is very hotly contested.

You know, like so many other things, if we had the money as a Government and we did not have a deficit and we had a surplus in terms of having no national debt, maybe this would be one thing to consider someplace—not here, but someplace.

But the fact of the matter is that we are going to be borrowing money to buy up more public land. We cannot properly manage the public land we have now, as we have heard from both sides of the aisle in earlier parts of the debate today.

Here we are going to buy up even more land. I think this is a terrible mistake. I certainly support the amendment of the gentleman from California [Mr. POMBO], and would urge Members to support him in that.

Mr. POMBO. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, in conclusion on this, the gentleman from California [Mr. FAZIO], and the gentleman from California [Mr. MATSUI], and I have talked about this since I have been in Congress. Even though I am a new Member, one of the first groups that approached me, as a new Member, was

the affected farmers and ranchers and landowners in this area about their concerns for this project and what it was going to do to them.

I spent a good deal of time with them going over what their issues were, and I have to agree with them that they were having part of their property rights taken away from them.

They felt that the Fish and Wildlife Service was coming in with a heavy hand and coming down on top of them.

The gentleman from California [Mr. FAZIO] pointed out previously that buffer zones had been created as part of this agreement. What scares all these farmers is that because they are unwilling sellers, that they have now become buffer zones. That would further restrict their farming activities in the area.

□ 1550

Most of these guys have been there for a great deal of time. They are very happy doing what they are doing. They have no intention of doing anything else, and they would like the opportunity for their farms to go on to their children and their grandchildren. They are very concerned about the creation of another wildlife refuge in the area.

There is another wildlife refuge that is located about 30 miles south of here that is underfunded, as this one would be, even with the $1 million passed.

One of my major concerns about this kind of legislation is what we are in effect doing. We are in effect creating wildlife refuges all over the country without the money to fund buying them; so we will go in and we will put a little bit of money in to start the process and buy a small part of it and restrict the use of all the rest of the land, and in the meantime we do not have the money to buy it.

So we are in effect taking part of the property rights of these individuals without paying them for it and we have no hope of being able to pay for it as this country continues to slip further and further into debt. This is a major concern of mine and it is a concern of many Members of this body, as has been voiced already today.

If you are going to go in and take people's lands, whether it is through regulatory taking or whether it is just through drawing a funny color on a map over their property, then you have got to pay them for it. This does neither. This takes their property and it does not pay the owners that are affected. That is what I am trying to stop here.

In conclusion, Mr. Chairman, I would just like to say there is a current lawsuit that has been filed on this. They hope to go to court sometime in September. Hopefully within the near future there will be some kind of settlement. The property owners will feel their day in court has been heard and we will not have these kinds of battles in the future.

It is my hope to delay any funding for this until at least that time.

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

Mr. FAZIO. Mr. Chairman, I yield the remainder of my time to my colleague, the gentleman from Sacramento, CA [Mr. MATSUI].

Mr. MATSUI. Mr. Chairman, I thank my colleague, the gentleman from California [Mr. FAZIO] for yielding me this time.

Mr. Chairman, I rise in strong opposition to the amendment of the gentleman from California [Mr. POMBO].

As the gentleman from California [Mr. FAZIO] has indicated, this has strong bipartisan support in northern California and throughout the State of California. The Governor's office, Pete Wilson's office, supports this.

This initiative actually began under President Reagan. President Reagan and President Bush did long-term environmental studies. We are talking about a 12- to 13-year study that, last year on July 17, 1992, culminated in declaring this area a National Wildlife Refuge.

The reason for it is because this has major value in terms of a major wetlands area, the only wetlands area left in northern California.

What we are talking about here is a mere $1 million only, only for willing sellers. This is not going to be done through condemnation.

This is an effort that has been going on approximately 12 to 15 years. It has strong bipartisan support. The city council of Sacramento, which is comprised of Democrats and Republicans, and the board of supervisors of Sacramento, bipartisan support for this effort as well. It is a project that the decision was already made.

Second, as the gentleman from California [Mr. FAZIO] has mentioned, the manager of the Sacramento Mosquito District, Allen Hubbard, says:

> I am not aware that there has ever been any opposition in any board meeting on the Stone Lakes National Wildlife Refuge.

This was dated June 23, 1993, just a month ago.

So this project is one in which we have to move ahead on. We are asking for $1 million. We originally asked for $12 million. Now it is $1 million for only purchases from willing sellers.

Mr. Chairman, I hope the membership strongly votes "no" on this amendment.

Mr. MATSUI. Mr. Chairman, I am pleased to have this opportunity to speak in support of the appropriation for willing seller land acquisition at the Stone Lake National Wildlife Refuge. This project and the other acquisition projects supported by H.R. 2520 are vitally important to California as our State becomes even more heavily populated and open spaces and natural areas continue to diminish.

A portion of the Stone Lakes Refuge is located in the southern portion of my congressional district. California's rapidly increasing population places tremendous pressure on available land and resources, and population patterns and development have decreased the amount of lands available to flora and fauna. Native Central Valley plant communities and their associated fish, wildlife, and plant species are at risk, and we must act now if we are to preserve the natural diversity which make California such a beautiful and appealing State.

Stone Lakes goes a long way toward achieving the goal of preserving both wildlife and necessary habitat. Standing alone, Stone Lakes is a vital part of Sacramento's plan for preserving our natural environment in the context of a rapidly expanding metropolitan area. But Stone Lakes is also a major link in California's chain of wetlands and wildlife refuges which has been sorely overburdened and taxed to the brink by urban development patterns, agricultural needs, and water resources and flood control projects.

Over the past 20 years, the decline of a significant portion of our aquatic natural resources in California has contributed to a steady decrease in waterfowl and other wildlife populations. The $1 million earmarked for the acquisition of prime wildlife property from willing sellers will help ensure the viability of this resource, so important to endangered, threatened, candidate, sensitive, and special concern species, as well as to waterfowl and shorebirds which make heavy use of the area in winter and as a migratory staging area.

Local government officials have expressed strong support for Stone Lakes, which would greatly increase the valley's carrying capacity for migratory waterfowl and help restore the Sacramento Valley to its earlier state in which incredible numbers of waterfowl and other fauna and flora made the area spectacularly alive. Support comes from the mayor of Sacramento, the chairman of the Sacramento Board of Supervisors, and local State government elected officials. It is my hope that the House will recognize the importance of this project and will support Stone Lakes so that species such as the American coot, the American avocet, the Swainson's hawk, the pied-billed grebe, and the long-billed marsh wren can live and flourish in California.

My colleague from Tracy, Mr. POMBO, has put forward several reasons why he is opposed to preserving this superb natural resource which will be visited by thousands of Sacramentans and other northern California residents each year. I strongly disagree with the position of my colleague, and I would like to discuss briefly why the issues he raises are red herrings and should be discarded.

In a letter dated June 15th of this year and distributed to Members of the House of Representatives, my colleague stated that he opposed Stone Lakes because the refuge would create "a perfect wetland habitat for mosquitoes * * *" Setting aside the issue of whether California needs to protect its wetlands resources, as it most assuredly does, my colleague's public health concerns are really without merit. There is no question that we must be concerned about health risks associated with mosquitoes and other wildlife. However, just 2 days ago the local abatement district voted to sign the memorandum of understanding it has painstakingly developed over

the past few months with the Department of Fish and Wildlife, an MOU which details the abatement plan which will protect against an overabundance of mosquitoes at Stone Lakes.

My colleague's letter states that the Sacramento-Yolo Mosquito and Vector Control District opposes Stone Lakes. This simply is not true. The manager of the district has informed Mr. POMBO that the district is not opposed to Stone Lakes Wildlife Refuge. In fact, Stone Lakes enjoys wide-spread support throughout Sacramento. Supporters include elected officials, Government agencies, and the people of Sacramento.

My colleague's letter also states that "the local tax base would be damaged by the loss of this productive acreage." My colleague from Tracy fails to take into account the fact that Stone Lakes is an extremely important resource which will preserve Sacramento's unique and attractive environment. People from all over the country move to Sacramento precisely because of our region's rich natural beauty. Sacramento is still a uniquely hospitable large city. The Stone Lakes Refuge will help preserve Sacramento's attractiveness to my constituents and others, and will help preserve our tax base as well. Ugly cities will eventually drive people away and will rot the tax base. Rather than hurting our city's revenues, I am certain that Stone Lakes will actually enhance our tax base.

A liveable environment creates jobs and spurs economic growth. Stone Lakes will help preserve the beauty of California and will help ensure that the Central Valley remains an economically vibrant area in the long run. And the importance of Stone Lakes cannot be viewed myopically; what happens at Stone Lakes affects wildlife throughout the Western United States. If Stone Lakes is not preserved, another key link in the chain of refuges for migratory and shore birds will be lost, and the famous Pacific Flyway will be damaged. In order to preserve the human and natural environment throughout the west coast, we must take action and preserve areas like Stone Lakes. Not only for the future of the flora and fauna which are dependent on the resource, but also for our children and their children, so they might be able to enjoy the natural beauty of the great Central Valley and the wildlife that makes northern California such a unique place to live.

Mr. POMBO is also concerned about the rights of property owners. I can assure my colleagues that Stone Lakes respects the rights of landowners. Land will be acquired only from willing sellers, and the Fish and Wildlife Service is precluded from forcing property owners to sell their land. Additionally, buffer zones are included in the plans for Stone Lakes in order to minimize any problems with farmers who use pesticides and herbicides.

Flood control concerns have also been raised with respect to Stone Lakes but, as with the others, this objection is another red herring. The Department of Fish and Wildlife has determined that the establishment of Stone Lakes will not have significant hydrologic effects on the Stone Lakes area and would have minimal conflicts with ongoing flood protection and levee management in Sacramento. Flood control is constantly at the forefront of my thoughts as Sacramento is still in serious jeopardy of suffering tremendous damage and loss of life from floods. If I believed Stone Lakes would increase our flood risk, I would oppose the project, at least until Sacramento achieves adequate flood protection. But Stone Lakes does not aggravate our flood control problem according to experts, and so this issue is merely a distraction.

Mr. Chairman, the Stone Lakes Wildlife Refuge is vitally important to the protection of California's wildlife. I urge my colleagues to join with me in support of the Stone Lakes National Wildlife Refuge, and I urge you to defeat the gentleman's amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. POMBO].

The question was taken; and on a division (demanded by Mr. POMBO) there were—ayes 17, noes 25.

RECORDED VOTE

Mr. POMBO. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 174, noes 246, not voting 19, as follows:

[Roll No. 334]

AYES—174

Allard
Archer
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Condit
Cox
Crane
Crapo
Cunningham
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Geren
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hall (TX)
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kanjorski
Kaptur
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kyl
Laughlin
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Manzullo
McCandless
McCollum
McCrery
McHugh
McInnis
McKeon
McMillan
Mica
Michel
Miller (FL)
Minge
Molinari
Montgomery
Moorhead
Myers
Nussle
Orton
Oxley
Paxon
Penny
Petri
Pombo
Porter
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shuster
Skeen
Slattery
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Talent
Tauzin
Taylor (NC)
Thomas (CA)
Thomas (WY)
Valentine
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff

NOES—246

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Bateman
Becerra
Beilenson
Berman
Bilbray
Bishop
Blackwell
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Camp
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Collins (IL)
Collins (MI)
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
de Lugo (VI)
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Ewing
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gibbons
Gilchrest
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hoekstra
Holden
Hughes
Hutto
Inslee
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDade
McDermott
McHale
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Moran
Morella
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Norton (DC)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Ravenel
Reed
Reynolds
Richardson
Roemer
Romero-Barcelo (PR)
Rose
Rostenkowski
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shays
Shepherd
Sisisky
Skaggs
Skelton
Slaughter
Smith (IA)
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torkildsen
Torricelli
Traficant
Tucker
Underwood (GU)
Unsoeld
Upton
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates
Zimmer

NOT VOTING—19

Armey
Bevill
Bonior
Coleman
Conyers
Faleomavaega (AS)
Gephardt
Hastings
Henry
Hochbrueckner
Hoyer
Kolbe
Lehman

McKinney	Sarpalius	Towns
Packard	Torres	Washington

□ 1614

The Clerk announced the following pair:

On this vote:

Mr. Kolbe for, with Mr. McKinney against.

Mr. SKELTON and Mr. HOEKSTRA changed their vote from "aye" to "no."

Messrs. LIVINGSTON, SMITH of New Jersey, FISH, and LAZIO changed their vote from "no" to "aye."

Mr. BLACKWELL changed his vote from "present" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

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 46, line 11, strike "$16,996,000" and insert "$11,996,000".

Mr. BURTON of Indiana. Mr. Chairman, this amendment would cut $5 million from the Forests for the Future Program. This bill originally had increased it by $10 million. I have reached an agreement with both the chairman and the ranking Republican on this committee to cut this by $5 million. Because of that, I will not elaborate further on the amendment.

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

Mr. BURTON of Indiana. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, the statement of the gentleman from Indiana [Mr. BURTON] is correct. We will accept the amendment.

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

Mr. BURTON of Indiana. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I want to say we accept the amendment, and also add this is a good amendment. I would have liked to have seen $10 million. I think this is a bad program, but at least $5 million is progress. For that reason, we are very enthusiastic about accepting it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana [Mr. BURTON].

The amendment was agreed to.

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

Mr. Chairman, in a moment we will have the potential of a motion to rise. Some of us will be seeking to defeat the motion to rise in order to get to an amendment that seeks to set aside some money for fiscal 1994 for purposes of providing Midwest flood relief. The President has made a good faith effort, and I am supportive of what he is attempting to do, in moving in fiscal 1993 to provide some immediate help to the people in the Midwest. There is no doubt that is needed.

But the fact is we already know there is going to be obligations in 1994. We know that the extent of the damage is so massive that we are going to have obligations in 1994.

Mr. Chairman, some of us believe that the way to begin to prepare for that is by setting aside some money now that could be used for that kind of damage protection. So I will be offering an amendment that would set aside 1 percent of the funds in this bill, and we would hope to do it in each of the appropriation bills, that would give us about a $3 million to $5 billion pool that could be used to provide the help that will be necessary in the Midwest in fiscal 1994. It seems to me it is appropriate that we do something, where we know we have got an obligation ahead of us, that will assure that we do it in a fiscally responsible way. This is a way we can do it.

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

Mr. WALKER. I am happy to yield to the gentleman from Iowa.

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

Mr. Chairman, I want to rise in support of the gentleman being allowed to offer this amendment and defeating the motion to rise, for the following reasons: In about 15 minutes Members from the Midwest will be meeting with the President to talk about the disaster package. My conservative estimate at this point is it will be closer to $5 billion than the $2.5 billion the President has predicted. That is because the damage is not yet complete.

Yet we will, during these discussions, be talking about the need to provide better benefits through crop insurance, the need to provide better coverage through flood insurance, and it seems to me appropriate that this Congress begins to start buying insurance against the disasters that we have seen every year since this gentleman has been a Member. Although we cannot predict a disaster, we can certainly presume one will occur.

It is clearly worth a percentage of our appropriation bills annually to be set aside in a disaster contingency fund to prepare for these eventualities. If they are not spent, so much the better. Then the deficit is reduced accordingly, or we roll them into the next year. But emergency funding mechanisms, although convenient, add to the deficit.

Mr. Chairman, this is an important issue, and I hope it will allow us to change some of the precedents that we use in this body to fund disaster programs. There are usually disasters. We do not know where the money comes from. But I think this is an opportunity to discuss this fully, and I hope that when the motion comes to rise, it will be defeated simply to put this issue on the table. It is something I intend to bring up with the President at these meetings, and I hope that whatever happens today will be a signal to the administration that we want to find appropriate ways to buy insurance to prepare for these eventualities. We ask our constituents to buy crop insurance, to buy flood insurance.

□ 1620

We should be asking ourselves to buy disaster insurance.

I thank the gentleman for yielding to me.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. Mr. Chairman, I would point out that at the time of the 1990 Budget Agreement, it was presumed there would be these emergencies, and the cap was set lower so there would be room for emergencies. So it is already taken care of in the 1990 Budget Agreement.

Mr. WALKER. Mr. Chairman, I appreciate the gentleman's statement. The problem is, however, that the deficit has continued to mount. And one way that we can begin to prepare to bring down some of the deficit numbers would be to set aside some money that we know is going to be spent.

I do not think the gentleman would disagree with me, knowing in his State that we are probably going to incur at least $3 billion and probably as much as $5 billion of obligation in the next year.

This is simply an attempt to begin to deal with that situation now in a responsible way.

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

Mr. WALKER. I yield to the gentleman from Iowa.

Mr. NUSSLE. Mr. Chairman, I also support his effort to do this. If a family found themselves in a situation like this, they would have to trim back on their own budget for their own emergency that they found. We need to do the same thing.

That is not to diminish the necessity for the emergency funds or the need for the disaster at all. But I join many flooded State Members that say, look, we have to start paying for these obligations.

I am also joining a group of Members that will today send a letter to the chairman of the Committee on Appropriations to ask to work together in order to find those offsets.

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

Mr. WALKER. I yield to the gentleman from Missouri.

Mr. VOLKMER. Mr. Chairman, the gentleman realizes that we have this bill plus, as I understand, three more, is all that is remaining.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. WALKER] has expired.

(By unanimous consent, Mr. WALKER was allowed to proceed for 3 additional minutes.)

Mr. VOLKMER. Mr. Chairman, if the gentleman will continue to yield, in order to try to recoup, at 1 percent, unless we take most of it out of defense, I do not see that we are going to arrive at the gentleman's figure. One percent out of this bill right now is only about $100 million.

Mr. WALKER. Mr. Chairman, reclaiming my time, it is my intention, and I have already begun the process of talking to the Senate about if this House indicates that this is a direction they would like to go, we think we can find sponsors in the Senate to take the same kind of effort there so that it would be a conferencable item on each of the appropriations bills, as they come through. But we can start the process here by showing the Senate that this is what our intention is.

We will have a couple of other appropriations bills and the total of that would get us to the $3 billion to $5 billion.

I am aware of that. The problem is, of course, we did not have the emergency before the other appropriations bills went through. But I do believe that we can handle that situation and that the Senate may respond very positively. I have had very positive indications from Members that I have spoken to already today.

Mr. MYERS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Indiana.

Mr. MYERS of Indiana. Mr. Chairman, I thank the gentleman for yielding to me.

In response to the gentleman from Iowa [Mr. GRANDY], if the provisions of the Agriculture appropriations bill prevail in the Senate, then these farmers will not be able to get crop insurance next year because they had a loss this year. So they will not be eligible for crop insurance. I quite agree, that would be the right way to go.

Mr. GRANDY. Mr. Chairman, if the gentleman will continue to yield, I would just say that crop insurance is not a program that I think any of us have any confidence in. It cries out for reform.

One of the great problems that we will confront in this disaster bill is there will be no coverage for farmers who were prevented from planting.

My point is, in creating this disaster emergency fund that regardless whether it is crop damage or inner-city damage or damage to public works projects, we should start budgeting annually for these kinds of disasters, because we see them every year. I think that ought to be a normal appropriations process. That is why I think the gentleman's amendment should be made in order.

Mr. WALKER. Mr. Chairman, I thank the gentlemen.

I would also point out that if, as the gentleman from Indiana makes the case, the fact is that it makes it even more of a case that we are going to need some of this money next year, and the question is whether or not we are going to prepare for that contingency now.

All I am seeking to do is offer an amendment. All I am doing is seeking to offer an amendment that will allow us to do it.

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

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

Mr. YATES. Mr. Chairman, I would point out to the gentleman that the normal process for dealing with these disasters is, of course, a supplemental appropriations bill. I am sure the President intends to ask for that.

Second, I would point out to the gentleman that this bill, after the actions of the House today and after the actions of our committee, has been cut $932,219,000 below the President's budget already. If we were to take an additional 1 percent out of this bill, it would go over $1 billion that we will have taken away from these agencies.

Mr. WALKER. Mr. Chairman, I thank the gentleman. The point is that we are going to have to do it on some of the other bills, too. It is not just directed at his bill.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. WALKER] has again expired.

(By unanimous consent, Mr. WALKER was allowed to proceed for 2 additional minutes.)

Mr. WALKER. Just let me respond to what the chairman said. I am aware, the President has sent up his proposal for the supplemental. The President's supplemental only calls for spending for 1993. And in his letter, Leon Panetta makes it clear that this is necessarily preliminary, and they are going to be seeking more in the future.

All I am suggesting is that if there is going to be more needed for the future, maybe we ought to get away from this idea of adding on to the deficit and maybe we ought to begin to prepare now.

We can, in fact, prepare now by beginning a process of setting aside some money. That is all I would seek to do.

The gentleman from Illinois wanted to cooperate with me offering this amendment. It was the gentleman from Kentucky who said we could not offer this amendment. I regret that, because it seems to me that the way to go here would be to have this amendment on the floor and see whether the House chooses to go the route of deficit add on each time we have an emergency or setting aside some money for emergency.

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

Mr. WALKER. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I do not want to quarrel with what the gentleman is trying to do. My concern is, all but four bills are already in the Senate.

Mr. WALKER. Mr. Chairman, I just explained that. In fact, I believe that the Senate will respond. If this House shows a determination to move in this direction, I believe there are Members in the Senate who will respond and we will have on the other bills a conferencable item that hopefully the committee would take up.

So we are going to have to have some cooperation from the Senate. Obviously, if the Senate does not cooperate, this is something that we could drop at that point. But for right now, it would be an important way of saying to the Senate, here is a way of moving ahead.

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

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

Mr. MANZULLO. Mr. Chairman, I have noted in the past 24 hours in the House that funding could have been made for the Midwest bill out of the flooding situation as follows: Yesterday, we voted on the possibility of cutting $174 million from the National Endowment for the Arts. We spent $3 million on the Presidio. The Interior bill contains $450,000 for a bike path in Northern Virginia.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. WALKER] has expired.

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

Mr. Chairman, I yield to the gentleman from Pennsylvania [Mr. WALKER].

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

Mr. Chairman, the gentleman from Missouri just said 1 percent is only $100 million. That is $277 million.

We checked with the relief agency yesterday. That $277 million that we could save today will do as follows: It will buy 14 million meals. It will house 400,000 people for a period of time for several months until the waters go down. It will also provide for at least 400 emergency food centers to be opened up along the Mississippi River. In the past 24 hours, we could have taken care of a good portion of the flood relief. Instead, we are spending it on items that have nothing to do with the function of the Federal Government.

Mr. WALKER. Mr. Chairman, the point being here, though, what we are attempting to do with this money is simply to have this 1 percent that would be set aside for preparation for next year. I realize that is not going to get to the immediate emergency. The President is responding to the immediate emergency. I congratulate him for that.

□ 1630

This House has some degree of responsibility, it seems to me, to think ahead and look out for the future. That is all we are attempting to do with this particular amendment.

Mr. YATES. Reclaiming my time, Mr. Chairman, the reason I am reclaiming my time is to tell the gentleman that obviously his course of action depends upon whether the motion to rise is defeated. I propose now to go toward that motion to rise so that the House can exercise its will on that motion to rise.

I do not want to cut anybody off, but I would think we have debated this bill enough, really.

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

Mr. YATES. I yield to the gentleman from Missouri.

Mr. HANCOCK. I appreciate the gentleman yielding to me.

Mr. Chairman, I represent Missouri's Seventh Congressional District. While we have been spared the worst of the flood damage in the present crisis, seven of the counties in my district have been designated for disaster relief.

As much as I want to make sure that the people of my district are taken care of, I do not see why such disaster relief must always add to the Federal deficit.

Like a family or business, the Federal Government should have a contingency fund for such disasters; a rainy day fund, if you will.

We have created FEMA and the SBA disaster loan program. We should budget the necessary funds, in advance. By creating a revolving disaster loan fund now, we can avoid the need for emergency, budget-busting appropriations down the road, which often serve as an excuse to avoid deficit targets.

We know disasters will come. In fact, history tells us we will have at least one major disaster a year. In 1990, we had the California earthquake. In 1991, we had Hurricane Hugo. In 1992, Hurricane Andrew. And now, the floods of 1993.

It is just common sense that we prepare for these things in advance. That is why I support setting aside 1 percent of the Federal budget for such natural disasters. Such a plan will enable the Federal Government to respond more quickly and will avoid the higher deficits of unplanned appropriations.

Financial advisors try to educate individuals to set aside a portion of their income for emergencies. Why cannot the U.S. Congress follow this commonsense advice?

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. Mr. Chairman, let me point out that we had a revolving fund with several billion in it to take care of disasters. The Credit Reform Act abolished the fund and put the money into the general treasury. We just went through this a year ago. If the Members wanted to do this, they should not have voted for the Credit Reform Act. That is exactly what it did, was to abolish the fund that we had to take care of disasters.

We cannot go both ways. We already had it, and I was not for it. I did not vote for it. I think we ought to have a revolving fund, but the Members ought not to vote for abolishing a revolving fund and then complain about it afterward.

Mr. DARDEN. Mr. Chairman, I rise in support of H.R. 2520 and commend the distinguished chairman of the subcommittee for the excellent work that he and the other members of the subcommittee have done in crafting the bill that is before us today. Trying to balance competing demands for limited funds is an unenviable task in any year but is particularly difficult as the Congress works to meet the administration's deficit reduction challenge.

Mr. Chairman, I recognize the severe budgetary constraints and reduction in acquisition funds confronting the subcommittee in drafting the fiscal year 1994 interior appropriations bill. However, I would like to highlight an important land acquisition project in the Chattahoochee River National Recreation Area [NRA] in Georgia that the subcommittee was not able to include in this year's bill.

The Hammett Tract, located in the Holcomb Bridge unit of the Chattahoochee River NRA, is a strategically important parcel of land that would, if acquired, provide the only legal public access to 175 acres of Federal park land in the Holcomb Bridge unit of the Chattahoochee River NRA. As this property is under intense development pressure, it is my hope and expectation that the National Park Service will give serious consideration to using existing funds to acquire the Hammett Tract is fiscal year 1994.

Mr. Chairman, I appreciate the consideration that Chairman Yates has always shown the Chattahoochee River NRA. Since its establishment in 1978 and urge the Members of this body to support the Interior Subcommittee's bill.

Mr. VENTO. Mr. Chairman, I would note my opposition to the language in the House Interior Appropriations Committee report on H.R. 2520 that directs the Forest Service to create a separate independent law enforcement organization within the Forest Service. If the Forest Service were to implement this direction it could forever change, in a negative way, how the Forest Service interacts with the public. For years, I have consistently warned and opposed turning America's natural resource agencies into police agencies. It is important that our forest and park rangers remain resource stewards primarily and not a specialized police force.

This report language completely overturns the Forest Service's line officer organizational structure. Law enforcement employees would no longer report to forest supervisors or even regional foresters. If line officers lose their authority over law enforcement, they lose some of their ability to be effective land and resource managers.

I am aware of the assertions that the Forest Service has not rigorously pursued certain timber theft cases aggressively enough. Each instance of such event should be dealt with thoroughly and aggressively, rather than using such problem or shortfall as an excuse to create a new organizational structure. If there are certain forest supervisors who are not fulfilling their law enforcement responsibilities, this situation can and should be corrected on a case-by-case basis without a major reorganization of the Forest Service which takes away needed authority from the majority of forest supervisors who are doing a good job.

The Forest Service already is moving forward with needed reforms in its law enforcement program. The Forest Service has created a director of law enforcement in its Washington Headquarters, has directed the regional foresters to do an assessment of their law enforcement organizations and has established a timber theft task force, a new internal investigations unit, a new whistle blowing hot line and a new national system to track all law enforcement cases. We should permit such actions to crystallize before taking policy action to set up a new organization.

I agree with the Appropriations Committee on the need to hold the Forest Service accountable for its law enforcement actions but I do not endorse the committee's attempt to set up a specialized police force. The committee report language does not have the force of law and has not been endorsed by any of the authorizing committees that have jurisdiction over the Forest Service. The Forest Service should not establish the new law enforcement organization described in this language.

Mr. DOOLEY. Mr. Chairman, I rise in support of striking the language included in H.R. 2520 to increase the Federal grazing fee by implementing a new formula and to abolish grazing advisory boards. This is only my second term in Congress and this is the third time that I have seen the Appropriations Committee attempt to address the sensitive issue of grazing fees in the Interior appropriations bill.

I think that most Members would agree that a reevaluation of the Federal grazing fee formula is in order. As cochair of the Congressional Beef Caucus I have been working with my friend, the gentlemen from Oregon, BOB SMITH, to try to develop a proposal that balances the need to protect rangeland resources, the taxpayer, and the livelihoods of thousands of family ranchers. This is a difficult task, but I believe that a solution can be found. However, I strongly oppose efforts to make a change as part of the appropriations process.

The Secretary of Interior recently completed a series of hearings in the West as part of his effort to develop a fair adjustment in the Federal grazing fee formula. The Secretary has not yet announced his proposal, but has indicated that the grazing fee formula will be changed and the fees will increase. We should give the administration the chance to make a proposal before we make an arbitrary increase in the fee.

In addition, a number of bills are pending in the House to address the grazing fee issue. These bills and the administration proposal should be considered by the proper authorizing committees.

Mr. Chairman, with increasing regularity the House of Representatives is confronted with issues in which the economy and the environment must be balanced. The choices are not easy. I do not believe that we should take a shortcut or a stab in the dark in addressing these issues. The process may be long and painful, but the grazing fee issue, like other resource issues, must be examined carefully and we must make a decision based on the best information available.

I urge my colleagues to support the removal of section 314 of H.R. 2520.

Mr. ZELIFF. Mr. Chairman, I want to take a few minutes to discuss the U.S. Forest Service's below-cost timber sale program and its importance for my State. The bill before us expresses the sense of Congress that the Forest Service issue rules for the phasing out of the below-cost program as soon as possible. If this program was eliminated, the losses would devastate dozens of New Hampshire towns, the environment in the White Mountain National Forest, and two of the State's top four industries.

The White Mountain National Forest takes up nearly the whole north-central part of the State of New Hampshire. Bordering the forest are many small towns with a large amount of their property tax base eaten up by the Federal land.

The Federal Government reimburses these towns for the use of their land to the tune of $466,000 statewide. While this may not seem like a lot to many here in Washington, it is a significant amount to a small town of 1,000 people in rural New Hampshire.

The White Mountain National Forest also maintains one of the most comprehensive forest management programs in the country. The program is designed to meet the needs of the many different uses of the forest.

These needs include wildlife protection and habitat protection, trail maintenance and upkeep, and proper timber contract enforcement to guard against unauthorized cutting.

The below-cost program also contributes to the State's overall economy. New Hampshire's top industry is tourism, and No. 3 is timber harvesting. The proper management of the forest is a necessary part of maintaining the integrity of those two industries and the jobs they provide.

The State government has estimated that should the below-cost program be eliminated, the timber industry alone could lose 11 percent of its current business.

If the Forest Service is unable to continue proper management of the forest, including maintaining summer and winter trails, mountain huts, camping grounds, and bridge repair, the tourism industry will suffer as well. The forest and all its natural beauty is one of the top tourist destinations in New Hampshire.

Finally, Mr. Chairman, allow me to run through some numbers to further make my point. In New Hampshire alone, the below-cost timber sale program creates 438 jobs, and that number is over 22,000 nationally. The economic activity generated in the State exceeds $20 million, and the resulting Federal tax revenues are $123 million nationwide.

Mr. Chairman, simply eliminating the below-cost program without looking at the economic and environmental benefits it provides is simply shortsighted.

There are nearly 65 national forests at risk if the program is eliminated. This may save the Government some money and make the bottom line look better, but the lost revenues, jobs, and environmental benefits will come back to haunt us all if this program is eliminated.

I urge my colleagues to join me in opposing the elimination of this vital program.

The CHAIRMAN. The Clerk will read the last two lines of the bill.

The Clerk read as follows:

This Act may be cited as the "Department of the Interior and Related Agencies Appropriations Act, 1994".

Mr. YATES. 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 CHAIRMAN. The question is on the motion to rise and report the bill back to the House offered by the gentleman from Illinois [Mr. YATES].

The question was taken; and the chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. WALKER. Mr. Chairman, on that I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 243, noes 177, not voting 19, as follows:

[Roll No. 335]

AYES—243

Abercrombie
Ackerman
Andrews (ME)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
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
Collins (IL)
Collins (MI)
Condit
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamburg
Harman
Hayes
Hefner
Hilliard
Hinchey
Hoagland
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
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murphy
Murtha
Natcher
Neal (MA)
Neal (NC)
Norton (DC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Romero-Barcelo (PR)
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Sundquist
Swett
Swift
Synar
Tanner
Tejeda
Thompson
Thornton
Thurman
Torricelli
Traficant
Tucker
Underwood (GU)
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOES—177

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Kleczka
Klug
Knollenberg
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Manzullo
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Myers
Nussle
Oxley
Paxon
Petri
Pombo
Porter
Portman
Pryce (OH)
Quillen
Quinn
Ravenel
Regula
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh

Weldon	Young (AK)	Zeliff
Wolf	Young (FL)	Zimmer

NOT VOTING—19

Andrews (NJ)	Hastings	Ramstad
Bevill	Henry	Sarpalius
Coleman	Kolbe	Torres
Conyers	Lehman	Towns
Faleomavaega (AS)	McKinney	Washington
Gingrich	Nadler	Waxman
	Packard	

□ 1651

Mr. TEJEDA and Mr. ORTIZ changed their vote from "no" to "aye."

So the motion to rise and report was agreed to.

The result of the vote was announced as above recorded.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. MCNULTY) having assumed the chair, Mr. GLICKMAN, 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. 2520) making appropriations for the Department of the Interior and related agencies 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 would respectfully request separate votes on the so-called Sharp-Klug-Swett-Upton amendment, the so-called Walker-Penny-Brown amendment, and the so-called Stearns amendment that successfully passed the House.

TRIBUTE TO FALLEN HEROES

(By unanimous consent, Mr. HOYER was given permission to speak out of order for 1 minute.)

Mr. HOYER. Mr. Speaker, I rise to take this opportunity to inform the House of a terrible tragedy that occurred yesterday. The U.S. Customs Service lost four people when the helicopter in which they were flying crashed in a rural area in Georgia.

There were four persons onboard, three Customs crewmen and a special agent from the Georgia Bureau of Investigations. They were identified as Customs pilot, Rick Talfous, age 40, of Ponte Vedra Beach, FL; Alan Klumpp, age 32, of Jacksonville, FL; criminal investigator, David DeLoach, age 31, of Jacksonville, FL; and Georgia Bureau of Investigations special agent, Les DeLoach, age 29, of Claxton, GA.

Mr. Speaker, as we all know, freedom and its defense, at times demands a heavy sacrifice. There is no doubt in my mind that these men died in the service of their fellow citizens, trying to make our society better, safer, and freer than today.

These agents, along with their brother and sister agents in law enforcement, risked their lives day in and day out in the performance of their duties. They were on an investigation when the accident occurred—and they paid the supreme price in the service of their country.

I know that all of the Members of this House join me in extending our sadness at this great loss to the families of these brave men and our prayers that the Lord will give them strength during this trying time.

The SPEAKER pro tempore. On behalf of the Speaker, the Chair would ask the Members to observe a moment of silence in memory of these outstanding servants. The Members will please rise.

Mr. STRICKLAND. Mr. Speaker, I could not hear the gentleman from New York when he made his request. I would request a separate vote on the amendment offered by the gentleman from Minnesota [Mr. PENNY] and the gentleman from Pennsylvania [Mr. WALKER] that dealt with pages 60 and 61 of the bill. I am not sure if the gentleman requested a vote on that.

The SPEAKER pro tempore. That vote has already been demanded. 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 60, line 3, strike "$438,163,000" and insert "$433,163,000".

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. SOLOMON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. The Chair announces that votes on subsequent amendments, if ordered, will be reduced to a minimum of 5 minutes according to rule XV. This is a 15-minute vote which may be followed by two more 5-minute votes and a vote on final passage. Members are requested to remain in the Chamber.

The vote was taken by electronic device, and there were—ayes 380, noes 37, not voting 17, as follows:

[Roll No. 336]

AYES—380

Abercrombie	Bacchus (FL)	Barrett (WI)
Ackerman	Bachus (AL)	Bartlett
Allard	Baesler	Barton
Andrews (ME)	Baker (LA)	Bateman
Andrews (NJ)	Ballenger	Becerra
Andrews (TX)	Barca	Beilenson
Applegate	Barcia	Bentley
Archer	Barlow	Bereuter
Armey	Barrett (NE)	Berman
Bilbray	Furse	Manzullo
Bilirakis	Gallegly	Margolies-Mezvinsky
Bishop	Gallo	Markey
Blackwell	Gejdenson	Martinez
Bliley	Gekas	Matsui
Blute	Gephardt	Mazzoli
Boehlert	Geren	McCandless
Boehner	Gibbons	McCloskey
Bonilla	Gilchrest	McCollum
Bonior	Gillmor	McCurdy
Borski	Gingrich	McDermott
Boucher	Glickman	McHale
Brewster	Goodlatte	McHugh
Browder	Goodling	McInnis
Brown (CA)	Gordon	McKeon
Brown (FL)	Goss	McMillan
Brown (OH)	Grams	McNulty
Bryant	Grandy	Meehan
Bunning	Green	Meek
Burton	Greenwood	Menendez
Byrne	Gunderson	Meyers
Callahan	Gutierrez	Mfume
Calvert	Hall (OH)	Mica
Camp	Hamburg	Miller (CA)
Canady	Hamilton	Miller (FL)
Cantwell	Hancock	Mineta
Cardin	Harman	Minge
Castle	Hastert	Mink
Clay	Hefner	Moakley
Clayton	Herger	Molinari
Clement	Hilliard	Montgomery
Clyburn	Hinchey	Moorhead
Coble	Hoagland	Moran
Collins (GA)	Hobson	Morella
Collins (IL)	Hochbrueckner	Murphy
Collins (MI)	Hoekstra	Murtha
Combest	Hoke	Natcher
Condit	Holden	Neal (MA)
Cooper	Horn	Neal (NC)
Coppersmith	Houghton	Nussle
Costello	Hoyer	Oberstar
Cox	Huffington	Obey
Coyne	Hughes	Olver
Cramer	Hutchinson	Ortiz
Crane	Hutto	Owens
Crapo	Hyde	Oxley
Cunningham	Inglis	Pallone
Danner	Inhofe	Parker
Darden	Inslee	Pastor
de la Garza	Istook	Paxon
Deal	Jacobs	Payne (NJ)
DeFazio	Jefferson	Payne (VA)
DeLauro	Johnson (GA)	Pelosi
DeLay	Johnson (SD)	Penny
Dellums	Johnson, E.B.	Peterson (FL)
Derrick	Johnson, Sam	Peterson (MN)
Deutsch	Johnston	Petri
Diaz-Balart	Kanjorski	Pickle
Dickey	Kaptur	Pombo
Dicks	Kasich	Pomeroy
Dingell	Kennedy	Porter
Dixon	Kennelly	Portman
Dooley	Kildee	Poshard
Doolittle	Kim	Price (NC)
Dornan	King	Pryce (OH)
Dreier	Kingston	Quinn
Duncan	Kleczka	Rahall
Dunn	Klein	Ramstad
Durbin	Klink	Rangel
Edwards (CA)	Klug	Ravenel
Edwards (TX)	Knollenberg	Reed
Emerson	Kopetski	Reynolds
Engel	Kreidler	Richardson
English (AZ)	Kyl	Roberts
English (OK)	LaFalce	Roemer
Eshoo	Lambert	Rogers
Evans	Lancaster	Rohrabacher
Everett	Lantos	Ros-Lehtinen
Ewing	LaRocco	Rose
Farr	Laughlin	Rostenkowski
Fawell	Lazio	Roth
Fazio	Leach	Roukema
Fields (LA)	Levin	Rowland
Fields (TX)	Levy	Roybal-Allard
Filner	Lewis (FL)	Royce
Fingerhut	Lewis (GA)	Rush
Fish	Linder	Sabo
Flake	Lipinski	Sanders
Foglietta	Livingston	Sangmeister
Ford (MI)	Lloyd	Santorum
Ford (TN)	Long	Sawyer
Fowler	Lowey	Saxton
Frank (MA)	Machtley	Schaefer
Franks (CT)	Maloney	Schenk
Franks (NJ)	Mann	Schiff
Frost	Manton	

Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thompson
Thornton
Thurman
Torkildsen
Tucker
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Walker
Walsh
Waters
Watt
Weldon
Wheat
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Young (FL)
Zeliff
Zimmer

NOES—37

Baker (CA)
Brooks
Carr
Chapman
Gilman
Gonzalez
Hall (TX)
Hansen
Hayes
Hefley
Hunter
Johnson (CT)
Lewis (CA)
Lightfoot
McCrery
McDade
Michel
Mollohan
Myers
Orton
Pickett
Quillen
Regula
Ridge
Smith (IA)
Smith (OR)
Stearns
Stump
Sundquist
Thomas (WY)
Torricelli
Traficant
Vucanovich
Whitten
Williams
Yates
Young (AK)

NOT VOTING—17

Bevill
Buyer
Clinger
Coleman
Conyers
Hastings
Henry
Kolbe
Lehman
McKinney
Nadler
Packard
Sarpalius
Torres
Towns
Washington
Waxman

□ 1714

The Clerk announced the following pairs:

On this vote:

Mr. Nadler for, with Mr. Kolbe against.

Mr. Waxman for, with Mr. Packard against.

Mr. DERRICK 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. MCNULTY). The Clerk will report the next amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment: Page 61, line 23, strike "$19,366,000" and insert "$18,091,000".

Page 66, after line 22, insert the following:

REVISION OF AMOUNTS FOR DEPARTMENT OF ENERGY

The amounts otherwise provided by this title for the Department of Energy are revised by reducing the amount made available under the heading "Fossil Energy Research and Development" by, and also transferring from the remaining amount made available under such heading to the appropriation for "Energy Conservation" an additional, $24,873,000.

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. SOLOMON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote, and it may be followed by another five-minute vote and a vote on final passage. Members are requested to remain in the Chamber.

The vote was taken by electronic device, and there were—ayes 278, noes 137, not voting 19, as follows:

[Roll No. 337]

AYES—278

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barrett (NE)
Barrett (WI)
Barton
Becerra
Beilenson
Bereuter
Berman
Bilbray
Bilirakis
Blute
Boehlert
Bonilla
Brewster
Browder
Brown (CA)
Brown (FL)
Bryant
Bunning
Burton
Buyer
Byrne
Calvert
Camp
Canady
Cantwell
Cardin
Castle
Clayton
Clinger
Coble
Collins (GA)
Combest
Condit
Coppersmith
Cox
Cramer
Crane
Crapo
Cunningham
Darden
de la Garza
Deal
DeFazio
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards (TX)
English (OK)
Eshoo
Everett
Fields (TX)
Fingerhut
Fish
Flake
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Geren
Gilchrest
Gingrich
Glickman
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Hall (TX)
Hamburg
Hancock
Harman
Hayes
Hefley
Hefner
Herger
Hinchey
Hoagland
Hochbrueckner
Hoekstra
Hoke
Horn
Houghton
Huffington
Hughes
Hutchinson
Hutto
Inglis
Inhofe
Inslee
Istook
Jacobs
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnson, Sam
Johnston
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Klein
Klug
Knollenberg
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Linder
Livingston
Lloyd
Machtley
Maloney
Mann
Manzullo
Markey
McCandless
McCollum
McCrery
McCurdy
McDermott
McHugh
McKeon
McNulty
Meehan
Menendez
Meyers
Mfume
Miller (CA)
Miller (FL)
Minge
Mink
Molinari
Montgomery
Moorhead
Moran
Morella
Neal (MA)
Neal (NC)
Nussle
Olver
Ortiz
Orton
Pallone
Parker
Paxon
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickle
Pombo
Portman
Price (NC)
Quinn
Ramstad
Ravenel
Reed
Richardson
Roberts
Roemer
Rohrabacher
Ros-Lehtinen
Rose
Roth
Rowland
Roybal-Allard
Royce
Rush
Sanders
Saxton
Schaefer
Schiff
Schroeder
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shepherd
Shuster
Skaggs
Skelton
Slattery
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Studds
Stump
Stupak
Swett
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Tejeda
Thomas (CA)
Thornton
Thurman
Torkildsen
Tucker
Unsoeld
Upton
Valentine
Velazquez
Vento
Volkmer
Vucanovich
Walker
Walsh
Waters
Watt
Weldon
Wolf
Woolsey
Wyden
Wynn
Young (FL)
Zeliff
Zimmer

NOES—137

Applegate
Barlow
Bartlett
Bateman
Bentley
Bishop
Blackwell
Bliley
Boehner
Bonior
Borski
Boucher
Brooks
Brown (OH)
Callahan
Chapman
Clay
Clement
Clyburn
Collins (IL)
Collins (MI)
Cooper
Costello
Coyne
Danner
Dellums
Derrick
Dingell
Dixon
Durbin
Edwards (CA)
Emerson
Engel
English (AZ)
Evans
Ewing
Farr
Fawell
Fazio
Fields (LA)
Filner
Foglietta
Ford (MI)
Gibbons
Gillmor
Gilman
Gonzalez
Goodlatte
Gutierrez
Hall (OH)
Hamilton
Hansen
Hastert
Hilliard
Hobson
Holden
Hoyer
Hyde
Jefferson
Kanjorski
Kaptur
Kasich
Kleczka
Klink
Kopetski
Lightfoot
Lipinski
Long
Lowey
Manton
Margolies-Mezvinsky
Martinez
Matsui
Mazzoli
McCloskey
McDade
McHale
McMillan
Meek
Mica
Michel
Mineta
Moakley
Mollohan
Murphy
Murtha
Myers
Natcher
Oberstar
Obey
Owens
Oxley
Pastor
Payne (NJ)
Payne (VA)
Pickett
Porter
Poshard
Pryce (OH)
Quillen
Rahall
Rangel
Regula
Reynolds
Ridge
Rogers
Rostenkowski
Roukema
Sabo
Sangmeister
Santorum
Sawyer
Schenk
Scott
Serrano
Sisisky
Skeen
Slaughter
Smith (IA)
Stokes
Strickland
Sundquist
Swift
Taylor (NC)
Thomas (WY)
Thompson
Torricelli
Traficant
Visclosky
Washington
Wheat
Whitten
Williams
Wilson
Wise
Yates
Young (AK)

NOT VOTING—19

Bevill
Carr
Coleman
Conyers
Gephardt
Hastings
Henry
Hunter
Kolbe
Lehman
McInnis
McKinney
Nadler
Packard
Pomeroy
Sarpalius
Torres
Towns
Waxman

□ 1724

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 has been demanded.

The Clerk read as follows:

Amendment: Page 78, line 14, strike "$144,451,000" and insert "$137,228,450".

Page 78, line 22, strike "$30,142,000" and insert "$28,634,900".

Mr. SOLOMON (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 New York?

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. SOLOMON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote which will be followed by a vote on final passage. Members are requested to remain in the Chamber.

The vote was taken by electronic device, and there were—ayes 244, noes 174, not voting 16, as follows:

[Roll No. 338]

AYES—244

Allard
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barlow
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Brewster
Browder
Brown (OH)
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cantwell
Chapman
Coble
Collins (GA)
Combest
Condit
Cooper
Costello
Cox
Cramer
Crane
Crapo
Cunningham
de la Garza
Deal
DeFazio
DeLay
Derrick
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards (TX)
Emerson
English (OK)
Everett
Ewing
Fawell
Fields (TX)
Fingerhut
Fish
Fowler
Franks (CT)
Franks (NJ)
Frost
Gallegly
Gallo
Gekas
Geren
Gibbons
Gilchrest
Gillmor
Gingrich
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Greenwood
Gunderson
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hayes
Hefley
Herger
Hoagland
Hobson
Hoekstra
Hoke
Holden
Huffington
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Johnson (CT)
Johnson (GA)
Johnson, Sam
Kanjorski
Kaptur
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kyl
Lambert
Laughlin
Lazio
Levy
Lewis (FL)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Machtley
Manzullo
Margolies-Mezvinsky
Martinez
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McHale
McHugh
McInnis
McKeon
McMillan
McNulty
Meyers
Mica
Michel
Miller (FL)
Minge
Molinari
Montgomery
Moorhead
Murphy
Myers
Neal (NC)
Nussle
Ortiz
Orton
Oxley
Parker
Paxon
Payne (VA)
Penny
Peterson (MN)
Petri
Pickett
Pombo
Porter
Portman
Poshard
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Ravenel
Regula
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Rowland
Royce
Santorum
Saxton
Schaefer
Schiff
Schroeder
Sensenbrenner
Shaw
Shays
Shuster
Sisisky
Skelton
Slattery
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stearns
Stenholm
Stump
Sundquist
Swett
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Thornton
Thurman
Torkildsen
Traficant
Upton
Valentine
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Weldon
Wise
Wolf
Wynn
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—174

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Baesler
Barca
Barrett (WI)
Becerra
Beilenson
Berman
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brooks
Brown (CA)
Brown (FL)
Bryant
Byrne
Cardin
Carr
Castle
Clay
Clayton
Clement
Clinger
Clyburn
Collins (IL)
Collins (MI)
Coppersmith
Coyne
Danner
Darden
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Durbin
Edwards (CA)
Engel
English (AZ)
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Furse
Gejdenson
Gilman
Glickman
Gonzalez
Green
Gutierrez
Hall (OH)
Hamburg
Harman
Hefner
Hilliard
Hinchey
Hochbrueckner
Horn
Houghton
Hoyer
Hughes
Jefferson
Johnson (SD)
Johnson, E.B.
Johnston
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lancaster
Lantos
LaRocco
Leach
Levin
Lewis (CA)
Lewis (GA)
Lowey
Maloney
Mann
Manton
Markey
Matsui
Mazzoli
McDermott
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Moran
Morella
Murtha
Natcher
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Pickle
Pomeroy
Price (NC)
Rangel
Reed
Reynolds
Richardson
Rose
Rostenkowski
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sawyer
Schenk
Schumer
Scott
Serrano
Sharp
Shepherd
Skaggs
Skeen
Slaughter
Smith (IA)
Stark
Stokes
Strickland
Studds
Stupak
Swift
Synar
Tejeda
Thompson
Torricelli
Tucker
Unsoeld
Velazquez
Vento
Washington
Waters
Watt
Wheat
Whitten
Williams
Wilson
Woolsey
Wyden
Yates

NOT VOTING—16

Bevill
Coleman
Conyers
Gephardt
Hastings
Henry
Hunter
Kolbe
Lehman
McKinney
Nadler
Packard
Sarpalius
Torres
Towns
Waxman

□ 1730

The Clerk announced the following pair:

On this vote:

Mr. Kolbe for, with Ms. McKinney against.

Mr. BERMAN changed his vote from "aye" to "no."

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. I am, Mr. Speaker, in its present form.

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. 2520 to the Committee on Appropriations with instructions to report back the same to the House forthwith with the following amendment:

At the end of the bill, insert after the last section the following new section:

Section . Notwithstanding any other provision of this Act, except for the amount provided under "Miscellaneous payments to Indians", Bureau of Indian Affairs, Department of the Interior; "Salaries and Expenses", National Indian Gaming Commission, Department of the Interior; "Payment to the Institute", Institute of American Indian and Alaska Native Culture and Arts Development; "Salaries and expenses", Woodrow Wilson International Center for Scholars: "Salaries and expenses" and "National capital arts and cultural affairs", Commission on Fine Arts; "Salaries and expenses", Advisory Council on Historic Preservation; "Salaries and expenses", National Capitol Planning Commission; "Salaries and expenses", Franklin Delano Roosevelt Memorial Commission; and "Salaries and expenses" and "Public development", Pennsylvania Avenue Development Corporation and Holocaust Memorial Construction each amount appropriated or otherwise made available under this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by / per centum: *Provided*, That such reductions shall be applied ratably to each account, program, activity, and project provided for in this Act.

Mr. MYERS of Indiana (during the reading). Mr. Speaker, I ask unanimous consent that the motion 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. YATES. Mr. Speaker, will the gentleman yield?

Mr. MYERS of Indiana. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Speaker, does the gentleman's motion to recommit contain by any chance the proposal of the gentleman from Pennsylvania [Mr. WALKER]?

Mr. MYERS of Indiana. Mr. Speaker, reclaiming my time, it does not.

Mr. Speaker, this is a 1 percent cut, which exempts some of the very small programs in the bill. This is a good bill, but it is one-half billion dollars presently over last year's level. We are led to believe that this year we are cutting spending. We are really not.

Considering this bill and all of the 10 appropriation bills that have been passed this far, we are about $26.75 billion above last year's level. We are below the President's request and below our 602(b) allocation, but if we are serious about cutting spending, this is the way to do it.

Mr. Speaker, this is a very minimal reduction, 1 percent. It takes us down to last year's level, and I think all of us can vote for that.

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

Mr. YATES. Mr. Speaker, I rise in opposition to the motion.

Mr. Speaker, this, in my friend's words, may be a minimum amendment, but it will have a maximum effect, because this bill has already been cut by action of our committee and by action of the House by close to $1 billion. The exact amount is $930 million.

I will say to the House that agencies cannot afford another cut of this type. I would hope and request that the motion of the gentleman from Indiana [Mr. MYERS] be defeated.

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 motion to recommit was rejected.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

Mr. BURTON of Indiana. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 278, noes 138, not voting 18, as follows:

[Roll No. 339]

AYES—278

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barlow
Barrett (WI)
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Calvert
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Dingell
Clinger
Clyburn
Collins (IL)
Collins (MI)
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dicks
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Frost
Furse
Gallo
Gejdenson
Gephardt
Gibbons
Gilchrest
Gilman
Glickman
Gonzalez
Gordon
Green
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hansen
Harman
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Holden
Horn
Houghton
Hoyer
Hughes
Hutchinson
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
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDade
McDermott
McHale
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moran
Morella
Murtha
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickle
Pomeroy
Porter
Poshard
Price (NC)
Quillen
Rahall
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Roemer
Rogers
Ros-Lehtinen
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sawyer
Schenk
Schiff
Schroeder
Schumer
Scott
Serrano
Sharp
Shays
Shepherd
Sisisky
Skaggs
Skeen
Slattery
Slaughter
Smith (IA)
Smith (NJ)
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Taylor (NC)
Tejeda
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torricelli
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walsh
Washington
Waters
Watt
Wheat
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)

NOES—138

Andrews (NJ)
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barrett (NE)
Bartlett
Barton
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Camp
Canady
Castle
Coble
Collins (GA)
Combest
Condit
Cox
Crane
Crapo
Cunningham
DeLay
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fields (TX)
Franks (CT)
Franks (NJ)
Gallegly
Gekas
Geren
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Hancock
Hastert
Hayes
Hefley
Hoekstra
Hoke
Huffington
Hunter
Hutto
Hyde
Inglis
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kyl
Levy
Lewis (FL)
Linder
Manzullo
McCandless
McCollum
McCrery
McHugh
McInnis
McKeon
Mica
Michel
Miller (FL)
Minge
Moorhead
Myers
Nussle
Oxley
Paxon
Penny
Peterson (MN)
Petri
Pickett
Pombo
Portman
Pryce (OH)
Quinn
Ramstad
Ridge
Roberts
Rohrabacher
Roth
Royce
Santorum
Saxton
Schaefer
Sensenbrenner
Shaw
Shuster
Skelton
Smith (MI)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Talent
Tauzin
Taylor (MS)
Thomas (CA)
Upton
Walker
Weldon
Whitten
Wolf
Zeliff
Zimmer

NOT VOTING—18

Bevill
Coleman
Conyers
Gillmor
Hastings
Henry
Kolbe
Lehman
McKinney
Miller (CA)
Murphy
Nadler
Packard
Roukema
Sarpalius
Torres
Towns
Waxman

□ 1750

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

Mrs. ROUKEMA. Mr. Speaker, due to a prior official commitment, I was unable to be present for the vote on rollcall No. 339.

Mr. Speaker, had I been present, I would have voted "no."

PERSONAL EXPLANATION

Mr. KOLBE. Mr. Speaker, I wish to advise the House of my absence for part of the debate on H.R. 2520, the fiscal year 1994 Interior appropriations bill.

Consideration of H.R. 2520 was originally scheduled to be completed before today. As a result of numerous House scheduling changes, however, debate on the bill unexpectedly continued into today. Regrettably, I had already committed to participating in an important NAFTA related conference in San Antonio today.

The conference was held to develop strategies to address critical United States/Mexico border infrastructure needs on the environment, housing, energy, and transportation. It was attended by key private sector entities and top government officials, including the U.S. Secretaries of Commerce, HUD, Energy, and Transportation, the EPA Administrator and many of their counterparts from Mexico, among others.

The conference is a key component of the President's plan to develop an assistance package for the border. Border infrastructure issues are of vital importance in southern Arizona. This was an important opportunity to continue working with the President to develop plans to meet the border infrastructure needs in Arizona and other border States.

Had I been present for consideration of H.R. 2520, I would have voted aye on the following

votes: rollcall numbers 330, 331, 333, 334, 337, 338, and 339. I would have voted nay on the following votes: rollcall numbers 335 and 336. I made advance preparations to pair my votes with opposite voting members so as to minimize the impact of my absence.

PERSONAL EXPLANATION

Mr. PACKARD. Mr. Speaker, had I been present for the following rollcall votes, I would have voted yes on rollcall votes numbered 330, 333, 338, and 339.

I would have voted no on rollcall votes numbered 331, 332, 334, 335, 336, and 337.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2520, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1994

Mr. DICKS. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 2520, the Clerk shall be authorized to make any necessary technical corrections.

The SPEAKER pro tempore. (Mr. MCNULTY). Is there objection to the request of the gentleman from Washington?

There was no objection.

MAKING IN ORDER CONSIDERATION IN THE HOUSE OF HOUSE JOINT RESOLUTION 208, DISAPPROVING EXTENSION OF NONDISCRIMINATORY TREATMENT TO THE PRODUCTS OF THE PEOPLE'S REPUBLIC OF CHINA

Mr. MCDERMOTT. Mr. Speaker, I ask unanimous consent that it be in order to consider in the House a joint resolution (H.J. Res. 208) disapproving the extension of nondiscriminatory treatment, or most-favored-nation treatment to the products of the People's Republic of China; that all points of order against the resolution and its consideration be waived; that the joint resolution be debated for 1 hour, to be equally divided and from New York [Mr. SOLOMON], and the gentleman from Illinois [Mr. ROSTENKOWSKI] or his designee; that pursuant to sections 152 and 153 of the Trade Act of 1974, the previous question be considered as ordered to final passage without intervening motion; and that the provisions of sections 152 and 153 of the Trade Act of 1974, shall not apply to any other joint resolution of the 103d Congress disapproving the extension recommended by the President on May 28, 1993, of most-favored-nation treatment to the People's Republic of China.

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

Mr. SOLOMON. Mr. Speaker, reserving the right to object, and I will not object, on my reservation, as the author of the resolution which would disapprove the extension of most-favored-nation treatment of trade with the People's Republic of China, I take this reservation to indicate my support for the chairman's request.

The purpose of this unanimous consent request is to reduce from 20 hours to 1 hour the debate on my disapproval resolution without having to go the Committee on Rules to make that procedural change.

Mr. Speaker, I want to commend the chairman on reporting the resolution, though I would have preferred a favorable rather than adverse report. I urge my colleagues to support my resolution of disapproval when it is called up next week.

Mr. Speaker, with that, I withdraw my reservation of objection.

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

There was no objection.

LEGISLATIVE PROGRAM

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

Mr. SOLOMON. Mr. Speaker, I rise for the purpose of asking the majority leader to enlighten us as to the schedule for next week.

Mr. GEPHARDT. Mr. Speaker, will the gentlemen yield?

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

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

Mr. Speaker, obviously, votes are finished today. There will not be votes on tomorrow.

On Monday, July 19, the House will meet at noon to consider five bills on suspension. Recorded votes will be postponed until Tuesday, July 20.

We will consider H.R. 2239, SEC Authorization; H.R. 1305, Minor Boundary Adjustments and Miscellaneous Park Amendments Act of 1993; H.R. 631, Colorado Wilderness Preservation Act of 1993; H.R. 1631, District of Columbia Justice Reform Act of 1993; H.R. 1632, To Remove Gender-Specific References in District of Columbia Code.

On Tuesday, July 20, the House will meet at noon to take up the Commerce, Justice, and State appropriations for fiscal year 1994, and the National and Community Service Act, under a modified open rule.

On Wednesday, July 21, and the balance of the week, the House will meet at 10. We will be taking up a number of pieces of legislation: House Joint Resolution 208, disapproving the extension of nondiscriminatory treatment to the products of the People's Republic of China; H.R. 2490, Transportation appropriations for fiscal year 1994; a House resolution on disaster assistance supplemental; H.R. 2200, the NASA Authorization Act for 1994; H.R. 2150, the Coast Guard Authorization Act of 1993; H.R. 1340, the Resolution Trust Corporation Completion Act; H.R. 2530, the Bureau of Land Management authorization.

Mr. SOLOMON. I thank the gentleman. If I might just ask, to clarify, the gentleman, I believe, said there would be no votes on Monday. Any votes that were called would be laid over until Tuesday?

Mr. GEPHARDT. If the gentleman will continue to yield, that is correct.

Mr. SOLOMON. I would say to the majority leader, I would just call attention to the membership that the National and Community Service Act is scheduled for Tuesday. Our good friend, the gentleman from Massachusetts [Mr. MOAKLEY] had previously asked Members to have their amendments prefiled at least by Monday, so they would be printed in the RECORD prior to consideration, which would take place on Tuesday.

I would remind the membership of that, and just ask the majority leader, for the purpose of planning, is there a likelihood of votes next Friday?

Mr. GEPHARDT. If the gentleman will yield further, I cannot say to the gentleman at this point whether or not we will have votes on Friday, for the reason that we have this disaster assistance supplemental that we have to get done next week. I am not sure exactly what day it can be brought up. We will make every effort to avoid having votes on Friday. That may be possible, but I cannot give him a concrete assurance at this point.

Mr. SOLOMON. I thank the majority leader. Just one more question, if I might. There was a resolution of inquiry on the so-called Travelgate matter. Is there any plan to bring that up at any time next week?

Mr. GEPHARDT. If the gentleman will continue to yield, it is my understanding that it must receive 3 days layover to receive minority views, and that period will not expire until next week. The bill may be brought up next week, or more likely, the week after.

Mr. SOLOMON. More likely the week after. I certainly do thank the majority leader, and I hope he has a nice weekend.

Mr. GEPHARDT. I wish the gentleman the same.

ADJOURNMENT TO MONDAY, JULY 19, 1993

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday next.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

GOVERNMENT PERFORMANCE AND RESULTS ACT OF 1993

Mr. ENGLISH of Oklahoma. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 20) to provide for the establishment of strategic planning and performance measurement in the Federal Government, and for other purposes, and ask for its immediate consideration.

The SPEAKER pro tempore. The Chair would ask the gentleman from Oklahoma if this has been cleared.

Mr. ENGLISH of Oklahoma. It is my understanding that it has, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the title of the Senate bill.

The Clerk read the title of the Senate bill.

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

Mr. CLINGER. Mr. Speaker, reserving the right to object, I will not object, but I yield to the gentleman from Oklahoma [Mr. ENGLISH] to offer an explanation of this bill.

Mr. ENGLISH of Oklahoma. Mr. Speaker, will the gentleman yield?

Mr. CLINGER. I yield to the gentleman from Oklahoma.

Mr. ENGLISH of Oklahoma. Mr. Speaker, on May 25, the House passed by voice vote H.R. 826, the House version of this legislation. S. 20, as amended and passed by the Senate, is virtually identical to the House bill. The only significant difference is a clarification in S. 20 of the responsibilities of the U.S. Postal Service. That language has been agreed to by the chairman of the Committee on Post Office and Civil Service, and his cooperation and assistance is greatly appreciated.

The Government Performance and Results Act of 1993 takes the first step toward the President's pledge to reinvest government. It would require Federal agencies to develop strategic plans, set performance goals, and report annually to Congress and the Office of Management and Budget the precise results that that program achieves.

After a series of pilot projects, the act will eventually be implemented Governmentwide, where all programs will be evaluated and budgeted based on their performance. This legislation will give program managers the flexibility to achieve their goals in exchange for better accountability. It enjoys widespread bipartisan support, and is eagerly awaited by the President.

Mr. Speaker, there is a clarification that needs to be made in the report that was filed to accompany the House version of this bill, and I include that clarification for the RECORD.

□ 1800

Mr. CLINGER. Continuing my reservation of objection, Mr. Speaker, I join with the gentleman from Oklahoma in support of this legislation.

As I have said many times before, the need is great for a Governmentwide performance measurement system tied to the appropriations process. The House has the rare opportunity today to approve legislation which has had support on both sides of the aisle from both bodies of Congress and from the President. This legislation will for the first time ask Federal program managers to prove the success and progress of their programs.

I appreciate the efforts of everyone involved in getting this legislation to the President for his signature, particularly the hard work of Senator WILLIAM ROTH in originally drafting this bill some years ago, and I would urge my colleagues to support this legislation.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. MCNULTY). Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 20

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 "Government Performance and Results Act of 1993".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) waste and inefficiency in Federal programs undermine the confidence of the American people in the Government and reduces the Federal Government's ability to address adequately vital public needs;

(2) Federal managers are seriously disadvantaged in their efforts to improve program efficiency and effectiveness, because of insufficient articulation of program goals and inadequate information on program performance; and

(3) congressional policymaking, spending decisions and program oversight are seriously handicapped by insufficient attention to program performance and results.

(b) PURPOSES.—The purposes of this Act are to—

(1) improve the confidence of the American people in the capability of the Federal Government, by systematically holding Federal agencies accountable for achieving program results;

(2) initiate program performance reform with a series of pilot projects in setting program goals, measuring program performance against those goals, and reporting publicly on their progress;

(3) improve Federal program effectiveness and public accountability by promoting a new focus on results, service quality, and customer satisfaction;

(4) help Federal managers improve service delivery, by requiring that they plan for meeting program objectives and by providing them with information about program results and service quality;

(5) improve congressional decisionmaking by providing more objective information on achieving statutory objectives, and on the relative effectiveness and efficiency of Federal programs and spending; and

(6) improve internal management of the Federal Government.

SEC. 3. STRATEGIC PLANNING.

Chapter 3 of title 5, United States Code, is amended by adding after section 305 the following new section:

"§ 306. Strategic plans

"(a) No later than September 30, 1997, the head of each agency shall submit to the Director of the Office of Management and Budget and to the Congress a strategic plan for program activities. Such plan shall contain—

"(1) a comprehensive mission statement covering the major functions and operations of the agency;

"(2) general goals and objectives, including outcome-related goals and objectives, for the major functions and operations of the agency;

"(3) a description of how the goals and objectives are to be achieved, including a description of the operational processes, skills and technology, and the human, capital, information, and other resources required to meet those goals and objectives;

"(4) a description of how the performance goals included in the plan required by section 1115(a) of title 31 shall be related to the general goals and objectives in the strategic plan;

"(5) an identification of those key factors external to the agency and beyond its control that could significantly affect the achievement of the general goals and objectives; and

"(6) a description of the program evaluations used in establishing or revising general goals and objectives, with a schedule for future program evaluations.

"(b) The strategic plan shall cover a period of not less than five years forward from the fiscal year in which it is submitted, and shall be updated and revised at least every three years.

"(c) The performance plan required by section 1115 of title 31 shall be consistent with the agency's strategic plan. A performance plan may not be submitted for a fiscal year not covered by a current strategic plan under this section.

"(d) When developing a strategic plan, the agency shall consult with the Congress, and shall solicit and consider the views and suggestions of those entities potentially affected by or interested in such a plan.

"(e) The functions and activities of this section shall be considered to be inherently Governmental functions. The drafting of strategic plans under this section shall be performed only by Federal employees.

"(f) For purposes of this section the term 'agency' means an Executive agency defined under section 105, but does not include the Central Intelligence Agency, the General Accounting Office, the Panama Canal Commission, the United States Postal Service, and the Postal Rate Commission.".

SEC. 4. ANNUAL PERFORMANCE PLANS AND REPORTS.

(a) BUDGET CONTENTS AND SUBMISSION TO CONGRESS.—Section 1105(a) of title 31, United States Code, is amended by adding at the end thereof the following new paragraph:

"(29) beginning with fiscal year 1999, a Federal Government performance plan for the overall budget as provided for under section 1115.".

(b) PERFORMANCE PLANS AND REPORTS.—Chapter 11 of title 31, United States Code, is amended by adding after section 1114 the following new sections:

"§ 1115. Performance plans

"(a) In carrying out the provisions of section 1105(a)(29), the Director of the Office of Management and Budget shall require each agency to prepare an annual performance plan covering each program activity set forth in the budget of such agency. Such plan shall—

"(1) establish performance goals to define the level of performance to be achieved by a program activity;

"(2) express such goals in an objective, quantifiable, and measurable form unless authorized to be in an alternative form under subsection (b);

"(3) briefly describe the operational processes, skills and technology, and the human, capital, information, or other resources required to meet the performance goals;

"(4) establish performance indicators to be used in measuring or assessing the relevant outputs, service levels, and outcomes of each program activity;

"(5) provide a basis for comparing actual program results with the established performance goals; and

"(6) describe the means to be used to verify and validate measured values.

"(b) If an agency, in consultation with the Director of the Office of Management and Budget, determines that it is not feasible to express the performance goals for a particular program activity in an objective, quantifiable, and measurable form, the Director of the Office of Management and Budget may authorize an alternative form. Such alternative form shall—

"(1) include separate descriptive statements of—

"(A)(i) a minimally effective program, and

"(ii) a successful program, or

"(B) such alternative as authorized by the Director of the Office of Management and Budget,

with sufficient precision and in such terms that would allow for an accurate, independent determination of whether the program activity's performance meets the criteria of the description; or

"(2) state why it is infeasible or impractical to express a performance goal in any form for the program activity.

"(c) For the purpose of complying with this section, an agency may aggregate, disaggregate, or consolidate program activities, except that any aggregation or consolidation may not omit or minimize the significance of any program activity constituting a major function or operation for the agency.

"(d) An agency may submit with its annual performance plan an appendix covering any portion of the plan that—

"(1) is specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy; and

"(2) is properly classified pursuant to such Executive order.

"(e) The functions and activities of this section shall be considered to be inherently Governmental functions. The drafting of performance plans under this section shall be performed only by Federal employees.

"(f) For purposes of this section and sections 1116 through 1119, and sections 9703 and 9704 the term—

"(1) 'agency' has the same meaning as such term is defined under section 306(f) of title 5;

"(2) 'outcome measure' means an assessment of the results of a program activity compared to its intended purpose;

"(3) 'output measure' means the tabulation, calculation, or recording of activity or effort and can be expressed in a quantitative or qualitative manner;

"(4) 'performance goal' means a target level of performance expressed as a tangible, measurable objective, against which actual achievement can be compared, including a goal expressed as a quantitative standard, value, or rate;

"(5) 'performance indicator' means a particular value or characteristic used to measure output or outcome;

"(6) 'program activity' means a specific activity or project as listed in the program and financing schedules of the annual budget of the United States Government; and

"(7) 'program evaluation' means an assessment, through objective measurement and systematic analysis, of the manner and extent to which Federal programs achieve intended objectives.

"§ 1116. Program performance reports

"(a) No later than March 31, 2000, and no later than March 31 of each year thereafter, the head of each agency shall prepare and submit to the President and the Congress, a report on program performance for the previous fiscal year.

"(b)(1) Each program performance report shall set forth the performance indicators established in the agency performance plan under section 1115, along with the actual program performance achieved compared with the performance goals expressed in the plan for that fiscal year.

"(2) If performance goals are specified in an alternative form under section 1115(b), the results of such program shall be described in relation to such specifications, including whether the performance failed to meet the criteria of a minimally effective or successful program.

"(c) The report for fiscal year 2000 shall include actual results for the preceding fiscal year, the report for fiscal year 2001 shall include actual results for the two preceding fiscal years, and the report for fiscal year 2002 and all subsequent reports shall include actual results for the three preceding fiscal years.

"(d) Each report shall—

"(1) review the success of achieving the performance goals of the fiscal year;

"(2) evaluate the performance plan for the current fiscal year relative to the performance achieved toward the performance goals in the fiscal year covered by the report;

"(3) explain and describe, where a performance goal has not been met (including when a program activity's performance is determined not to have met the criteria of a successful program activity under section 1115(b)(1)(A)(ii) or a corresponding level of achievement if another alternative form is used)—

"(A) why the goal was not met;

"(B) those plans and schedules for achieving the established performance goal; and

"(C) if the performance goal is impractical or infeasible, why that is the case and what action is recommended;

"(4) describe the use and assess the effectiveness in achieving performance goals of any waiver under section 9703 of this title; and

"(5) include the summary findings of those program evaluations completed during the fiscal year covered by the report.

"(e) An agency head may include all program performance information required annually under this section in an annual financial statement required under section 3515 if any such statement is submitted to the Congress no later than March 31 of the applicable fiscal year.

"(f) The functions and activities of this section shall be considered to be inherently Governmental functions. The drafting of program performance reports under this section shall be performed only by Federal employees.

"§ 1117. Exemption

"The Director of the Office of Management and Budget may exempt from the requirements of sections 1115 and 1116 of this title and section 306 of title 5, any agency with annual outlays of $20,000,000 or less.".

SEC. 5. MANAGERIAL ACCOUNTABILITY AND FLEXIBILITY.

(a) MANAGERIAL ACCOUNTABILITY AND FLEXIBILITY.—Chapter 97 of title 31, United States Code, is amended by adding after section 9702, the following new section:

"§ 9703. Managerial accountability and flexibility

"(a) Beginning with fiscal year 1999, the performance plans required under section 1115 may include proposals to waive administrative procedural requirements and controls, including specification of personnel staffing levels, limitations on compensation or remuneration, and prohibitions or restrictions on funding transfers among budget object classification 20 and subclassifications 11, 12, 31, and 32 of each annual budget submitted under section 1105, in return for specific individual or organization accountability to achieve a performance goal. In preparing and submitting the performance plan under section 1105(a)(29), the Director of the Office of Management and Budget shall review and may approve any proposed waivers. A waiver shall take effect at the beginning of the fiscal year for which the waiver is approved.

"(b) Any such proposal under subsection (a) shall describe the anticipated effects on performance resulting from greater managerial or organizational flexibility, discretion, and authority, and shall quantify the expected improvements in performance resulting from any waiver. The expected improvements shall be compared to current actual performance, and to the projected level of performance that would be achieved independent of any waiver.

"(c) Any proposal waiving limitations on compensation or remuneration shall precisely express the monetary change in compensation or remuneration amounts, such as bonuses or awards, that shall result from meeting, exceeding, or failing to meet performance goals.

"(d) Any proposed waiver of procedural requirements or controls imposed by an agency (other than the proposing agency or the Office of Management and Budget) may not be included in a performance plan unless it is endorsed by the agency that established the requirement, and the endorsement included in the proposing agency's performance plan.

"(e) A waiver shall be in effect for one or two years as specified by the Director of the Office of Management and Budget in approving the waiver. A waiver may be renewed for a subsequent year. After a waiver has been in

effect for three consecutive years, the performance plan prepared under section 1115 may propose that a waiver, other than a waiver of limitations on compensation or remuneration, be made permanent.

"(f) For purposes of this section, the definitions under section 1115(f) shall apply.".

SEC. 6. PILOT PROJECTS.

(a) PERFORMANCE PLANS AND REPORTS.—Chapter 11 of title 31, United States Code, is amended by inserting after section 1117 (as added by section 4 of this Act) the following new section:

"§ 1118. Pilot projects for performance goals

"(a) The Director of the Office of Management and Budget, after consultation with the head of each agency, shall designate not less than ten agencies as pilot projects in performance measurement for fiscal years 1994, 1995, and 1996. The selected agencies shall reflect a representative range of Government functions and capabilities in measuring and reporting program performance.

"(b) Pilot projects in the designated agencies shall undertake the preparation of performance plans under section 1115, and program performance reports under section 1116, other than section 1116(c), for one or more of the major functions and operations of the agency. A strategic plan shall be used when preparing agency performance plans during one or more years of the pilot period.

"(c) No later than May 1, 1997, the Director of the Office of Management and Budget shall submit a report to the President and to the Congress which shall—

"(1) assess the benefits, costs, and usefulness of the plans and reports prepared by the pilot agencies in meeting the purposes of the Government Performance and Results Act of 1993;

"(2) identify any significant difficulties experienced by the pilot agencies in preparing plans and reports; and

"(3) set forth any recommended changes in the requirements of the provisions of Government Performance and Results Act of 1993, section 306 of title 5, sections 1105, 1115, 1116, 1117, 1119 and 9703 of this title, and this section.".

(b) MANAGERIAL ACCOUNTABILITY AND FLEXIBILITY.—Chapter 97 of title 31, United States Code, is amended by inserting after section 9703 (as added by section 5 of this Act) the following new section:

"§ 9704. Pilot projects for managerial accountability and flexibility

"(a) The Director of the Office of Management and Budget shall designate not less than five agencies as pilot projects in managerial accountability and flexibility for fiscal years 1995 and 1996. Such agencies shall be selected from those designated as pilot projects under section 1118 and shall reflect a representative range of Government functions and capabilities in measuring and reporting program performance.

"(b) Pilot projects in the designated agencies shall include proposed waivers in accordance with section 9703 for one or more of the major functions and operations of the agency.

"(c) The Director of the Office of Management and Budget shall include in the report to the President and to the Congress required under section 1118(c)—

"(1) an assessment of the benefits, costs, and usefulness of increasing managerial and organizational flexibility, discretion, and authority in exchange for improved performance through a waiver; and

"(2) an identification of any significant difficulties experienced by the pilot agencies in preparing proposed waivers.

"(d) For purposes of this section the definitions under section 1115(f) shall apply.".

(c) PERFORMANCE BUDGETING.—Chapter 11 of title 31, United States Code, is amended by inserting after section 1118 (as added by section 6 of this Act) the following new section:

"§ 1119. Pilot projects for performance budgeting

"(a) The Director of the Office of Management and Budget, after consultation with the head of each agency shall designate not less than five agencies as pilot projects in performance budgeting for fiscal years 1998 and 1999. At least three of the agencies shall be selected from those designated as pilot projects under section 1118, and shall also reflect a representative range of Government functions and capabilities in measuring and reporting program performance.

"(b) Pilot projects in the designated agencies shall cover the preparation of performance budgets. Such budgets shall present, for one or more of the major functions and operations of the agency, the varying levels of performance, including outcome-related performance, that would result from different budgeted amounts.

"(c) The Director of the Office of Management and Budget shall include, as an alternative budget presentation in the budget submitted under section 1105 for fiscal year 1999, the performance budgets of the designated agencies for this fiscal year.

"(d) No later than March 31, 2001, the Director of the Office of Management and Budget shall transmit a report to the President and to the Congress on the performance budgeting pilot projects which shall—

"(1) assess the feasibility and advisability of including a performance budget as part of the annual budget submitted under section 1105;

"(2) describe any difficulties encountered by the pilot agencies in preparing a performance budget;

"(3) recommend whether legislation requiring performance budgets should be proposed and the general provisions of any legislation; and

"(4) set forth any recommended changes in the other requirements of the Government Performance and Results Act of 1993, section 306 of title 5, sections 1105, 1115, 1116, 1117, and 9703 of this title, and this section.

"(e) After receipt of the report required under subsection (d), the Congress may specify that a performance budget be submitted as part of the annual budget submitted under section 1105.".

SEC. 7. UNITED STATES POSTAL SERVICE.

Part III of title 39, United States Code, is amended by adding at the end thereof the following new chapter:

"CHAPTER 28—STRATEGIC PLANNING AND PERFORMANCE MANAGEMENT

"Sec.
"2801. Definitions.
"2802. Strategic plans.
"2803. Performance plans.
"2804. Program performance reports.
"2805. Inherently Governmental functions.

"§ 2801. Definitions

"For purposes of this chapter the term—

"(1) 'outcome measure' refers to an assessment of the results of a program activity compared to its intended purpose;

"(2) 'output measure' refers to the tabulation, calculation, or recording of activity or effort and can be expressed in a quantitative or qualitative manner;

"(3) 'performance goal' means a target level of performance expressed as a tangible, measurable objective, against which actual achievement shall be compared, including a goal expressed as a quantitative standard, value, or rate;

"(4) 'performance indicator' refers to a particular value or characteristic used to measure output or outcome;

"(5) 'program activity' means a specific activity related to the mission of the Postal Service; and

"(6) 'program evaluation' means an assessment, through objective measurement and systematic analysis, of the manner and extent to which Postal Service programs achieve intended objectives.

"§ 2802. Strategic plans

"(a) No later than September 30, 1997, the Postal Service shall submit to the President and the Congress a strategic plan for its program activities. Such plan shall contain—

"(1) a comprehensive mission statement covering the major functions and operations of the Postal Service;

"(2) general goals and objectives, including outcome-related goals and objectives, for the major functions and operations of the Postal Service;

"(3) a description of how the goals and objectives are to be achieved, including a description of the operational processes, skills and technology, and the human, capital, information, and other resources required to meet those goals and objectives;

"(4) a description of how the performance goals included in the plan required under section 2803 shall be related to the general goals and objectives in the strategic plan;

"(5) an identification of those key factors external to the Postal Service and beyond its control that could significantly affect the achievement of the general goals and objectives; and

"(6) a description of the program evaluations used in establishing or revising general goals and objectives, with a schedule for future program evaluations.

"(b) The strategic plan shall cover a period of not less than five years forward from the fiscal year in which it is submitted, and shall be updated and revised at least every three years.

"(c) The performance plan required under section 2803 shall be consistent with the Postal Service's strategic plan. A performance plan may not be submitted for a fiscal year not covered by a current strategic plan under this section.

"(d) When developing a strategic plan, the Postal Service shall solicit and consider the views and suggestions of those entities potentially affected by or interested in such a plan, and shall advise the Congress of the contents of the plan.

"§ 2803. Performance plans

"(a) The Postal Service shall prepare an annual performance plan covering each program activity set forth in the Postal Service budget, which shall be included in the comprehensive statement presented under section 2401(g) of this title. Such plan shall—

"(1) establish performance goals to define the level of performance to be achieved by a program activity;

"(2) express such goals in an objective, quantifiable, and measurable form unless an alternative form is used under subsection (b);

"(3) briefly describe the operational processes, skills and technology, and the human, capital, information, or other resources required to meet the performance goals;

"(4) establish performance indicators to be used in measuring or assessing the relevant outputs, service levels, and outcomes of each program activity;

"(5) provide a basis for comparing actual program results with the established performance goals; and

"(6) describe the means to be used to verify and validate measured values.

"(b) If the Postal Service determines that it is not feasible to express the performance goals for a particular program activity in an objective, quantifiable, and measurable form, the Postal Service may use an alternative form. Such alternative form shall—

"(1) include separate descriptive statements of—

"(A) a minimally effective program, and

"(B) a successful program,

with sufficient precision and in such terms that would allow for an accurate, independent determination of whether the program activity's performance meets the criteria of either description; or

"(2) state why it is infeasible or impractical to express a performance goal in any form for the program activity.

"(c) In preparing a comprehensive and informative plan under this section, the Postal Service may aggregate, disaggregate, or consolidate program activities, except that any aggregation or consolidation may not omit or minimize the significance of any program activity constituting a major function or operation.

"(d) The Postal Service may prepare a nonpublic annex to its plan covering program activities or parts of program activities relating to—

"(1) the avoidance of interference with criminal prosecution; or

"(2) matters otherwise exempt from public disclosure under section 410(c) of this title.

"§ 2804. Program performance reports

"(a) The Postal Service shall prepare a report on program performance for each fiscal year, which shall be included in the annual comprehensive statement presented under section 2401(g) of this title.

"(b)(1) The program performance report shall set forth the performance indicators established in the Postal Service performance plan, along with the actual program performance achieved compared with the performance goals expressed in the plan for that fiscal year.

"(2) If performance goals are specified by descriptive statements of a minimally effective program activity and a successful program activity, the results of such program shall be described in relationship to those categories, including whether the performance failed to meet the criteria of either category.

"(c) The report for fiscal year 2000 shall include actual results for the preceding fiscal year, the report for fiscal year 2001 shall include actual results for the two preceding fiscal years, and the report for fiscal year 2002 and all subsequent reports shall include actual results for the three preceding fiscal years.

"(d) Each report shall—

"(1) review the success of achieving the performance goals of the fiscal year;

"(2) evaluate the performance plan for the current fiscal year relative to the performance achieved towards the performance goals in the fiscal year covered by the report;

"(3) explain and describe, where a performance goal has not been met (including when a program activity's performance is determined not to have met the criteria of a successful program activity under section 2803(b)(2))—

"(A) why the goal was not met;

"(B) those plans and schedules for achieving the established performance goal; and

"(C) if the performance goal is impractical or infeasible, why that is the case and what action is recommended; and

"(4) include the summary findings of those program evaluations completed during the fiscal year covered by the report.

"§ 2805. Inherently Governmental functions

"The functions and activities of this chapter shall be considered to be inherently Governmental functions. The drafting of strategic plans, performance plans, and program performance reports under this section shall be performed only by employees of the Postal Service.".

SEC. 8. CONGRESSIONAL OVERSIGHT AND LEGISLATION.

(a) IN GENERAL.—Nothing in this Act shall be construed as limiting the ability of Congress to establish, amend, suspend, or annul a performance goal. Any such action shall have the effect of superseding that goal in the plan submitted under section 1105(a)(29) of title 31, United States Code.

(b) GAO REPORT.—No later than June 1, 1997, the Comptroller General of the United States shall report to Congress on the implementation of this Act, including the prospects for compliance by Federal agencies beyond those participating as pilot projects under sections 1118 and 9704 of title 31, United States Code.

SEC. 9. TRAINING.

The Office of Personnel Management shall, in consultation with the Director of the Office of Management and Budget and the Comptroller General of the United States, develop a strategic planning and performance measurement training component for its management training program and otherwise provide managers with an orientation on the development and use of strategic planning and program performance measurement.

SEC. 10. APPLICATION OF ACT.

No provision or amendment made by this Act may be construed as—

(1) creating any right, privilege, benefit, or entitlement for any person who is not an officer or employee of the United States acting in such capacity, and no person who is not an officer or employee of the United States acting in such capacity shall have standing to file any civil action in a court of the United States to enforce any provision or amendment made by this Act; or

(2) superseding any statutory requirement, including any requirement under section 553 of title 5, United States Code.

SEC. 11. TECHNICAL AND CONFORMING AMENDMENTS.

(a) AMENDMENT TO TITLE 5, UNITED STATES CODE.—The table of sections for chapter 3 of title 5, United States Code, is amended by adding after the item relating to section 305 the following:

"306. Strategic plans.".

(b) AMENDMENTS TO TITLE 31, UNITED STATES CODE.—

(1) AMENDMENT TO CHAPTER 11.—The table of sections for chapter 11 of title 31, United States Code, is amended by adding after the item relating to section 1114 the following:

"1115. Performance plans.
"1116. Program performance reports.
"1117. Exemptions.
"1118. Pilot projects for performance goals.
"1119. Pilot projects for performance budgeting.".

(2) AMENDMENT TO CHAPTER 97.—The table of sections for chapter 97 of title 31, United States Code, is amended by adding after the item relating to section 9702 the following:

"9703. Managerial accountability and flexibility.
"9704. Pilot projects for managerial accountability and flexibility.".

(c) AMENDMENT TO TITLE 39, UNITED STATES CODE.—The table of chapters for part III of title 39, United States Code, is amended by adding at the end thereof the following new item:

"28. Strategic planning and performance management ..... 2801".

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ENGLISH of Oklahoma. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous material on the Senate bill just passed.

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

There was no objection.

TRAGIC SHOOTING OF OFFICER ROBERT INGRAM, COBB COUNTY, GA

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

Mr. DARDEN. Mr. Speaker, Cobb County, GA, has suffered a terrible tragedy. Marietta native Robert Ingram, 24, a member of the Cobb County police force for 2 years, was killed while on duty Tuesday. He is the first Cobb County Police Department officer to ever be slain in the line of duty.

He had radioed to a dispatcher to say he was stopping to question a suspicious person. When the dispatcher was unable to reach Officer Ingram on the car radio, additional units were sent to the scene to investigate. When they arrived, they found Officer Ingram lying on the road. He had been shot twice. His pistol was still in its holster when he was found.

When a police officer dies in the line of duty, it reminds us of the remarkable character of these individuals—those willing to take an oath to serve and protect and sometimes, unfortunately, suffer the tragic consequences. We are hopeful that the individual responsible for this crime will be brought to justice swiftly.

Mr. Speaker, this tragedy is just further evidence that we must take a strong stand against the rising tide of crime in this country by approving tough, anticrime legislation, including the death penalty for those who murder police officers.

Our sympathy and prayers are with the family of Officer Ingram, especially his wife of 3 months, Jennifer, and his fellow officers as they work through this tragedy personally and professionally.

Let us always be mindful of the great sacrifice of law enforcement personnel who put their lives on the line daily for us.

COMMUNITY DEVELOPMENT BANKING AND FINANCIAL INSTITUTIONS ACT OF 1993—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

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

To the Congress of the United States:

I am pleased to submit to the Congress the "Community Development Banking and Financial Institutions Act of 1993". This legislative initiative will promote the creation of community development financial institutions that will empower individuals and communities and provide for greater economic opportunity. Also transmitted are a statement of the Administration's principles embodied in this proposal and a section-by-section analysis.

In too many urban and rural communities, there is a lack of capital and credit. Lending in distressed communities, particularly to small businesses, can be complicated. It may require special expertise and knowledge of the borrower and the community, credit products, subsidies, and secondary markets. Community development financial institutions—including community development banks like South Shore Bank in Chicago, community credit unions such as Self-Help in North Carolina, community development corporations, micro-enterprise loan funds, and revolving loan funds—have demonstrated that they can provide capital, credit, and development services in distressed areas and to targeted populations.

The bill proposes establishment of a Community Development Banking and Financial Institutions Fund that would support a program of investment in community development financial institutions. The Fund would provide financial and technical assistance to, and serve as a national information clearinghouse for, community development financial institutions.

This initiation reaffirms my commitment to helping communities help themselves. By ensuring greater access to capital and credit, we will tap the entrepreneurial energy of America's poorest communities and enable individuals and communities to become self-sufficient.

My Administration is also committed to enhancing the role of traditional financial institutions with respect to community reinvestment. As a complement to the community development financial institutions initiative, we will adopt regulatory changes to more effectively implement the Community Reinvestment Act of 1977. These changes will replace paperwork with performance-oriented standards and will include tougher enforcement measures for noncompliance.

In order to secure early enactment of legislation in this crucial area, I urge the Congress to consider the Community Development Banking and Financial Institutions Act of 1993 as a discrete bill, separate from general issues of financial services reform and any other nongermane amendments.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 15, 1993.*

THE REAL IMPACT OF THE CLINTON TAX PLAN ON REAL PEOPLE AND REAL BUSINESSES

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

Mr. WELDON. Mr. Speaker, I rise to continue my focus today on the real impact of the Clinton tax plan on real people and real businesses.

I recently received a letter from Thomas L. French, president of the Owosso Group, a conglomerate of 12 small manufacturing firms, headquartered in West Conshocken, in Montgomery County, PA.

Most of these firms are small subchapter S corporations that file personal tax returns. They will be hit with a new top marginal tax rate of 42.5 percent—up from the current rate of 31 percent. That is a dramatic increase.

It should be noted that these subchapter S corporations employ 800 people and have created more than 200 jobs since 1989.

Yet President Clinton has decided that no good deed should go unpunished: if you take risks, if you make investments, if you create jobs, you will be taxed until you bleed.

I spoke with the chief financial officer of Owosso, George Lemmon, Jr., and he told me: "These taxes will mean that we will take fewer risks, we will make fewer investments, and we will have less working capital."

What does that mean? It means lower economic growth and fewer jobs.

I think Owosso Group president Thomas French put it best when he wrote: "The tax package now under consideration will kill this fragile economic recovery."

Maybe the armchair Iaccocas that write the tax bills around here ought to consider that in the weeks ahead.

Mr. Speaker, I include the following letter from Thomas L. French, president of the Owosso Group:

THE OWOSSO GROUP,
June 29, 1993.

Hon. CURT WELDON,
House of Representatives, Washington, DC.

DEAR REPRESENTATIVE: The attached comparison shows proposed tax increases on Sub S Corporations vs. C Corporations. Since most of the job growth in this country comes from small businesses (often S-Corporations) this proposal seems particularly crazy.

The tax package now under consideration will kill this fragile economic recovery.

I was sorry to miss the meeting regarding Tax Policy you held in Media. I'd very much like to attend any future meeting.

Very truly yours,

THOMAS L. FRENCH,
President.

THE COST OF NAFTA

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks, and include extraneous matter.)

Ms. KAPTUR. Mr. Speaker, these days we hear a lot of talk about cutting spending. Well, what about the proposed trade agreement with Mexico? How much will it cost U.S. taxpayers in actual dollars?

I say to my colleagues, "Hold on to your wallets, because NAFTA is out to suck them dry."

How much will NAFTA cost? Forty billion dollars just to start off with. That is for the cost of paying for American workers who will be thrown out of their jobs, the cost of building roads and sewers south of the border, more customs inspectors, loss of tariff revenues to our Government and price supports related to farmers in our country who are going to lose income. That sound incredible, but that is what it says right here in yesterday's New York Times based on administration and Congressional Budget Office figures.

Let me put this incredible $40 billion in perspective. Compare it to the flood relief we are going to have to give to Iowa. We expect the President to come in here and ask for $2½ billion. What a waste it would be to pass this treaty and send our workers' jobs to Mexico. What a waste, and what an incredible waste to spend $40 billion to do it.

Mr. Speaker, this treaty is the place to cut spending first.

Mr. Speaker, I include the following article on this subject which appeared in the New York Times:

A LOOK AT THE NORTH AMERICAN PACT'S ADDED COSTS

(By Keith Bradsher)

WASHINGTON, July 13.—As the Clinton Administration and Congress grapple with the political problems of the North American Free Trade Agreement this summer, one issue keeps coming up: the potential cost of the pact to the Federal budget.

Estimates range up to $40 billion in lost tariff revenue, benefits for American workers who are unemployed as a result of new competition from Mexican factories, and bridges and highways to carry additional traffic.

Congressional pay-as-you-go budget rules require that such revenue lost be made up. This has produced an increasingly desperate search in Washington for ways other than Federal taxes to raise money. The Administration and Congress are looking for as much of this as possible from state, local and private sources.

In the Administration's first public discussion of some of the costs of the agreement, Commerce Secretary Ronald H. Brown said today that $15 billion to $20 billion would be needed over the next decade for roads, bridges, sewage-treatment centers, improved housing, electric-power plants and environmental cleanup projects along the Mexican border.

MEETING IN SAN ANTONIO

But he also said that the Administration expected business to spend most of the money, spurred by potential earnings from tolls and fees from the sewage and power facilities.

On Thursday and Friday, Mr. Brown said, Clinton Cabinet members will try to drum up commercial interest at a meeting in San Antonio with Mexican Cabinet ministers and with about 400 investment bankers, engineers and state officials.

The Secretary said that private companies had ignored the potential in border investments for many years and are now recognizing it because of the proposed North American pact.

Others, though, questioned some of Mr. Brown's assumptions, including the idea that industry would step forward to provide services often supplied by the Government.

"If they're going to try to do this on the cheap, my vote counts and everyone else's vote counts show they come up short," said Charles Kamasaki a vice president of the National Council of La Raza, a Hispanic advocacy group that supports the trade pact.

BUDGET OFFICE'S ESTIMATE

After several months of work, the Congressional Budget Office this week released a detailed analysis of the prospective costs. It estimates that the agreement would cost $2 billion to $3 billion in tariff revenue over five years.

The pact would also result in extra spending on worker retraining, some agricultural programs and transportation and environmental programs on the border, the budget office said, providing few specific figures.

Another source of help is the Inter-American Development Bank, an institution like the World Bank, which seeks to help poor Western Hemisphere nations. It has quietly offered to create a $10 billion fund for project loans. The Federal Government would be required to contribute only $250 million of this, and the rest would be raised through bond issues, an international financial official with a detailed knowledge of the plan said.

Representative Esteban Torres, Democrat of California, said today that he plans to introduce legislation this week to create a North American Development Bank. The bank would be set up with $1 billion in Federal money and would issue $5 billion in bonds to pay for transportation, environmental and community-development projects anywhere in North America, not just in border states.

IDEA OF LOS ANGELES ACADEMIC

Creation of that bank is the idea of Raul A. Hinojosa-Ojeda, an assistant professor of planning at the University of California at Los Angeles. Mr. Hinojosa-Ojeda has strong political ties in Washington and Mexico City, and this combined with his connections with national Hispanic groups, have gained attention for his idea in the Administration and Congress.

Mr. Kamasaki said his group supported the new bank partly because its proposed charter would provide for extensive consultation with local businesses and residents.

By making loans across the nation to communities struggling to cope with international competition, the bank could also lessen opposition to the trade agreement from members of Congress who feel that border states will be the main beneficiaries.

Representative Robert T. Matsui, a California Democrat who is organizing House support for the trade pact, said Congressional interest in the new bank was growing. But he said that a small tax on trade across the border might also be necessary.

Corporations bitterly oppose such a tax, contending that it would undo part of the benefit of tariff reductions. Mr. Matsui said that a tax could be set as low as one-quarter of 1 percent.

Current United States tariffs average 4 percent on Mexican goods, although a few items, like table glassware, face tariffs up to 30 percent.

FREE TRADE: THE COSTS . . .

Lower tariff revenues.—Estimated by the Congressional Budget Office at $2 billion to $3 billion over five years.

Retraining of workers who lose their jobs.—Predicted by the Clinton Administration to exceed the $1.68 billion over five years that had been estimated by the Bush Administration.

Extra border bridges, highways and sewage treatment.—Commerce Secretary Ronald H. Brown said today that it would cost $15 billion to $20 billion over the next decade.

Extra customs inspectors.—Some in Congress want more staff members to prevent drug trafficking and other smuggling.

Extra spending on agricultural programs.—Price supports and export-finance programs would rise slightly, according to the Congressional Budget Office.

. . . AND THE POTENTIAL REVENUE SOURCES

International Boundary and Water Commission.—This Mexican-American commission—whose limited authority along the border includes controlling the salinity of the Rio Grande, approving new bridges and maintaining boundary buoys—could issue bonds to pay for bridges.

North American Development Bank.—A new institution, backed by taxpayers money from Canada, Mexico and the United States, would issue bonds to pay for projects in North America.

Inter-American Development Bank.—An existing lending institution jointly controlled by Western Hemisphere goverments could create a $10 billion fund, $250 million of which would be Federal money. The rest could be borrowed using the bank's AAA credit rating.

Flat tax on cross-border trade in goods and services.—Critics of the proposal by Senator Max S. Baucus and the House majority leader, Representative Richard A. Gephardt, say that it would merely replace tariffs with taxes.

VACATION OF SPECIAL ORDER

Mr. DREIER. Mr. Speaker, I ask unanimous consent that the special order for the gentleman from California [Mr. KIM] scheduled for today be vacated.

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

There was no objection.

TRANSFER OF SPECIAL ORDERS

Mrs. LOWEY. Mr. Speaker, I ask unanimous consent that the special orders reserved for the gentleman from Michigan [Mr. BONIOR] on July 20 and 27 and August 3, 1993, be allocated to the gentlewoman from Connecticut [Ms. DELAURO].

The SPEAKER pro tempore (Mr. DARDEN). Is there objection to the request of the gentlewoman from New York?

There was no objection.

□ 1810

COLLEGE FOOTBALL IS NO MONEYMAKER

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Illinois [Mrs. COLLINS] is recognized for 5 minutes.

Mrs. COLLINS of Illinois. Mr. Speaker, I have addressed the House on many occasions on the subject of gender equity in sports. Twenty-one years ago, Congress passed title IX, which provided an equal opportunity to men and women in education, including athletics. Unfortunately, women still face unequal treatment and discrimination when it comes to college sports.

Over the past year, the argument I have heard most often from opponents of gender equity is that we shouldn't touch football, because football is a big revenue producer that funds the rest of the athletic budget including women's sports.

Now, I have been researching this issue, and have found that just is not the case. With the exception of a handful of schools, football is not a big moneymaker. In most instances it is a big money loser.

The most recent study of college athletic budgets was performed by Prof. Mitchell Raiborn for the NCAA. Professor Raiborn analyzed budgets and financial trends from 1985 to 1989. A questionaire was sent to all 803 NCAA institutions, and 454 responded.

According to the survey, 45 percent of the Division I-A schools reported a deficit in their football programs. In other words, they spent more on football than the revenues it produced. Division I-A schools are the big schools that you see on television. Among Division I-A schools, a whopping 94 percent reported a deficit. Those are schools like the historically black colleges and universities that you rarely get to see on television. Among Divisions II and III schools, 98 percent operated at a deficit.

What is perhaps even more alarming is the trend. It appears that each year,

fewer schools are sharing in the financial benefits, and more schools are losing money. In 1981, only 24 percent of Division I–A schools reported a deficit. By 1985, the number was up to 31 percent. By 1989, 45 percent reported a deficit.

It is important to note that the amounts involved are significant. Among the 45 percent of the Division I–A schools reporting a deficit in their football program, the average shortfall was $638,000. This was up from an average of $251,000 in 1981.

How are these deficits covered? They are paid with student activity fees, higher tuition costs, or in the case of public schools, taxpayer subsidies. These costs and taxes are paid for by men and women equally. When it comes to covering costs and paying taxes, gender equity has always been with us.

Although the other major revenue producing sport, men's basketball, has grown in popularity, it also presents a bleak financial picture at most schools. At Division I–A schools, 34 percent of the schools reported a deficit in the men's basketball program. At Division I–AA and Division I–AAA schools, 75 percent reported a deficit. At Division II schools, the number was 90 percent, and at Division III schools, 99 percent reported a loss.

The study confirmed one fact that I have pointed out in previous special orders. In 1989, Division I–A schools spent 82 percent of their operating expenses on men's programs and a mere 18 percent on women's programs.

Right now there is an ongoing dispute between the NCAA and college football coaches over the NCAA's attempt to rein in spending on football. For example, the NCAA has proposed an end to the practice of housing the home team in a hotel on the night before a game. That's right—the home team.

Iowa coach Hayden Fry, who is also head of the American Football Coaches Association disagrees. He was quoted as saying, "There are parties and a lot of other stuff going on. I can't say, 'Jim, you've got to be in bed by 11.' I can't control that. They don't understand that the atmosphere is different. Our requirements are legit."

If coach Fry cannot explain to his players, nearly all of whom are on full scholarship, why it is important to get a good night's rest before a game, and instead spends thousands of dollars on hotel rooms, something seems to be wrong with college sports. This example must be placed in the context of women looking for a few thousand dollars to maintain their program. Women at these same schools often have to sleep at friends' homes on away games, or must sleep four to a room. Meanwhile, the football team is sleeping in hotel rooms before home games.

So the next time you hear someone tell you that football is funding women's sports, ask to see the facts. The truth is that in nearly every college, women are paying for football.

HATE MONGERING: NOT IN OUR BACK YARD

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York, [Mrs. LOWEY] is recognized for 5 minutes.

Mrs. LOWEY. Mr. Speaker, this week, residents of Whitestone and Bay Terrance, Queens, New York, found their neighborhoods plastered with day-glo stickers seeking recruits for the neo-Nazi, white supermacist group, the National Alliance. People throughout the community were outraged, as I am. They are tearing down the signs and saying not in my back yard to hate mongering.

These are racially mixed neighborhoods of decent, hard-working people. They have made a life for themselves and now outsiders, intent on pitting people against one another, are coming in and trying to divide them and fuel unrest.

There should be no mistake about it. This group has ties to the American Nazi Party and the Klan. They have done too much damage already, and they have no place in our community.

I want the National Alliance and those with whom they are working to hear our message loud and clear: No hate mongering in our back yard.

TRIBUTE TO KENAN SLINIC AND BRAVE EMERGENCY RESPONSE TEAMS THROUGHOUT THE WORLD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. WELDON] is recognized for 5 minutes.

Mr. WELDON. Mr. Speaker, I take out this special order and rise to another tragic development in the conflict in Bosnia and Herzegovina, specifically in Sarajevo.

As many of my colleagues are aware, approximately 2½ months ago here in the Nation's Capital, we held the fifth annual national fire and emergency services dinner where we assemble all the leaders of the emergency response community in this country for a night of celebrating the good work they do and talking about their legislative priorities nationally for the following year.

At that dinner in late April we had 2,000 leaders from around the country joined by over 200 Members from both this body and the other body. We had special guests including our keynote speaker, Vice President AL GORE, but also our special guests on that evening were from faraway countries, the head of the fire and emergency services from Moscow for all of Russia, and we also had as a special guest Kenan Slinic, who in fact has been the chief of the Sarajevo fire brigade undergoing terrible turmoil in that troubled land.

During the day we had a competition down on the Mall where five Democrats and five Republicans were assembling for a competition that was then going to be followed by firefighters from all over America in a spirited competition, and in fact, Mr. Slinic as well as the Russian firefighters joined with my Democrat colleagues because they were short some Members, and in fact beat us in the competition that occurred that day.

In the evening, we had the dinner; we also honored John Jordan, a volunteer firefighter from Rhode Island who has been going back and forth to Sarajevo for the last several months supplying life-safety equipment and emergency supplies for the people of that country, and on that evening at that event, Mr. Slinic gave a very emotional speech to the fire service of America where he talked about those members of his brave emergency response network, 10 of whom had been killed up until that point in time, who have been risking their lives to help protect the property and save lives regardless of the nationality of the people in Sarajevo and the surrounding communities.

Mr. Speaker, I am inserting in the RECORD the entire handwritten speech of Mr. Slinic, because much of it talks about the turmoil in his country and the need to have the turmoil end and stop the slaying, not just of the emergency response people but of all the innocent people in Bosnia and Herzegovina and specifically in Sarajevo.

At the end of our dinner meeting that night, I had special meetings with Senator BIDEN and STENY HOYER, cochair of the Helsinki Commission, with Mr. Slinic to talk about his very firsthand experiences. We, in fact, were preparing to go over to Sarajevo in June to deliver a planeload of supplies to the Sarajevo fire brigade, but had to push it back until August, because the fire apparatus and the other equipment had not yet been prepared. In fact, that trip is still planned.

□ 1620

Since that speech was given, three more emergency responders have been killed in Sarajevo. Yesterday, tragically, the chief of the Sarajevo fire brigade, Slinic, a warm, gentle man who cared about his comrades and his citizens, was shot behind the head twice and assassinated.

I extend the deepest and heartfelt sympathies of my colleagues and the entire fire emergency network of this country to his young wife and 6-year-old daughter. I think all of us have to reflect upon the situation in that troubled land and renew our effort to find some kind of solution to this terrible turmoil.

I insert the speech that I referred to, for the RECORD;

Vice President Gore, Congressman Weldon, fellow firefighters, ladies and gentlemen.

My name is Kenan Slinic. I live in Sarajevo with my wife and 6 year old daughter.

I am commander of the Sarajevo firemen's brigade. Sarajevo is my country's capital.

In 1992 my country B/H became the youngest member in the United Nations family of nations.

On April 5, 1992 war came to my country, my city, and my people. Sarajevo and other cities of B/H were put under seige.

For one year, now Serbian artillery and rockets have rained death on Sarajevo.

Their shells have destroyed churches, mosques, and temples. They have killed Christians, Moslems, Jews, and others.

My brigade had 300 men one year ago. They are men like you.

In one year of war, 10 have been killed and 38 wounded. The Sarajevo fire brigade has responded to over 1,500 fires while under military fire in this war.

Firemen are the specific targets of anti-aircraft and machine gun fire.

Serbian forces say they are fighting against Moslems. They say Christians and others are not safe in B/H.

To know the truth I ask you to speak to the Rhode Island volunteer group, your own firemen who have fought fires with us in Sarajevo.

They will tell you of Sarajevo's 500 year history of racial ethnic and religious diversity.

They will tell you of churches, temples and mosques—side by side. They will tell of the men of the Sarajevo firemen's brigade who are Serb, Muslem, Croat, Jew and others, all praying to their gods and all looking to America, the most powerful democratic and diverse of nations to help our young nation to a free and democratic future for all its citizens.

In closing I would like to thank my host, Congressman WELDON for inviting me to this caucus.

And am especially grateful to the courageous American fireman Mr. John Jordan and his team, who saved our citizens directly and who saw and suffered a part of the horror in our lives.

I hope that I will be able to attend the next national Fire and Emergency Services dinner under much better circumstances for my country.

Thank you and God bless.

UPDATE ON NORTH AMERICAN FREE-TRADE AGREEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DREIER] is recognized for 60 minutes.

Mr. DREIER. Mr. Speaker, I realized that it is 6:22 here in Washington and many of our colleagues have already left to return to their districts. But I felt compelled to take this special order out this evening in order to respond to a number of things that we said here on the House floor last night as I was given a little time to challenge some of the points that had been made by my colleagues concerning the North American Free-Trade Agreement.

So I decided this evening to try to respond to a few of those points and to talk, specifically, about that treaty.

Mr. Speaker, it is no secret that I am standing here alone without any of my colleagues here in the House Chamber. What I would like to do is to welcome any of my colleagues who would like to come over and either join in and participate in support of the things that I am saying or, and frankly more important, I would like any of those who are opponents to the North American Free-Trade Agreement to come and challenge me on any of the points that I am going to be making in the next few minutes.

This is really a goal that I believe we should need to have here; that is, a free exchange of ideas on this very, very hotly debated and now rather controversial issue; and that is, the implementation of the North American Free-Trade Agreement.

As I have said repeatedly here from this well and at the desk there, I happen to believe that reducing trade barriers is clearly the wave of the future. And if we are going to enhance the opportunity for U.S. workers to produce more, we have to do it through exports.

As we look at the past several years, the overwhelming majority of economic growth which has taken place in this country has been through exports. So I am concerned about creating jobs in the United States of America, and I am also concerned about an issue which is very near and dear to me as a Californian; and that is, the flight of illegal immigrants coming across the border from Mexico into the United States. That clearly is one of the most pressing problems that we have in California, because due to the fact that we here in Washington impose unfunded Federal mandates on State and local Governments, we basically tell them what they have to do, without providing the resources for them; so Californians are shouldering the cost of providing welfare, health care, criminal justice, education, and a wide range of other services for people who have entered this country illegally. And it is costing people in my State of California literally billions of dollars.

These concerns have played a key role in leading me to believe that implementation of the North American Free-Trade Agreement will get to the root of these problems. I supported strongly the amendment offered by my colleagues, the gentleman from California [Mr. MOORHEAD], and the gentleman from California [Mr. HUNTER], and others last week to increase the border patrol. I think that we should strengthen our border patrol so that people do not come across illegally. But, clearly, people will find a way to penetrate that border. What we need to do, in getting to the root of that problem, is do everything that we possibly can to ensure that they have an incentive to stay at home.

As we look at the reason people flee Mexico and come to the United States, there really is only one, and it is economic opportunity, whether it is a job or whether it is these welfare services to which I have referred.

What we need to do is realize that many people come from Mexico across the border to make money to send back home to their families.

So, one of the things that is very important for us to do is not to provide United States dollars in foreign aid to the Mexican Government, but play a role in strengthening our relationship between the two countries, which will lift the economy of Mexico and lead people who might today feel inclined to come illegally into the United States to seek employment opportunities to send those dollars back home, to instead stay in Mexico as job opportunities are created.

Now, last night as I was engaging in the exchange with my colleagues, Messrs. BONIOR, BROWN, and Mrs. BENTLEY and Ms. KAPTUR here in the Chamber, there were a number of issues raised, and one of those was discussed by Ms. KAPTUR of Toledo, OH, who referred to the fact that many United States businesses have flowed from the United States to Mexico. She is absolutely right. I am the first to admit that we have seen many businesses leave the United States and Mexico. Do you know what? There is nothing today at all that exists that would prevent United States businesses from moving from this country to Mexico.

Let me say that again: The status quo, if we leave everything as it is today and do not implement NAFTA, there is nothing that prevents United States businesses from leaving the United States and going to Mexico.

Now, there are a wide range of reasons as to why businesses leave the United States and go to Mexico or to other parts of the world. I would like to take a few minutes to go through some of the reasons why businesses move.

There are basically three major reasons that a company would consider producing overseas: They are, No. 1, expanding sales in a current export market, basically moving from this country to Mexico so that they can take advantage of the 88-million-strong consumers who are there in Mexico.

The second reason is the opportunity to penetrate a new foreign market.

And the third is to reduce their operating costs.

Now, the majority of United States-owned factories in Mexico have been located there for the first two reasons that I have mentioned. In fact, over 70 percent of the production of American-owned manufacturing plants in Mexico produce items that are sold in Mexico, not items that are exported back to the United States. One of the things that we constantly hear from opponents of NAFTA is that U.S. businesses move to take advantage of what they call 58-

cents-an-hour labor—and it is nothing near that. The average wage rate for those in the manufacturing industry in Mexico is $2.35 an hour. And yet the American worker is at least five times more productive.

But there are many who will argue that they move to Mexico so that they can sell those goods back into the United States. The fact of the matter is that 70 percent of those items produced by American-owned manufacturing companies in Mexico are sold in Mexico.

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Now, if a company is interested in lowering their costs of production, what is it that they look for? Obviously, wages and the burdens of excessive regulations are important, but they are really only the tip of the iceberg, Mr. Speaker. There are many other considerations.

First, access to markets, to which I referred. Manufacturers need to be able to ship their products to market, respond to rapid changes in demand and service and provide service for their products. Each of these costs goes up as production is moved away from the final market.

It is a benefit to produce in the United States because the United States is the largest sales market. So it seems to me there are many businesses that are going to want to remain in the United States, and probably the best example came in a joint announcement that we received here a couple weeks ago from General Motors and the United Auto Workers when they decided to move a plant from Mexico back to Lansing, MI. They are building the Chevrolet Cavaliers and other vehicles, moving those from Mexico back to Lansing, MI.

Why? Because they realize that it is best for them to be closest to their largest sales market, and they also know that the American worker is five times more productive than the worker in Mexico.

Access to resources is also very important. Most production involves some raw materials, energy commodities, or standard energy commodities, or standard products used in manufacturing. Access to these resources and supplies, along with transportation costs, is something that a business must also take into consideration.

Most factors of production other than labor are much cheaper in the United States. For example, energy and transportation costs in Mexico are extremely high.

The third point is the quality and cost of infrastructure. Government must extend water, sewer and power to the location of a new plant, and the costs of those services are very important considerations that a business must make.

The cost and availability of land are also very important. Mexico is very far behind the United States when it comes to the issue of industrial infrastructure.

Also, the fourth point, transportation infrastructure itself, the proximity to direct service airlines and major trade centers is very important, as are quality road and rail networks to keep transportation costs and delays down.

All forms of transportation infrastructure, road, rail, air, and sea, are much more developed in the United States This lowers U.S. transportation costs and clearly increases reliability.

The proximity to retail suppliers, reliable suppliers. Companies must be able to acquire telecommunications service, machinery, supplies and transportation, along with financial and other information services. Most American firms have extensive supplier networks in the United States, most of which cannot easily be replaced and which cannot relocate. Therefore, they stay together in the United States.

The sixth point, exchange rate costs. Fluctuating exchange rates or the inability to easily shift capital in and out of a country can cause very serious disruptions in business. Conversely, companies desire investments in countries with stable currencies.

Now, doing extensive business in Mexico with the peso is historically risky, considering that there have often been controls on exchanging pesos into dollars and taking profits out of Mexico.

The seventh point, government policies. Time is money, and dealing with inefficient, corrupt or intrusive local state and national government bureaucracies can be very costly. Unfortunately, the Clinton administration may eliminate all advantages here.

The eighth point that I would like to make, education, training, and skills of labor. If workers cannot read, write, or do math, their skills may not match the level required of the new industry. Mexican workers are clearly much less, often five to six times less, as I was saying, productive than the American worker.

Work practices and work ethics. Companies cannot assume labor abroad is the exact same as labor at home. There are different senses of time and work. For example, workers in Mexico expect their plants to shut down for the hottest hours every day.

Also, speaking the same language is a tremendous plus.

When all these factors are considered, most American firms determine that producing in the United States is clearly the best deal.

Now, this whole issue of trying to gain access to markets and seeing companies move from the United States to Mexico to export back here really is a red herring when you think about the fact that the goal of the North American Free-Trade Agreement is to bring that tariff ultimately down to a zero rate.

Now, the average tariff, as I have said here many times before, on United States goods going into Mexico today is 10 percent. The average tariff on Mexican goods coming into the United States is only 4 percent. So it seems to me that we have to realize with a 2½ times higher tariff moving that rate down to zero is going to greater enhance the opportunity for us to sell in Mexico, meaning that any companies that have felt compelled to move to Mexico to take advantage of that labor force to sell things back into the United States will not have the need to do that whatsoever, or to have to move to Mexico to take advantage of the 88 million Mexican consumers, will not need to do so.

Why? Because we will have a zero tariff, so U.S. businesses will not have to move into Mexico so that they can have access to the Mexican market. They will be able to remain right here in the United States, take advantage of that zero tariff, and providing goods and services to those 88 million Mexican consumers.

Now, one other item that was raised last night that has been of great concern and we continually hear it, 58 cents an hour is the wage rate for Mexican workers. Clearly, that is not the case. People do not work in Mexico for that wage rate. The average wage rate in the manufacturing industry, and this was challenged to me last night when I was here on the floor, is $2.35 an hour. This is actually information that came from the Department of Labor.

Now, we also have to realize there are a wide range of benefits that are provided to the Mexican workers that are not provided to American workers.

As we look at the goal of trying to have the United States compete internationally, and again I congratulate our U.S. Trade Representative, Mr. Kantor, and President Clinton for seeking a goal of trying to reduce trade barriers internationally so that we can benefit the American worker with greater opportunities for exporting the goods that they manufacturer and benefit the American consumers so that they can in fact buy the best quality product at the lowest possible price, the direction we are headed in is a very positive one.

There was a meeting that was held just yesterday, sponsored by the Atlantic Monthly. Two of the participants were the former U.S. Trade Representative, Ambassador Carla Hills and the present U.S. Ambassador Mickey Kantor. One of the questions that was posed was what is the major difference in trade policy between the U.S. Government under the Bush administration and under the Clinton administration?

I was very pleased to see that we are seeing a continuation under the Clinton administration of a policy of trying

to diminish those trade barriers so that we can take advantage of greater exports and benefit the American consumer.

Mr. Speaker, one of the other items that was raised last night that concerns me greatly was this point that was made about the corruption within the Mexican Government. My colleagues were providing some very tragic instances, and I am very sympathetic with the concerns that were raised as it relates to the standard of living for many of the workers there, human rights violations which have taken place in Mexico.

Let me say again for the record, as I said here last night. I am in no way an apologist for human rights violations for a government which would relegate its people to substandard levels of living and environmental quality. I do not support those things.

I happen to believe that implementation of NAFTA is clearly going to help us address all those items.

Now, some have said, I think it was my friend, the gentleman from Ohio [Mr. BROWN] who said that Mr. Salinas is simply complying with things like establishing a government-sponsored human rights monitoring organization so that he can gain the support of the United States and the Canadian Government and the rest of the international community for implementation of the North American Free-Trade Agreement.

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Well, quite frankly, whatever the reason is, if it is a goal of trying to expand trade opportunities, and they are working to improve the human rights situation and other problems that exist in Mexico, I congratulate them for that. It is a positive sign.

As we look at that acronym that we have used, NAFTA, the North American Free-Trade Agreement, the most important word there is the middle word, the word that comes after "North America" and the word that comes before "Trade Agreement." It is "Free." We have to realize that the goal is to expand freedom.

Now, it we have this free trade taking place, clearly there are going to be fewer opportunities for the kinds of corruption which we have seen in the past take place. Why? Because there is going to be greater access and exposure to the American market, to the U.S. market.

Mr. Speaker, one of the points that needs to be made, which has been raised by a number of critics of the North American Free-Trade Agreement, is that once we get into it there is no way we can get out of it if there are problems. Well, frankly people should look at the agreement. Any of the three countries involved, Canada, the United States or Mexico, have the opportunity to withdraw from that agreement at any time that major concerns are raised.

Now one of the things that we have also seen in the past is a one-party system of government, and last night my colleagues were talking about the fact that since 1928, when we saw the beginnings of the nationalization of the oil industry in Mexico under the Institutional Party, Institutional Revolutionary Party, which was founded by Mr. Cardinas, the father of the Presidential candidate who was running in Mexico, we have seen all kinds of corruption, all kinds of problems in Mexico, and I am the first to admit that it is very bad and very wrong, and I said here last night that in the early 1980's, under President Jose Lopez Portillo, we saw the arm of the Institutional Revolutionary Party growing even longer, extending into the banking industry, nationalizing industries, having this one-party government take control of industries which up to that point had been in private hands. But as we looked at the mid-1980's through the end of the last decade, now into the early and approaching the middle 1990's, we have seen dramatic improvement.

Now the Institutional Revolutionary Party has been in control of the presidency and the legislature since 1928. The fact of the matter is we have now seen a wide range of other candidates win in local elective office, win in governorships in Mexico, and we have also see, as I was saying last night, a great level of privatization. President Miguel de la Madrid, who was the last President of Mexico, in 1985 and 1986 began moving on this road toward privatization, which is a very positive sign.

And I was asked here last night to proclaim that the election of President Carlos Salinas de Gortari was, in fact, a free and fair election. I cannot stand here and made that claim, but I cannot say that it was not, and I should also say that the prime opposition party in Mexico, the National Action Party, the PAM, the PAM Party, was a party which made the case throughout its existence of exactly what President Salinas has been doing.

The PAM Party is, quite frankly from my perspective, like the Republican Party here. The Republican Party, and I do not mean to make this at all partisan here, I say to my very good friend from Sacramento, but the Republican Party and the PAM Party do have in common the fact that they have as their platform less government, a free economy, those kinds of things which are major planks of our platform, and, while I know there are many thinking Democrats who pursue those goals, the Republican Party frankly has that as its main, main goal and main planks of its platform, and frankly, the National Action Party of Mexico has that, too.

President Salinas throughout his Presidency, as he has moved for privatization of the telephone industry, the banking industry, a wide range of other industries, has in fact lessened the control of the Government and his party, the Institutional Revolutionary Party, on those industries, and they have done the kinds of things that the prime opposition party, the PAM Party in Mexico, has called for for a number of years.

So, Mr. Speaker, the point I would make is I am not going to certify the elections of Mexico and say how perfect they are, but I will say this: If we want to see improvement, which we have seen over the past several years, much of that improvement has taken place because of the prospect of implementing a North American Free-Trade Agreement.

Several months ago there was an article in Reason magazine which went through about six pages harshly criticizing the North American Free-Trade Agreement pointing to the many flaws that exist in that agreement, and yet the last four paragraphs of that Reason magazine article point to the fact that with all the problems that exist with NAFTA it is light-years ahead of the status quo, and so, as I listen to so many of my colleagues who have consistently stood here in the well and talked about how we cannot allow NAFTA to be implemented, we must ask them this question: Is the status quo better than implementing a North American Free-Trade Agreement?

And, Mr. Speaker, I am very happy to be joined here by my very good friend from Sacramento, CA, a member of the Committee on Ways and Means and the Trade Subcommittee which had the great opportunity to have me testify before it earlier this week, and the gentleman seems to have survived my testimony before the Trade Subcommittee, and at this point I am happy to yield to one of the strongest advocates of free trade and diminishing barriers, including the barriers, including the barrier that exists between Mexico and the United States.

Mr. MATSUI. Mr. Speaker, I thank the gentleman from California [Mr. DREIER] for having this special order tonight, and I am very pleased to be able to join him and participate in this special order on NAFTA.

I have to say to the gentleman that I appreciate his remarks in particular because there has been so much misinformation regarding NAFTA, and I guess one of the problems and the reason this exists is because, when President Bush completed the NAFTA agreement, it was in August of 1992, not quite 12 months ago, and, as my colleague knows, the Members of Congress were on recess, the American public was focussing finally on the election process, the Democrats just had their convention in July, and the Republicans were in convention in the month of August, and then we came

back in September. Members were focusing on getting out of session, completing the budget, and then the general election, the Presidential election, and then after the election on November 6, the focus became the transition, and then from the transition we went into the period of the President being inaugurated into office. And now we have been preoccupied with the budget, so there really has not been a focus on the NAFTA and what it really all means and, when one thinks about NAFTA, what it is really all about.

Mr. Speaker, it is reducing tariffs. For every $4 of tariffs that the United States imposes on Mexico's products coming into the United States, Mexico has $10 worth of tariffs on products of the United States going into Mexico. It is a 10-to-4 relationship, or Mexican tariffs are 2½ times larger than the tariffs in the United States, and basically what this agreement does is, over a 15-year period, a 15-year period, reduces tariffs on both sides of the border to zero. That is exactly what the NAFTA does. It is certainly in the favor of the United States.

In fact, Mr. Speaker, the CEO of IBM Corp., Louis Gester, who just took over and, as my colleagues know, that company is downsizing now, and they are going through some problems, but they are going to make it. Louis Gester met with me about a month ago, and he said, "You know, the Mexicans want our computers. They want IBM computers. But the Japanese, and the French, and the Germans are all going in there at the same time, and, as you know, once you buy a computer product, you usually stay with that brand unless you're really dissatisfied," and he said, "My concern is that we're probably going to have to open up an IBM plant in Mexico because right now Mexico has a 25-percent and ad valorem tariff on any computers going into Mexico, and we can't afford that cost."

□ 1850

So he says, "We will probably have to open up a plant in Mexico in order to compete with the Japanese and Germans and other countries. But if you pass NAFTA, I won't have to do that, because within 24 months after NAFTA is signed into law, that 25-percent tariff goes down to zero." He says, "In that case, I can stay in the United States, build the computers here, and ship them for nothing in terms of a tariff."

Almost every business in America will gain in terms of their exports into Mexico as result of this agreement.

Mr. DREIER. I would like to underscore one important point that my friend has just made, and that is, you know, we so often hear that the Mexican people cannot afford United States goods.

Mr. MATSUI. Let me respond to that. What is ironic, just last night I heard part of the debate, and there is a sense that Mexico is this undeveloped country with mass poverty like Somalia.

The Japanese on a per capita basis today buy $400 worth of United States goods a year. For each Japanese in Japan they buy $400 worth of United States goods a year.

Mexicans buy $380 per year per capita in United States goods. So they are only $20 short of the Japanese.

Mr. DREIER. And most people certainly think that the people of Japan have a higher standard of living than the people of Mexico.

Mr. MATSUI. Exactly. If we assist the Mexicans in the sense of helping them open up their markets and become a free market economy, they will probably triple that in the next 10 years, and maybe quadruple that. This agreement is really to the advantage of the United States.

Mr. DREIER. If I could make one more point on that particular item, and that is one of the things I have found, where we represent a border state, having been in Mexico, is that the Mexican people clearly want to have the opportunity to acquire United States-manufactured goods. It is something that is greatly desired by them.

Mr. MATSUI. If I may also just state that there has been predications both ways, a number of different ways, in terms of how many jobs will be created, and this really comes down to an issue of job creation.

Almost every credible study indicates that this will create anywhere from half a million jobs, maybe up to a million jobs. Conservative studies show that it will create 200,000 jobs over the next 5 to 10 years. So there is just no question that this is in the interest of the United States.

I might point out that I would ask Members to read this recent CBO paper and CBO study. The CBO study came out in July of this year, from the Congressional Budget Office, a nonpartisan study that indicates this will create jobs. It is a net plus to the United States over the next decade in terms of our gross domestic product. So this agreement has a lot of misunderstandings.

If I may just make one additional comment, there is always this talk about job loss. What is ironic is whenever you hear a Member or anyone talk about job losses of jobs going into Mexico, it is happening now. It is happening now without NAFTA.

The reason it is happening without NAFTA is because right now what is going on is that when companies want to go down there, they can go down there. We are not going to stop investments from going off of our borders or off of our shores. So what they are talking about is a current existing situation. NAFTA has nothing to do with the fact that there are companies down there.

In fact, one interesting thing is that the big three auto companies want to sell cars in Mexico. Well, the Mexican government, without NAFTA, said, "Before you can do that, you have to build plants in Mexico." So that is why there are some big three auto plants down there. It is not because they want to go down there; it is because they were asked to do it before they could sell their products. Essentially that would not have happened had we had a free trade agreement with the Mexicans.

Mr. DREIER. As I was saying a few minutes ago before our friend joined us here, the decision by the United Auto Workers and General Motors to move their plant from Mexico back to Lansing, MI, was based in large part on the fact that the American worker is at least five times more productive than the Mexican worker, but also the opportunity that they will have with a zero tariff to sell automobiles manufactured in the United States in that Mexican market. I think that point needs to be made here, that as we have listened to all the problems that people have discussed as it relates to Mexico and the rhetoric that has come out over the past several weeks and months, we have to realize that while we constantly believe we are buying all these cheap goods from Mexico, that in 1985 we had a $4.9 billion trade deficit with Mexico. We in fact were buying $4.9 billion more in goods and services from Mexico than they were buying from us.

Yet, as this privatization to which I was referring earlier has taken place, privatization of the banking industry, these tremendous moves which have taken place, and maintenance of basically the current tariff structure, it has not changed dramatically—there has been some improvement, but not dramatically over the past few years—we have seen us move from that $4.9 billion trade deficit to a nearly $6 billion trade surplus last year.

Basically, these people, who are so impoverished and cannot afford to buy any U.S. goods, as opponents of NAFTA like to say, bought $6 billion more in goods from the United States than we bought from them.

Mr. MATSUI. I appreciate the gentleman bringing that up, because we have a trade surplus that will grow with continuing trade with Mexico.

Let me just make two points, because I know you have other gentlemen that would like to comment.

Mr. DREIER. I hope the gentleman will stay with us, because we would like to have an exchange of ideas here.

Mr. MATSUI. Mr. Speaker, we have heard concern about the environment. Whenever we talk about NAFTA, people say, "Look at the environment. Look at what is happening right now down there in Mexico."

Well, the way we deal with this issue is by having NAFTA. Then the United

States will be able to have supplemental agreements. You might have a border development bank that we are talking about now. That is the way you clean up the borders, by having a relationship, an economic relationship.

Second, also it helps because you are going to raise the standard of living of the Mexicans, just as you help our economy. As a result of that, the Mexicans will want to put some of those resources into environmental quality, into environmental cleanup.

Last, and I think this is important as well, although the issue is jobs, we really have to focus on jobs. This will create jobs. But in addition to that, there is the immigration problem. If the Mexican standard of living increases, you will not see the flow of immigrants coming into the United States.

We heard last night in terms of the fact that it was said that Mexico is a dictatorship. President Salinas, who is a Harvard grad—and I guess we could hold that against him—but he is a Harvard grad, he knows the United States well. He wants a country that is democratic. He wants a country that is a free market like the United States and a democratic country. He has taken a major political risk at this time by supporting and strongly pushing NAFTA, because what he wants to do is open up his markets, open up this country to the liberal philosophy that we have in terms of the free expression of free ideas. And the only way he is going to get that is by having continuing trade and a flourishing economy in his country.

Mr. DREIER. I would argue that one of the reasons that President Salinas has taken this bold risk of supporting a North American Free-Trade Agreement is that as you look at some of the other risks that he has taken, he has had a great deal of success with them: that move towards privatization, where the government got out of a wide range of industries; looking at the improvement of the environment by passing in 1988 the toughest environmental laws modeled after ours; closing down the largest refinery in Mexico City, which forced 5,000 Mexican workers out of work so that he could improve the quality of life in Mexico City. He was heralded or taking those risky, controversial moves. I think that laid the groundwork for him to take this tough and bold, very positive move, which clearly is the wave of the future.

At this point I would like to yield to my friend from Orange County, and I would like to ask him a couple of questions. Then I would like to ask a couple of questions of my friend from Sacramento.

Mr. ROHRABACHER. Mr. Speaker, I would like to support both of my colleagues. I think it is notable that we have Members here from both parties. My colleague, Mr. MATSUI, presented to us a Congressional Budget Office study. For those who are listening to this presentation, let us note that the Congressional Budget Office, no one has ever accused it on this side of the aisle of being this bastion of business and bastion of capitalism. In fact, if we were going to think that there would be any bias in the Congressional Budget Office study on an issue like this dealing with a commercial treaty, we would think it would be skewed in the other direction.

So the fact that it shows there is going to be growth in jobs in the United States and it will be helpful to our economy indicates and underscores that this is truly going to be a positive factor for the United States of America and for employment in the United States of America.

Also I was very, very pleased to hear the discussion about the environment. Just on theory, before you go into specifics on Mexico, I want to note that Mexico's environment has been damaged greatly during the years when the economy in Mexico was so bad.

Many of the things they point to in Mexico to say look how terrible the environment is are things that happened not under Mr. Salinas' administration, but things that happened when the economy in Mexico was sinking.

All over the world we find that when you have industrialization and growth in the economy, that is when those countries can afford to invest in the modern technology that reduces pollution and reduces the threat to the environment.

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Mr. DREIER. If I may interject on that one point, some of those who were criticizing NAFTA here last night said that Mexico has the greatest laws on the books and yet they do not enforce them.

One of the things that I have been told by Herminio Blanco, who is the chief negotiator on the North American Free-Trade Agreement on behalf of the Mexican Government, is that, yes, it is very tough for them to regulate these heavy industries that, as the gentleman from California [Mr. ROHRABACHER] has said, grew under a government system that was more corrupt, less concerned about environmental quality.

So what they have said is that about the only way that they can really improve the environmental quality is through NAFTA, because obviously, as we increase the standard of living, the demand for a cleaner environment on the part of a wealthier, more successful people will be enhanced. And what we will see, of course, is that new industries coming in will be better equipped to comply with those environmental regulations which now some older, heavier industries could never comply with whatsoever.

Mr. ROHRABACHER. Because the wealth does not exist. Unless you have an upward growing economy, the wealth will not exist to invest in the technology which will solve these pollution problems.

Unfortunately, Mexico, over the last 40 years, has suffered under administrations that were corrupt and often incompetent. And quite often, in order to excuse their corruption and incompetence, they would stir up hatred against the United States of America.

At last we have an administration in Mexico that is trying their very hardest to work with the United States so that we can work in cooperation so that both our countries will progress. I think the worst possible signal we could send to the world is that when at least you have an administration that is attempting to reform, that has been so long overdue in Mexico, that America slaps it down.

If that happens, what is going to happen to Mexico at that point? What will happen to their economy? For the last few years, the economy has been growing because of the reforms. If we slap the reformers down, it will be back to the old ways. Talk about an illegal alien problem. Then when the economy is on the downturn in Mexico, talk about environmental problems, when their economy goes into a downturn because they have thrown out the reformers.

Mr. DREIER. What kind of signal does that send in this hemisphere when the United States of America is more than willing to embark on a free-trade agreement with Israel, on a free-trade agreement with Canada? And yet, our southern neighbor, right at our border, we will not embark on a trade agreement there. When we look at the hundreds of millions of people who live in this hemisphere, in the Americas, it is imperative for us to not stick our head in the sand. It is imperative for us to try and figure out ways in which all countries in this region can take advantage of markets and labor.

Mr. ROHRABACHER. This would be worse.

Mr. MATSUI. I would like to add to that, because it almost borders on paranoia for people to be concerned about the Mexican economy. I hear people say that they are not competitive. Our time was in the past, and we cannot compete with the Mexicans.

People have to understand that the Mexican economy is just 2 percent of what the United States economy is. They have 80 million people; we have 250 million people. But their economy is only about 2 percent of our economy.

Mr. DREIER. There are so many people here in this country who are absolutely scared to death about that.

Mr. MATSUI. What we see, what I envision is over the next 20 years a market that wants to grow. And this is where United States products will

come in: automobiles, high-technology equipment, computers, you name it, the Mexicans will want our equipment and our manufacturing base. It is just going to be a very positive element of growth.

In fact, it is one of the few elements of growth in California, as the gentleman from California know.

Mr. ROHRABACHER. If their economy continues to grow, which we all hope and pray that it will, who will be selling them those computers, those automobiles, the hospital equipment? In Orange County, we have a tremendous industry in hospital technology. Who will be selling that technology, that equipment, those machines, those products that are produced with high-quality American jobs?

Mr. DREIER. And the environmental technology that is going to be demanded there is another growing industry.

Mr. ROHRABACHER. Who will sell those things? If we slap down the NAFTA treaty, that means the United States will be competing on an equal footing with our foreign competitors in Europe and in Asia. If we, instead, have a free-trade agreement with Mexico, as the Mexican economy grows, we will be supplying those needs from within the tariff barriers instead of having to compete with our competitors outside of the tariff barriers.

It is a formula. It is a win-win formula for Mexico and the United States.

Mr. DREIER. I think that is one of the most important points that needs to be made here. There are so many who look at the issue of trade and believe that it is a zero-sum game. It is not a zero-sum game. It is a win-win situation for us.

As we look at the European Community, and a number of Members last night were talking about the difficulty in negotiating amongst some of the wealthier countries in Western Europe, countries like Spain, Portugal, and Greece, where wage rates were significantly lower.

Quite frankly, we have to realize that there was a beneficial arrangement that was embarked upon, phased in as this package will be phased in over a period of time. So it has been a win-win. But as we look at that powerful emerging market there and then as we look to the Pacific rim, where we see countries unifying in free-trade agreements, one of the things that has to be, if you look down at South America and see Argentina and Brazil, the unification that is taking place among South American countries, how we in the United States can believe that we can stand here, pound our chests, stick our heads in the sand and say that we are going to be totally self-sufficient and not realize that the tremendous growth which this country has enjoyed over the past several years has come overwhelmingly due to exports to so many of those markets.

Mr. ROHRABACHER. The statistics that you mentioned earlier, a $6 billion surplus today versus a nearly $5 billion deficit only a few years ago. If that can be attributed directly to a Mexican economy that is now growing and an administration that is reaching out to have a cooperative relationship with the United States, as the gentleman from California [Mr. MATSUI] stated, that the Mexican economy is so small now, so if it continues to grow, what a tremendous amount of new jobs will be created here as Mexico grows and we are providing them with computers. And we are providing them with the office equipment and we are providing them with the heavy machinery and the bulldozers, et cetera, that they need to build a stronger and bigger economy.

That growth, that change around from a $5 billion deficit to a $6 billion surplus was done in a very short period of time simply because the Mexican economy began to grow. The reformers were on the ascendancy. If we can look forward to that type of change in the next 20 years, what a tremendous impact it will have on our society.

Mr. DREIER. Absolutely. We know full-well that there are other countries in Latin America who are closely watching the negotiating process and the activities here in the U.S. Congress as it relates to NAFTA. Why? Because they want to be able to take advantage of markets and provide labor themselves. They want to see the kind of exchange that they can embark upon with the United States throughout Central America and other parts of South America.

Mr. MATSUI. If the gentleman will continue to yield, what he says is correct. Not only about Latin America watching us on this NAFTA issue but also the Europeans and the Japanese.

As you know, the President was in Tokyo last week. And he came up with a framework with the Prime Minister of Japan, and that will be further negotiated, trying to open up the Japanese markets.

Now, if we turn NAFTA down, I can tell you, the Japanese will not continue negotiating with the United States. So what is ironic is that it is in the interest of those Members that represent the Rust Belt to actually support NAFTA.

First of all, it will not hurt their region but, second, it will make the President stronger in terms of his negotiations in opening up the Japanese market.

In addition to that, as you know, the GATT negotiations, even though we made major strides in terms of some of the tariff reductions and market opening provisions at the Tokyo round just last week, some of the tough decisions still have to be made.

For example, the French, on the agricultural subsidies issue, many of the French political leaders are worried that they have offended their agricultural base, political base in France. If we do not pass NAFTA, the French are going to say, "Why should we stick our necks out on GATT?" That will jeopardize the GATT discussions.

So the NAFTA issue is one in which the world, in addition to Latin America, the world is looking at the United States in terms of our leadership.

Mr. DREIER. That is a very good point that my friend makes. I think we need to reiterate that one more time.

If you look at the prospect of any kind of international trade agreement in which the United States of America hopes to participate, then rejection of NAFTA will basically say the word of the United States is basically worthless.

□ 1910

We will have embarked on this agreement, we will have, in good faith, negotiated it with Canada and Mexico, and then people here in the United States decided to just throw it out the window. Other countries will say, "Gosh, why should we sit down with these people, who basically do not keep their word and basically do not want to proceed on the road toward reducing the tariff barriers that exist?"

Mr. ROHRABACHER. Mr. Speaker, will the gentleman yield?

Mr. DREIER. I am happy to yield to the gentleman from California.

Mr. ROHRABACHER. Mr. Speaker, the flip side of this same argument that the gentleman is making, one side is if we turn it down, we have lost credibility, but on the other side, if we succeed with Mexico, it gives us tremendous leverage in negotiating with the Japanese and others who now know we do not need them as much, because we have a free trade zone here on the North American Continent that can match in resources and in human potential any trade zone in the world, including the EC and including what we can face in Asia.

The fact is, it will give our negotiators tremendous leverage in dealing with potential customers, and we can get a better deal on the next negotiation.

Mr. MATSUI. Will the gentleman yield?

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

Mr. MATSUI. The gentleman is correct. We will have, if we have this free trade agreement passed, we will have a market of 360 million people. It will be the largest free market in the history of the human race.

Mr. DREIER. Six trillion dollars.

Mr. MATSUI. Incomprehensible. It will create so many more jobs, so many more investments and opportunities. That is why both President Clinton, President Bush, former President Reagan, the USTR, Mickey Kantor, the

former USTR, Carla Hills, they all support this.

The experts in the area of trade and foreign policy and jobs support this agreement, including the Secretary of Labor, Bob Reich. As we know, he supports very strongly NAFTA, because he knows that this is going to create American jobs.

Mr. DREIER. The gentleman mentioned just a few minutes ago that some in the Rust Belt might not be inclined to be supportive of NAFTA. We know of the opposition that has come from them.

Frankly, as we look at many of the heavy industries that exist in this country today, they are exporting in great numbers to Mexico today. Even with the tariff structure that exists, with that 10 percent tariff to which we have been referring, that happens.

If we look at trying to eliminate that barrier, these heavy industries, like Caterpillar and other industries, are going to be greatly enhanced with the opportunity to export even higher levels with a zero tariff in Mexico.

Mr. ROHRABACHER. If the gentleman will continue to yield, I have been shocked recently by statements of opponents, maybe not public statements but private statements, made by opponents of the NAFTA agreement who are portraying President Salinas, and I would say to the gentleman, Mr. MATSUI, before he leaves, I would like to just ask him, because he has met President Salinas, I would like his personal analysis of this man.

I met President Salinas only once, but I was tremendously impressed, and have been tremendously impressed with his commitment in Mexico to reform. Many people have been portraying him as some sort of a negative figure. I happen to believe that President Salinas is probably one of the more heroic individuals in our lifetime.

Mr. DREIER. I will respond. I have met with President Salinas probably a dozen times over the past several years. I know his father very well. In fact, in my first United States-Mexico Interparliamentary Conference that I attended in 1991, when President Lopez Portillo bragged about nationalizing the banking system, I was sitting with now President Salinas' father, who is an economist who lives in Mexico City.

Clearly the training that he received here in the United States and the recognition that the wave of the future, with the crumbling of the Berlin Wall, the changes and moves of totalitarian countries to freedom and free markets, is obviously the route to take.

President Salinas has recognized that. He recognized it early on. He had it as a positive goal. I cannot say enough about his economic program, which has been designed to improve relations there.

I am sure my friend, the gentleman from Sacramento, CA [Mr. MATSUI] has also met with him.

Mr. MATSUI. If the gentleman will yield further, yes, there is just no question that President Salinas is a visionary. He wants to make the Mexican system of government similar to the system we have in the United States. He is doing it at a major, major political risk.

As we all know, Mexico has been a nationalistic country over its history. We have had battles with Mexico, as the Members know, in the 1800's. They claim that we took a third of their territory, so they are very, to some extent, anti-American, but President Salinas has gone in and he has attempted over a period of years to change that.

He wants to foster a strong, positive relationship between the United States and Mexico. For us, for us in this country to even consider turning down this great statesperson would be tragic, and it would be tragic in terms of our long-term bilateral relations, not only economically, but diplomatically as well.

Mr. ROHRABACHER. If the gentleman will yield, I believe there are men and women like President Salinas throughout the world who would step forward and offer leadership to their people and start working together, not only with the United States but with others, to build a better world, but if they would step forward, and if we do this to President Salinas and slap him down, so he loses face with his own people, I believe that the people all over the world will take that as a signal that "We cannot trust the Americans," people of integrity.

As I say, here is a president who probably exemplifies a higher level of integrity and certainly capability than past presidents of his country. This man has stepped forward. He has put himself on the line. If we want others around the world to take courageous steps to better their people and to make a better humankind, we have to stick with Salinas.

Mr. DREIER. Let me say, those who are not here this evening, and obviously, as we discussed earlier, there are many people who have left town, clearly I think the RECORD should show that we are more than willing to stand here virtually every evening, if we possibly can with the exigencies of our schedule, to discuss this issue.

At the outset I said that I would welcome any opponents to NAFTA to come here and raise questions of us, and we will try our darnedest to provide answers, because we are in no way trying to control this issue.

I think last night I had my dear friend, the gentleman from Mount Clemens, MI [Mr. BONIOR], my colleague on the Committee on Rules, yield a little of his time to me so I could raise some questions and respond to some of the criticism that has been leveled.

I would say that anyone who has followed this debate should certainly raise questions of us, contact our offices, and I think when one looks at what it is we are trying to accomplish, we want to create jobs in the United States of America, we want to boost economic growth here, we want to decrease the flow of illegal immigration from Mexico to the United States.

What we have done is, we have realized that John F. Kennedy was absolutely right when he said that, "A rising tide lifts all ships." There is no benefit whatsoever to the United States in trying to attain those goals of increasing the half million jobs in the United States that NAFTA will create, increasing economic growth, and decreasing the flow of illegal immigration, if we abandon our southern neighbor. There is no benefit to us whatsoever to have a poor southern neighbor.

Our time, I have just been told, is waning here. Would my friend like to offer one more comment?

Mr. ROHRABACHER. On another subject, actually, if the gentleman would yield to me at the end of his presentation.

Mr. DREIER. Mr. Speaker, I yield to the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Speaker, Covina, CA, could be the start of a trend.

This morning in the House-Senate conference the largest tax bill in the history of the world got underway.

As the conferees begin their work they, and all my colleagues, should take heed of a recent event in the city of Covina, CA.

Recently the city council in Covina enacted a 6-percent utility tax. This equates to about $12.60 per household per month.

The 219 Members who voted for the Clinton tax bill earlier this year, take note.

The day before yesterday Covina held a recall election—the entire Covina City Council was recalled, remember New Jersey, it once had a legislature solidly controlled by big-taxing, big-spending Democrats.

So that the 219 Members who voted for the largest tax increase in the history of the world can reflect on what the Covina recall might mean to their careers.

□ 1920

I would like, in order to underscore this point, to include in the RECORD a copy of an article from the Los Angeles Times about the election in Covina, CA.

The article referred to follows:

[From the Los Angeles Times, July 15, 1993]

FEAR OF RECALL TREND GROWS WITH LATEST OUSTER

(By Andrew LePage)

The resounding recall Tuesday of the entire Covina City Council because of the city's 6% utility tax is the latest sign that voter

resentment over new taxes and fees is growing, city officials, taxpayer groups and academics say.

"We're seeing more and more of these recalls efforts, many of them successful, throughout the state," said Alan Heslop, a professor of government studies at Claremont McKenna College. "Generally, money in the form of some kind of tax or fee is at the bottom of the dispute."

"I suspect a lot of city council members throughout the state will be very frightened by what occurred in Covina," said Sheri Erlewine, spokeswoman for the California League of Cities. "We are seeing recall being considered more and more in communities."

"It's ugly out there—every city is facing what Covina is facing," Erlewine said. "There just isn't enough money anymore to pay for what the people want."

Record numbers of Covina voters, angry over the tax on gas, electricity, water and telephone bills that the council imposed last year to balance its budget, flocked to the polls to dump their council members. The vote set up an Oct. 5 special election in which five newcomers will be elected. Until then, current members will remain on the council.

"It's tough. I'm extremely disappointed and I'm sorry for the community." Councilman John King said. "I think we're seeing a desperate moment in Covina's history. Our financial problems won't go away—it won't be any easier for the new council."

Mayor Henry Morgan and council members King, Chris Richardson, Chris Lancaster and Richard Gratton were defeated. Morgan will lose his seat on the South Coast Air Quality Management District.

All of them said they had done everything in their power to convince voters that they adopted the tax on utility bills only after cutting the city budget to the bone. Further cuts, they said, would weaken police, fire and library services.

But recall leaders argued that the tax would not be needed if the council had kept a tight rein on finances. The tax costs the average household about $12.60 a month.

"This recall will have a broad impact—cities will start checking their budgets two or three more times to make sure they've done everything possible to cut costs," said Kris Vosburgh, executive director of the Howard Jarvis Taxpayers Assn.

A growing number of citizen groups have been calling his organization, he said, for advice on fighting new taxes and fees in their communities.

"The common thread is that these people feel their elected officials are detached, arrogant and don't share the [financial] problems of the average taxpayer," Vosburgh said.

The electorate of Covina, a town of 43,000 in the flatlands of the east San Gabriel Valley, includes a sizable population of elderly people on fixed incomes.

Retirees started the petition drive that forced the council into a recall election, helping to organize 200 volunteers and to raise about $8,000 in donations for pro-recall mailers and signs that dotted lawns throughout the community.

"We're overwhelmed by the outcome," said Stop the Utility Tax Committee leader Earl P. Purkhiser, a retired economics and accounting professor at Mt. San Antonio College in Walnut. "The next council will have to spend money like it was its own."

City officials elsewhere say that they have had little choice but to raise taxes, but that educating the public is the key to avoiding voter backlash.

In Pasadena, where voters last month overwhelmingly approved a $1.3-million tax to bolster the library system, Mayor Rick Cole said the city's yearlong campaign to educate residents on the need for the tax was the key to success.

Despite the successful recall drive in Covina over the utility tax, he said, it would be "stupid to draw the conclusion that you can't raise taxes."

Rather, he said, council members should realize that the public "can't be railroaded," and councils must take the time to build community understanding of their budget crisis and possible solutions before imposing a new tax.

The same day the Covina council went down to defeat, the nearby community of Sierra Madre tentatively approved a 6% utility tax. City officials said there was little opposition to the tax because the city reached out to the public at several community meetings to discuss the budget deficit.

Utility taxes have been around for years, but cities have increasingly turned to them, and to assessment fees that appear on property tax bills, during harsh economic times. Taxpayer groups say the taxes and fees are convenient ways to skirt Proposition 13 because most do not need to go before voters.

The anti-tax backlash in Covina is hardly unique. Over the last two years, several recall groups in the state have succeeded in recalling a majority of the council members.

Upset over an assessment for lighting and landscaping, voters in the Northern California town of Pacifica ousted four of five council members last year. In Morgan Hill, council approval of a 9% utility tax led to the recall of three of five council members in December, 1991.

For taxpayer groups, Covina's recall election is convincing proof that the tax revolt of the proposition 13 era is note dead.

"We think San Gabriel Valley governments will sit up and take notice that people want spending under control," said Tom Biesek, a founding member of a citizen taxpayer association in South Pasadena that is fighting a proposed landscaping fee.

THE VIETNAM WAR MEMORIAL: SONS OF GUAM SHALL BE REMEMBERED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Guam [Mr. UNDERWOOD] is recognized for 60 minutes.

Mr. UNDERWOOD. Mr. Speaker, the Vietnam War Memorial is one of our Nation's most powerful monuments, and over and above that, it has added meaning to those of my generation. Stoic black granite slabs bear names of thousands of Americans who lost their lives in the war. It is this image of names—simple, silent, palpable reminders of real people who died and the places that they come from lends such poignancy to the memorial.

But to truly honor the names on that wall, we must make sure that the monument's directory contains accurate information. Today, I rise to remember those service members from Guam who lost their lives in Vietnam but who, due to bureaucratic errors, are not listed as sons of Guam.

For my generation the names of those who died bring to mind the memories of friendships and relatives, good times and bad times, our time together in schools, on playgrounds, and even times that we played war, little knowing that for some members of that generation, a real war awaited them with real sacrifices and real danger.

It even brings to mind those who did not fight but who were part of the same generation, those who even expressed doubts about the policy which was being pursued. All of these images come to mind as we reflect on the names on the wall; as we look at the letters of individuals like Vicente Guerrero and Alan Damian and see in those letters the brave brown faces who represented their generation and their island and their contribution to the Nation.

This Saturday, a replica of the Vietnam Memorial will be publicly displayed on our island. The families of those servicemen from Guam who are not listed as such deserve, at the very least, an examination of the record and an attempt to set it straight.

It is fitting that the replica of the Vietnam War Memorial come to Guam a few days before the 49th anniversary of the liberation of Guam during World War II. The people of Guam will be unable to separate the war experience of the previous generation with that of the current one. Unveiling the war memorial on July 17 and celebrating Liberation Day on July 21 offers some very direct lessons.

Just like the generation who experienced World War II suffered like no other American community during the war, the Vietnam war generation also contributed disproportionately to the names of that wall. The 72 names of Guam's young men represented a sacrifice far in excess of that experienced by any similarly sized community. Guam suffered more causalities per capita in the Vietnam war than any other territory or State in this country.

It would be less than honest, and a disservice to the memory of these men, to not let the rest of the Nation know that these men died in honor of a flag and a set of principles and values which were not, and are still not extended to their homeland. Their island of Guam still has not exercised full self-determination, their island of Guam still does not have a form of government which proceeds from their own authority, their island of Guam still does not have full representation in the Nation's Capital, their island of Guam still deals with the Federal Government in an unequal relationship born of a colonial context nearly 100 years ago in the Spanish American War.

Giving the absolute and supreme sacrifice willingly and without conditions should not mean that these men and the land they represent should be taken for granted. Indeed, the fact that

they put themselves in harm's way unselfishly should mean that their homeland of Guam should be allowed to govern itself as a new commonwealth in partnership with the United States. This is what their brothers and sisters in their generation have clearly decided as the next step in their political development. And this is why I have introduced H.R. 1521, a bill to grant commonwealth status to the island of Guam.

Earlier this week, I contacted the Vietnam Veterans Memorial Fund, the Department of the Army, and the Commandant of the Marine Corps to express my concern that some of Guam's young men in the Vietnam War Memorial Directory are not listed as being from Guam. Jan Scruggs of the Memorial Fund told me in a letter that he would work with me and the Department of Defense to correct the record.

My office received a memo from the Commandant of the Marine Corps. His staff will conduct research at the National Personal Records Center in St. Louis and strive to rectify any inaccuracies in the memorial names directory.

I also received a letter from the Department of the Army. They were appreciative to learn of possible errors in the directory of names and assured me that every effort will be made to investigate the names submitted by my constituents and, where appropriate, make changes in the record.

I am grateful to the armed services and the Vietnam Veterans Memorial Fund for their quick responses to my office's inquiries. I am also thankful to John Blaz of Guam's Department of Veterans' Affairs for shedding light on this issue. I want to relay my thanks and congratulations to former Guam Senator Jerry Rivera for his efforts in bringing the wall to Guam and Northwest Airlines for bringing the wall to Guam and we thank John Devitt—the builder of the wall.

I am attaching for the RECORD a complete list of all the servicemen from Guam who lost their lives in the Vietnam war. It includes men who are shown incorrectly as residents of States or territories other than Guam.

I intend to take every step necessary to make sure all the sons of Guam are accounted for. I do this for their families and for all of us who cherish our island and who wish to demonstrate to our fellow citizens the extent of our contribution to the Nation.

Let us never forget to honor the sacrifices of these men. Let us never forget their names or their faces. But let us also never forget who they were as a people, what they experienced, what their parents and their grandparents experienced, what their homeland has been through and where their homeland wants to go. Let us understand their sacrifice in the full light of democracy, in the full glory of democratic principles, in the bright sunshine of the natural desire to govern oneself. Let us recognize their sacrifice by extending to Guam the full meaning of democracy and self-government which the Stars and Stripes draped on their coffins represent.

SONS OF GUAM

Listed below in alphabetical order are the names of the 72 men from Guam whose names appear on the Vietnam Veterans Memorial in Washington, DC:

Aguon, Jose Q.
Asanoma, Francisco M.
Benavente, David G.
Biagini, Mark F.S.
Blaz, Anthony M.
Blaz, James L.
Borja, Juan S.
Cabrera, Joaquin C.
Camacho, David B.
Camacho, Gregorio M.
Castro, Juan P.R.
Cepeda, Juan D.
Cruz, Edward C.
Cruz, Enrique S.
Cruz, Joseph A.
Cruz, Joseph W.
Cruz, Pedro A.
Cavsito, Ronald P.
Damian, Allan I.
De Leon, Herman B.
Delta Cruz, Frederico
Diaz, Edward R.
Doyle, Albert B.
Duenas, Jose B.
Duenas, Juan L.B.
Espinosa, Vincente T.
Esteves, Fernando B.
Eustaquio, Joseph M.
Finney, Harold J., Jr.
Flores, Denny S.N.
Flores, David C.
Funes, David John
Gordon, David A.
Guerrero, Pedro R.
Guerrero, Vicente F.
Herrera, Jose B.
Mariano, Jesus R.
Mendiola, Roberto L.G.
Meno, George S.
Meno, Jesus Q.
Meno, Roy F.
Mesa, Thomas R.
Moreham, Vincent P.
Nededog, Emilio N.
Pangelinan, Gregorio L.
Pangelinan, Pedro C.
Pereda, Henry P.
Perez, John A.
Perez, Vicente D.
Quenga, Johnny C.
Quidachay, Jesus A.
Quintanilla, Jeffrey I.
Reyes, Tomas G.
Rippel, Eugene R.
Rivera, Tomas S.
Rodriguez, Lucas H.
Sablan, Antonio Q.
Sablan, Ignacio E.
Sablan, John T.
Sablan, Thomas Q.
San Nicholas, Rufo S.
San Nicholas, Victor P.
Sanchez, George S.
Santos, Enrique R.
Santos, Ernesto P.
Santos, James A.
Santos, Rafael S.
Taitague, Johnny S.
Torre, Francis S.N.
Torres, Prishado T.
Violett, James A.
Yokoi, Ralph S.

□ 1930

THE SECOND ANNUAL MEETING OF THE CSCE PARLIAMENTARY ASSEMBLY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland [Mr. CARDIN] is recognized for 60 minutes.

Mr. CARDIN. Mr. Speaker, I take this time, and I hope I will be joined by the gentleman from Maryland [Mr. HOYER], who had also taken time this evening in order to report to the House and to the American people on the U.S. delegation to the Parliamentary Assembly of the Commission on Security and Cooperation in Europe.

We had a very successful meeting of our delegation in Helsinki, Finland, and I am pleased to report on some of the progress that took place during the meeting.

It was the second meeting of the Parliamentary Assembly, which is a group representing the 53 member states of the CSCE, whose parliamentarians meet once a year in order to take up issues that are important under the Helsinki accords. At this meeting we had 300 parliamentarians who were present representing 45 states.

Mr. Speaker, at this time I would like to yield, if I might, to the chairman of our delegation, but before I do, I want to express on behalf of all of the Members who participated in the U.S. delegation, on behalf of the gentleman from Indiana [Mr. MCCLOSKEY] and the gentleman from Virginia [Mr. MORAN] and the gentlewoman from New York [Ms. SLAUGHTER], our deep appreciation to the leadership that was exhibited by the gentleman from Maryland [Mr. HOYER] in leading our delegation.

The gentleman from Maryland [Mr. HOYER] has developed an international reputation for being an outspoken leader in favor of human rights and speaking up for those people around the Nation who need a champion on human rights issues.

We were very proud to have as our chairman of our delegation the gentleman from Maryland [Mr. HOYER], and he was recognized by the other parliamentarians around the CSCE when they chose him to be the chairman of the human rights basket of the Helsinki meeting, not only for the second meeting of the Parliamentary Assembly, but elected him as their ongoing chairman for those issues.

It is my pleasure to yield to Congressman HOYER.

Mr. HOYER. Mr. Speaker, I thank my good friend and colleague, the gentleman from Maryland [Mr. CARDIN], and one of the two newest members of the Commission on Security and Cooperation in Europe, known as the Helsinki Commission. The gentleman from

Maryland [Mr. CARDIN] has been a very faithful participant in raising the banner of human rights and international cooperation as he has participated in numerous meetings, hearings, and, indeed, visitations with reference to the Helsinki Commission's work.

I am also pleased to be here on the floor with my good friend, the gentleman from Indiana [Mr. MCCLOSKEY], who has also just been appointed as a member of the Helsinki Commission.

The gentleman from Maryland [Mr. CARDIN] has briefly outlined the parameters of the CSCE Parliamentary Assembly on which we are reporting tonight, 53 nations, recently grown to that figure from the original 35 as the Soviet Union broke up into constituent parts, and many new and independent sovereign states were formed. They have joined the Helsinki process and are now signatory states to the Conference on Security and Cooperation in Europe.

As the gentleman from Maryland [Mr. CARDIN] said, nearly 300 parliamentarians participated from 45 CSCE countries in the meeting that was recently held in Helsinki. In addition, the Council of Europe was represented, the Western European Union was represented, the North Atlantic Assembly, the Interparliamentary Union, and NATO. The former Yugoslav Republic of Macedonia was also represented, as was Japan for the first time.

Ilkka Suominen, Speaker of the Finnish Parliament, presided over the plenary sessions in his capacity as president of the CSCE Parliamentary Assembly and did an outstanding job. Several distinguished speakers also addressed the parliamentarians that were assembled in Helsinki, including Madam Ugglas, the Foreign Minister of Sweden, and Chairman-in-Office of the CSCE Council of Ministers; Vladimir Petrovsky, Director-General of the United Nations, also addressed us; and Max van der Stoel, CSCE High Commissioner on National Minorities; and Mr. Franchis, Deputy Secretary General of NATO.

Mr. Speaker, while the U.S. delegation was less than a third of its allotted size, its members were strong and active. We left Helsinki, I believe, firmly convinced that the meeting would have been significantly different had our delegation not attended.

The work of the Parliamentary Assembled was divided, as the gentleman from Maryland [Mr. CARDIN], I think, has already referenced, into three committees.

The gentleman from Indiana [Mr. MCCLOSKEY] and the gentleman from Virginia [Mr. MORAN] played a leading role in the General Committee on Political Affairs and Security, where their strong amendment covering the appalling situation in Bosnia and Herzegovina prompted heated debate over the course of the meeting. The resolution which they introduced on behalf of the United States delegation called for a series of very specific and meaningful actions in response to the continued aggression and genocide in Bosnia and Herzegovina; first, lifting of the arms embargo against Bosnia, a policy which many of us have advocated for some period of time, a policy which we believe says to one of the combatants in a confrontation which is taking the lives of not only combatants but innocent children, innocent women, innocent men, standby folks who are not involved in the war, but who wish to live free and to live peacefully but are not allowed to do so because of the marauders invading their communities.

In addition, it called for neutralizing of heavy weapons in the hands of irregular forces, and it called for effective and unimpeded delivery of humanitarian assistance and the unimpeded access to detention camps.

In addition, the proposal called upon the participating states to uphold Bosnia and Herzegovina's territorial integrity in keeping with international law and CSCE principles. Other provisions condemned the systematic and widespread use of rape and sexual abuse in the former Yugoslavia and expressed use of rape and sexual abuse in the former Yugoslavia and expressed strong support for the provision of assistance to the victims and the prosecution of those responsible for war crimes and crimes against humanity.

Indeed, on all but the lifting of the arms embargo there was unanimous support when that measure finally came up for a vote, and as I said earlier, but for, in my opinion, the presence of the American delegation, that resolution would not have been nearly as strong as it was, would not have spoken as forthrightly and directly to the dramatic situation in Bosnia and Herzegovina, as it ultimately did.

Other provisions were added to the resolution by other members of our delegation of which I will speak.

But, finally, the proposal, the one introduced by the gentleman from Indiana [Mr. MCCLOSKEY] and the gentleman from Virginia [Mr. MORAN], called for the admission of the former Yugoslav Republic of Macedonia into the CSCE as a full participating state and urged those states which had not already done so to recognize that country. We believe that was an appropriate act. We believe it was a stabilizing act as well.

The United States now has 300 of its own personnel in Macedonia. I had the opportunity to discuss with the President today that we needed to send a very strong and clear message to Mr. Milosevic that any incursion into Macedonia would result in very significant multilateral international response with the full participation of the United States.

The comprehensive United States initiative served as a focal point for much of the discussion of the former Yugoslavia. Divergent opinions were evident, particularly in connection with the suggested lifting of the arms embargo, as I have said, an element which was later dropped despite a passionate and outstanding defense of that provision by the gentleman from Indiana [Mr. MCCLOSKEY] and by the gentleman from Virginia [Mr. MORAN].

In particular, the gentleman from Indiana [Mr. MCCLOSKEY], I think, moved all of the international representatives as he spoke to the compelling case for humanitarian relief of those in Sarajevo. The Assembly overwhelmingly approved the rest of the U.S. resolution.

The gentleman from Indiana [Mr. MCCLOSKEY] and the gentleman from Virginia [Mr. MORAN] also introduced an important amendment calling upon the Russian Federation to conclude and implement without further delay appropriate bilateral agreements including timetables for the early, orderly, and complete withdrawal of its troops from the territories of the Baltic States. This amendment was unanimously agreed to, and I might say, as the gentleman from Maryland [Mr. CARDIN] knows and the gentleman from Indiana [Mr. MCCLOSKEY] knows, the representatives of the Russian Federation were very positive and accommodating and responsive and understood the need to resolve this matter.

I might say that all of us were very pleased to see the positive discussions that occurred between the representatives of Estonia and Latvia and Lithuania and the representatives of the Russian Federation.

The gentleman from Maryland [Mr. CARDIN], who I thank again for yielding to me and for his outstanding service on the delegation, covered the General Committee on Economic Affairs, Science, Technology, and Environment, where he singlehandedly introduced probably more language into the resolution than any other representative on that committee. He introduced language urging measures reforming countries of Central and Eastern Europe and the former Soviet Union, reforms that they should take to encourage foreign investment.

He also called for the establishment of a new CSCE mechanism or institution to coordinate and promote environmental policies and protection. He may speak more extensively on those during this hour.

We plan, as a Commission, to follow up on this valuable recommendation with Secretary Christopher and EPA Administrator Browner.

□ 1940

Representative LOUISE SLAUGHTER of New York, herself a very strong, outspoken advocate of the rights of others,

not only in this country but around the world, participated actively in the General Committee on Democracy, Human Rights and Humanitarian Questions, which, as BEN CARDIN, my friend, has indicated I was honored to chair. That resolution Ms. SLAUGHTER sponsored, and in which she played the leading role, ensures the adoption of a strong amendment condemning the use of rape as an instrument of war and classifying rape—as clearly it is—specifically as a war crime.

Mr. Speaker, I am pleased to report the U.S. delegation was instrumental in shaping the final Helsinki Declaration of the CSCE assembly.

In addition to the work conducted in Helsinki—and again, the gentleman from Maryland [Mr. CARDIN] may discuss this further because he and Ms. SLAUGHTER visited Estonia in July at a critical time, he will speak further of that, and I will revise and extend my remarks on that matter—but it was a very important representation, and in my opinion both Mr. CARDIN and Ms. SLAUGHTER provided meaningful advice at a critical time in deescalating the tensions between the Estonians and the Russian minority that lives in Estonia.

I am pleased to report that a number of their concerns, particularly over the arbitrary nature of some of the provisions of the law on citizenship were later addressed, as discussed by Mr. CARDIN and Ms. SLAUGHTER, by the Parliament the very next day. The delegation assured the Russian-speaking minority that the United States is, indeed, concerned that their rights not be circumscribed.

The Helsinki Declaration of the CSCE Parliamentary Assembly is an impressive document that includes strong language and recommendations regarding a broad range of issues of immediate concern, from refugees to national minorities to an international war crimes tribunal to a forceful declaration on the former Yugoslavia. Our task now is to ensure that these bold statements serve as a blueprint for meaningful action and not simply remain words on paper.

Mr. Speaker, I again congratulate my colleagues, Mr. CARDIN, Mr. MCCLOSKEY, Ms. SLAUGHTER, and Mr. MORAN, on the very positive role that they played.

Mr. Speaker, these trips are sometimes criticized. In this case, we left on Monday night, flew all Monday night and got there Tuesday morning, started into meetings at 4 that afternoon and flew back on Friday; not sufficient time to overcome jet lag on either leg.

I believe we had a strong message to deliver both as related to human rights, as to security and economic relations and environmental concerns, so that the purposes of the Conference on Security and Cooperation in Europe result in a more peaceful, more cooperative, economically and environmentally sounder international community would result.

I thank my colleagues for participating in this important meeting.

Mr. CARDIN. I want to thank the gentleman from Maryland [Mr. HOYER] for a very thorough report on our trip.

As he pointed out, we had a small delegation in numbers; we were entitled to have a larger delegation. But I do not think any delegation was more effective than the U.S. delegation in the final products that came out of this meeting. And that was due to the gentleman's outstanding leadership, the gentleman from Maryland [Mr. HOYER] and I really want to thank him on behalf of the entire delegation for using the talent that was there and dividing us into different baskets for our work and keeping us on target, setting priorities that were important for the people of our Nation in these meetings. It was really, I think, due to the gentleman's extraordinary knowledge and leadership in the process that we were able, with only five Members, to have such an impact on so many different areas of the final actions that were taken by the parliamentary assembly.

Mr. HOYER. I thank the gentleman for his comments.

Mr. CARDIN. As the gentleman pointed out, the Helsinki Agreements, the final act that was signed in 1976 in Helsinki, broke the agreements down to three baskets of cooperation among the member states.

The gentleman from Maryland [Mr. HOYER] has been the most active in our country on the human rights issues and on other issues and has reported, I think, rather thoroughly on that third basket known as the human rights basket. The first basket is the basket on political affairs and security, on which the gentleman from Indiana [Mr. MCCLOSKEY] served along with the gentleman from Virginia [Mr. MORAN] as two of our representatives on that committee.

The basket dealt with many issues, including the new problems of security among the member states, due to the ethnic differences and religious differences and protection of minorities within the political boundaries of the emerging countries of Europe. As Mr. HOYER has already reported, it dealt with the Baltic Republic and the fact that Russian troops are still within the Baltic Republic.

I must underscore that one point, though, that Congressman HOYER pointed out, and that is that we had the cooperation of the Russian federation in trying to work out specific timetables for removal of the remaining Russian troops from the three Baltic Republics.

But by far the most controversial issue that took most of our time dealt with Bosnia and Hercegovina. And there was no more active person among the 300 parliamentarians—and I know the gentleman from Maryland [Mr. HOYER] will agree with me—there was no more active participant among the parliamentarians, active parliamentarians, than Mr. MCCLOSKEY. Everyone in the assembly knew of Mr. MCCLOSKEY and his commitment to make sure that the people of Bosnia were heard and that the world attention was caused to be focused on the tragedies that were taking place as we were meeting in Finland.

I yield to the gentleman from Indiana [Mr. MCCLOSKEY]. I know he is on the floor. Perhaps he could help summarize how we proceeded in the meetings as they relate to the matters in which the gentleman was involved.

Mr. MCCLOSKEY. I thank the gentleman for yielding.

Mr. Speaker, a week ago, I was in Helsinki for the Parliamentary Assembly of the Council for Security and Cooperation in Europe, as a member of the U.S. delegation led by my distinguished colleague STENY HOYER. I am proud the U.S. delegation came to that CSCE Assembly prepared to call for concrete action to address the Balkan crisis. I am proud of what we achieved there in terms of CSCE Assembly support for the use of NATO air power in Bosnia, as well as CSCE Assembly support for international recognition of Macedonia and its full membership in the CSCE.

I want to thank the gentleman from Maryland [Mr. CARDIN] for calling this special order and also for his leadership in these issues and participation and companionship at the conference. And to Mr. HOYER, our speaker, I know the gentleman, Mr. CARDIN, would share my gratitude.

I would like to extend my exceeding thanks for the opportunity to be on the commission and also to make this trip.

I think, as the gentleman from Maryland [Mr. HOYER] has mentioned, I think it obvious that despite the small number of our delegation, the five of us, that we did make a definite impact, particularly as to the problems in the Balkans and also, as Mr. HOYER said, the gentleman from Maryland's [Mr. CARDIN] efforts in the economic and Estonian areas. I am proud to realize that, in essence, for all the discussion that was scheduled as to the former Yugoslavia and the Balkans, there would have been no suggestions as to an action plan or how to proceed or what to do from this point in time, I think, without the participation of the American delegation, and particularly in that regard I want to say that, as we all know, Mr. HOYER has been one of the leaders in the Congress on this issue. I think he has been a leader in the Congress and, quite frankly, a leader internationally for months and more than months, he has been speaking up for justice to be backed by forthright action, particularly in the form of the Hoyer-DeConcini resolution, which in

some substance was, as we know, recently passed out by the House Foreign Affairs Committee, in all candor, I might add, with some strong leadership and innovative efforts by the gentleman from Illinois, HENRY HYDE.

I regret deeply that largely due to the resistance of the French and British delegations, the United States delegation was not able to get the full CSCE Assembly on board the lifting of the U.N. arms embargo from Bosnia. Twice during this century the United States has assured the self-defense and indeed the defense of France and Britain. The current governments of these two European powers should be deeply ashamed of their refusal to let Bosnia act in its own self-defense.

I asked the parliamentary delegations in Helsinki to think about Sarajevo for a minute—remembering that conditions in the rest of Bosnia are generally much worse than in this brave city.

Sarajevo has been under brutal siege for over 450 days. For these 450 days its people—380,000 men, women, and children, Bosnian Moslems, Croats and Serbs alike—have been subjected to shelling and sniper fire from the surrounding mountain tops.

Tens of thousands of noncombatant men, women, and children have been intentionally killed and maimed—randomly, suddenly, senselessly.

All of these people—people just like us—have been subject to constant fear of death for themselves and for loved ones, to gradual starvation, to darkness and cold, to the most primitive living conditions, to the absence of medical care, to the destruction of their property, and the loss of their livelihoods.

All of these people have been subject to the terrifying reality of being trapped, with no means to drive off their tormentors, and no means to escape.

Remember the proud boast of the Bosnian-Serb war criminal Karadzic, who crowed that he had the people of Sarajevo "trapped like mice in a pumpkin," and boasts to the Western press that his artillery can "blow Sarajevo to bits." Remember the savage words of his military chief Mladic, egging on his artillery men to "hit, hit, burn, burn" Sarajevo.

All of these people of Sarajevo have been subject, as well, to the black despair of hopelessness, and the bitter realization that they have been abandoned by the Western world to which they belong and on which they counted so idealistically.

Western governments have stood by and let this happen. Worse than that, they have intervened on the side of the perpetrators of this cruel and senseless siege, on the side of genocide. They have denied the Bosnian Government the right and the means to self-defense, by maintaining on Bosnia the U.N. arms embargo applied to the former Yugoslavia.

Western governments have sought to shroud their complicity in the murder of Sarajevo, the murder of Bosnia and 200,000 of its people, with the most sanctimonious hypocrisy that one could possibly imagine.

Think a minute of all the European leaders, like the Prime Minister of Britain, who have had the gall to reject lifting the U.N. arms embargo from the Bosnian Government because this would be "the policy of despair."

Whose despair? The despair of Western politicians at having to admit their responsibility for policies which have abetted genocide in Bosnia?

What about the despair of the people of besieged Sarajevo? What about the despair of the 200,000 Bosnian victims of systematic murder? What about the despair of the tens of thousands of Bosnian victims of systematic rape? What about the despair of the hundreds of thousands of Bosnians who have been forcibly driven from their homes, separated from their loved ones, and denied a future as a people?

It seems now the European governments and Washington want to wash their hands of Bosnia completely—with Owen and Stoltenberg doing their dirty work for them.

The U.N. Security Council, the G-7 Summit, the CSCE and NATO all continue to mouth lip service to the U.N. Charter, the Helsinki Final Act, the London Conference on former Yugoslavia, and the myriad U.N. Security Council Resolution on Bosnia.

Meanwhile, Owen and Stoltenberg implement the real policies of Western governments. This real policy is clearly to attempt to impose surrender on the Bosnian Government. Owen and Stoltenberg therefore endorse the partition schemes of Milosevic and Tudjman, Karadzic and Boban.

Owen becomes the virtual alter ego of Karadzic and Mladic. Karadzic threatens the Bosnian Government with total war if it does not come to the surrender table. Owen insists that they really must—even if the negotiating table has only served as a cover for Bosnia's gradual extermination for the past 16 months.

And now, and mark this well, Owen and Stoltenberg join Karadzic in threatening the Bosnian Government. Owen and Stoltenberg have adopted the position that if the Bosnian Government does not agree now to negotiate on the basis of the Serb-Croat partition plan, they may seek a full U.N. withdrawal from Bosnia—the end of the modicum of protection provided by the peacekeepers, and the end to the modicum of humanitarian relief provided by UNHCR.

Who mandated Owen and Stoltenberg—or before them, Vance and Owen, or before them Carrington and Cutilheiro—to negotiate the ethnic partition of Bosnia? Are not the current efforts of Owen and Stoltenberg flagrant violations of the Helsinki Final Act, the U.N. Chapter, and the U.N. Security Council's resolutions on Bosnia since May 1992? And who ever instructed Owen and Stoltenberg to use strong-arm pressure tactics on the Bosnian Government? Why are Western governments even tolerating the behavior of these two men?

Meanwhile, Western governments stand by, silent and passive—very much as if all they want is for the Bosnians to curl up and die, and thus end their embarrassment.

Never in my political life have I seen such an obscene gap between high-road words and low-road deeds. Never have I seen so much obfuscation and equivocation, so much moral and political cowardice, or so much energy expended in the hope of evading responsibility.

Never could I have imagined the governments of the transatlantic community so deeply embroiled in pious rationalization, face-saving posturing, and wishful self-delusion.

How can we tolerate a situation where genocide is raging in southeastern Europe? How can we tolerate a situation where our governments, and we, continue to mouth pious rhetoric—while Owen and Stoltenberg, as agents of the United Nations, European Community, and Council for Security and Cooperation in Europe, are working hand in hand with the perpetrators of this genocide?

And how can we imagine even for a minute that this travesty will somehow lead to peace in the Balkans? Are Western governments so delusionary as to believe that a greater Serbia created by genocidal aggression will lead to a stable Balkans?

Do Western governments imagine that Milosevic and his thugs will desist from genocide in Kosovo, the Sandzak, Vojvodina, and independent Macedonia—after being rewarded for it in Bosnia?

There is only one path out of the Balkan crisis. Western governments must shake off their defeatism.

They must lift their strategies to the level of their core values and principles, instead of letting their core values and principles be corrupted by compromise with evil.

They must finally take sides with the Bosnian Government, help it arm itself instead of hobbling it with an arms embargo, and use NATO air power to enforce the Security Council's resolutions.

They must realize and act on the reality that Milosevic will continue to traumatize the Balkans, to destabilize Europe, and to threaten international peace and security until he is defeated militarily and contained.

For Sarajevo and its 380,000 men, women, and children, this Western action must come now. This capital of a

sovereign, independent CSCE and U.N. member state has become one vast concentration camp. Its people are on the verge of mental and physical collapse that could come within days. While we debate our resolutions and rhetorical statements, they face their darkest hour.

I pray that we will see Western action, within days, that will earn the respect to Sarajevo's embattled people.

Press reports indicate President Clinton has asked his National Security staff to review options to lift the siege of Sarajevo. I believe the President understands the moral and strategic stakes in Bosnia, and the human and historic imperative of lifting the siege of Sarajevo. I hope his National Security staff can rise to the occasion to help him meet this imperative.

I believe President Clinton's leadership can generate strong and energetic support for the use of all necessary means, including U.S. military force, to break the siege of Sarajevo.

This action will liberate Sarajevo from the nightmare it has suffered for the past 16 months. It will liberate America and Europe from what otherwise will be a historical disgrace. It will let Bill Clinton walk the path of Harry Truman—and have the same kind of historical impact on the post-cold-war world as Harry Truman had on the postwar era.

□ 2000

Mr. CARDIN. Mr. Speaker, I want to congratulate again the gentleman from Indiana [Mr. MCCLOSKEY] not only for his report here, but for his commitment to the people of that region who have been devastated by what has been occurring.

I am glad to yield to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Speaker, I thank the gentleman from Maryland [Mr. CARDIN] for yielding, and I want to congratulate, as he has, the gentleman from Indiana [Mr. MCCLOSKEY] not only on his statement, but for his work in Helsinki and in so many different fora, both in Europe and here in this country, on behalf of a besieged people.

As my colleagues know, we, it seems, refer to this in sort of an intellectual framework, and it does not have a human face. Earlier today our colleague, the gentleman from Pennsylvania [Mr. WELDON], a Republican and the cochairman of the fire service caucus, which I have the privilege of chairing this year, spoke, and he spoke about a gentleman named Kenan Slinic, S-l-i-n-i-c. Kenan Slinic is a young man, and he made a statement. He is the chief of the fire service in Sarajevo, and the gentleman from Pennsylvania [Mr. WELDON] inserted his statement as he made a statement on the floor today, a handwritten statement that he made at the fire service caucus a few months ago.

He said:

> In 1992 my country, Bosnia-Herzegovina, became the youngest member in the United Nations family of nations. On April 5, 1992, war came to my country, my city and my people. Sarajevo and other cities of Bosnia-Herzegovina were put under siege.

He went on to talk about his experience, the loss of 10 firefighters, unarmed, carrying out a service to their community to try to put out fires started by the shelling from Serbian artillery in the hills surrounding Sarajevo and 28 of his colleagues who were wounded in 2 such shellings.

Yesterday, Mr. Speaker, this young man, who has a 6-year-old daughter and a young wife, was shot twice in the back of his head. He was killed, a young firefighter, unarmed, trying to put out fires, trying to protect his community.

Now there is no embargo on fire equipment, and, as a matter of fact, the gentleman from Pennsylvania [Mr. WELDON] will be accompanying a delegation to take some fire equipment to Sarajevo in August.

There is a young firefighter from this country whose name is John Jordon who is over there working with the fire department. Unfortunately, although there is no embargo on fire equipment to save property and persons from fire, there is an embargo on saving besieged people and giving them the right to self-defense.

No one has raised that issue more pointedly, more dramatically, more cogently, than our colleague, the gentleman from Indiana [Mr. MCCLOSKEY].

I say to my colleagues, "Tears come to your eyes when you read the third page of the statement made by Mr. Slinic." He concluded his speech or brief talk to 2,000 assembled firefighters from across Canada, the United States, and other nations. He said this:

> I hope that I'll be able to attend the next national fire and emergency services dinner under much better circumstances for my country.

That young man, of course, will not be able to do that. He will not be able to do it because, in violations of the norms of international behavior, in violations of international law, in violations of all international documents related to human rights, Bosnia and Herzegovina has been put under siege by an invader.

What we raised at the parliamentary assembly was the question as to whether or not we can have a new world order if the world stands silently and if the world stands without action to assist those invaded, those who find themselves and their democracy undermined in the worst violations of human rights that we have seen in this decade.

And so, Mr. Speaker, I am pleased to join in this special order and was pleased to join with this delegation in raising for the international community, on behalf of our country, these compelling issues, not just for this young fireman, but for the people, and not just in Bosnia and Herzegovina. We are going to have hearings next week in the Helsinki Commission about the spillover effect.

Mr. Speaker, this was the cradle of World War I. This is where it started because the world watched, and waited, and took no action. We should learn the lessons of history and let those who would destabilize the international community by force know that it will not be tolerated, not just by the superpower, the United States, but by the nations united in league against the violations of international law.

Mr. Speaker, I thank the gentleman from Maryland [Mr. CARDIN] for having yielded further.

Mr. CARDIN. Mr. Speaker, I appreciate the gentleman from Maryland [Mr. HOYER] bringing to our attention the brave firefighter who literally gave his life for his country. He pointed out very clearly that, although the cold war is over, problems, very deep problems, still exist in Europe that very much affect each of us here in this country

I would like to, if I might, talk about a success story. We talk about the problems that we are having, and there are many problems, but a potential problem may have been avoided in Estonia.

Estonia has a very explosive situation where the Russian-speaking minority represent over one-third of the population of this new country, a country that is just establishing its democratic principles and institutions of government, that is trying to deal with tremendous change and their market economy, where they have gone to a market economy, where they have changed rather quickly, where they have developed their own currency, were the first Balkans to develop their own currency and be disciplined by economic reform which brought about some significant changes in the economic circumstances of the people that live in Estonia.

But Estonia, as my colleague knows, most of the Russian-speaking people who now live in Estonia were brought to Estonia against their will. Estonia was annexed to the former Soviet Union against its will, an act that this Nation never recognized, and it is understandable that the people of Estonia resent the fact that a population was brought into their country against their will in an effort mainly for military purposes, and now that Estonia has gained its independence, there are many people who are family members of the population that is now residing in Estonia that is Russian-speaking, and they now need to deal with the rights of protecting all the people in their country, including the Russian-speaking people who now wish to live and become citizens of Estonia.

So, the gentleman from Maryland [Mr. HOYER] mentioned that we visited Estonia, the gentlewoman from New York [Ms. SLAUGHTER] and I have visited Estonia, on July 8. It was a very historic moment because the President had just called back the Parliament into an extraordinary session. When we arrived there we were not sure whether, in fact, there would be a quorum present for this Parliament because it was an extremely controversial meeting. The Estonia Parliament had passed a law for aliens that raised very serious questions whether the Russian-speaking people that reside in Estonia would be given the full protection of citizenship and be able to become citizens of Estonia, and it was a very controversial act. It was understandable, the reaction by the people of Estonia, but it was the law that was passed that raised very serious problems for the international community. CSCE sent a communication to the President of Estonia.

□ 2010

Many of the Council of Europe sent communications to Estonia and asked the President to please reconsider that act, even though the local political environment, the only people that can vote in Estonia are Estonians. The Russian-speaking population, over one-third, are not permitted to vote. So the constituency did not want to see a change in that law of aliens. They thought it was appropriate, considering the historical aspects of why the Russian-speaking population had come to Estonia.

But it was wrong, the law. And we spoke out against it and we sent communications to the people. We had a chance when we arrived in Estonia to meet with the Prime Minister, Mr. Laar, a very young person, and the Foreign Minister, Mr. Velliste, as well as the minister who is in charge of negotiations between Russia and Estonia, Mr. Lujak. We had a chance to also meet with the representatives from the various Russian-speaking groups, including the community of Narva, which is up in the northeast and is a majority, overwhelming majority, of Russian-speaking people, that border the Russian Federation, to talk about the problems, to open up dialogue, to try to get changes made in the law of aliens that we thought were improper, that put too much subjectivity as to whether the Russian-speaking people who had lived in Estonia for many years and considered themselves to be Estonians, would get the full protection of citizenship in that country, including the right to vote and participate fully in the economic activities of their society. And we were not sure when we arrived in Estonia whether that would become a reality.

We were very pleased by the attitude of the public officials, their willingness to accept the recommendations of the international community, and their willingness to set up a dialogue with the representatives from the Russian-speaking population.

The representatives from the Russian-speaking population and the representatives from the Estonian Government were together in making sure that this issue was resolved peacefully, through negotiations, and fairly. And when people are committed to talking out their problems, we do not have the bloodshed that took place and is taking place in the former Yugoslavia. I hope we were able to avoid that in the Baltic Republic of Estonia, and I am very optimistic that we can. Because the day that we were there we got some commitments from the Prime Minister of Estonia as to changes that they anticipated would be made.

The following day, July 9, actually the Parliament acted late July 8, the day we were there, and the following day we received the results of the action taken by the Estonian Parliament to modify the law affecting the Russian-speaking people who are in Estonia.

I must tell you I was very disappointed when I saw the international press account of it that evening, because the international press account tried to provoke some controversy between the Russian-speaking people and the Estonians, when in reality the changes made by the Estonia parliament were those suggestions that were made by CSCE and the Council of Europe. And we received a communique from the European Community in support and thankful of what the Government of Estonia did to change their laws, to protect the Russian-speaking people that live in Estonia today.

We also received a communique not only from the Estonian Government, but from the representatives from the Russian-speaking population in Estonia, speaking to the fact that a roundtable discussion has taken place and will continue to take place; that a mechanism has been set up for the Russian-speaking representatives to meet on a regular basis with the Estonian officials so they can resolve not just the citizenship laws affecting the people of Estonia, but also local governance issues, economic issues, passports, all the other aspects. Some of the people in Estonia may very well want to become Russian citizens, or may want to become citizens of other countries, but need protection while they are in Estonia. And these dialogues we are very optimistic will work out the status of what is taking place in that country.

So we were extremely optimistic that the CSCE process is working; that we were able here to hopefully avoid problems that have taken place in too many of the new republics of Europe.

I think it really speaks to the fact that our presence, the presence of the United States in these meetings, has had very, very positive results. The people of the Baltic Republics reminded us of how important it was for the United States to stand by them when their voices were not being heard by any other people.

They specifically wanted me to bring back and mention to the gentleman from Maryland [Mr. HOYER] their very deep appreciation for the delegation that the gentleman led there 2 years ago during the darkest moments in the Baltic Republics, when people were being slaughtered on the streets and it was the U.S. delegation that arrived that gave the people of the Baltic Republics hope to stand by their convictions.

Estonia has avoided violence. It avoided violence during that period of time.

So I really want to speak of how pleased the gentlewoman from New York [Mr. SLAUGHTER] and I were to participate in those meetings in Florida and how pleased we were that the process appears to be working.

Now, I want to make it clear, it is far from resolved. Whenever you have such a large number of people, and some are extremely radical, on both sides, the chances of serious problems erupting is there. But we are convinced that by our presence and our continued interest in working with the government and the representatives of the Russian-speaking population, that we can make a very constructive part of resolving their problems. So we were very pleased to participate in that meeting on behalf of our delegation.

Mr. HOYER. If the gentleman will yield, the CSCE, which was signed in 1975 by President Ford, as the gentleman knows was controversial. It was controversial because it was perceived perhaps as the Soviet Union winning a recognition of the de facto borders that then existed in Europe.

It created not a bureaucracy, not a structure of people, but it created a mechanism for communication, and created international meetings on a regular basis.

What we found during the course of those meetings was that as people discussed the principles that have now become essentially the principles of the international community, principles of which, frankly, the United States is one of the principal proponents and examples of in the world, it was found that the discussion of these principles and ideas, particularly as they were applied to specific cases of individuals whose human rights or individual rights had been violated, or groups of people whose rights had been violated, ultimately could not stand up to the light of day and the light of discussion.

Your visit, along with the gentlewoman from New York [Ms. SLAUGHTER] to Estonia, and your representation that the international community

cares about this situation, that the international community is prepared to honestly participate in trying to solve this, went a significant way toward deescalating, as the gentleman points out, a very tense situation, that could and might still erupt in a violent confrontation.

It is this process that has been created that will ultimately lead to a new world order of resolving differences through discussion, debate, compromise, and agreement, that will ultimately make for a safer, more secure world. And as we in this country grapple today and this week and next week and the week thereafter in strengthening our own economy, to create jobs and opportunity for this generation and generations to come in this country, the opportunities for our young people in the future will be greatly enhanced if we have success in creating an international community that resolves its differences, not through violence, but through cooperation, discussion, and agreement.

Mr. CARDIN. I think the gentleman has stated that very, very well. It certainly is in the interest of this country for our participation. I really appreciate the Speaker's appointment to the Commission. I have now been a member of the Commission I guess for now 2 weeks, and I am really looking forward to working with you on these issues.

It is clear, and I think the American people understand the security issues involved in our meetings in CSCE, and on human rights we have taken the leadership role internationally on human rights, and I think the people of this Nation are proud of the role we have played. And the Helsinki Commission is known for its statements on human rights.

□ 2020

Also, now the economic issues, the environmental issues are going to become more and more important. You mentioned that we pushed tough environmental standards internationally. We are all suffering from what happened at Chernobyl. We do not want to see another Chernobyl. We know, for example, that the nuclear power facilities do not have the safety standards in the former Republics of the Soviet Union that they should.

We spoke out about that. It is in the interest of the people of this Nation. It is in the interest of all of the citizens of the participating states of CSCE to be concerned about these issues.

Sometimes I know it is difficult for our constituents to understand our participation in these international groups, but it is clear to me that the Helsinki Commission has had a history of very effectively representing the rights of this country and the interests of this country in these meetings.

I very much look forward to working with you to hopefully resolve problems so they do not make the front pages of the paper. That is our objective, to avoid the types of tragedies that we have seen too frequently in this world.

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

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BEVILL (at the request of Mr. GEPHARDT), for today, on account of wife's illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DREIER) to revise and extend their remarks and include extraneous material:)

Mr. CUNNINGHAM, for 60 minutes today, and on July 16, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30, and August 2, 3, 4, 5, 6, and September 7, 8, 9, 10, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 27, 28, 29, 30, and October 1, 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 18, 19, 20, 21, 22, 25, 26, 27, 28, 29, and November 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 15, 16, 17, 18, 19, 22, 23, 24, 25, 26, 29, 30, and December 1, 2, 3, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 27, 28, 29, 30, and 31.

Mr. DREIER, for 60 minutes, on October 5.

Mr. THOMAS of Wyoming, for 5 minutes today.

Mr. KINGSTON, for 60 minutes each day, on July 20, 21, and 22.

Mr. WELDON, for 5 minutes, today.

(The following Members (at the request of Mrs. LOWEY) to revise and extend their remarks and include extraneous material:)

Mrs. LOWEY, for 5 minutes, today.

Mr. SABO, for 5 minutes, today.

Mr. CARDIN, for 60 minutes, today.

Mr. OBEY, for 60 minutes each day, on July 15, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30, and August 2, 3, 4, 5, and 6.

Mr. OWENS, for 60 minutes each day, on August 2, 3, 4, 5, 6, and September 8, 9, 10, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 27, 28, 29, 30, and October 1, 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 18, 19, 20, 21, 22, 25, 26, 27, 28, 29, and November 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 15, 16, 17, 18, 19, 22, 23, 24, 25, 26, 29, 30, and December 1, 2, 3, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 27, 28, 29, 30, and 31.

Mr. POSHARD, for 60 minutes each day, on July 19, 20, 21, 22, and 23.

(The following Members (at the request of Mr. UNDERWOOD) to revise and extend their remarks and include extraneous matter:)

Mr. HOYER, for 60 minutes, on July 20.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. DREIER) and to include extraneous matter:)

Mr. CRANE.
Mr. BEREUTER.
Mr. BLUTE.
Mr. COLLINS of Georgia.
Mr. SMITH of Michigan.
Mr. EWING.
Mr. GILMAN.
Mr. GOODLING.
Mr. CAMP.

(The following Members (at the request of Mrs. LOWEY) and to include extraneous matter:)

Mr. ROSE.
Mr. MANTON.
Mr. HOCHBRUECKNER in two instances.
Mr. BROWDER.
Mr. RAHALL.
Ms. SCHENK.
Mr. FAZIO.
Mr. BROWN of California in three instances.
Mr. OBERSTAR.
Mr. JACOBS.
Mr. MATSUI.
Mr. TRAFICANT.
Mr. WYDEN.
Mrs. KENNELLY.
Mr. SISISKY.
Ms. PELOSI.
Mr. BILBRAY.
Mr. NEAL of Massachusetts.
Mr. COPPERSMITH.
Mr. OWENS.
Mr. DE LUGO.
Mr. DOOLEY.
Ms. KAPTUR.
Mr. MENENDEZ.
Mr. KREIDLER.
Mr. MFUME.
Mr. RICHARDSON.
Mr. CRANE.
Mr. KILDEE.
Mr. BRYANT.

(The following Members (at the request of Mr. UNDERWOOD) and to include extraneous matter:)

Ms. LONG.
Mr. DEUTSCH.
Mr. ROEMER.
Mr. HUGHES.
Mrs. LLOYD.
Mr. NEAL of Massachusetts.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 409. An act to extend the terms of various patents, and for other purposes; to the Committee on the Judiciary.

S. 616. An act to increase the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans; to the Committee on Veterans' Affairs.

S. 1130. An act to provide for continuing authorization of Federal employee leave transfer and leave bank programs, and for other purposes; to the Committee on Post Office and Civil Service.

ENROLLED BILL SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 1189. An act to entitle certain armored car crew members to lawfully carry a weapon in any State while protecting the security of valuable goods in interstate commerce in the service of an armored car company.

ADJOURNMENT

Mr. HOYER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 21 minutes p.m.) under its previous order, the House adjourned until Monday, July 19, 1993, at noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1597. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving United States exports to South Africa, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking, Finance and Urban Affairs.

1598. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the report of political contributions by Jeffrey Davidow, of Virginia, to be Ambassador to the Republic of Venezuela; Donald C. Johnson, of Texas, to be Ambassador to Mongolia; James J. Blanchard, of Michigan, to be Ambassador to Canada; Walter C. Carrington, of Maryland, to be Ambassador to the Republic of Nigeria; and Thomas J. Dodd, of the District of Columbia, to be Ambassador to the Oriental Republic of Uruguay, and members of their families, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MILLER of California: Committee on Natural Resources. H.R. 1305. A bill to make boundary adjustments and other miscellaneous changes to authorities and programs of the National Park Service; with amendments (Rept. 103-178). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 2239. A bill to authorize appropriations for the Securities and Exchange Commission, and for other purposes; with an amendment (Rept. 103-179). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on the Judiciary. H.R. 1758. A bill to revise, codify, and enact without substantive change certain general and permanent laws, related to transportation, as subtitles II, and V-X of title 49, United States Code, "Transportation", and to make other technical improvements in the Code; with an amendment (Rept. 103-180). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. SWETT:

H.R. 2642. A bill to provide for financing of certain recreational facilities in the White Mountain National Forest; to the Committee on Ways and Means.

By Mr. WYDEN:

H.R. 2643. A bill to amend the Public Health Service Act to provide for a biennial report on nutrition and health by the Surgeon General of the Public Health Service; to the Committee on Energy and Commerce.

By Mr. BRYANT:

H.R. 2644. A bill to authorize appropriations for the Legal Services Corporation, and for other purposes; to the Committee on the Judiciary.

By Mr. FARR:

H.R. 2645. A bill to provide for the disposal of certain surplus real property located at Fort Ord, CA; to the Committee on Armed Services.

By Mr. HUNTER (for himself and Mr. CUNNINGHAM):

H.R. 2646. A bill to direct that certain Federal financial benefits be provided only to citizens and nationals of the United States; jointly, to the Committees on Ways and Means, Banking, Finance and Urban Affairs, and Argiculture.

By Mr. KREIDLER:

H.R. 2647. A bill to amend title 38, United States Code, to provide that the effective date of any changes in benefits under the Servicemen's Group Life Insurance program shall be based on the International Date Line; to the Committee on Veterans' Affairs.

By Mr. McCLOSKEY (for himself, Ms. NORTON, Mrs. MINK, Mrs. MORELLA, Mr. MORAN, Mrs. SCHROEDER, Mrs. UNSOELD, Mr. DICKS, Mr. JACOBS, Mr. TOWNS, Mr. SANDERS, Mr. JOHNSON of South Dakota, and Mr. WILLIAMS):

H.R. 2648. A bill to amend title 5, United States Code, to ensure the availability of Federal health insurance, life insurance, and retirement benefits with respect to certain Federal employees serving under temporary appointments; to the Committee on Post Office and Civil Service.

By Mr. MINGE (for himself, Mr. PENNY, Mr. PETERSON of Minnesota, Mr. VENTO, and Mr. OBERSTAR):

H.R. 2649. A bill to authorize States and political subdivisions of States to control the movement of municipal solid waste generated within their jurisdictions; to the Committee on Energy and Commerce.

By Mr. HUGHES:

H.R. 2650. A bill to designate portions of the Maurice River and its tributaries in the State of New Jersey as components of the National Wild and Scenic Rivers System; to the Committee on Natural Resources.

By Mr. OBERSTAR:

H.R. 2651. A bill to amend the Federal Water Pollution Control Act to provide for confined spoil disposal facilities, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. ROEMER:

H.R. 2652. A bill to amend the Public Health Service Act to provide for the establishment through the National Institutes of Health of a data system and an information clearinghouse with respect to rare diseases; to the Committee on Energy and Commerce.

By Mr. SANTORUM:

H.R. 2653. A bill to amend section 6(d) of the U.S. Housing Act of 1937 to increase the amount of payments made by public housing agencies in lieu of paying State, city, county, and local taxes, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. SARPALIUS (for himself, Mr. ENGLISH of Oklahoma, Mr. STENHOLM, Mr. ROBERTS, Mr. COMBEST, Mr. EDWARDS of Texas, Mr. LAUGHLIN, Mr. ANDREWS of Texas, Mr. PETE GEREN of Texas, Mr. BROOKS, Mr. ORTIZ, Mr. CHAPMAN, Mr. GLICKMAN, Mr. HALL of Texas, Mr. VOLKMER, Mr. MONTGOMERY, Mr. DOOLEY, Mr. ORTON, Mr. PENNY, Mr. HAYES, Ms. ESHOO, Mr. McCURDY, Mr. SMITH of Oregon, Mr. JOHNSON of South Dakota, Mr. YOUNG of Alaska, Mr. POSHARD, Mr. DORNAN, Mr. SKEEN, Mr. WILSON, Mr. HANSEN, Mr. SMITH of Texas, Mr. WILLIAMS, Mr. EMERSON, Mr. TRAFICANT, Mr. STUMP, Mr. BONILLA, Mr. ROHRABACHER, Mr. HUTTO, Mr. MANZULLO, Mr. PASTOR, Mr. BARRETT of Nebraska, Mr. COLEMAN, and Mr. PETERSON of Minnesota):

H.R. 2654. A bill to authorize the Administrator of the Environmental Protection Agency to exempt certain small landfills from the groundwater monitoring requirements contained in landfill regulations promulgated by the Agency; to the Committee on Energy and Commerce.

By Ms. SHEPHERD (for herself, Mrs. SCHROEDER, Ms. FURSE, Mr. MILLER of California, Mr. VENTO, Mr. BEILENSON, Mr. HINCHEY, Mr. CONYERS, Mr. WAXMAN, and Mr. EDWARDS of California):

H.R. 2655. A bill to prohibit the Secretary of Defense from carrying out the launch of a missile as part of a test program in any case in which an unavoidable or anticipated result of the launch would be the release of debris in a land area of the United States outside a designated Department of Defense test range; to the Committee on Armed Services.

By Mr. SUNDQUIST:

H.R. 2656. A bill to encourage States to ensure the quality of private security services, and the competence of private security officer personnel, by authorizing funds for that purpose; jointly, to the Committees on the Judiciary and Education and Labor.

By Mr. TAUZIN:

H.R. 2657. A bill to direct the Coast Guard to establish the Gulf of Mexico Regional Fisheries Law Enforcement Training Center; to the Committee on Merchant Marine and Fisheries.

By Mr. TAUZIN (for himself and Mr. LANCASTER):

H.R. 2658. A bill to direct the Secretary of Transportation to establish a program to evaluate the technological feasibility and environmental benefits of having tank vessels carry oil spill prevention and response technology; to the Committee on Merchant Marine and Fisheries.

By Mr. WAXMAN (for himself, Mr. HALL of Texas, Mr. ROWLAND, Mr. TOWNS, Mr. UPTON, Mr. KLUG, and Mr. FRANKS of Connecticut):

H.R. 2659. A bill to amend the Public Health Service Act to revise and extend programs relating to the transplantation of organs and of bone marrow; to the Committee on Energy and Commerce.

By Mr. WYNN:

H.R. 2660. A bill to amend the act known as the "Miller Act" to raise the value of contracts for which performance bonds and payment bonds are required under that act; to the Committee on the Judiciary.

By Mr. GRAMS (for himself, Mr. BEREUTER, Mr. LEACH, Mr. SMITH of Iowa, Mr. MCCOLLUM, Mr. NUSSLE, Mr. PETRI, Mr. GILCHREST, Mr. RAMSTAD, Mr. BARRETT of Nebraska, Mr. EMERSON, Mr. VOLKMER, Mr. LIGHTFOOT, Ms. DANNER, Mr. TALENT, and Mr. WHEAT):

H.R. 2661. A bill to enhance the availability of credit in disaster areas by reducing the regulatory burden imposed upon insured depository institutions to the extent such action is consistent with the safety and soundness of the institutions; to the Committee on Banking, Finance and Urban Affairs.

By Mr. RICHARDSON (for himself, Mr. MACHTLEY, Mr. MFUME, Ms. ROS-LEHTINEN, Mr. ORTIZ, Mr. TORRES, Mr. PASTOR, Mr. TOWNS, Mr. SERRANO, Mr. OBERSTAR, Mr. DE LUGO, Mr. HASTINGS, Mr. PETERSON of Minnesota, Mr. LEWIS of California, Mr. BILBRAY, and Mr. MATSUI):

H.R. 2662. A bill to amend the Small Business Act to modify the small business and capital ownership development program, and for other purposes; to the Committee on Small Business.

By Mr. SANGMEISTER (for himself, Mr. LIPINSKI, Mr. COSTELLO, Mr. HOCHBRUECKNER, Mr. TRAFICANT, Mr. PETERSON of Minnesota, and Mr. HASTINGS):

H.R. 2663. A bill to amend title 5, United States Code, to improve the ability of the United States to attract and retain qualified air traffic controllers by offering controllers premium pay for Saturday work, and by raising the controller differential from 5 to 15 percent; to the Committee on Post Office and Civil Service.

By Mr. VOLKMER (for himself and Mr. GUNDERSON):

H.R. 2664. A bill to achieve needed savings in net Federal expenditures under the milk price support program through establishment of a milk producer self-help program to dispose of surplus dairy products, expand exports, and stabilize the market for milk and dairy products, and for other purposes; to the Committee on Agriculture.

By Ms. MALONEY (for herself, Mr. BILIRAKIS, Mr. FRANK of Massachusetts, Mr. MEEHAN, Mr. MANTON, Mr. GILMAN, Ms. LOWEY, Mr. RAVENEL, Ms. SNOWE, Mr. HUGHES, Mr. BATEMAN, Mr. FAZIO, Mr. SHAYS, Mr. MCNULTY, Mr. STUDDS, and Mr. DELLUMS):

H. Con. Res. 122. Concurrent resolution concerning the Former Yugoslav Republic of Macedonia; to the Committee on Foreign Affairs.

By Mr. NEAL of Massachusetts:

H. Con. Res. 123. Concurrent resolution encouraging United States businesses to adopt a voluntary code for applying internationally recognized human rights principles when engaging in commerce in the People's Republic of China; to the Committee on Foreign Affairs.

By Mr. COBLE:

H.J. Res. 231. Joint resolution to designate the week of November 6, 1994, as "National Elevator and Escalator Safety Awareness Week"; to the Committee on Post Office and Civil Service.

By Mr. DELLUMS:

H.J. Res. 232. Joint resolution to designate the 10-year period beginning January 1, 1994, as the National Decade of Historic Preservation; to the Committee on Post Office and Civil Service.

By Mr. KLEIN:

H.J. Res. 233. Joint resolution designating the oak as the national arboreal emblem of the United States; to the Committee on Post Office and Civil Service.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

224. By the SPEAKER: Memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to saving the rain forests; to the Committee on Foreign Affairs.

225. Also, memorial of the Senate of the State of Washington, relative to the spotted owl; jointly, to the Committees on Agriculture and Merchant Marine and Fisheries.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. EDWARDS of Texas introduced a bill (H.R. 2665) to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade and fisheries for the vessel *Compass Rose*; which was referred to the Committee on Merchant Marine and Fisheries.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 133: Mr. MEEHAN.

H.R. 299: Mr. WYDEN and Mr. RICHARDSON.

H.R. 417: Mr. GUTIERREZ, Mr. CRANE, and Mr. QUILLEN.

H.R. 466: Mr. KENNEDY and Ms. FURSE.

H.R. 509: Mr. CALVERT.

H.R. 544: Mr. ANDREWS of New Jersey.

H.R. 642: Mr. BAKER of California.

H.R. 688: Mrs. VUCANOVICH, Mrs. LLOYD, and Mr. TUCKER.

H.R. 702: Mr. BARRETT of Nebraska, Mrs. MORELLA, Mr. GREENWOOD, Mr. POMBO, Mr. WASHINGTON, Mr. MILLER of Florida, and Mr. ORTON.

H.R. 749: Mr. SERRANO.

H.R. 769: Ms. DELAURO.

H.R. 794: Mr. SKEEN and Mrs. MEEK.

H.R. 814: Mr. MEEHAN.

H.R. 830: Mr. BLUTE and Mr. GOODLATTE.

H.R. 833: Ms. SNOWE and Mr. MACHTLEY.

H.R. 883: Mr. PORTMAN, Mr. RAVENEL, Mr. SHAYS, and Mr. KIM.

H.R. 886: Mr. GILLMOR, Mr. BONILLA, Mr. ORTON, Mr. KOLBE, and Mr. THOMAS of California.

H.R. 911: Mr. NEAL of North Carolina and Mr. FRANK of Massachusetts.

H.R. 915: Mr. WYNN, Mr. FOGLIETTA, Ms. NORTON, and Ms. MCKINNEY.

H.R. 963: Mr. STUPAK.

H.R. 1006: Mr. THOMAS of California.

H.R. 1095: Mr. TORKILDSEN.

H.R. 1141: Mr. INSLEE, Mr. BARCIA of Michigan, Mr. WALSH, Mr. TANNER, Ms. SHEPHERD, Mr. MCCLOSKEY, Mr. PETE GEREN of Texas, Mrs. BENTLEY, Mr. VALENTINE, and Mr. BAKER of Louisiana.

H.R. 1149: Mr. KREIDLER.

H.R. 1151: Mr. SANDERS, Mr. STUPAK, Mr. ANDREWS of Maine, and Ms. NORTON.

H.R. 1195: Mr. PETRI.

H.R. 1200: Mr. FORD of Tennessee.

H.R. 1237: Mr. WYNN, Ms. ROYBAL-ALLARD, Mr. NADLER, Mr. EVANS, and Ms. MCKINNEY.

H.R. 1245: Mr. BERMAN and Mr. DELLUMS.

H.R. 1312: Mr. ENGLISH of Oklahoma and Mr. SMITH of Oregon.

H.R. 1403: Mr. TORRES, Mr. TOWNS, Mr. DE LA GARZA, Mr. DEUTSCH, and Mr. SERRANO.

H.R. 1434: Ms. BYRNE.

H.R. 1475: Mrs. MEYERS of Kansas and Mr. INHOFE.

H.R. 1480: Mr. BARCA of Wisconsin, Mr. SMITH of New Jersey, and Mr. EMERSON.

H.R. 1505: Mr. DOOLITTLE and Mr. ROYCE.

H.R. 1521: Ms. VELAZQUEZ and Mr. DELLUMS.

H.R. 1551: Mr. ORTON, Mr. CRAMER, Mr. BROWDER, Mr. LANCASTER, Mr. BARTLETT of Maryland, Mr. INSLEE, Mr. LEWIS of Florida, Mr. STUMP, and Mr. PRICE of North Carolina.

H.R. 1604: Mr. QUINN, Mr. BARRETT of Wisconsin, Mr. SHAYS, and Mrs. ROUKEMA.

H.R. 1605: Mr. KING.

H.R. 1608: Mr. DELLUMS, Mr. INHOFE, Mr. MARKEY, Mr. DEFAZIO, Mr. FAZIO, Mr. GEJDENSON, and Mr. HEFLEY.

H.R. 1707: Mr. HASTINGS.

H.R. 1821: Mr. GILMAN.

H.R. 1887: Mr. FIELDS of Texas, Mrs. MEYERS of Kansas, and Mr. WYNN.

H.R. 1921: Mr. BACHUS of Alabama and Mr. WYNN.

H.R. 1980: Mr. RICHARDSON.

H.R. 1981: Mr. QUINN, Mr. MARKEY, Mr. KYL, Mr. DUNCAN, Mr. MCCLOSKEY, Mr. OLVER, Mr. BAESLER, Mr. GEKAS, Mr. BALLENGER, Mr. PRICE of North Carolina, Mr. HOBSON, and Mr. VALENTINE.

H.R. 2094: Mr. FRANK of Massachusetts.

H.R. 2121: Mr. PRICE of North Carolina, Mr. PAXON, Mr. GOODLATTE, Ms. PRYCE of Ohio, Mr. RICHARDSON, Mr. WILLIAMS, Mr. MCHUGH, Ms. FURSE, Mr. KREIDLER, Mr. GALLO, Mr. PORTMAN, Mr. BARCA of Wisconsin, Mr. SARPALIUS, Mr. BOEHLERT, Mr. PAYNE of New Jersey, Mr. TAYLOR of Mississippi, Mr. STUMP, Mr. PETERSON of Florida, Mr. HORN, and Mr. SENSENBRENNER.

H.R. 2292: Mr. GONZALEZ and Mr. GINGRICH.

H.R. 2305: Mr. ANDREWS of Texas, Mr. BONILLA, Mr. BROOKS, Mr. BRYANT, Mr. DE LA GARZA, Mr. DURBIN, Mr. EDWARDS of Texas, Mr. FIELDS of Texas, Mr. FILNER, Mr. PETE GEREN of Texas, Mr. HALL of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LAUGHLIN, Mr. ORTIZ, Mr. PASTOR, Mr. RICHARDSON, Mr. SARPALIUS, Ms. SCHENK, Mr. SCHIFF, Mr. SERRANO, Mr. SKEEN, Mr. SMITH of Texas, Mr. STENHOLM, Mr. TEJEDA, Mr. TORRES, Mr. WASHINGTON, and Mr. WILSON.

H.R. 2310: Mr. TOWNS.

H.R. 2346: Mr. LEHMAN and Mr. PETRI.

H.R. 2365: Mr. FRANKS of Connecticut, Mr. HINCHEY, and Ms. SLAUGHTER.

H.R. 2370: Mr. FROST, Mr. JEFFERSON, and Mr. APPLEGATE.

H.R. 2488: Mr. CONYERS and Mr. DIXON.

H.R. 2572: Mr. JEFFERSON.

H.R. 2607: Mr. ABERCROMBIE and Mr. MCDERMOTT.

H.R. 2626: Mr. BROWN of Ohio, Mr. GORDON, and Ms. MALONEY.

H.J. Res. 103: Mr. DEFAZIO and Mr. PORTMAN.

H.J. Res. 106: Mr. ANDREWS of New Jersey, Mr. BAESLER, Mr. BARCIA of Michigan, Mr. HEFNER, Mr. KINGSTON, Mr. KLECZKA, Mr. MURPHY, Mr. UNDERWOOD, and Mr. WOLF.

H.J. Res. 118: Mr. CARR and Mr. YOUNG of Florida.

H.J. Res. 119: Mr. BARCA of Wisconsin, Mr. BARLOW, Mr. CARDIN, Mr. YOUNG of Florida, and Mr. YOUNG of Alaska.

H.J. Res. 131: Mr. TANNER, Mr. SCOTT, Mr. PETERSON of Florida, Mr. GUTIERREZ, Mr. PETE GEREN of Texas, Mr. JOHNSTON of Florida, Mr. EMERSON, Mrs. CLAYTON, and Mr. PASTOR.

H.J. Res. 165: Mr. SAXTON, Mr. UNDERWOOD, Mr. POSHARD, Mr. DARDEN, Mr. PAYNE of New Jersey, and Mr. RANGEL.

H.J. Res. 198: Mr. EMERSON, Mr. FIELDS of Texas, Mr. TANNER, Mr. HASTERT, and Mr. BILBRAY.

H.J. Res. 202: Mr. RANGEL, Mr. MCDERMOTT, and Mr. OWENS.

H.J. Res. 204: Mr. SPRATT, Mr. MCNULTY, Mr. TRAFICANT, Mr. HANSEN, Mr. MAZZOLI, Mr. GREENWOOD, Mr. SAWYER, Mr. JACOBS, Mr. SABO, and Mr. SMITH of New Jersey.

H.J. Res. 205: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. GINGRICH, Mr. SARPALIUS, Mr. MCDERMOTT, Mr. KASICH, Mr. RAVENEL, Mr. GORDON, Mr. GEKAS, Mr. PETERSON of Florida, Mr. QUILLEN, Mr. SUNDQUIST, Mr. BARCIA of Michigan, Mr. GRANDY, Mr. STARK, Mr. CALLAHAN, Mr. LANCASTER, Mr. QUINN, Mr. HINCHEY, Mr. HILLIARD, Mr. HYDE, Mr. ROBERTS, Mr. WALSH, Mr. DURBIN, Mr. RANGEL, Mr. FROST, Mr. FISH, Mr. SLATTERY, Mr. SKEEN, Mr. TANNER, Mr. HASTERT, Mr. HASTINGS, Mr. MAZZOLI, Mr. MCHUGH, Mr. CRAMER, Mr. LEWIS of Florida, Mr. HOBSON, Mrs. MEYERS of Kansas, Mrs. MEEK, Mrs. MORELLA, Mr. DIAZ-BALART, Mr. HAYES, Mr. SHAW, Mr. COSTELLO, Mr. CLEMENT, Mr. JOHNSON of South Dakota, Mr. COX, Mr. EWING, Mr. FAWELL, and Mr. BILIRAKIS.

H. Con. Res. 6: Mr. HUTTO.

H. Con. Res. 46: Mr. WASHINGTON.

H. Con. Res. 59: Mrs. MORELLA.

H. Con. Res. 84: Mrs. MINK.

H. Con. Res. 107: Mr. KLINK, Mr. ANDREWS of New Jersey, and Mr. BONIOR.

H. Con. Res. 110: Mrs. VUCANOVICH.

H. Con. Res. 120: Mr. MCCOLLUM, Mr. DOOLITTLE, and Mr. SOLOMON.

H. Res. 175: Mr. BACCHUS of Florida.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2010

By Mrs. COLLINS of Illinois:

Page 265, line 2, strike the close quotation marks and the semicolon.

Page 265, after line 2, insert the following:

"(18) Programs that provide health, education, and welfare services that augment the activities of State and local agencies, to be carried out in a fiscal year for which the aggregate amount of funds available to such agencies is not less than the annual average aggregate amount of funds available to such agencies for the period of 3 fiscal years preceding such fiscal year;".

By Mr. HALL of Ohio:

Page 18, line 20, strike "(14)" and insert in lieu thereof the following:

"(14) A program that seeks to eliminate hunger in communities and rural areas through service in projects—

"(A) involving food banks, food pantries, and nonprofit organizations that provide food during emergencies;

"(B) involving the gleaning of prepared and unprepared food that would otherwise be discharged as unusable so that the usable portion of such food may be donated to food banks, food pantries, and other nonprofit organizations;

"(C) seeking to address the long-term causes of hunger through education and the delivery of appropriate services; or

"(D) providing training in basic health, nutrition, and life skills necessary to alleviate hunger in communities and rural areas.

"(15)"

By Mr. SOLOMON:

Page 247, after line 3, strike the close quotation marks and the final period.

Page 247, after line 3, insert the following new subsection:

"(d) SPECIFICATION OF BUDGET FUNCTION.—The authorizations of appropriations contained in this section shall be considered to be a component of budget function 500 as used by the Office of Management and Budget to cover education, training, employment, and social services, and, as such, shall be considered as related to the programs of the Departments of Labor, Health and Human Services, and Education for budgetary purposes.".

Page 284, after line 4, insert the following new paragraph:

"(5) SPECIFICATION OF BUDGET FUNCTION.—The authorizations of appropriations contained in this subsection shall be considered to be a component of budget function 500 as used by the Office of Management and Budget to cover education, training, employment and social services, and, as such, shall be considered as related to the programs of the Departments of Labor, Health and Human Services, and Education for budgetary purposes.".

By Mr. STUMP:

Page 79, strike line 18 through 23 and insert the following:

"(a) AMOUNTS GENERALLY.—Except as provided in subsection (b), an individual described in section 146(a) who successfully completes a required term of services in an approved national service position shall receive a national service educational award having a value, for each of not more than 2 of such terms of service, equal to—

"(1) 12 times the monthly rate used for the calculation of basic educational assistance allowances under section 3015(a)(1) of title 38, United States Code, as in effect on the date of the completion of such term of service; multiplied by

"(2) 80 percent."

EXTENSIONS OF REMARKS

ADDITIONAL INFORMATION ON THE WORLD BANK

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 15, 1993

Mr. BEREUTER. Mr. Speaker, based on additional information provided through the World Bank and House staff resources, this Member would like to further extend my remarks of June 17, 1993, during the debate on continued funding for the IBRD window of the World Bank. In particular, these remarks may be of interest to Members who voted against the amendment of the distinguished gentleman from Ohio [Mr. KASICH] during the consideration of H.R. 2295 making fiscal year 1994 appropriations for foreign operations.

This statement provides some additional facts about issues raised in the debate on the amendment offered by the distinguished gentleman from Ohio.

GOLF COURSE

The World Bank does not own a golf course in Potomac, MD. The IMF, another international organization with a diverse international staff, owns a golf course in Germantown, MD, which was established in the 1960s when similar facilities in the Washington area were not open to non-whites, such as Indian and African staff members of the IMF, because of racial discrimination. Staff of the World Bank, and staff of other international organizations in the area, are eligible to join the Bretton Woods Country Club by paying a sizable initiation fee and annual dues. Only a small fraction of the World Bank staff are members, and their memberships are in no way subsidized by the World Bank.

WORLD CLASS CHEFS

The head cooks who oversee operations at the cafeterias and dining rooms of the World Bank are local Americans employed by Marriott Corporation and Gardner-Merchant (a U.K. firm), the current food service contractors. The food service contract is awarded in a competitive bidding process. Food service is not subsidized by the World Bank.

$250 MILLION FOR A NEW HEADQUARTERS BUILDING

The new construction at the World Bank headquarters replaces several old buildings, one of which was occupied by the State Department after World War I. According to the World Bank, the buildings had serious health (asbestos) and safety problems, were no longer cost-effective to heat and operate, and could not accommodate increasing needs for upgraded computers and other office equipment. The new building will use space more efficiently, reducing the long-term need for leased space and saving on rental bills. Projected construction costs for the building are modest—$112 per gross square foot—compared to current GSA estimates for construction costs of a new building in downtown Washington of about $155 per gross square foot. Very careful attention was paid by World Bank President Barber Conable (the former Ranking Member of the House Ways and Means Committee) and his Counselor, Bill Stanton (the former Ranking Member of the House Banking Committee), to cost-effective construction and long-term operating costs in planning the renovation. The Architect of the Capitol was one of the advisors to the project. In this respect, the World Bank's operation has been 180 degrees different from the EBRD "marble" situation, and it is misleading to imply otherwise. (This Member immediately called for the resignation of EBRD President Attali and a cessation of U.S. funding of the EBRD, pending his registration, when his inexcusable behavior on the marble and the use of private planes came to light. Attali has since offered his resignation.)

UNCONTROLLED, UNAUDITED OPERATIONS

The World Bank has a number of external and internal audit and control mechanisms. Externally, the World Bank's books are audited annually by Price Waterhouse, and the audit findings are reported in the World Bank "Annual Report". The Bank has a full-time resident Board of Directors representing the 176 countries who are the owners of the Bank. Each of these Executive Directors votes the shares of the country or group of countries he represents. The U.S. has its own Executive Director because it has the largest single block of shares in the organization (18% of IBRD). The Board sets overall policies, approves the administrative budget, approves all loans, reviews country strategies, and monitors the implementation of all projects. Internally, the Internal Auditing Department reviews and evaluates Bank operations and activities with a focus on procurement procedures, consultant activities, and procedures to ensure the accountability of borrowers. The Operations Evaluations Department does independent, internal reviews of Bank operations and reports directly to the Bank's Board of Directors. It audits all adjustment loans and forty percent of project loans with a focus on assessing efficient use of funds, adherence to established policies and procedures, and lessons learned that can help improve future projects. The President of the Bank has recently proposed the creation of an independent Inspection Panel to investigate and report on the Bank's adherence to its own operational rules and procedures in the design, appraisal, and implementation of Bank-financed projects in response to questions from the Board and from affected parties. This newest proposal for an independent review mechanism has been strongly urged by witnesses before the Banking Committee this year and will be a central item in Members' consideration of the replenishment request for the International Development Association (IDA) lending arm of the World Bank that is currently before the Banking Committee.

FIRST CLASS TRAVEL

Business or economy class travel is the norm for World Bank travel to or within Zone A (destinations requiring continuous flight segments of less than 12 hours duration). For travel longer than 12 hours continuous flight duration (Zone B) without an overnight stopover, first class is optional. For travel within Zone B, first class is optional if business class is not available. Since January 1993, when the latest modifications in travel policy were adopted, 63 percent of all Bank travel has been business or economy class. The savings that could be achieved from a switch to an all-business-class policy are approximately $11 million per year according to the World Bank.

$123,000 AVERAGE EMPLOYEE SALARY

The World Bank tells me that the average salary for all World Bank staff is about $66,000 (net). The Bank has only 35% support staff, while most institutions have 50 to 80% support staff. The relatively high average age (44) and experience of World Bank staff also affect the average salary level.

UNTAXED SALARIES

U.S. citizens working at the World Bank pay both Federal and state income taxes on their salaries. Foreign nationals who are international organization employees are exempt from host country (U.S.) income taxes by a treaty signed by the U.S. Government when the Bank headquarters was established in Washington, D.C. in 1945. This is the same principle under which diplomats worldwide are exempt from host country taxation. Such foreign national employees of the World Bank pay taxes to their own governments, if required to do so. Most governments choose not to tax the salaries of their nationals working for international organizations; the U.S. is one of the very few exceptions. The World Bank, in order to preserve parity among employees of different nationalities at the same pay grade who are subject to different tax treatment by their governments, quotes all its salaries on a "net" (of tax) basis. In the case of employees whose incomes are taxed, the Bank compensates the employee for the income tax attributable to the Bank salary in order to preserve equivalent "net" salaries among employees at the same pay grade. The U.S. Treasury is by far the largest beneficiary of this policy; a sizeable chunk of the salary costs in the administrative budget of the Bank (none of which comes from the U.S. taxpayer) is the tax compensation payments for U.S.-national employees. U.S. local governments, particularly in the Washington, D.C. area, also benefit from local property, sales, and other tax payments by all World Bank staff. Foreign nationals are not exempt from these types of non-income taxes.

LOAN FAILURES

As noted, a 1991 audit by the Operations Evaluations Department found that 63 percent of the projects it reviewed were "satisfactory"; conversely, 37 percent were unsatisfactory. One of the key criteria that the World Bank expects from a project for a "satisfactory" rating is a real rate of return over 10 percent per annum. (The average *real* economic rate of return found on all Bank projects for which it can be measured is a healthy 16 percent.) Though some 37% of projects would be failures in any sense of the word, it is a matter of interpretation whether a project with a rate of return somewhat under 10 percent, which has achieved its major development objectives, is appropriately characterized as a "failure". Some

outcomes of the "unsatisfactory" projects are also attributable to the inherent risks of long-term investments in the face of rapidly changing world economic conditions over which the Bank and its borrowers have little control. This Member applauds the very serious attention that the current World Bank President, Lewis Preston, a former commercial bank CEO, is giving to improving project quality and the quality of the loan portfolio. An action plan for quality control, focused on more supervision, closer collaboration with borrowers and beneficiaries, and reforms in internal World Bank operations, has been adopted by the Bank in response to recommendations from the Task Force on Portfolio Management which Mr. Preston organized. The Banking Committee will be closely monitoring the implementation and results of the action program.

NO NEED FOR FUNDS

Failing to appropriate the last installment of the capital contribution would not hurt the World Bank, but would damage the U.S. national interest. The money being appropriated in FY94 is the final year (not including outstanding arrears) of a six-year funding commitment to purchase the U.S. equity shares in the General Capital Increase of the IBRD agreed to by the Reagan Administration in 1988. It is not a question of whether the World Bank "needs" the money; the question is whether the U.S. wants to honor its commitments which have been duly authorized by Congress in 1988 and to protect its ownership share and its leadership role in the Board of the largest lending institution in the world. Not subscribing to the final 20 percent of the U.S. share of the General Capital Increase would also bring us perilously close to losing the U.S. veto over changes in the charter of the Bank and perhaps decrease the World Bank's ability to tap private capital markets at favorable rates. The good news is that, assuming that this capital increase is indeed fully funded by the U.S. and other member governments, there is indeed not likely to be any need for another capital increase for the IBRD in the foreseeable future. The calculations of the lending margins in the statement of the gentleman from Ohio are based on the assumption that all of the assigned shares of this most recent General Capital Increase are fully funded. If fully funded, the sustainable lending level of the IBRD will be approximately $25 billion per year, enough to accommodate even additional major responsibility for assisting economic reform in the former Soviet Union without the necessity for another general capital increase. Furthermore, the incentives for the World Bank to improve loan quality will get even stronger over time since reflows from loan repayments will come to constitute the major source of financing for all new lending. If there is not another capital increase, the U.S. will also retain its role as the largest shareholder for the indefinite future.

There are a number of recent policy reforms in the World Bank that have been brought about through bipartisan pressure from Congress and the Treasury Department with regard to the environment, nutrition, public health, poverty reduction, private sector development, public consultation and access to information, improving governmental transparency, accountability, and the rule of law, among other topics. Frankly, this Member is pleased with what congressional pressure has achieved through active U.S. policy advocacy and review of each proposed loan, backed by only 18 percent of the power of the board. In addition, the United States has been the most diligent and cost-conscious watchdog on the Bank's administrative spending, all of which is financed out of earnings, principally derived from interest and fees paid by developing countries on loans they receive from the Bank.

It is this Member's hope that this additional information on the World Bank is of use to Members.

IN HONOR OF JOHN AND JOAN HUGHES, COORDINATORS OF PROJECT CHILDREN 1993

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 15, 1993

Mr. MENENDEZ. Mr. Speaker, I rise today to recognize the work of John and Joan Hughes, coordinators of Project Children 1993. This wonderful program pairs children from troubled Northern Ireland with American families who host them for the summer, so that they can escape the violence which rocks their land. Mr. and Mrs. Hughes have given generously of their time in working with 27 American families and 28 Irish children who are participating in this year's program.

With each passing year, the occupation of Northern Ireland claims new casualties. The violence there has made it unsafe for the children to remain in their homeland. It is bitterly ironic that each year the children must leave Northern Ireland, but the occupying soldiers remain.

This year, the families from my home State of New Jersey which are sharing their homes with these children, owe a great debt of gratitude to John and Joan Hughes. Their work has made it possible for the children to find safe haven for the summer, when the violence in their homeland is at its worst. These lucky few are able to spend a few months enjoying the simple pleasures of childhood thanks to the generosity of caring American volunteers, and the dedication of people like John and Joan Hughes.

I know that my colleagues will join me today in honoring Mr. and Mrs. Hughes for their devotion to the children. We all pray that next year, these children will enjoy the summer breezes in a free Northern Ireland.

A MODERN-DAY GANDHI SPEAKS FOR MILLIONS OF EXPLOITED CHILD WORKERS IN INDIA

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 15, 1993

Mr. BROWN of California. Mr. Speaker, I have been fortunate in the past year to get to know an exceptional young man, Kailash Satyarthi, as I have sought to support his efforts to combat the worst forms of child labor in India. While trained as an engineer, Kailash has declined a more comfortable life to organize and speak out in defense of millions of very young children who are consigned to virtual slavery in the workplace without every having seen the inside of a classroom.

I urge my colleagues to read the following article from the July 8, 1993 issue of the Far Eastern Economic Review about Kailash and the unique and often dangerous work of the South Asian Coalition on Child Servitude and the Bonded Liberation Front.

Sadly, many people and the media in the United States and other developed nations tacitly condone child labor in the production of exports from impoverished developing countries. They do so because they uncritically assume that the only choice for children in these countries is between working 20 hours per day under horrid conditions for little or no pay or living in the streets begging for food and a place to stay.

Kailash Satyarthi and other Third World leaders know better. They correctly point out there are many unemployed adults who would be glad for many of these jobs, provided they paid a livable wage. In fact, if adults were hired at a decent wage to replace the children begin rescued from bondage, then more adult workers in India would be able to support their families and their children could attend school. Therein, lies a real key to breaking the seemingly endless cycle of poverty that traps so many people in so many developing nations.

[From the Far Eastern Economic Review, July 8, 1993]

INDIAN CRUSADER SEEKS TO HALT CHILD SLAVERY

(By Timothy Ryan)

The children sit hunched in long rows over looms, knotting the intricate carpet patterns by hand. They range in age from six to 14, and are often compelled to work up to 16 hours a day. Frequently beaten, tortured and malnourished, locked in the factory at night, they miss the love of their families, and ache for the chance to go to school. Deprived of an education, sunshine, their freedom, they are condemned to work off debts that may have been incurred by their helpless families before they were even born.

Suddenly the doors to the dimly lit, decrepit factory are thrown open, and light floods the cramped space where the children sit huddled. Kailash Satyarthi has appeared on the scene to rescue them from their nightmare, and reunite them with their families. Unique among those in India who decry the child labour problem, Satyarthi and his organization of activists are determined to do something tangible about this exploitation of children.

Satyarthi and those who work with him in the Bonded Liberation Front, and its umbrella group, the South Asian Coalition on Child Servitude (Saccs), have repeated this scene hundreds of times over the past 13 years, freeing over 24,000 children from servitude, and more than 20,000 additional men and women from the modern form of slavery that is bonded labour.

Estimates put the number of child labourers in India as high as 55 million, with over 300,000 in the carpet industry alone. Although Satyarthi wants to raise society's awareness of this problem, he cannot be content with that. So he and Saccs target carpet factories and raid them, physically freeing children from their slavery.

Satyarthi is a lone figure on an Indian political landscape dominated by the politics of opportunism and riven by communalism and

caste warfare. A Brahmin by birth and an engineer by training, Satyarthi gave up his social status and opportunities for wealth and advancement to lead the fight against the exploitation of child and bonded labour. In a new India in which 100 million people now live in the middle class and hundreds of millions more aspire to climb the ladder of economic success, Satyarthi is saying that these new riches and success cannot be built on the backs of the poorest of the poor, the most defenceless people in society—destitute children.

"We are approached by parents of bonded children to do something," Satyarthi says in his gentle voice. He is a very tall and handsome man in his late thirties, with a rich, dark beard, and intelligent, soft eyes masking a hard core of determination within. "We went to the authorities and gave details and put in the proper reports and paperwork urging them to rescue these children. But I found this extremely difficult. Because often the information was leaked by the authorities to the exploiters. Often children were beaten and tortured as a result."

"When we started raiding places where children are kept in bondage, it created a tremendous awareness," he says. "This was the first intervention of its kind. Nobody dared to come to help or rescue these children before." After the children are liberated, Satyarthi and Saccs get them social support, return them to their families, and pressure the local government to respect India's constitutional commitment to free, compulsory primary education.

Saccs, founded by Satyarthi four years ago, comprises some 50 non-governmental organizations from countries all over South Asia. It cuts across all boundaries of caste, religion, gender and national boundaries.

A practical man as well as a visionary, Satyarthi is also working with carpet manufacturers, government officials, human-rights groups and consumer groups in the countries that import carpets (principally Germany, Britain and the US). Satyarthi has no patience with those who argue that they hire children because they cannot afford adults. "These businesses, they are getting work, that's why they need other people to do the work," said Satyarthi. "In 1947, India had 10 million children in servitude, and 10 million unemployed. Today there are 55 million child labourers, and about 55 million unemployed adults. If he did not hire children, the carpet maker would still have work that needed to get done, and he could hire adults from the same families of the children he released."

By devising a system of certification that can ensure carpet makers do not use children, but can still export their products, Satyarthi hopes to eliminate child labour, increase adult employment and preserve the export industry, which earns badly needed foreign exchange for India. He already has consumer groups in Germany on his side, has conducted workshops for carpet manufacturers to change their way of doing business, and has convened a working group of activists, government officials and manufacturers to put the certification plan into action. Satyarthi also recently returned from the US, where he met with trade-union and human-rights activists, US government officials as well as legislators and congressional staffers.

By combining the direct action tradition of Gandhi and the coalition-building spirit of the American civil-rights movement, Satyarthi is appealing to governments and businessmen throughout South Asia to cease the exploitation of children.

LUMBERTON, NC—DAYLILY CAPITAL OF THE UNITED STATES

HON. CHARLIE ROSE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 15, 1993

Mr. ROSE. Mr. Speaker, I rise today in support of designating the city of Lumberton, NC, as the daylily capital of the United States. The 1993 American Hemerocallis Society [AHS] national convention meets today in Pittsburgh, PA. One of the items to be discussed on the agenda is the selection of a site for a national festival to honor the daylily. These vibrantly colored hemerocallis decorate our gardens, homes, and roadsides. Ancient Greeks might have known the delicate buds as Hemerocallis or beautiful for a day, but my fellow North Carolinians in Lumberton, NC, would like to see them beautiful for a lifetime.

Their overwhelming beauty as a garden perennial with ancient herbal healing powers has inspired the city of Lumberton to seek the title of Daylily Capital of the United States. While the Genus Hemerocallis has been around for centuries, no home has been designated for this flora. I fully support the actions taken by the Lumberton city council and their plan to bring this issue before the AHS board of directors.

"But why Lumberton, NC?" you may ask. I would respond that the people in this growing community have the desire and drive to succeed with their proposed initiative. They seek to achieve a more prominent status for the daylily among its fellow flowers like the well-known roses and carnations.

I believe that Lumberton, NC, would be the perfect location for the daylily capital and national festival. Southeastern North Carolina has the ideal climate to maximize blossom time. In the South, the flower thrives and easily grows from seed to bloom in 1 year. Northern varieties take up to 3 years to blossom. Lumberton is situated along Interstate 95 which runs from Miami to New York City. Every day thousands of people drive past this community which has also been named as an All-American City.

Do not let its ascetic appearance fool you into thinking that this is just another flower your grandmother planted in her garden when you were little. The Chinese have long believed in the healing powers of the daylily's medical value as a diuretic or a treatment for jaundice and breast tumors.

For the vegetarian, the daylily is an exotic gourmet treat. The stamens can be used as sprouts and the blossoms, when dried, can be dipped in batter and fried like a fritter. According to many connoisseurs, the bud with its slightly musky flavor provides a palatable addition to soups, salads, and garnishes.

Mr. Speaker, I urge the AHS board of directors to accept the proposal by the city of Lumberton to be named the daylily capital of the United States. As we all know, "Nothing could be finer than to be in Carolina in the morning!"

TRIBUTE TO LOUISE McNEILL PEASE

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 15, 1993

Mr. RAHALL. Mr. Speaker, I would like to share the following poem by former West Virginia poet laureate, Louise McNeill Pease. The elegance of her words mirrors the beauty of nature which she describes:

GARDEN MOMENT

Forty years I lived,
Never saw before
What I saw this morning,
And if forty more—
Though I watch forever,
Straining patient eyes—
Shall I see such other
Miracle arise:
See the brown earth cracking—
Rupture of the night—
And the seed, the flower,
Rising to the light.

(Reprinted from *Paradox Hill From Appalachia to Lunar Shore* by Louise McNeill copyright © 1972 West Virginia University Foundation.)

This poem is just one of many that Louise McNeill Pease wrote in her poetry-filled life. As we know, she recently passed away at the age of 82. Ms. Pease, a native of Pocahontas County, WV, was 16 when she first started writing poetry and dedicated most of her writing to the coal miners and the people of Appalachia. Her talent and her commitment to West Virginia State issues led then-Governor Jay Rockefeller, in 1971, to declare Ms. Pease West Virginia poet laureate, a title she kept until her death.

Early in her career, she sold her poems to the Saturday Evening Post for $5 a line. In 1931, she published her first collection of poems, "Mountain White." Since then, she has published six other books. Her last book, "Hill Daughter: New and Selected Poems," was published in 1991.

Ms. Pease graduated from Concord College in Athens, WV, and afterward, taught history and English. She received a master's degree from Miami University in Ohio and earned a doctorate from West Virginia University in Morgantown. She started teaching in a 1-room schoolhouse and later became a professor at Potomac State College and Fairmont State College, before ending her 30-year career in teaching. While she was teaching, Ms. Pease also concentrated on writing fiction and poems for magazines.

Ms. Pease has been called a true daughter of the Mountain State. Her poems about coal miners are regarded by many as a way to study and learn about West Virginia history. Ms. Pease's intellect and spiritual beliefs also can be detected through her words. In 1991, she stated, "I suppose all my books are touched by the earth, the feeling that I'm going to be bound to the earth. I may go on a long journey, but I will be back to the earth."

Mr. Speaker, West Virginia has lost a truly admirable and talented woman who articulated the joys and challenges of Appalachia with such emotion that anyone who reads her poems will experience the passions of Appalachia's people. Louise McNeill Pease will be greatly missed.

IN HONOR OF MIGUEL PEREZ, ON THE SECOND ANNIVERSARY OF "SIN CENSURA"

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 15, 1993

Mr. MENENDEZ. Mr. Speaker, I rise today to pay tribute to the accomplishments of one of the country's foremost Hispanic journalists, Mr. Miguel Perez. Mr. Perez is the host of the award-winning program "Sin Censura," or "Uncensored," on WSKQ radio. "Sin Censura" celebrates its second anniversary on July 18, 1993. It is one of the area's most popular and controversial Spanish-language radio shows, and so it is with great personal pleasure that I extend my congratulations to Miguel for achieving WSKQ's highest ratings.

Miguel's record of service to the Spanish-speaking community is outstanding. He came to this country in 1962 as a refugee from his native Cuba at the age of 11, without speaking a word of English. But through his hard work and an avid interest in journalism, he became a writer for his high school newspaper, the editor of two college newspapers, and in 1978 earned his master's degree from the Columbia University School of Journalism.

Miguel's career in journalism has brought him success and accolades in television, radio, and print, both in English- and Spanish-language media. His first job out of Columbia was with the New York Daily News, where in 1982 he won the Mike Berger Award, considered the top print-journalism prize in New York. For his four-part series on "Sweatshops: The New Slavery," he was awarded the Public Service Award of the Public Relations Society of America, New York Chapter, in 1980. On television, Miguel has hosted both "Primera Plana," or "Front Page," a Spanish-language political debate show on WNJU–TV, and "Tiempo," an English-language Hispanic public affairs show on WABC–TV.

I know that my colleagues join me in recognizing the work of Miguel Perez and his service to the Hispanic community, and in saluting his remarkable record of achievement and success in both the English- and Spanish-language media. We hope that all aspiring young journalists will learn from his example.

OUR NEW SUFFOLK POST OFFICE RETURNS

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 15, 1993

Mr. HOCHBRUECKNER. Mr. Speaker, I rise to announce the return of the post office at New Suffolk, NY. My constituents from that community are delighted to have their local postal services restored after several months without a local mail facility.

The community of New Suffolk, located in the township of Southold on eastern Long Island, suffered a tremendous loss when its post office burned down on March 18, 1993. Immediately thereafter, I was contacted by Ms. Joan Robbins, president of the New Suffolk Civic Association, and Southold Township Supervisor Scott Harris, to encourage the U.S. Postal Service to retain New Suffolk's postal identity and mailing address. My constituents feared that the temporary measure of having New Suffolk's mail delivered to the Cutchogue Post Office might become permanent.

I wrote to the Long Island Regional Manager of the Postal Service, Mr. Edward Gamache, asking that New Suffolk retain its own post office and mailing address. In addition, I requested that the 263 antique mailboxes that were salvaged from the fire be preserved for their historical value and, if possible, used in the new New Suffolk Post Office. I informed Mr. Gamache that these items were of significant concern to the residents of New Suffolk as they evoke strong feelings of community identity and pride.

Mr. Gamache assured me that the Postal Service would work with the community to select a new site for the post office that would preserve the identity of the New Suffolk community and meet the needs of the Postal Service. The site they chose at the corner of First and Jackson Streets is near the site of the original post office and is more than twice its size. The Postal Service also assured me that it would try to restore and refurbish the antique mailboxes to meet the community's wishes to preserve the history of New Suffolk. The Postal Service confirmed that the antique mailboxes were installed in the new facility.

For several months, the residents of New Suffolk had to travel to Cutchogue Post Office to pick up their mail, which was a hardship, especially for the elderly. Moreover, during the summer months when the population of New Suffolk triples and there is much more traffic, it is even more difficult.

I again contacted the Postal Service to find out if there was any way to get the facility opened sooner. Fortunately, it was just a matter of getting the cement walks installed and the parking lot paved.

The grand opening ceremony for the new New Suffolk Post Office was held on July 12. I was delighted to participate in this ceremony.

A focal point for the grand opening was the reading of an original poem composed for the occasion by Ms. Susan Dingle. Mr. Speaker, I am delighted to represent such a proud community.

The poem follows:

THE SONG OF THE NEW NEW SUFFOLK P.O.

You've heard of zip codes
that serve the famous & the rich,
but here's a switch: the saga of 11956,
New Suffolk, to those in the know!

To the Builders of this Post Office, Bravo!
We celebrate the portal
of this brand new P.O., now immortal,
the new New Suffolk postmark place;

Where Letters pass through caring hands
and each morning finds a friendly face,
and anyone can buy a stamp
(this brand new P.O. has a ramp!);

May our new New Suffolk P.O. always be
the place for "hello" and "how's it going,"
whether we walk or ride or arrive by dory,
the happy home of 11956 and its new old glory.

(Written June 1993 by Susan Dingle in commemoration of the New Suffolk P.O.)

A SALUTE TO VETERANS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 15, 1993

Mr. CRANE. Mr. Speaker, it is important for us to remember the sacrifices our men and women in the military make. Indeed, their sacrifices must not be taken for granted.

Not too long ago, our Armed Forces took part in a decisive war. We were grateful for the outcome, yet we must remember it was not as easy as television portrayed it. Therefore, today Mr. Speaker, I offer a piece of poetry written by F3c. Rodney Shields, who is a veteran of the Persian Gulf war. This poem reflects the horrors of all wars, and reminds us that the Persian Gulf war was not an easy war for those who had to fight in it. Mr. Speaker, this poem is a salute to all veterans and the pains they have overcome in service to their country.

SATAN'S BAY

(By F3c. Rodney Shields)

We stood before the straits to hell,
And we knew what we must do,
We'd come half-way around the world,
We had to go on through;

Satan came to collect us all,
It was his happy deed,
But with Young, Callaghan and Ingersoll,
Three others, they were freed;

They'll hurry home to lives they've missed,
And have fun along the way,
While Satan entertains us here,
Day after grueling day;

Some of us, look to the past,
Our memories are a whirl,
But all of us dream ahead,
To the day we're back in Pearl;

So when spring starts to leave the land,
And April turns to May,
Think of me, and shed a tear,
Cause I'm still in Satan's Bay;

Where the days are hotter than the sun,
And the nights are deathly cold,
And all of us here are alone,
With no one to hug or hold;

Where demons in their steel planes,
Come forth with evil might,
But wheel away to play their games,
No sleep for us tonight;

Satan laughs and enjoys the show,
His evil seems to thrive,
And we hope with all our hearts,
To make it home alive;

Strange lands we're sent to protect,
We don't even know their names,
And if ole Satan has his way,
Our lives will end in flames;

But this hell is not eternal,
Regardless what's believed,
Because after we've served our time,
Our ship will be relieved;

Then, we'll hurry home to lives we've missed,
And have fun along the way,
But none of us can forget,
Our time in Satan's Bay.

TRIBUTE TO STIM SUZUKI

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 15, 1993

Mr. MATSUI. Mr. Speaker, I rise today to pay tribute to Stim Suzuki, who is retiring after 34 years of successful public service to the State of California. On July 7, 1993, many of Mr. Suzuki's associates, friends, and family will gather at a retirement luncheon to honor him and recognize the many outstanding contributions he has made to his community.

Mr. Suzuki's career with the State of California began in 1959. In the years that followed, Mr. Suzuki held technical and administrative positions primarily in the business and contracting fields.

Mr. Suzuki played a key management role in the development and implementation of the Statewide Logistics and Materials Management System. This was one of the first computer-based management information systems of its kind in the United States.

In 1981, Mr. Suzuki was appointed to administer the State's small business, minority- and women-owned business programs and served continuously until July 1990, when he was appointed chief of the office of support services, Department of General Services. In addition to the responsibility of making these programs work for their respective business communities throughout California, he was responsible for launching the California State Contracts Register, the only State publication to inform the business community of contracting opportunities with the State of California.

An active member of his community, Mr. Suzuki's civic involvement has included years of service to the Japanese-Americans Citizens League, the KCRA Community Advisory Board, my own Military Academy Selection Board, the Boy Scouts of America, the Asian-Pacific State Employees Association, and perhaps his favorite, the Sacramento Metro Golf Club.

Mr. Speaker, it is with great pleasure that I rise to recognize Stim Suzuki for his commitment to the State of California. He is an example that all civil servants would do well to emulate. I ask my colleagues to join me in congratulating Mr. Suzuki on the occasion of his retirement and wishing him continued success in all of his future endeavors.

TRIBUTE TO THEODORE ROOSEVELT BATTLE GROUP

HON. NORMAN SISISKY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 15, 1993

Mr. SISISKY. Mr. Speaker, my fellow colleagues—I rise today to honor and pay tribute to the men and women who currently are sacrificing so much for our country while serving aboard the ships of the Theodore Roosevelt Battle Group.

These fine sailors, numbering over 10,000, serving aboard 11 ships at sea, have been away from their spouses, children, friends, and loved ones for over 125 days to ensure that our country's interests are being protected "* * * from the sea."

Mr. Speaker, since their departure for a 6-month cruise on March 11, and their farewell visit by President Clinton the following day, the Theodore Roosevelt Battle Group has been engaged in an intensive operating schedule. After transiting the Atlantic into the Mediterranean and then the Adriatic, the Theodore Roosevelt Battle Group quickly assumed duty as the chief enforcer of the multi-national operation "deny flight" off the coast of Yugoslavia. The group was then ordered into the Red Sea on June 29 to provide uninterrupted operational support for both the Mediterranean Sea and the Persian Gulf/Indian Ocean operating area—a feat that has not been tasked to a single battle group since before Operation Desert Storm.

As I speak, this aircraft carrier battle group is now participating in Operation Southern Watch—an operation which ensures Saddam continues to comply with United Nations directives following Desert Storm. Over 5,800 aircraft sorties have been flown from the deck of the "TR", countless numbers of real world taskings have been accomplished, as well as an intensive array of multi-national and joint training exercises throughout this period.

Through this all, the men and women of the Theodore Roosevelt Battle Group have had precious little rest—having only 5 days in port since they departed the United States over 125 days ago.

As you can see Mr. Speaker, the "Teddy Roosevelt" and its accompanying battle group are continuing to do what we have come to depend upon our Naval forces to do best—that is to provide a continuous forward presence in order to ensure American interests abroad are being protected. Drawing down below 12 carrier battle groups will make it increasingly more difficult for the Navy to maintain this type of flexible forward presence in the future.

Mr. Speaker, I ask my colleagues to join me in saluting the thousands of sailors of the Theodore Roosevelt Battle Group for the sacrifices they have made to make this world a safer and more peaceful place for us to live over the past 4 months.

TRIBUTE TO BRUCE J. ZOLDAN

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 15, 1993

Mr. TRAFICANT. Mr. Speaker, I rise in honor of Bruce J. Zoldan, an individual whose generous donations of money and time have enhanced the lives of the citizens of my 17th Congressional District in Ohio.

Mr. Speaker, Mr. Zoldan will receive the City of Hope's most prestigious honor, "The Spirit of Life" award, on August 5, 1993. The City of Hope is a research institute in Ohio dedicated to saving lives. It sponsors more than 300 programs aimed at fighting our most feared diseases, including AIDS, cancer, leukemia, Alzheimer's, and diabetes.

Mr. Zoldan's story could not have been better written by Horatio Algier. He began his highly successful career by selling fireworks from the trunk of his car while attending Youngstown State University. After years of aggressively marketing his unique products, Mr. Zoldan's operation, B.J. Alan Co., Inc., is now a multimillion-dollar fireworks retail outlet chain employing over 400 people in my community. His recent acquisition of a local candy company will generate an additional 75 jobs.

But, Mr. Speaker, as Mr. Zoldan dedicated his time and effort into strengthening and expanding his business, he tirelessly worked to give back to the community in which he thrived. In 1983, a Youngstown resolution honored and commemorated his many outstanding contributions to the Mahoning Valley, including the organizations of humanitarian efforts such as the Youngstown POW/MIA, the Mahoning County emergency committee to save babies from Vietnam and flood disaster relief sending food, cleaning supplies, and clothing, for Man, WV and Johnstown, PA. Today the Zoldan and B.J. Alan Co. names are listed as supporters of many community causes.

Mr. Speaker, I join the citizens of my community in honoring Mr. Zoldan for his generous efforts, and in honoring his wife, Rori, and two sons, Alexander and Ron, for their strong support. I am fortunate to have such a family in my district.

INSTRUCT THE HOUSE CONFEREES ON THE 1993 BUDGET RECONCILIATION ACT

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 15, 1993

Mr. DEUTSCH. Mr. Speaker, today I rise to instruct the House conferees who hold the important responsibility of negotiating the differences between the House and Senate versions of the 1993 reconciliation bill. Tomorrow, House-Senate conference committee will hold its first meeting, and I would like to say to the conferees: Don't balance the budget on the backs of America's senior citizens.

Mr. Speaker, the economic plan that this reconciliation bill sets forth is based on fairness, and as such I urge the conferees to support the House action on Medicare and the Senate action on Social Security because, taken together, they represent the fairest policy for America's middle-income senior citizens.

On Social Security, the House action unfairly burdens middle-income seniors with a higher average tax than the Senate position. By subjecting 85 percent of Social Security benefits to taxation for those individuals with incomes above $25,000 or couples with incomes above $32,000, the House adds taxes to more seniors than the Senate plan. Indeed, the only persons in the lowest tax bracket whose income taxes will increase are seniors. Many of these senior citizens, who have already been experiencing falling incomes due to declining interest rates, will also be hit by the other taxes that the House and Senate bills create.

The Senate version of the Social Security tax addresses the deficit problem by applying

the new tax only to those individuals making $32,000 and couples making $40,000. By instituting these new tax thresholds, the Senate provides some relief to middle-income seniors and furthers President Clinton's goal of restoring progressivity to our tax system.

Turning now to Medicare, the House bill provides for $48 billion in cuts to Medicare, while the Senate version provides for $58 billion in cuts. The additional $10 billion in cuts proposed by the Senate will severely hurt the Medicare system by decreasing the access to health care that our senior citizens so dearly need. By further reducing the payments to doctors and hospitals, the Senate plan may result in more providers turning away Medicare patients. As a result, our Nation's seniors may not be able to obtain the health care they need and deserve. Many doctors and hospitals no longer accept senior citizens as patients since the Government does not reimburse them adequately; specifically, increased taxes on home health care have been shown to limit access in that vital area. Health care access is a serious problem in States with large senior populations such as Florida, Arizona, New York, and California. This trend cannot be allowed to continue. I urge you to support the House version of the budget bill that relates to Medicare.

Mr. Speaker, middle-income seniors didn't create our national deficit. We shouldn't attempt to balance the deficit on the backs of our senior citizens. I hope that the House conferees will support the Senate Social Security tax and the House Medicare cuts—our Nation's seniors are counting on them.

TRIBUTE TO JOAN FREEDHEIM KRAUS COLLINS

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 15, 1993

Ms. PELOSI. Mr. Speaker, on July 1, the world lost an inspiring humanitarian, San Francisco resident Joan Freedheim Kraus Collins. My sympathy goes to her family and friends who will miss her deeply.

During her long association with both the Population Institute and Planned Parenthood, Mrs. Collins was a dedicated and tireless advocate of universal accessibility to modern, effective and safe family planning. She travelled to many parts of the world to observe and evaluate efforts by developing countries to extend this basic human right to the poorest women in the world.

Joan Collins understood that when couples are unable to determine the number and spacing of their children, the results range from an exacerbation of poverty, misery and child and maternal morbidity and mortality to urban deterioration and environmental degradation. She dedicated much of her time, her efforts, and her energy to doing whatever she could to avoid these unacceptable consequences.

Two blocks east of this U.S. Capitol building, the Joan F. Kraus Collins World Population Center, the headquarters of the Population Institute, stands as a most appropriate monument to her meaningful life and distinguished career. Her deepest commitment was toward making a real difference in a world where complacency too often seems the norm. Mrs. Collin's obituary from the San Francisco Chronicle of July 2 follows:

JOAN COLLINS

Joan Freedheim Kraus Collins, a national leader in family planning, died yesterday of cancer at her home in North Beach. She was 64.

Mrs. Collins, vice chairwoman and a longtime board member of the Population Institute, was honored by the organization three months ago when it named its new headquarters building in Washington, D.C., in her honor. Representative Nancy Pelosi, D-San Francisco, was among the public figures who paid tribute to her at that time.

Mrs. Collins served Planned Parenthood for many years, first as president of the Marin chapter in the early 1960s, when the activities were expanded after the introduction of the birth control pill. She later became a member of Planned Parenthood's national board and executive committee.

In 1990, she received the Marin Planned Parenthood's Margaret Sanger Award, named in honor of the pioneer birth-control advocate.

More recently, Mrs. Collins was on the board of the International Services Assistance Fund, which produced the powerful pro-choice film, "Whose Choice?" broadcast in September on cable television.

A native of Shaker Heights, Ohio, she attended Smith College and Case Western Reserve University, where she received a bachelor's degree.

She is survived by her husband, Donald A. Collins; three children from a previous marriage, Paul Kraus of Tiburon, John Kraus of Santa Cruz, and Theodore Kraus of San Francisco; three stepchildren, Donald Collins Jr. of Atlanta, Lawrence Collins of San Francisco, and Elsbeth Collins of Los Angeles; two brothers, David Freedheim of San Ramon and Dr. Donald Freedheim of Cleveland; and four grandchildren.

Private burial will be in Mount Tamalpais Cemetery, Mill Valley, with a memorial service to be held at a later date. Contributions in Mrs. Collins memory may be sent to the Population Institute, 107 Second Street, N.E., Washington, D.C. 20002, or to Planned Parenthood.

CELEBRATE THE FAMILY DAY

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 15, 1993

Mr. SMITH of Michigan. Mr. Speaker, the Christian Family Center of Adrian, MI, is to be recognized for initiating the first Celebrate the Family Day in 1988. Michigan's tradition for honoring the family through an all-day festival called Family Celebration Day is a ceremony worthy of national implementation.

America's greatest strength has always been its strong family units. Just as American society is more than the sum of its parts, families are more than just collections of individuals. It is within the family that we first learn who we are; that we learn to give and receive love; that we learn to respect ourselves and others.

Dedicated parents sustain families and the Nation as a whole. As models and guides for their children, they help solve our educational problems, our crime problems, and, by teaching respect and hard work, provide the key to a strong economic future. They nurture the strong, healthy adults we need in the larger families of community, country, and the world.

Celebrate the Family Day gives us a chance to honor all families. It is important that we dedicate ourselves to the promotion of strong families, for with their strength, commitment, and loyalty, they form the health and the heart of our national life.

It is hereby commended that communities throughout the United States set aside the first Saturday of August as Celebrate the Family Day.

IN HONOR OF THE VOLUNTEERS AND PARTICIPANTS OF PROJECT CHILDREN 1993

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 15, 1993

Mr. MENENDEZ. Mr. Speaker, I would like to take this opportunity to recognize the work of some very special volunteers, who are giving generously of their time and opening their homes to some very special children. These are children whose homeland is occupied by foreign soldiers, and where the everyday violence threatens their young lives. These are the children of Northern Ireland.

Twenty-seven families from my home State of New Jersey are sharing their homes with 28 Irish children, offering them safe haven for the summer, when the violence in their homeland is at its worst. These lucky few are able to spend a few months enjoying the simple pleasures of childhood thanks to the generosity of caring American volunteers.

This year, we welcome Kathleen McGrellis, James Cooper, Ashling Brennan, Geraldine Shiels, Arlene Gallagher, Clare McLaughlin, Clare Robinson, Andrew Quinn, Lesleyanne McNerlin, Conagh Mulhearn, Ryan Smyth, Barry Wilson, Thomas Tracey, Michelle Prenter, Seadhna Billings, Colin Markey, Amanda Donnelly, Oliver Quinn, Bernice Quinn, Laura Holmes, James McQuillan, Colin McCormack, Alison Hartley, Anne Marie White, Elaine Peters, Margaret Mary White, Kyra McBride, and Claire Fullerton to our country.

I know that my colleagues will join me in extending our best wishes to our young visitors, and in commending the generosity and warmth displayed by their American hosts. Further, we pray that next year, these children will enjoy the summer breezes in a free Northern Ireland.

INTRODUCTION OF GREAT LAKES SEDIMENT MANAGEMENT AND REDUCTION ACT

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 15, 1993

Mr. OBERSTAR. Mr. Speaker, today I join my colleagues from the Great Lakes in introducing legislation to protect and restore this great inland sea and the abundant wildlife and aquatic life that once thrived here, and is now under intense pressure from pollution.

Of all the toxic pollutant problems in the Great Lakes, contaminated sediment is one of the most pervasive, persistent, and most threatening to aquatic life. Contaminated sediments are listed by 38 of the International Joint Commission's 42 Areas of Concern, as a cause of water use impairment, or failure to achieve the objectives of the Great Lakes Water Quality Agreement. Sediments trap toxic pollutants, including organics and metals, and continually release them into the water column. This means that, no matter how much we tighten industry and municipal wastewater permits; no matter how stringent our NPS prevention measures; the Lakes will never be totally clean as long as this repository of poison lurks at their bottom.

Pollutants in the water column are taken up by plants, by microorganisms, and bioaccumulate up the food web until we see fish with tumors, birds with crossed bills, and children with problems caused by fish consumed by their mothers.

These contaminated sediments hold ominous implications for our future economy on the lakes. Interlake and international shipping, through the St. Lawrence Seaway, is a major sector of the lakes' economy. Harbors and channels must be periodically dredged, and at public cost. Contaminated sediment must now be disposed in confined dredge facilities [CDF's]. However, today's process for approving CDF's pits agency against agency, preventing cooperation and more environmentally sound disposal. Further, under the current system there is no way to assure that existing CDF's are not leaking now, or that they will not leak in the future, and release their poisons back into ground water and the lakes.

If we cannot dredge sediments, and dispose of contaminated sediments in an environmentally sound manner, navigation and harbor cleanup are jeopardized.

For environmental and economic reasons, we must have a more sound sediment management and prevention program.

Today I have introduced the Great Lakes Sediment Management and Reduction Act of 1993, companion to that introduced in the Senate, which would amend the Clean Water Act to create a more protective program for polluted sediments when they are dredged from harbors. Second, the bill will help reduce the deposition of sediments in the first place. If we can take preventive action, and keep sediment on the land, we will spare the American taxpayers the cost of dredging channels and harbors, and the costs of treating and disposing of contaminated spoils.

Section 2 of my bill would clarify and establish procedures for disposal of clean and contaminated spoils. The bill brings the corps and EPA together, along with the U.S. Fish and Wildlife Service, and where appropriate, State and local government. The bill provides for development of guidelines for open-lake disposal of clean spoils. It would also develop procedures for establishing new confined disposal facilities [CDF's] for contaminated spoils. The bill would set up a procedure for evaluating the existing and projected integrity of CDF's, for managing such CDF's, creating remediation plans where necessary, and establishes a permit program for CDF's.

Section 3 of the bill is the logical precursor to section 2: creating a sediment reduction program to prevent sediment from reaching our harbors and channels in the first place. The provision authorizes the corps to develop sediment transport models for major tributaries. These models would help determine how to reduce sediment loading. The bill would then provide grants to States for State-run projects to reduce erosion that contributes to the sedimentation of harbors, channels, and areas of concern. This program, to be conducted in conformance with the Clean Water Act's nonpoint source section 319 programs, the Coastal Zone Management Act and its 1990 nonpoint source amendments, and cleanup under Remedial Action Plans and the Great Lakes Water Quality Agreement, must hold promise of reducing dredging costs by keeping sediment on the land.

This bill will also complement the new Nonpoint Source Water Pollution Prevention Act which I introduced last week.

Mr. Speaker, the current system of disposal in CDF's is unmanageable, and will, I fear, lead to gridlock on facilities that are needed to clean up our waters and keep our channels and harbors open to navigation. This bill, by establishing a clear chain of command and cooperative procedures, will make the CDF process more efficient, while assuring that a major threat to Great Lakes water quality, to aquatic and wildlife, can be permanently removed from the lakes.

I hope the bill can be incorporated in the Clean Water Act, and ultimately become law.

TRIBUTE TO THE CENTURY COUNCIL

HON. JAMES H. BILBRAY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 15, 1993

Mr. BILBRAY. Mr. Speaker, I rise today to commend the Century Council on its second anniversary. The Century Council is a nonprofit organization dedicated to reducing alcohol abuse across the United States. The council focuses primarily on drunken driving and underage drinking problems. The organization is funded by about 500 concerned brewers, vintners, distillers, and licensed beverage wholesalers, whose efforts through the council show that some in that industry are serious about the role they play in deterring abuse.

The council's Century Cities Program consists of community-based grassroots coalitions that design, locate, and implement a variety of model programs, which are then evaluated to determine their effectiveness. These coalitions have adopted "Think—Don't Drink" high school graduation programs, and retailer seminars on detecting false ID's.

The Century Council has also worked in coalition with highway safety groups, insurers, and others in several States to pass tough, effective, drunk driving legislation known as administrative license revocation [ALR]. In 1992, the efforts of these coalitions helped to pass ALR laws in three more States, and this year, in Texas.

I salute the Century Council and the commitment of its founders and recognize that they have come a long way since their inception. I wish them great success in the years ahead.

HONORING DR. GEORGE HILLMAN

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 15, 1993

Mr. HOCHBRUECKNER. Mr. Speaker, I rise today to pay tribute to an outstanding individual and close friend of mine, Dr. George Hillman, who has been an active and valuable participant in the Long Island public school system for 36 years, and who is officially retiring on Tuesday, July 20.

Dr. Hillman's service to our schools began in 1957, when he was first elected to the Middle Country Central School District Board of Education, holding the positions of president and vice president of the board during his 18-year tenure there. Shortly after his election to the school board, Dr. Hillman took the initiative as one of the founding members of the Nassau-Suffolk School Boards Association, an organization that now represents 126 school districts. He has served on the executive board of that organization since its inception in 1959.

In 1967, Dr. Hillman began his involvement with the New York State School Boards Association. He was a member of that organization's board of directors for nearly 10 years, and in 1974 held the position of president of the association. While active on the State level, he served on various committees, including the executive committee, the committee on operations policy, and the code of ethics committee.

As a founding member of the Brookhaven Town School Boards Association and of the Centereach Lions Club, as well as an active participant in the BOCES 2 program, and the Suffolk County Boy Scouts of America, I can think of no person more deserving of the Distinguished Service Awards that Dr. Hillman received in 1985 and 1990.

Aside from his active participation with the schools, Dr. Hillman also maintained a successful dental practice. He has two children and is also the proud grandfather of two.

Mr. Speaker, Dr. Hillman's dedication and commitment to the Long Island school system and to his community have indeed been outstanding. As George retires on Tuesday, I would like to take this opportunity to congratulate him on all of his personal and professional accomplishments and to wish him the best of luck in the future.

THE CHILD LABOR DETERRENCE ACT OF 1993 PROMPTING POSITIVE CHANGE

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 15, 1993

Mr. BROWN of California. Mr. Speaker, last March I was very pleased to introduce the Child Labor Deterrence Act, H.R. 1397, which prohibits the importing of products into the U.S. market which were made by children under the age of 15 who are employed in industry or mining. Senator TOM HARKIN is sponsoring the companion legislation in the U.S. Senate. The following article that appeared in the Washington Post on March 28, 1993 details why more and more American consumers are using their clout in the marketplace to build a better world.

Even the prospect of the enactment of this legislation is resulting in some positive steps being taken against the commercial exploitation of children in the workplace where change is most urgently needed. Just last week, The Journal of Commerce carried the following article on steps being taken against child labor by the Government of India, in part, in response to this legislation.

Clearly, these changes under consideration in law and in practice in India are movement in the right direction. They reflect growing recognition in trade policymaking circles and among consumers that trade is not an end in itself. We must concern ourselves also with the conditions under which exports are made and by whom.

HOW OUR GREED KEEPS KIDS TRAPPED IN FOREIGN SWEATSHOPS

(By Lyn Kamm)

Praiwan Krasang is 13, lives in Bangkok, hopes to become a scientist and likes to read science fiction in his spare time. But finding spare time is not easy. Praiwan lives and works in a factory.

For $24 a month, he makes leather handbags from 8 in the morning until 11 at night with an hour off for lunch and again for dinner. After work, Praiwan washes his clothes, waits in a long line for a shower and doesn't usually get to bed in his small, dirty room much before 1 a.m. On his days off—the second and fourth Sunday of every month—he heads for the Social Service Center in Bangkok. It's the only place where he can read and educate himself toward his goal of becoming a scientist, he told a reporter for the publication Child Workers in Asia.

The factory where Praiwan works produces 50,000 leather handbags a year, all for export. It has won the "Best Exporter Award" from the industry for four years running. It is a stunning example of the continuing Asian economic miracle. And among its employees are 200 other children like Praiwan.

With more and more of the world's children making consumer goods for export, some human rights advocates are asking Americans to shop with care—and a conscience. Darlene Adkins, coordinator for the Child Labor Coalition, a group of 34 nongovernment organizations, says consumers "need to be as concerned about the conditions under which the product is manufactured as the price of the product."

Yet few of us have any knowledge of those conditions. Even First Lady Hillary Rodham Clinton, an advocate for children's rights and the recent recipient of the Lewis Hine Award of the National Child Labor Committee, served for six years on the board of directors of Wal-Mart—the subject of a recent NBC exposé on its use of child workers in Bangladesh to manufacture clothing under the Wal-Mart label.

Sen. Tom Harkin (D-Iowa) and Rep. George E. Brown Jr. (D-Calif.) want to help Americans avoid goods made by foreign children. They recently re-introduced legislation to prohibit importation of products produced by children under 15 who are employed in either industry or mining. Violators would be liable for civil penalties up to $25,000 and criminal penalties that could include fines as large as $35,000 and imprisonment for one year.

Bill Goold, as aide to Brown and a recognized authority on child labor, observes, "There has never really been this sort of an effort to couple the problem with the means of enforcement." Referring to both the International Labor Organization (ILO) conventions dealing with child labor and the child labor laws of foreign nations, Goold states, "We don't lack laws. What we lack is a set of teeth and a credible deterrent . . . that will create incentives for national governments to enforce the laws that are already on the books."

Child labor comes in many forms. It ranges from the traditional (children working next to their families in fields and paddies) to the unfortunate (Praiwan and his fellow handbag makers) to the unspeakable (children sold into prostitution by their parents).

The ILO, an agency of the United Nations, estimates that child laborers number in the hundreds of millions. Moreover, the agency says, the trend is worsening because of a "global rural-to-urban migration" and a "breakdown of production into more decentralized units." These factors are sending children into the urban "informal sector" as street hawkers and workers in small, unregistered manufacturing plants.

Pharis Harvey, executive director of the nonprofit International Labor Rights Education and Research Fund, attributes the "growing epidemic of child labor" to a globalization of production. "With computerization," he explains, "you can produce fairly sophisticated goods, with the most labor intensive parts singled out and shipped out to be done wherever it's the cheapest." Developing nations typically lure multinational corporations by creating "export-processing zones" with tax incentives and abundant cheap labor. According to Goold, companies who manufacture there usually are exempted from many laws of the nation, and "the first thing they want is no labor laws and no environmental standards."

The most exploitable workers of all, of course, are children. Above all, "child labor is cheap labor," says the Child Labor Coalition's Adkins. There are other advantages: Child workers are easily intimidated, don't know their rights and have no inherent sense of danger in operating machinery.

Most often, children in developing nations work to support their families. According to Harvey, in a country like Indonesia where the minimum wage averages only 40 to 60 percent of the minimum necessary for a family to survive, parents are forced to send their children to work. Moreover, Adkins points out, with Indonesia's adult unemployment rate at 30 percent, the children's wages can be a family's only source of income.

Such reform advocates are under no illusions about how far they can go. Adkins emphasizes that her coalition's goal is not to get rid of youth employment but to make sure "it is not inappropriate and not excessive." According to Goold, the Harkin-Brown bill attempts to target only the commercial exploitation of children.

The toy and garment industries, says Goold, are most often linked to child labor violations. He recalls one personal experience. On a 1991 trip to China with the trade subcommittee of the House Ways and Means Committee, Goold who has two daughters, grimly watched young Chinese girls making a popular U.S. doll in a factory in an export-processing zone.

Another Chinese toy factory was described by staff writer Dinah Lee in a 1988 issue of Business Week. Headlined "Long, Hard Days, at Pennies an Hour," it told of conditions in a plant owned by Kader Enterprise Ltd., Hong Kong's largest toy maker, which had contracts with a number of large American toy corporations. Lee described girls as young as 12 typically working 14 hours a day, seven days a week, for $31 dollars a month plus 12 cents an hour in overtime. For certain seasonal rush orders, the girls were required to work one or two 24-hour shifts, with only two meal breaks, each month. A Kader executive is quoted as saying, "We can work these girls all day and all night, while in Hong Kong it would be impossible."

In an interview last November, David Miller, president of the Toy Manufacturers of America, a group of 235 U.S. toy importers and/or manufacturers, emphatically disputed Lee's article: "To the best of our knowledge, there is no child labor used in China. There is no prison labor used in China. And we are in a better position to know than most industries because safety is such an important part of making our products. We have inspectors in all the factories in mainland China every single day of the year."

Miller described Lee as a fair and competent reporter but maintained, "She was in only one toy factory. She was in other factories where child labor was being used. She didn't see the age cards of these people. She spoke Mandarin in a factory that spoke Cantonese."

Contacted recently, Lee said she does speak Mandarin but also has a working knowledge of Cantonese and was assisted with translation by a Kader employee. She acknowledged she did not check the age certificates; she said they are irrelevant and "can be easily bought." Regarding her description of the ages of the employees, Lee said she was in Asia for 20 years "and I'm pretty good at assessing girls."

Jeff Fiedler, secretary-treasurer of the AFL-CIO's Food and Allied Service Trades Department, specializes in tracking American consumer goods back to their origin. He says there is not much hard evidence that toys are being manufactured by Chinese children. But he notes that the Chinese government freely admits to having a child labor problem. In May 1991, the Beijing China Daily reported that the government, alarmed by the rise in child labor in China, had drafted a document banning the employment of children—a first in the history of the People's Republic.

When huge amounts of money are at stake, allegations of child labor abuses tend to be either vigorously contested, as the Toy Manufacturers of America has done, or ignored, as the Bush administration and the Mexican government have done. The 2,000-page North American Free Trade Agreement contains not a single reference to Mexican child laborers who, some estimate, number from 2 million to 10 million. The ILO reports that

up to 18 percent of Mexican children between the ages of 12 and 14 are working.

Statistics on the problem are hard to come by, according to Harvey. Few agencies in Mexico study the problem. Goold is not surprised: "They don't want to. They have very strong incentives not to." The American division of Defense for Children International, a group that promotes and advocates children's rights, is launching its own study of Mexican child labor, focusing on the extent of the problem in the export sector.

Goold believes that the worst forms of child labor ought to be addressed across national borders. Several human-rights organizations agree with him in principle—but not in form. Susan Gunn, a child labor expert with the ILO in Geneva, maintains that "you can't deal with child labor by just legislating it out of existence." She discourages boycotts of products because they can result in children being thrown out on the street to starve.

To prevent this, Jeffrey Newman, executive director of the National Child Labor Committee, calls for a more gradual reduction in the use of child labor by foreign industry than the Harkin-Brown legislation allows.

At a recent Capitol Hill briefing on child labor, however, an aide to Harkin pointed out that the legislation, first introduced last summer, has already had an impact. An association of rug manufacturers in India (an industry notorious for its use of child laborers as young as age 3), motivated by the Harkin-Brown bill, has started a program of labeling to insure consumers that child labor was not used in making their rugs.

Goold sees the problem as essentially "how do you get governments to stop using child labor?" He has found that "moral arguments work with moral people—and then you better have some economic incentives."

But investigations and negotiations, however successful in the reach of time, will do little to sweeten the childhoods and dreams of Praiwan Krasang and millions of other young laborers who help satisfy the world's craving for cheap consumer goods and high profit margins.

CODE OF CONDUCT FOR PEOPLE'S REPUBLIC OF CHINA

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 15, 1993

Mr. NEAL of Massachusetts. Mr. Speaker, I am introducing a resolution that expresses the sense of Congress that the President should direct the Secretary of Commerce to consult with American leaders having a significant trade with, or investments in, the People's Republic of China to encourage them to adopt a voluntary code of conduct.

The code of conduct would address human rights issues. More specifically, the code of conduct addresses five areas. These five areas are human rights, discrimination, prison labor, workers rights to organize, and political indoctrination. These five areas are important human rights issues. By following a code of conduct, United States businesses would help protect Chinese citizens from the abuses of their government. Also, American businesses would set an example for Chinese businesses to follow in the area of human rights.

On May 28, President Clinton announced his decision to waive for another 12 months the freedom of emigration requirements for China. Also, President Clinton issued an Executive order stating that China will be expected to meet seven conditions in order to receive MFN status beyond July 1994. I commend the President's decision on China and the renewal of MFN policy.

The conditions linked to the renewal of MFN are related to human rights. The voluntary code of conduct for American businesses is closely related to these seven conditions. American businesses engaging in commerce in the United States should be responsible for conducting themselves in at least the same manner as Chinese businesses.

During the expressions of beliefs at the Democracy Wall and Tiananmen Square, the students risked their lives to express their desire to live in a democracy. Some of these students were quoting Thomas Jefferson. These students looked to the United States as a successful democracy. They want to emulate us. I believe it is important that American businesses in China set the appropriate example. I urge you join me in sponsoring this resolution.

CONGRESSMAN KILDEE SALUTES DUANE O. JOHNSON

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 15, 1993

Mr. KILDEE. Mr. Speaker, I rise before you today to urge my colleagues in the House of Representatives to join me in recognizing the lifetime achievements of Mr. Duane O. Johnson, who will be honored at a ceremony in Waterford, MI, on Sunday, July 18.

For over 60 years, Mr. Johnson has been an active member of the Fraternal Order of Eagles. Under his outstanding leadership, Mr. Johnson has helped propel the Eagles into the successful organization they are today.

Joining Aerie No. 1230 in Pontiac, MI, in 1933, Mr. Johnson has held many offices including trustee, vice president, and president. Beyond his service to Aerie No. 1230, Mr. Johnson worked diligently within the Great Lakes region as both chairman, and eventually director. His contributions to the growth of the Eagles have been a vital lifeline for the Fraternal Order of Eagles. He took part in institutionalizing 59 Aeries. As if that were not enough, Mr. Johnson also organized four new Aeries.

Along with these outstanding accomplishments, Mr. Johnson also assisted at many other positions for the Eagles throughout the State of Michigan. He served as director of the Eagles Memorial Foundation, director of employees pension fund, and Great Lakes regional director. Appropriately, Mr. Johnson has been elected to the Michigan Eagles Hall of Fame and to the Grand Aerie Hall of Fame to commemorate his accomplishments.

Mr. Speaker, it is with great pride that I ask you and my fellow Members to join me in saluting Mr. Duane O. Johnson. Self-evident is the lifelong commitment to enhancing the dignity and spirit of all people. I ask the House of Representatives to join me in commending Mr. Duane O. Johnson for his hard work and dedication to our community.

TRIBUTE TO DAVEY ALLISON

HON. GLEN BROWDER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 15, 1993

Mr. BROWDER. Mr. Speaker, the auto racing community, the State of Alabama, and Davey Allison's many fans mourn the untimely death this week of that popular, young champion.

He died of injuries suffered Monday when his helicopter crashed at the Talladega Super-Speedway in my district, where he had gone on his day off to watch another Alabama driver take some practice turns. He was 32.

I got to know Davey a little more than a year ago when I had the privilege of serving as grand marshal of the Winston 500 at Talladega. He was one of the drivers I visited during a tour of the pit area and, later, I had the chance to stand with him and his lovely wife as he received the winner's trophy. He impressed me from the beginning as a warm, genuine human being.

He visited my office a few weeks ago and, again, I was impressed by how truly friendly he really was. His family has suffered a terrible loss and my family, my staff and I extend our condolences to them.

As an indication of the affection that Alabamians held for Davey Allison, I submit an editorial written by Ed Fowler, editor and general manager of the Daily Home in Talladega, and another written by Cody Hall and Kim Koster of the Anniston Star.

As the editorialists put it, we celebrate Davey Allison's life even as we mourn his death.

[Editorial from The Daily Home, Talladega, AL, July 15, 1993]

As we mourn the death of Davey Allison it is important to also celebrate his life.

This young man, only 32 but a confirmed superstar in racing circles, accomplished more than most on the tracks of NASCAR. The skill, the courage and the victories that came as a result should be remembered.

But what made Davey Allison so special, and the reason so many here in Talladega and the State are affected so deeply by his death, is the way he conducted himself off the track.

He was no egotistical superstar. He remained a down-to-earth human being who understood that life encompassed more than what happened on an enclosed asphalt oval. He took the time to respond to his fans, to help his friends, to promote his profession and to be a good father, son, and husband.

Those values come from a family that by all accounts is as close as a family can be. Race fans have watched this remarkable family when it was at the top of racing, and when it suffered awful tragedy.

Davey's death follows that of his brother Clifford last year, who died in a practice session at a Michigan track. It follows the career-ending accident that almost killed his father Bobby. And it follows a wreck that ended the career of his uncle Donnie.

The family has suffered great loss. To bury two sons within a year of each other brings unimaginable grief.

Through their grief and tears the Allisons have tried to remind us that Davey was more than a winner on the track. He was a winner in life as well.

Those who knew him well, speak of his warmth, his sense of humor, and his smile.

That smile is what we will remember. Whether he was celebrating one of his 19 Winston Cup victories or holding his children in his arms Davey Allison's smile lit up the world around him.

Now that he is gone the world will be a little darker. We send our condolences and our prayers to his family, his friends and his fans.

[Editorial from the Anniston Star, July 14, 1993]

That Davey Allison would be involved in a crash at the Talladega SuperSpeedway was hardly a surprise. But for it to be a helicopter that crashed instead of one of the powerful cars he loved to drive so much served to make the news of this young man's death seem almost unreal.

Late Monday afternoon the first telephone calls came—"Crash at Talladega"—then the fragmentary reports on the broadcast media—"Davey Allison * * * helicopter * * * to Birmingham * * * very critical condition."

Young Allison, only 32 but already a championship driver, was enjoying a rare day off Monday when he decided to fly his helicopter from his hometown, Hueytown, to the Talladega track to see a young member of another legendary Alabama racing family, David Bonnett, take some practice turns. Old racing legend and Allison team member Red Farmer, went along for the ride.

Exactly what happened hasn't been established. The helicopter crashed in the speedway infield leaving Allison unconscious with head injuries, Farmer with rib and collarbone fractures from which he is expected to recover.

And then Tuesday morning the sad news came. For the second time in less than a year, death had touched the Allison family. Davey had succumbed to his injuries. Only last August his brother Clifford, 26, was killed during a practice run at Michigan International Speedway.

The last few years have not been kind to the Allison family. In 1988 Bobby Allison, father of Davey and Clifford, was forced to retire after suffering head injuries in a crash. Their uncle, Donnie Allison, was retired in 1981 by head injuries after another crash. Davey had recovered from a concussion and other injuries suffered in a crash at Pocono, PA, just a month before Clifford's death.

Yet Davey never took himself too seriously. Just recently he told a friend that his trials were no different than the people underwater in Des Moines, Iowa, or anyone else who loses a brother. He and his family accepted their tragedies, and went on living.

Going on living. For an Alabama racing family, it may seem nearly impossible to face this latest loss. For Davey's young wife and two children, it will be difficult.

It is always a loss when tragedy strikes down a young star. It is especially poignant when that star is our own. As the state flag flies at half-mast today, we think of Davey Allison and his family, a champion and a family of champions, and we grieve over the loss.

TRIBUTE TO DR. RICHARD D. RUPPERT, RETIRING MCO PRESIDENT

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 15, 1993

Ms. KAPTUR. Mr. Speaker, rarely in life does one gain the opportunity to pay proper tribute to deserving citizens who build community through their outstanding achievements.

For 16 years, Dr. Richard Ruppert has been an example to Toledo, its citizens and leaders, of what can be accomplished with determination, vision, planning, and talent. With his retirement from the Medical College of Ohio presidency this year, Toledo, and indeed all of Ohio, will be gaining the talents and leadership that MCO has benefited from since the beginning of Dr. Ruppert's tenure.

When Dr. Ruppert assumed leadership of the Medical College of Ohio on Toledo's southside, only three buildings comprised the West Campus, and the college had graduated six medical classes. From his first meeting with the MCO Board of Trustees on September 26, 1977, until today, an amazing metamorphosis has occurred at MCO.

During the first year of Dr. Ruppert's tenure, planning began for a 25-bed child and adolescent psychiatric hospital. Six years later, the Lenore W. and Marvin S. Kobacker Center for Child and Adolescent Psychology was dedicated. Later the same year, affiliation agreements for the training of medical students and residents were finalized with Toledo, Mercy, and Flower hospitals and Toledo Mental Health Center. These agreements solidified the college's educational programs and began a relationship with the community's leading health care organizations that signifies the kind of collaboration that builds toward community involvement and improvement. As stated by Dr. Ruppert, "As you grow, you develop an identity even in the immediate surrounding communities. People begin to realize that the medical students and residents working in community hospitals are from MCO."

Despite the many challenges presented by a period of double-digit inflation and continuing State financial problems that necessitated the cutting of MCO's budget four times in 16 months, construction continued on the MCO campus through 1988. During this period of explosive growth, the Medical College Hospital, the Hospital Support Building, now known as Dowling Hall, the Dana Center, Coghlin Memorial Hospital, the Kobacker Center, the Facilities Support Building, the Health Center, the Henry L. Morse Physical Health Research Center, and the Toledo Hilton, were dedicated.

During Dr. Ruppert's tenure, academic development matched construction growth. Because of the dynamic growth of MCO's campus, the college attracted the attention and support of important benefactors. During this period, three chairs were established—the Helen and Harold McMaster chair in molecular biology, the Eleanor Coghlin chair in rehabilitation medicine, the Clair F. Martig chair in Alzheimer's disease research. All were established during Dr. Ruppert's tenure, as well as a major endowment for laser therapy and transplantation research from the Stranahan family.

In addition, the curriculum experienced tremendous growth under Dr. Ruppert's direction. In July 1980, MCO switched to a 4-year curriculum to provide students the necessary training in clinical areas. The school gained 4-year accreditation in 1981. Also in 1981, the college's doctoral-degree granting level was accredited for 5 years by the North Central Association of Colleges and Universities. In 1980, MCO sought approval for a master of science degree in nursing, a program Dr. Ruppert and suggested when he was a vice chancellor for health affairs. One year later the School of Allied Health accepted its first physical therapy students. Throughout the 1980's, new academic departments were created: radiation therapy, neurological surgery, neurology, rehabilitation medicine, orthopedic surgery, ophthalmology, otolaryngology, urology.

The final component in the Ruppert achievement formula must be termed civic involvement. Dr. Ruppert has been an enthusiastic and dedicated leader in Toledo's civic activities, most recently serving as chair of the United Way of Greater Toledo fund drive and chair of the board of the Toledo-Lucas County Port Authority, Northwest Ohio's lead economic development agency.

As Dr. Ruppert completes his tenure of service at MCO, his legacy is this: a 500-acre campus that is debt free with a balanced budget and reserve funding, an outstanding faculty, an outstanding image in the community, a commitment to community involvement, and a hospital that provides quality patient care. The condition and manner in which Dr. Ruppert passes the mantle of leadership is a lesson to us all and is best summed-up in Dr. Ruppert's own words:

> The key elements are in place for the next president and a talented and committed faculty to continue the institution's growth. The quality of students entering MC is excellent and there is an increasingly larger application pool. In short, we have come a long way during my last 16 years, and I think the future is extremely bright.

We should all hope and strive to leave a similar legacy when we end our tenures in whatever institution or station in life that we serve.

I know my colleagues in this distinguished body as well as all citizens in our community, join me in thanking and congratulating Dr. Richard D. Ruppert on his lifetime of service. Retirement is not a word in his vocabulary so let us wish him continued health, success, and happiness in all his future endeavors.

THE FRIENDSHIP FLIGHT OF THE "LITHUANICA III"

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 15, 1993

Mr. GILMAN. Mr. Speaker, I want to call to the attention of my colleagues a unique event in the history of the Lithuanian people and their relationship with the United States.

In July 1933, Steponas Darius and Stasys Girenas—at great personal cost and with the

help of many Lithuanians living in the United States—set out in a second-hand, single-engine airplane to fly nonstop from the United States to Lithuania. That dangerous feat, a flight of 7,186 kilometers, had never been accomplished before that time.

Their flight, intended to symbolically link our two countries and display their pride in Lithuania's new democracy, ended in disaster. Sadly, their plane crashed 640 kilometers short of its destination in what is now Poland. The two men, who had been born in Lithuania and had come to make their lives in America, were killed.

Sixty years to the day later, Edvinas Velonskis will repeat and complete that historic Darius-Girenas flight, departing from the Republic Airport in Farmingdale, NY, for Kaunus in the Gulfstream 4 aircraft, *Lituanica III*, on Friday, July 16.

Lithuania's Ambassador to the United Nations, Anicetas Simutis, consul general in New York, Linas Kucinskas, national president of the American-Lithuanian Community, Vytautus Maciunas, and hundreds of other Lithuanian-Americans will be on hand to see him off.

On Saturday, July 17, Lithuanian President Algirdas Brazauskas, the American Ambassador to Lithuania Darryl Johnson, and hundreds of other welcoming friends will be on hand at Aleksotas Airfield in Kaunus to greet the arriving flight. President Brazauskas will be presented with a "Friendship Gift," a replica of the Statue of Liberty, originally struck to commemorate the 100th anniversary of the statue.

Mr. Speaker, just as it has taken a long time for this symbolic trans-Atlantic flight to finally complete its journey, it has taken a long time for the people of Lithuania to regain their freedom, independence, and the right to democratic rule. I invite all of my colleagues to salute this historic accomplishment and pay tribute to Lithuania as an inspiration for freedom-loving people throughout the world.

IN HONOR OF DENNIS MULCAHY, FOUNDER OF PROJECT CHILDREN

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 15, 1993

Mr. MENENDEZ. Mr. Speaker, I rise today to pay tribute to Mr. Dennis Mulcahy, the founder of Project Children. Mr. Mulcahy's dedication to the children of Northern Ireland led him in 1975 to found the Project, in which American families open their homes for the summer to children whose lives are endangered by the violence in their homeland.

The struggle for freedom in Northern Ireland deprives the children of their lives as children. When the violence peaks each summer, the children must find safety elsewhere. And so, each year the occupation of Northern Ireland forces the children to flee, while the British soldiers remain.

This year, 27 families from my home State of New Jersey are sharing their homes with 28 Irish children, offering them safe haven for the summer. These children, lucky enough to escape the violence, are able to spend a few months of their childhood as children should, thanks to the generosity of caring American volunteers, and the dedication of people like Dennis Mulcahy.

I know that my colleagues will join me today in honoring Mr. Mulcahy for his devotion to the children. We all pray that next year, these children will enjoy the summer breezes in a free Northern Ireland.

INTRODUCTION OF MOST FAVORED NATION FOR ROMANIA

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 15, 1993

Mrs. KENNELLY. Mr. Speaker, I rise today in strong support for President Clinton's proposal to extend nondiscriminatory treatment to the products of Romania. The time for most favored nation has come. For years Congress granted extension to Romania under the Communist dictatorship of Nicolae Ceaucescu. I note the irony and the tragedy in this. As a nation, we granted Romania most favored nation to a country under the Communist rule of a brutal and heinous dictator. Many of us remember the devastation wreaked on Romania under Ceauscescu's domination—flagrant disregard for human rights, repression of ethnic minorities among them. And yet, Romania enjoyed nondiscriminatory treatment of goods for several years—only to be renounced in 1988 by Ceaucescu himself.

Since Ceauscescu's renunciation, Romania has existed without preferential trade treatment. Most favored nation is necessary to Romania's transition to a market economy. Currently, Romania is the only former Soviet bloc country to which most-favored-nation status has not been restored. Absence of most favored nation will only continue to make things more difficult for a country in need.

It has been a long road for Romania longer and more difficult a road to democracy and a free market than in the other Eastern European nations freed from the ties of communism. In 1989, we debated extending most favored nation to Czechoslovakia, Romania, and Bulgaria. Czechoslovakia received most favored nation quickly. It took longer for Bulgaria but Bulgaria now has it. Romania does not. Romania instead remains stigmatized as the only Eastern European nation without nondiscriminatory treatment of its products.

The United States has supported a program of assistance to this country since the revolution and a new trade agreement between the United States and Romania was signed on April 3, 1992. However, the 102d Congress defeated a bill last September which would have extended most favored nation to Romania. Congressional concerns regarding the Romanian election process, human rights conditions, freedom of the press, and establishment of an independent judicial system were raised and highlighted during debate of this issue. Rather than grant extension, this body insisted on more measurable progress. Mr. Speaker, I would like to point out that progress has been and continues to be made in Romania. In the past 10 months, we have witnessed internationally approved elections, advancement toward democracy and a market economy. A free and open press, and an independent judiciary each signal Romania's effort, interest, and commitment to a progressive and democratic government. Others still in this Congress expressed concern recently for the plight of the institutionalized and orphaned children of Romania. Several years ago, the world watched as a black market emerged in Romania unscrupulously taking children and demanding outrageous payment for them. Romania, with our encouraging, passed an adoption law that would eliminate such practices and such facilitators. This law complies with the Hague Convention. Recently media reports portrayed a hopeless picture of the children of Romania. My colleagues, we were all moved by those images. Who wouldn't be? Much confusion surrounded this issue. The work of intercountry adoption agencies faced serious challenges as a result. Those images did not clearly and accurately describe the plight of the Romanian children who were institutionalized or abandoned. Progress has indeed been made as a result of international children's organizations and international medical teams. These reports did not reflect that progress. Yet, concerns remained. And many of us expressed our concern that proper procedures and rights be accorded the children, the Romanian families, and potential adoptive families in this regard. The Romanian Government also understood these concerns for their own people. It is not our wish to whisk away children of an impoverished nation. Rather, it is up to us to help, as a world neighbor, to improve the lives of those children. Most favored nation will help the children of Romania—hundreds of thousands of children—by allowing their country to trade in goods they need to survive, to grow, to flourish. Without it, families will not be able to support themselves or to care for their children themselves.

Extension of most favored nation will help to sustain Romania's economic recovery, encourage developing markets, and in turn ease the country's poverty. Extension of most favored nation will improve standards of living and enhance the quality of life.

In addition, extension of most favored nation will improve our ability to export to Romania. Most favored nation, afterall, is not a one-way street. In fact, last year, the United States exported over $239 million worth of goods to the Romanian people. Leading exports to Romania and other Eastern European nations were vehicles, aircraft, transportation equipment and machinery, mechanical appliances and electrical equipment. The reduction and the removal of barriers and restrictions to U.S. goods and businesses will enhance our ability to trade with a technically developing nation. And in other terms, exports to Romania mean jobs to Americans.

Financial and technical assistance is flowing into Romania—easing Romania's integration into the world economy. Its integration and progress are deliberate but certainly not as fast as they or we would like. Let me mention that Romania's progress is impeded by lack of hard currency and its role to assure political stability in Eastern Europe. The former Yugoslavia, once its major trading power, is as we all know, currently embattled in its own ethnic and civil strife. In efforts to promote peace and

stability in the Balkans, Romania has accepted a role as a neighbor of diplomacy.

As Romania struggles to establish democracy, the people of Romania need our help. The extension of most favored nation signals economic promise. It will spur further economic development of the country's private economy. A flourishing free market can be a mighty force for political reform.

Mr. Speaker, I urge my colleagues to support the President's request for extension of most-favored-nation status to Romania. Such extension offers economic and political promise to a country in a troubled and volatile region of the world.

TRIBUTE TO THE APPLE BARN

HON. THOMAS W. EWING

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 15, 1993

Mr. EWING. Mr. Speaker, I would like to take the opportunity to recognize a business in my district which I feel is an outstanding example of a successful family-run enterprise. The Apple Barn, located in Bloomington, IL, has been run by the Birckelbaw family since 1918. It is McLean County's oldest and largest commercial orchard.

For 75 years, the Birckelbaw family has served central Illinois with fresh produce, apple cider, and baked goods. They also host an annual Fall Fest which is truly a family event, complete with hayrides and craft demonstrations.

This type of business is important not only because of the way in which it serves the community, but also because small businesses, like the Apple Barn form the backbone of our Nation's economy. Over 80 percent of all new jobs are created by small, independent businesses. Such establishments need to be encouraged to ensure economic growth.

I extend my congratulations to Bill and Betsy Jo Birckelbaw and the Birckelbaw family. May they continue their tradition of excellence.

NELSON MANDELA—A MAN OF UNCOMMON COURAGE MARKS HIS 75TH BIRTHDAY

HON. KWEISI MFUME

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 15, 1993

Mr. MFUME. Mr. Speaker, the international community waits expectantly for the moment in history where black South Africans will exercise their right to vote with the birth of real democracy in that country in April of this coming year. When the polls open, one man will walk to a ballot box in his township—embodying the very meaning of courage and the best that the human spirit can summon in the face of adversity. This man who has changed the course of history is Nelson Rolihlahla Mandela, president of the African National Congress.

While many have fought valiantly in the struggle for freedom and justice in South Africa, even giving their lives in this noble cause, Mr. Mandela has made a special mark in history. He has emerged from the atrocity of an indefensible imprisonment from 1961 to 1990, unbroken, and unrelenting in his commitment to establish the right to vote and self-determination for the majority black population of South Africa.

As he returns this week from his tour of America to raise the visibility of the continuing effort to advance the democratic electoral process in his native land, we have pledged our unconditional support to him and the work of the African National Congress.

Mr. Speaker, this extraordinary, elegant, gentle person will mark his 75th birthday on July 18. The members of the Congressional Black Caucus and freedom loving people around the world join in this tribute to his vision and uncommon courage.

INTRODUCTION OF THE NUTRITION AND HEALTH INFORMATION ACT

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 15, 1993

Mr. WYDEN. Mr. Speaker, I rise today to introduce legislation which will improve our understanding of the nutritional needs of all our citizens. With such information we may promote healthier nutrition, particularly for women, children, and older Americans. My bill, the Nutrition and Health Information Act of 1993, amends the Public Health Service Act to require the Surgeon General to prepare biennial reports on nutrition and health. Senator HARKIN will shortly introduce a companion bill in the Senate.

Mr. Speaker, if we are what we eat, fully one-fourth of our Nation's elderly are a walking bull's-eye for diseases that target the malnourished. Recently a national survey was undertaken to learn the views and advice of the Nation's health care professionals regarding nutrition in America's elderly population. Two critical issues emerged from the survey. First, one-in-four elderly people in the richest country in the world suffer clinically significant effects of malnutrition. Second, this report drives home the fact that Americans are also paying a very high price for malnutrition.

Many diseases are known to be caused or exacerbated by poor nutrition—such as diabetes, heart disease, and certain kinds of cancer. This national survey of health professionals strongly suggests that better nutrition will help constrain the enormous economic costs of poor health directly attributed to a poor diet.

Prevention of illness should be the first priority in a cost-effective health care system, and our Nation's health professionals clearly believe that good nutrition is a critical element of prevention. Currently, we are spending 14 percent of our GNP each year on health care, but less than one-tenth of 1 percent of that $900 billion goes to prevention. I believe the time may finally be ripe for progress on this longstanding item on the health reform agenda because the President and Mrs. Clinton have already committed themselves to a health reform package with an emphasis on prevention.

The value of good nutrition is not limited to preventing illness, however. According to these health care professionals, proper nutrition promotes rapid healing and recovery from sickness as well.

The American Dietetic Association has independently developed data supporting the views of health care providers regarding the costly consequences of ignoring basic good nutrition. In a study of elderly patients admitted to a hospital, those who were malnourished had hospital charges double of those who were not malnourished. With a proper diet, they found patients have fewer complications, more rapid healing of wounds, and shorter lengths of stay in the hospital.

Similarly, research shows that many elderly residents of nursing homes are prone to suffer nutrient deficiencies. Understanding and better management of their nutritional requirements improves quality of life, slows physical deterioration, and prevents further hospitalization or the need for a higher level of care.

Mr. Speaker, it seems crystal clear that the more Americans know about their nutritional needs, the better our health care resources will be utilized. To this end, our national health reform initiative must address the nutritional needs of all our citizens, and the nutritional needs of older Americans in particular.

Some Americans find their diet is not entirely under their control, but may be strongly influenced by Government food purchasing programs. I am particularly concerned that taxpayers may be purchasing food for low-income and elderly Americans which is not healthy. We must make certain that the Government does more than provide the proverbial hot meal, but that these meals are also healthy and nutritious.

To promote this effort, I propose that the Surgeon General should every 2 years issue a report on the nutrition and health of the Nation. This idea for this report is modeled after the successful series of reports on Tobacco and Health.

Every year since 1964, the Surgeon General has compiled and released an extensive public report on the effects of smoking. Over the years, these reports have addressed many aspects of the health consequences of smoking: The benefits of cessation, the extent of cigarette use of Americans, and the consequences of nicotine addiction. These reports have won broad public and academic praise for detailing the huge costs in lost lives and the vast health care expenditures that smoking extracts from our wallets each year.

My legislation will require the Surgeon General to evaluate current information on diet and health, and make appropriate proposals for improving the nutritional health of the Nation.

Some of the issues that this report will address are: The role of diet in treatment and prevention of chronic disease; the extent and nature of malnutrition in the United States; the extent to which the nutritional needs of special at-risk populations—like children and the elderly—are being met; and the extent to which nutritional recommendations of Government agencies are consistent with current scientific knowledge.

Now, as Congress is seriously debating reforms in our health care system, I am pleased

to be able to say that Congress is also beginning to address both prevention and nutrition issues in a number of important legislative initiatives. For example, as a conferee on the National Institutes of Health reauthorization bill, I worked with Representative LLOYD to add language requiring the NIH to evaluate the effectiveness of nutrition screening programs for the elderly. This provision will require the Secretary to conduct a 3-year study to specifically determine the extent of malnutrition in older Americans and to report on the utility and worth of institutionalizing nutrition screening programs.

My colleagues also agreed to the inclusion of language in the NIH reauthorization that will expand Clinical Nutrition Research Units and the work that they are doing to discover the causes and find the cures for obesity. This program specifically emphasizes the importance of good nutrition for our Nation's young people and for building good dietary habits to last a lifetime.

Mr. Speaker, this Congress is poised to inaugurate an era of fundamental reform in our health care system. Consumer information in the reformed health care marketplace is going to be the name of the game. This bill will provide the data to educate us about the nutritional needs of all Americans, and in so doing will help doctors and consumers to maximize good health through good nutrition choices.

This legislation enjoys the support of over 60 national organizations representing consumers and health professionals, including the American Association of Retired Persons, the American Heart Association, the American Society for Clinical Nutrition, and the Center for Science in the Pubic Interest. I would ask that these letters of endorsement from several of these organizations be included in the RECORD at the conclusion of my remarks.

I thank my colleagues and ask for their continued support in this long-term effort to improve the health of our Nation.

AMERICAN ASSOCIATION OF RETIRED PERSONS,
Washington, DC, June 15, 1993.

Hon. RON WYDEN,
Longworth House Office Building, Washington, DC.

DEAR REPRESENTATIVE WYDEN: The American Association of Retired Persons [AARP] wishes to express its support for the "Nutrition and Health Information Act." By requiring a biennial Surgeon General's report on diet and health, this legislation promises to expand knowledge regarding the links between diet and health, increase public awareness of this relationship, and encourage the development of more effective public policy in this area.

Older Americans have a vital interest in the issues addressed in this legislation. The prevalence of diet-related conditions such as heart disease, hypertension, and diabetes increases with age, and failure to consume a "healthy" diet can be life-threatening for individuals who are frail or chronically ill. Particularly significant is the incidence of diet-related diseases among midlife and older persons who are members of minority groups. AARP is pleased that your bill gives special attention to the unmet nutritional needs of these and other vulnerable groups.

The Association also notes that among the topics slated for study in the legislation are the extent to which the public understands the information that appears on food labels, and the extent to which that understanding influences dietary habits. Data on both subjects are limited, and critically important for future policy development.

AARP commends you for introducing this important legislation. We look forward to working with you for successful enactment of the bill.

Sincerely,

JOHN ROTHER,
Director, Division of Legislation and Public Policy.

AMERICAN HEART ASSOCIATION,
Washington, DC, May 19, 1993.

Hon. RON WYDEN,
House of Representatives, Washington, DC.

DEAR CONGRESSMAN WYDEN: I understand that you are considering introducing legislation that would require an annual Surgeon General's report on nutrition and health. The American Heart Association fully supports this proposed endeavor.

Cardiovascular diseases accounted for more than 930,000 deaths in 1990. Poor dietary habits are a major risk factor for cardiovascular diseases, which are the number one killer in America. A Surgeon General's report on proper nutrition and health can give additional credence and support to public education efforts and enhance scientific research into these areas.

Please feel free to call on me for any additional information for this legislation.

Sincerely,

SCOTT D. BALLIN,
Vice President and Legislative Counsel.

NATIONAL MEALS ON WHEELS FOUNDATION,
Washington, DC, June 17, 1993.

Hon. RON WYDEN,
House of Representatives, Washington, DC.

DEAR REPRESENTATIVE WYDEN: I am writing on behalf of the National Meals on Wheels Foundation to voice support for the "Nutrition and Health Information Act," which I understand you will introduce this week. As an organization committed to providing daily meals to home-bound senior citizens and those at congregate meals sites, we congratulate you on your leadership in this critical area of health care.

As you are aware, malnutrition is a serious problem among the elderly population. It is compounded by a lack of understanding about the relationship between diet and health among health care professionals, policy makers and the American public. Your new legislation, will be critical in providing a better understanding of this relationship and in highlighting the need for continued education in the area of nutrition. It will provide the necessary framework for a comprehensive national policy to improve the health of all Americans.

The National Meals on Wheels Foundation is also grateful for your support of the Older Americans Act, which under Title III-C provides funding for congregate and home delivered meals and also for your support of legislation for malnutrition research. You have demonstrated your commitment to improving the nutritional status and health care of all older Americans.

Again, we applaud you for creating the "Nutrition and Health Information Act" and for your continued commitment to health care reform. We look forward to working with you in the future.

Sincerely,

ROBERT BLANCATO,
President.

NUTRITION SCREENING INITIATIVE,
Washington, DC, June 11, 1993.

Hon. RON WYDEN,
House of Representatives, Washington, DC.

DEAR REPRESENTATIVE WYDEN: I am writing on behalf of the Nutrition Screening Initiative (NSI) to express our support for the goals embodied in the "Nutrition and Health Information Act," which we understand you will introduce this week. Your commitment to and leadership in improving the health care of the American people is well established. This legislation is another example of your foresight and responsiveness to critical health care needs that are too often overlooked.

We were honored to join you at your press conference on April 26 to highlight the serious problem of malnutrition among the elderly. We were delighted to introduce legislation to establish and make available national information regarding the relationship between nutrition and health.

As the Hart survey data reveals, the extent of malnutrition in the elderly is shockingly high—even among older persons who are currently receiving health care services. It is clear to those who are participating in the NSI that knowledge about diet and other nutrition-related matters is seriously lacking among health care professionals and policy makers, as well as the general public.

The "Nutrition and Health Information Act," when enacted, can play a critical role in improving knowledge about the relationship between diet and health and the need for educating health care professionals and others about nutrition. We applaud you for your emphasis on vulnerable populations such as minorities, children, women, the disabled, and the elderly. The vital information to be obtained as a result of your legislation will be important in laying the foundation for meaningful national policy to improve the dietary status and, therefore, the health of all Americans.

Again, we congratulate you for your continuing leadership in health care and for introducing the "Nutrition and Health Information Act." We look forward to working with you in the future.

Sincerely,

DAVID MITCHELL,
Staff Director.

CENTER FOR SCIENCE IN THE PUBLIC INTEREST,
Washington, DC, June 21, 1993.

Hon. RON WYDEN,
Longworth House Office Building, Washington, DC.

DEAR CONGRESSMAN WYDEN: The Center for Science in the Public Interest strongly supports the Nutrition and Health Information Act. Your efforts to require a periodic report from the Surgeon General on nutrition and health should not only improve the public health, but should also help to control health-care costs.

An increasing body of evidence shows that good nutrition is the cornerstone of good health. A periodic report from the Surgeon General would provide both reliable information on various nutrition topics and establish the current scientific consensus on those topics. This is critical in the field of nutrition because of the rapid developments taking place and the public nature of the scientific debate. The reports should provide policy makers and the public with the information they need to formulate food and nutrition policies and to make better individual dietary choices.

CSPI strongly supports your efforts to require a periodic Surgeon General's report on

nutrition and health. There is strong and widespread support for the reports, as indicated by the diversity of the 54 organizations that have endorsed such a proposal.

Thank you for your continued efforts to improve the health of the American people through better nutrition.

Sincerely,

MICHAEL F. JACOBSON, Ph.D.,
Executive Director.

CENTER FOR SCIENCE IN THE PUBLIC INTEREST,
Washington, DC, June 21, 1993.

Hon. RON WYDEN,
Longworth House Office Building, Washington, DC.

DEAR CONGRESSMAN WYDEN: We urge you to require an annual Surgeon General's report on diet and health.

Good nutrition is essential to good health. A healthy diet can prevent many cases of heart disease, hypertension, diabetes, cancer, and other diseases. Dietary changes can also be helpful in treating several of those chronic diseases. Each year, diet-related diseases cause over 300,000 premature deaths and cost almost $200 billion in medical expenses and time lost from work.

A highly visible Surgeon General's report published annually could encourage dietary habits that promote health rather than disease. The reports should focus on such topics as diet and the treatment of chronic diseases, nutrition and prevention of chronic diseases, diet and cancer, children's nutrition, elderly nutrition, nutrition concerns of women, nutrition and hunger among the poor, and the food environment (advertising, fast-food restaurants, vending machines, etc.).

An annual Surgeon General's report on nutrition would emulate the Surgeon General's report on smoking. That report provides policy makers and the public with timely information on the health effects of various aspects of tobacco use. Each year, the smoking report generates a great deal of publicity.

Without a congressional requirement for an annual report on diet and health, we can expect only occasional attention devoted to this subject. The Surgeon General issued its only major report on "Nutrition and Health" in 1988. Another (focusing on fat) will be published in 1993.

An annual report on diet and health would require minimal government expenditures, but could spur major improvements in health and save Americans billions of dollars in health-care costs.

We would be pleased to assist you in every way possible.

Sincerely,

MICHAEL F. JACOBSON, PH.D.

On behalf of:
American Academy of Family Physicians.
American Academy of Pediatrics.
American Association of Retired Persons.
American Cancer Society.
American College of Preventive Medicine.
American Dental Association.
American Health Foundation.
American Heart Association.
American Institute for Cancer Research.
American Medical Association.
American Medical Student Association.
American Nurses Association.
American Public Health Association.
American School Food Service Association.
American Society for Parenteral and Enteral Nutrition.
American Youth Work Center.
Association for Gerontology in Higher Education.
Association for the Advancement of Health Education.
Association of Schools of Public Health.
Association of Junior Leagues International.
Association of State and Territorial Chronic Disease Program Directors.
Association of State and Territorial Public Health Nutrition Directors.
Black Women's Agenda.
Boston Women's Health Book Collective.
Center for Women Policy Studies.
Cancer Research Foundation of America.
The Children's Foundation.
Citizens for Public Action on Blood Pressure and Cholesterol, Inc.
Consumer Federation of America.
Eldercare America, Inc.
Food Research and Action Center.
Gerontologic Society of America.
Group Health Association of America, Inc.
National Alliance of Black School Educators.
National Association of Community Health Centers.
National Association of Meal Programs.
National Association of Nutrition and Aging Services Programs.
National Association of State Units on Aging.
National Asian Pacific Center on Aging.
National Black Child Development Institute.
The National Caucus and Center on Black Aged, Inc.
National Consumers League.
National Council on the Aging.
National Council of Senior Citizens.
National Education Association.
National Hispanic Council on Aging.
National Meals on Wheels Foundation.
National Women's Health Network.
National Women's Health Resource Center.
Older Women's League.
Public Citizen's Congress Watch.
Public Voice for Food and Health Policy.
Society for the Advancement of Women's Health Research.
Society for Nutrition Education.

TEACHERS MUST RACE TO CATCH THEIR STUDENTS

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 15, 1993

Mr. OWENS. Mr. Speaker, last May when 16-year-old Keron Thomas took the controls of a New York City subway train and piloted it, without error, for more than 3 hours, the young man shocked the adult world around him into new debate about more than just the inadequacy of the Transit Authority's security system. This exceptional kid, who had been labeled a slow learner, also upset some smug education experts.

Keron (Keno) Thomas had exhibited an ability to do long-range planning, the ability to memorize a lengthy set of instructions and procedures, the technical skills needed to make his own special tools in order to start the subway engine, great acting skills, and the ability to anticipate and outwit the actions of well paid adult experts.

While Keno Thomas is being acclaimed an exception and even the courts acknowledged that he deserved special treatment by reducing four felony charges to three misdemeanors, Keno is probably not alone. New York City's schools are filled with talented, energetic students who are bored to the point of dropping out because the teachers and instructional methods cannot keep pace with their imaginations. Not only should there be a school system which encourages the Kenos to become good subway motormen, but such students should be led into transportation engineering and the design and manufacture of new subway systems. They should look forward to employment in mass-transit-related professions and occupations that are based in their hometown of New York.

The plight of Keno Thomas and other bored students is not unrelated to the current intense debate concerning new academic standards for our schools and new national testing systems. Before the tests are put in place we must have new teaching methods, new opportunities to learn which utilize the best available educational technology. Our classrooms are alienating our students because they cling to the traditional lecture format with a teacher standing before a class of students who are acclimated to film, video, and exciting sound.

The military has pioneered a great deal of educational technology. Video computers and simulators are regularly used to train soldiers, sailors, and pilots. Keno and his fellow subway enthusiasts should have access to learning by simulation of the many exciting operations of our subway system. The blueprints for the trains, engines, power grids, et cetera should be available to them on computers. The teaching of mass transit offers an abundance of opportunities for the utilization of new educational technology.

It should also be noted that the adults who operate the New York Transit System and the rest of our society have mismanaged matters so badly that all across the country mass transit systems are ordering trains, coaches, and buses from foreign manufacturers. In addition to the provision of better opportunities to learn to operate a subway system, the youth of our cities should be able to look forward to working in plants which build the equipment needed for mass transit. Indeed, adults have made such a great mess of our economy that our only hope is for the youth of Keno's generation to assert themselves and demand some massive changes.

One of the first changes that must take place is change in the way we teach students, in the way our schools operate, in the way we provide modern effective opportunities to learn.

Mr. Speaker, I am submitting a New York Times article describing the resolution of Keno Thomas' case for inclusion in the RECORD. I also offer the following rap poem to further celebrate the significance of Keno Thomas' ride. We adults still have much to learn from this enlightening escapade.

The rap poem and article follow:

KENO TAKES THE CITY BACK

Keno on the track
Kid Commandos moving
To take their city back
Against the clock
Racing underground
Let young blood stand guard
Where the old folks
Have failed
Sloppy arrogant adults

Are the defendants
Who deserve to be jailed
Keno on the track
To take the City back
Let the cynics
Hit the sack
Suburban parasites
Stay home
The young and brave
Only should roam
On the Big Apple line
A New Yorker with spine
Got to rise
And lead the crew
Underground and on
Neighborhood streets
Spirits must be brand new
Keno on the track
To take the City back
Fixed in majestic
Steel electric pose
The subway is our mistress
Iron arms and legs
Bind our City close
Give Keno the subway turf
Watch it bloom and grow
Your mysterious manuals
Are not what
We really need to know
Your sacred procedures
Are all brain dead
We resurrect better stuff
Right from Keno's head
Keno on the track
To take the City back
Keno got your codes
All memorized
Make your schedules
All on time realized
Teachers called him slow
But now he's on the go
Genius at the wheel
This is more than just
A temper tantrum thrill
Adults procrastinate
Kids must infiltrate
The oppressors
In our schools
Are the ones
Who make the rules
Dumb dull books
Weigh us down
While cool exciting science
Is racing all around
Let Keno keep the track
Help us take the City back
Deadly drunk motormen
Slicksters at the top
Riders running outraged
From high priced slop
Let shabby tradition fall
Kid Commandos demand overhaul
Deadhead transit hacks
Won't honor our skills
Oppressors raise the fare
To buy Japanese wheels
We demand that the system
Build subway trains in New York
Now hear this Kid Commandos
Time to mount the great attack
Keno is calling us
To take the City back.

[From the New York Times, July 15, 1993]

AFICIONADO OF SUBWAY SPARED PRISON; YOUTH GETS PROBATION FOR TAKING A TRAIN

(By Richard Pérez-Peña)

Duty-bound to make it clear that people may not play subway motorman whenever they like but wary of punishing a folk hero—and a mere boy, at that—law-enforcement officials settled yesterday on three years' probation for the 16-year-old who took the controls of a subway train for three and a half hours in May.

The sentence appeared not to dim the youth's dreams even one whit. Walking out of court in Manhattan yesterday with a plea bargain with prosecutors that will keep him out of jail, he said, "I'm going to become a train operator."

Mr. Thomas exhibited the same ingenious certainty that enabled the high school junior to take the controls of a New York City subway train and pilot it without error, for more than three hours. Asked if he planned to obtain formal training for his passion, he said: "I don't have to study. I know what I'm doing."

DREAM REMAINS POSSIBLE

For his escapade aboard an A train, he was originally charged with four felonies, the most serious carrying a maximum penalty of seven years in prison. He pleaded guilty in Criminal Court to three misdemeanors and was sentenced to three years' probation. As a youthful offender, Mr. Thomas can claim a clean record when those three years are over and, according to the Transit Authority, will not be barred from attaining his cherished goal.

With the outcome in court predetermined, Mr. Thomas, a tall, heavy-set youth with a quick, wide grin, seemed thrown off stride more by the attention focused on him than by the hearing. Looking both dazed and amused, he faced a horde of reporters, mumbled brief answers to their questions and expressed surprise that so many people cared.

Mr. Thomas captured the imaginations of many New Yorkers with his daring, guile and manifest skill. Some people were also charmed that the outlaw train operator, unlike so many daredevils, had hoped to slip away, undetected and anonymous.

And to the legions of straphangers who view the subway as at best a convenience and at worst a noisy, smelly necessity, it seemed a bit refreshing to find someone so in love with it.

For Mr. Thomas, trains are the object of the sort of meticulous passion that drives some youths to memorize columns of baseball statistics or to learn to play the guitar solos of their rock idols. In the three years since his family moved from Trinidad to the Brownsville, Brooklyn, he has pored over subway operation manuals, picked up the argot and techniques of a transit worker and, most telling, often pretended he was driving a train.

Robert M. Morgenthau, the Manhattan District Attorney, was charged with finding the appropriate punishment for a boy who neither meant nor did any harm.

The answer, apparently, involved an intimidating brush with the criminal justice system, a few lectures and stern looks and a kind of freedom that can be revoked if Mr. Thomas transgresses again.

On the afternoon of May 8, having somehow obtained a set of driver's tools and a counterfeit Transit Authority identification, Mr. Thomas slipped into the train yard at 207th Street in Inwood, signed in under the name of an off-duty driver as though he were working overtime and took the helm of a train.

He took the train the length of Manhattan, across Brooklyn, to Lefferts Boulevard in Queens and nearly all the way back to Inwood. He made 85 stops along the way, kept to the train's timetable and ferried about 2,000 people without incident, leading some wags to suggest that rather than pressing charges, the Transit Authority should hire him.

The joyride ended after three and a half hours, when the train exceeded the 20 mile-an-hour speed limit on a curve in Washington Heights, tripping an automatic brake and summoning an inspector. The inspector, apparently believing that the young impostor was a genuine motorman, took him to Transit Authority headquarters in Brooklyn for a drug and alcohol screening, but once there, Mr. Thomas escaped.

He was arrested two days later.

REGRETS? YES AND NO

Yesterday, standing before Judge William Leibovitz, wearing a slate blue double-breasted suit, Mr. Thomas did not quite seem the adult he had pretended to be. He told the judge, "I'm sorry for what I did." But outside the courtroom he admitted that while all the attention made him uncomfortable, he had begun to enjoy his new-found celebrity at Brooklyn Automotive High School.

"It's weird," he said.

It may get weirder. His lawyers said Mr. Thomas's family had been approached regarding that most definitive sign of fleeting fame: a television movie.

For the time being, Mr. Thomas's mother, Jacquelin, just wanted to get her son out of the courthouse and safely home. But looking ahead, she added: "I hope he gets that job, driving that train. I hope they hire him some day. It's what he loves."

CITIZEN COSPONSORS OF THE FISCAL ACCOUNTABILITY AND INTERGOVERNMENTAL REFORM ACT OF 1993

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 15, 1993

Mr. GOODLING. Mr. Speaker, on March 10 of this year Congressman MORAN and I introduced the Fiscal Accountability and Intergovernmental Reform [FAIR] Act to help State and local governments alleviate their most crushing financial burden, unfunded Federal mandates.

As you know, this legislation is necessary to safeguard against a tendency within the institution and among Federal agencies to resort to more and more unfunded Federal mandates.

This bill would require that any legislation to be considered by the full House or Senate have an analysis of the costs of compliance to State and local governments and the private sector. This bill seeks to enforce provisions already included in the 1974 Budget Reform Act. Second, this legislation would require all Federal agencies to analyze the economic costs of new regulations before they are adopted.

Support for this legislation has increased both in the Congress and among those who it will help the most, our Nations civic leaders in State and local governments, and small business.

Congressman MORAN and I have received letters from mayors and leaders from all over the country expressing their support for the FAIR Act. Clearly, their support of this bill reflects the need for the Congress to reform the way it does business. Their support signals the beginning of a partnership between the

Federal Government and State and local governments and small businesses.

In order to give our local government a stronger voice in this issue, we have decided to make these mayors and leaders citizen cosponsors of the FAIR Act. Mr. Speaker, the names of 20 mayors who have written to express their strong support for the passage of the FAIR Act follows:

William Hamilton, Holyoke, MA, mayor.
Bowie City Council, MD, mayor.
Steven Sager, Hagerstown, MD, mayor.
Henry Nickleberry, Saginaw, MI, mayor.
Pete Halat, Biloxi, MS, mayor.
Nancy Jenkins, Greensville, NC, mayor.
Samuel Spina, West Orange, NJ, mayor.
Thomas Taylor, Farmington, NM, mayor.
David Berger, Lima, OH, mayor.
Beryl Rothschild, University Heights, OH, mayor.
Steve Means, Gadsden, AL, mayor.
Ken Forgia, Peoria, AZ, mayor.
Raul Perez, Huntington Park, CA, mayor.
Richard Borer, West Haven, CT, mayor.
Rick Barton, Bedford, TX, mayor.
Steve Bartlett, Dallas, TX, mayor.
Ilene Lieberman, Lauderhill, FL, mayor.
Mark Hoehne, Longview, WA, mayor.
Karen Vialle, Tacoma, WA, mayor.
John Hess, Wausau, WI, mayor.

PROVIDING FOR THE SURVIVORS OF THREE AIR FORCE CRASHES

HON. MIKE KREIDLER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 15, 1993

Mr. KREIDLER. Mr. Speaker, Servicemen's Group Life Insurance [SGLI] serves as the sole Government-sponsored group life insurance program for the Uniformed Services.

There is an immediate need to enact legislation to provide for the survivors of SGLI members who died while faithfully serving their country, and to ensure a more instantaneous and equitable effective date for changes to SGLI.

Today I am introducing legislation to accomplish both goals.

The Veterans Benefit Act of 1992—Public Law 102–568, October 29, 1992—increased maximum SGLI coverage from $100,000 to $200,000. Congress established a requirement for participants to voluntarily elect this increased coverage with an effective date of December 1, 1992.

Two fatal mishaps involving three aircraft occurred on November 30, 1992 with no survivors.

Two C–141's from McChord AFB, WA, collided during training, resulting in 13 fatalities.

A B–1B from Dyess AFB, TX, crashed on a low-level training mission, resulting in four deaths.

Nine crew members had signed papers to increase insurance coverage to $200,000; four members had positively declined increase coverage: four others had not yet signed for increased coverage. One Army member, with increased coverage, also died on this date.

The Uniform Time Act of 1966—15 U.S.C. 262—requires the use of local time within a specified time zone for all statutes, orders, rules, and regulations, including benefit changes to the SGLI Program.

A more equitable and instantaneous time determinant needs to be enacted to ensure every eligible member who participates in this Government insurance program is covered at the same moment throughout the world.

Instantaneous coverage for all members based on point in time when effective date first occurs—the international dateline would be equitable for worldwide application.

This would provide coverage for nine Air Force members and one Army member who had signed for increased SGLI coverage and whose deaths occurred on November 30, 1992, based on local dates but after it had become December 1 at the international dateline.

This would also provide consistent and instantaneous coverage for any future statutory changes for SGLI.

Under current law, any change to the SGLI program occurs at 24 distinct and separate times, beginning at the international dateline and ending in the Pacific region. This makes the adjudication process of any SGLI claim unnecessarily cumbersome. With the increased mobility required of today's modern Armed Force, the potential exists for combatant troops to be sent west into a hostile area on a specific day which coincides with an increase in their Government insurance, traveling away from the time determinant used to affect their benefit. If a fatal mishap occurred in a more westerly time zone before the effective local time, these members would never have been covered, even though survivors of a member who died at home station at the same moment would benefit from the increase.

SGLI was established to provide unqualified protection to members whose profession exposes them to combat and high-risk noncombat activities.

In the past, Congress has recognized the need for automatic coverage effective on the date of enactment of the applicable law that increased SGLI benefits. This was done when the maximum SGLI coverage was increased to $35,000—Public Law 97–66—and to $100,000—Public Law 102–55.

However, it was not done for the most recent increase to $200,000 (P.L. 102–568) since the efficacy of the increase was based on administrative ease and a reduction in certain veterans' survivor benefits. A similar delay in the effective date occurred when SGLI maximum coverage increased to $50,000. Public Law 99–166 was enacted December 3, 1985; however, the efficacy of the increased insurance benefit was January 1, 1986. After a fatal accident took the lives of several Armed Forces members, Congress amended Public Law 99–166 by enacting Public Law 99–227 to provide retroactive coverage for these specific fatalities. History repeated itself with the aircraft accidents that occurred on November 30, 1992, within hours of the time determinant used for the $200,000 SGLI increase.

Standardized application of SGLI increased based on Greenwich mean time [GMT] which is universal time used to coordinate military movements including flight operations has been suggested. However, this would disadvantage members assigned or located east of prime meridian—at 0001 GMT—who would already have been covered based on local time determinant.

Funds needed to make any additional payments to beneficiaries as a result of this legislation should come from the SGLI insurance underwriters. However, if enactment of this proposal is viewed under the due process clause of the fifth amendment is impairing the obligations of the contract between the underwriters and the insurance military members, the Department of Defense would be obligated to reimburse the insurance contractor for the additional payments. In this circumstance, $1 million would need to be appropriated to cover the additional $100,000 benefit that would be payable to the beneficiaries of each of the 10 military members who died during the period in question who had not declined the increased insurance coverage.

TO COMMEMORATE THE 30TH ANNIVERSARY OF THE NAVY PUBLIC WORKS CENTER, SAN DIEGO

HON. LYNN SCHENK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 15, 1993

Ms. SCHENK. Mr. Speaker, I rise today to give special recognition to an exceptional organization in my district, the 49th Congressional District in San Diego, CA. It is with great pleasure that I recognize the Navy Public Works Center, San Diego, on the occasion of its 30th anniversary celebration during the week of July 18 through July 24, 1993.

The Navy Public Works Center, San Diego, is one of only 10 public works centers worldwide. It was formally established on July 1, 1963, as a separate Navy command to support fleet and shore installations by providing a full range of public works goods and services.

Today, the Navy Public Works Center supports over 450 individual commands in the San Diego area. Possessing an experienced and dedicated work force of over 2,400 people, the Public Works Center maintains a comprehensive network of resources to provide the full range of services to our military personnel. The services provided include electricity, water, steam, sewer, and other utility services, professional environmental management services, a full service procurement and contract administration staff, base engineering support services, transportation services, and nearly 8,000 housing facilities for military service members and their families residing in the San Diego area.

The Public Works Center relies on its professional military and civilian work force to be innovative, resourceful, and efficient. This work force continuously strives to ensure that the quality of the goods and services provided to our military personnel rank second to none.

Today, the Navy Public Works Center, San Diego, is recognized as the premier public works center in the Navy and serves as the model for consolidated public works services throughout the Department of Defense.

Mr. Speaker, it is with great honor and pride that I rise to recognize the Navy Public Works Center, San Diego, on its 30th anniversary and I ask my colleagues to join me in extending best wishes and congratulations to this distinguished organization.

A 50TH ANNIVERSARY TRIBUTE TO THE DELANO CHAMBER OF COMMERCE

HON. CALVIN M. DOOLEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 15, 1993

Mr. DOOLEY. Mr. Speaker, I rise today in celebration of the 50th anniversary of the Delano, CA, Chamber of Commerce.

The Delano Chamber of Commerce had its unofficial inception in 1924 to meet the needs of fledgling local businesses, and was officially incorporated by the State of California in 1943 as a nonprofit organization to further business enterprise.

The Delano Chamber of Commerce has continued to grow and meet the needs of an economy evolving from purely agri-business to one of diverse complexity.

The Delano Chamber of Commerce will be installing officers and directors for the 50th time since it was incorporated on July 22, 1943.

I would like for the Congress of the United States to recognize the valuable contribution made by local chambers of commerce. They are advocates for businesses that are the lifeblood of the American economy. I urge that the Delano Chamber of Commerce be recognized during its golden anniversary as a representative of the free enterprise spirit that has helped to make the United States the leader of the free world.

RECOGNIZING COMMISSIONER JUEL T.R. MOLLOY AND STAFF OF THE FOOD STAMP PROGRAM

HON. RON de LUGO

OF VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 15, 1993

Mr. DE LUGO. Mr. Speaker, I want to commend the extremely able Commissioner of Human Services in the Virgin Islands, Juel T.R. Molloy, and the staff of the Food Stamp Program in the Virgin Islands that she oversees for the extraordinary job they have done in turning around this important Federal program.

I was able to extend the Food Stamp Program to the Virgin Islands in the 1970's, but for a number of years, for one reason or another, it was very poorly run. Commissioner Molloy took the program under her control and now the program is among the best in the Nation. Commissioner of Agriculture Mike Espy recently wrote Commissioner Molloy that the error rate for the Food Stamp Program in the Virgin Islands is so low that it qualifies for an additional $114,000 in Federal funds.

Some 13,000 people in the Virgin Islands now depend on the Food Stamp Program to assist their families to be able to obtain the nutrition they need to live healthy, productive lives. It is heartening indeed to know that this program that is so important to so many in my District is operating so successfully.

My letter to Commissioner Molloy congratulating her and her staff for a job well done and thanking them for seeing that the Food Stamp Program in the Virgin Islands provides the support that it does follows:

SUBCOMMITTEE ON INSULAR AND INTERNATIONAL AFFAIRS,
Washington, DC, July 12, 1993.

Mrs. JUEL T.R. MOLLOY,
Commissioner of Human Services, V.I. Department of Human Services, St. Thomas, VI.

DEAR JUEL: I want to congratulate you and your staff for the tremendous job you have done turning around the Food Stamp Program in the Virgin Islands as evidenced by the more than $114,000 in enhanced funding you will receive from the Federal Government.

You and your staff have taken a program with one of the worst error rates in the nation and made it one of the best. This took a herculean effort, real dedication by managers and staff, and a commitment to excellence that should be a model for other government programs. It is great to know that professionals like you are doing such a fantastic job.

Agriculture Secretary Mike Espy's letter to Governor Farrelly commending the food stamp program in the Virgin Islands is in itself a real tribute to the superior work you and your staff have done. Moreover, the additional funding that resulted from your efforts is sorely needed in these difficult financial times.

I will be placing a copy of this letter in the Congressional Record and I hope you will see that the many fine workers in the Virgin Islands Food Stamp Program know of my congratulations for a job well done.

Sincerely,

RON DE LUGO,
Chairman.

FORTY-EIGHTH ANNIVERSARY OF TRINITY

HON. MICHAEL A. "MAC" COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 15, 1993

Mr. COLLINS of Georgia. Mr. Speaker, today I rise to honor a distinguished group of American veterans. July 16, 1993 is the 48th anniversary of "Trinity," the first test of an atomic weapon. Through the years approximately 250,000 veterans of the United States have been involved in at least 235 atmospheric nuclear weapons tests.

Back on July 16, 1945, when that first atomic device known as "Trinity" was detonated, we did not know how that would alter the future of mankind. Since that time we have seen both the benefits and dangers of atomic and nuclear weapons. Thanks to the courageous Americans involved in our atomic weapons program we were able to end World War II with a minimal loss of American lives. It is my hope, and the hope of all Americans, that our world never again witnesses the awesome power of atomic weapons. The end of the cold war, arguably the watershed event of our lifetimes, was a direct result of the nuclear weapons program and the resolve of the American people. I congratulate all American veterans who sacrificed in order to provide America with nuclear deterrence capabilities which helped to maintain peace and hastened the fall of communism in the Soviet Union and Eastern Europe. However, these victories have not come without costs.

The brave servicemen and women who witnessed the "Trinity" and the 234 subsequent nuclear detonations know better than other Americans the irrevocable impact of nuclear weapons. They served our country patriotically never questioning the possible effects on them personally. Research today shows that the ionizing radiation to which many of these veterans were exposed has undoubtedly had a negative effect on their health. They should be recognized for their outstanding service to this country and any illnesses incurred from their exposure to these atomic weapons should be addressed. Only a portion of these veterans are still with us today, but we remain committed to recognizing their service and meeting their health related needs.

Ten years ago, Congress passed a Joint Resolution establishing July 16, 1983, as "National Atomic Veterans' Day." President Ronald Reagan issued the following proclamation:

Now, therefore, I, Ronald Reagan, President of the United States of America, do hereby designate Saturday, July 16, 1983, as National Atomic Veterans' Day, a day dedicated to those patriotic Americans who through their participation in these tests helped lead the United States to the forefront of technology in defense of our great Nation and the freedoms we as Americans hold so dear. I urge my fellow citizens to join with me in appreciation of their service to their country.

I echo those words. I encourage all Americans to join on July 16, 1993, to remember those same veterans. Ten years later we have made significant progress in addressing the illnesses suffered by these American veterans. Thanks to the leadership of the House Veterans' Affairs Committee a number of legislative initiatives have been aimed directly at this problem. I would like to highlight some of these public laws:

The Veterans Health Care Act of 1981 provided for basic health care services to veterans who were exposed to ionizing radiation during active military service.

The Veterans Health Care Amendments of 1983 required the Administrator of Veterans' Affairs to conduct a study of the long-term effects of exposure to ionizing radiation from the detonation of nuclear devices, and from American occupation of Hiroshima and Nagasaki, Japan, from September 11, 1945 through July 1, 1946.

The Veterans Administration Health-Care Amendments of 1985 extended for 3 years priority VA health care services for veterans exposed to ionizing radiation.

The Veterans Benefits Improvement and Health-Care Authorization Act of 1986 required the VA to maintain an ionizing radiation registry which maintains information all pertinent information on affected veterans.

The Radiation-Exposed Veterans Compensation Act of 1988 provided for the presumption of service connection between illnesses that may be attributable to ionizing radiation and exposure to such materials during military service.

The Veterans Benefits Improvements Act of 1988 extended for an additional 3 years priority VA health care services for veterans exposed to ionizing radiation.

The Radiation Exposure Compensation Act of 1990 authorized payments by the Department of Justice for disability or death due to radiogenic diseases resulting from the Federal Government's atmospheric nuclear testing program.

The Veterans Benefits Programs Improvements Act of 1991 covered presumption of service connection in leukemia cases and provides support eligibility for Reserve and National Guard members.

The Veterans Radiation Exposure Amendments of 1992 expanded the list of diseases covered to include cancer of the salivary gland and cancer of the urinary tract. This law also required additional study about other diseases that could be a result of radiation.

We have made progress in addressing the problems which radiation exposure has caused for these courageous Americans. Because of their dedicated service we live in a land free from tyranny and oppression and democracy has taken flight around the world. Few Americans are more deserving of our thanks than the veterans who were involved in our atomic weapons programs.

I want to say a special note of thanks to one of those Americans, Mr. Clifford Andrews of Newnan, GA. Mr. Andrews is an American veteran who was stationed on the Bikini islands during nuclear tests. He alerted me to the valiant service of the hundreds of thousands of American service members who have been exposed to atomic testing. On July 16, 1993, let us join together to let Mr. Andrews, and the other atomic veterans, know that we remember, we care and we remain committed to them and their families.

CONGRESSMAN KILDEE HONORS ALFRED HINDES

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 15, 1993

Mr. KILDEE. Mr. Speaker, I rise today to urge my colleagues in the U.S. House of Representatives to join me in paying tribute to an outstanding resident in my congressional district, Mr. Alfred L. Hindes.

Mr. Hindes was recently named Michigan's Outstanding Disabled Veteran of the Year. He was honored at the Michigan Disabled American Veteran Convention on June 9, 1993. Mr. Hindes has been recognized for his inspirational efforts on behalf of other disabled veterans in Michigan. He is a member of Disabled American Veterans Genesee chapter 3 in Burton, MI, and he has been active in the DAV for many years.

Mr. Hindes is a World War II veteran who became disabled as a result of injuries suffered during a bombing raid over Germany. He was in severe pain and has had to overcome a multitude of injuries over the years. He was told at one time he would not be able to walk again, but through sheer determination, he learned to walk again and is now walking without any assistance. Soon after, he began his service with the DAV.

It was this same selfless dedication to service that has led to his success in service to others in the DAV. Mr. Hindes has endured many surgeries and is a survivor of cancer. The physical suffering has only strengthened the resolve of Mr. Hindes to serve his fellow veterans. He is a full-time volunteer service officer at chapter 3 and is editor of the chapter's newsletter, which has taken first prize 5 years in a row for excellence in journalism. He was post commander from 1989 to 1991, public relations director as well as Americanism chairman. He singlehandedly has recruited over 250 members for the chapter in the last 5 years. Mr. Hindes has also found time to volunteer at a rescue mission. He is a licensed minister and paints with oils in his spare time.

Mr. Speaker, it is indeed an honor and a pleasure to pay tribute to a true hero, Alfred Hindes. He has shown tremendous courage in face of overwhelming odds and has overcome many obstacles in his efforts to serve the disabled veterans in Michigan. Mr. Hindes epitomizes all that is good about our great Nation. One individual can truly make a difference. Alfred Hindes has made a difference in our community. I know the entire U.S. House of Representatives joins me today in honoring this fine American, Alfred L. Hindes.

U.S. TRADE REPRESENTATIVE SHOULD ACCEPT FOR REVIEW THE PENDING GSP PETITION ON WORKER RIGHTS VIOLATIONS IN MEXICO

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 15, 1993

Mr. BROWN of California. Mr. Speaker, there is an easy way for us to gauge how serious the United States and Mexican trade negotiators are about dealing with trade-related labor repression in Mexico in the NAFTA supplemental negotiations and otherwise.

As you know, President Clinton has committed himself to the negotiation of supplemental agreements to the Bush-Mulroney-Salinas NAFTA that will redress the perverse labor and environmental repercussions and import surges certain to flow from such an unprecedented trade and investment agreement.

While the negotiations on the supplemental agreements continue, there is another action that the United States Trade Representative can take immediately on its own to enhance protection for worker rights inside Mexico—accept for review and public hearing the pending GSP petition that alleges widespread, systematic denial of such fundamental worker rights as freedom of association and the right to organize and bargain collectively in independent trade unions.

Many people do not realize that Mexico already is the leading beneficiary of an existing trade program that allows 140 developing countries and territories to export more than 4,000 products to the United States market duty free—the generalized system of preferences. In 1992, Mexico shipped more than $3.8 billion worth of exports to the United States duty free through this program.

But the GSP law was amended in 1984 to prohibit GSP benefits being extended to any country that is not taking steps to afford internationally recognized worker rights, that is, freedom of association; right to organize and bargain collectively; a prohibition of forced or compulsory labor; a minimum age for the employment of children; and acceptable conditions of work with respect to wages, hours of work, and occupational safety and health. At the same time, the law was amended to allow knowledgeable persons and organizations to formally petition the U.S. Trade Representatives to withdraw GSP benefits to countries in violation of the worker rights provision.

During the 1991 annual GSP review, a petition was filed urging that Mexico be removed from the GSP program. But the United States Trade Representative refused to review and hold a public hearing on that voluminous petition which describes egregious worker rights problems in Mexico in detail. Turning a deaf ear to that petition sent exactly the wrong message to the Government of Mexico regarding its systematic labor repression.

Last month a new and even detailed petition alleging widespread worker rights violations in Mexico was filed with the United States Trade Representative as part of the 1993 GSP annual review. It was filed by the International Labor Rights Education and Research Fund and it draws upon extensive firsthand information from Mexicans. It was compiled in close cooperation with a team of lawyers in Mexico who are affiliated with the National Association of Democratic Lawyers [ANAD]. By way of background, ANAD is an association of lawyers in Mexico with chapters in 20 States, dedicated to protecting democratic rights and due process in the judicial system and advocating for democratic reform in the Mexican political system.

In installments starting today, I am going to have this pending petition reprinted in the RECORD in its entirety. I urge my colleagues to carefully review it. It constitutes a searing indictment of complicity between the Government of Mexico and the government-controlled, officially approved labor federation [CTM] to systematically and cynically deny Mexican workers their freedom and basic rights.

There now exits a prime opportunity for U.S. Trade Representative to correct its earlier mistake and to make clear to the Government of Mexico that its desire for increased trade access to the United States market—via continued GSP benefits and the proposed NAFTA—cannot be predicated upon the denial of the fundamental rights of Mexican workers.

I will be writing the U.S. Trade Representative to urge that this Mexico petition be accepted for formal review and that it be scheduled for public hearing at once. This would give many Mexican workers who want to join free and independent trade unions their first opportunity to explain how their rights have been trampled and it would extend to the Government of Mexico an opportunity to answer these very serious allegations on the public record.

[Petition and request for review to the U.S. Trade Representative, June 1, 1993]

LABOR RIGHTS IN MEXICO

INTRODUCTION

The International Labor Rights Education and Research Fund (ILRERF) presents this

petition requesting the review of GSP Status of Mexico under the provisions of the law which require beneficiary developing countries to "have taken or be taking steps to afford workers (including workers in any designated zone) internationally recognized workers rights."

ILRERF is a non-profit organization incorporated in Washington, DC representing human rights, labor, religious, consumer, academic and business groups dedicated to assuring that all workers labor under reasonable conditions and are free to exercise their rights to associate, organize and bargain collectively.[1]

This petition is based on information contained in the U.S. State Department's Human Rights Report for 1992 on Mexico, on reports by trade union groups, human rights organizations, independent research institutes and other specialized bodies, and information acquired through reports provided by and interviews made with labor lawyers and labor rights activists in Mexico.

This is the second petition seeking review of the GSP status of Mexico under the workers' rights provisions of the Generalized System of Preferences. The Petition presented on 1991 by three trade unionists in Minneapolis was rejected for review in a lengthy argumentative Response (henceforth "Response") by the GSP Subcommittee after much internal government controversy. In brief, The Subcommittee found that the information provided in the 37-page petition was "insufficient to warrant a review, and it was not clear that the information provided fell within the statutory provisions." (Response at 1.)[2]

The November 1991 decision by the GSP Subcommittee rested upon the following considerations:

(a) The proposed North American Free Trade Agreement (NAFTA) will bring Mexico's labor standards up;

(b) Mexico's labor law is quite advanced, and can compare with that of industrialized nations;

(c) The "Subcommittee was unable to confirm that the (PRI-related trade unions and labor federations) are government-controlled in a sense that would call into question the Government of Mexico's provision of worker rights";[3]

(d) The cases of suppression and violence against trade unions or union leaders are isolated and do not reflect a systematic, generalized pattern;

(e) Working conditions are acceptable, insofar as child labor, minimum wages, working hours and workplace safety and hygiene are concerned.

It is the purpose of the Petitioners to provide new evidence of systematic ongoing violations of labor rights and to demonstrate the inadequacy of the conclusions of the subcommittee in refusing to accept the 1991 petition. This is based upon a thorough and updated review of labor conditions in Mexico, further collection of data and an in-depth analysis of Mexico's labor law.

While it is not the purpose of this petition to argue every point of the 1991 petition and the Subcommittee's Response, it will be necessary to challenge the Response on matters where the Petitions believe that the Mexican law or government practice has been misinterpreted or where salient facts and considerations have been ignored.

Other aspects of labor rights violations beyond those submitted in 1991 have been reviewed here, namely:

(1) the manipulation of the labor law by the Conciliation and Arbitration Boards;

(2) the subordination of trade unions and of Conciliation and Arbitration Boards to the government and its political party, the PRI;

(3) the existence of several independent reports on labor suppression and violence against labor movements and labor leaders—in 1992 alone the number of these irregularities peaked—which show that violating labor rights constitutes a regular and systematic government practice in Mexico, especially in the case of groups of workers trying to organize themselves independently of officially-controlled unions.

(4) Finally, data are provided that challenge the conclusion of the subcommittee that conditions regarding child labor, minimum wages, working hours and workplace safety and hygiene are acceptable.

THE NAFTA FACTOR

Underlying the Subcommittee's conclusion was the belief that NAFTA represents a "historic opportunity to create the largest market in the world," and that "this opportunity is in part due to a remarkable transformation in Mexico away from statist, protectionist policies toward a more open trade and investment regime" (Response at 2).

However it is far from evident that NAFTA of itself will eventually push Mexico towards a more open political regime. Trade liberalization does not amount to political liberalization, nor is there serious evidence to suggest that it necessarily leads to it. In fact, during the Salinas Administration, which has implemented a far-reaching trade liberalization, one-man, unchecked concentration of power has reached unprecedented levels. To illustrate this, Petitioners recall that over a period of five years, the Mexican president has directly intervened in the removal of 16 out of the 32 governors of the country—instructing the state legislatures to do so—substituting them with unelected officials. Even with enforceable labor and environmental NAFTA side agreements, the key question is one of accountability. A beautiful law on paper means nothing if the Executive branch of power subordinates the Legislative and the Judiciary branches, as is the case of Mexico.

In fact, as this Petition intends to demonstrate, the prospect of a NAFTA has led the Mexican government to implement a more restrictive labor policy to attract foreign investment, offering in return political stability, domesticated trade unions, easy labor regulations and especially, low wages.

Finally, the Petitioners express the hope that this petition will be given due consideration in terms of the merits of its contents. The desire of the Administration to conclude a trade agreement is not a relevant consideration in a decision whether to review this petition, although the Trade Act of 1974 as amended provides for the President considerable freedom to ignore or override the findings of such a review based on "U.S. national economic interest." It is the Petitioners' fervent hope that the intent and procedures of the law will be observed in this, admittedly politically charged.

THE RIGHT OF ASSOCIATION

(I) Legal Barriers to Freedom of Association.

The right of association, as well as the right to organize and bargain collectively face blatant restrictions in the text of the law itself. Below we point out the most evident built-in restrictions in the legislation.

(a) The restrictions on freedom of association of public employees in Article 123 of the Constitution Public employees are denied the right to negotiate a collective bargaining agreement, and can only strike when systematic violations to general work conditions take place. They are forced by law to belong to one labor confederation (FSTSE), which is the only federation that can exist (Art. 84) and must affiliate with the particular FSTSE member union that applies to each individual employee's government branch or agency. This latter provision has been ruled by the ILO to be in violation of Convention 87. (See Appendix I at 1.)

In addition, public employees cannot leave the member union of FSTSE they belong to (Art. 69 of the Federal Law of Government Workers) which infringes on the freedom of association. There is further a prohibition against the existence of two or more unions in any one government agency (Art. 68, 71, 72 and 73); reelection of union officials is forbidden by this law (Art. 75); public workers are prevented from joining industrial trade unions or peasant leagues (Art. 79).

These limitations have been ruled by the ILO to be violations of ILO Convention 87. The Mexican Government has been asked to revise these laws to bring them into compliance with the convention. (Appendix I at 2–4; Appendix II at 1–3.)

(b) The provision under which employees of state-owned banks are covered by part B, with all the restrictions to the right of free association this represents as described in (a) above, while employees of private banks are afforded fuller labor rights under Section A. (Article 123, Section A, Item XXI, and Section B, Item XIII Bis) Furthermore, the Law of Credit Institutions (Art. 121) limits the right to strike, stating that in case of a strike, bank workers have to keep some workplaces open, and essential services continue to be provided.

The ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR) ruled in 1989 that the restriction on banks was in violation of Convention 87:

In this connection, the Committee has pointed out that prohibitions or restrictions on the right to strike in the public service should be confined to public servants acting in their capacity as agents of the public authority or to services whose interruption would endanger the life, personal safety or health of the whole or part of the population. The Committee on Freedom of Association has also considered, for example, that, in particular, banks, teaching services and radio and television are not essential services in the strict sense of the term (see in this connection, the 221st Report Case No. 1097 concerning Poland, paragraph 84). (Full text at Appendix III.)

In 1991, the CEACR expressed satisfaction that the right to strike of non-state related

[1] ILRERF is grateful for the cooperation and assistance of lawyers in Mexico related to the National Association of Democratic Lawyers (ANAD). ANAD is an association of lawyers in Mexico with chapters in 20 states, dedicated to protecting democratic rights and due process in the judicial system and advocating for democratic reform in the Mexican political system.

[2] Petitioners would note here that the presumed reason for denying the review, the need for further information to demonstrate whether alleged violations were part of a pattern, or as the Response charged, a series of isolated incidents, is itself a strong argument for a review. The Subcommittee's argument against review on the grounds that "it was not clear that the information provided fell within the statutory provisions", also runs counter to reason and common sense. The Subcommittee's lack of clarity on this matter could far better have been remedied by further pursuit of the issue than by denial.

[3] This argument depends on a distinction between "PRI-controlled" and "government-controlled" to which few observers outside the GSP Subcommittee or the U.S. Embassy would give credence.

bank employees had been made subject to the same provisions of the Federal Labor Law as other private employees but noted that the new Law of Credit Institutions should preserve this right.

Employees in banking and credit services that are not bodies of the Federal Public Administration (once the national credit services are transformed into limited companies) will then be governed by section 123, subsection A, of the Constitution and by the Act issuing regulations thereunder, namely the Federal Labor Act. As a consequence, the right to strike of bank employees should be governed by the same provisions as any other employee, as set out in section 121 of the new Act respecting credit institutions.

The Committee notes with interest the positive development regarding the right to strike of bank employees resulting from the above constitutional reforms and requests the Government to supply information on developments in the situation, particularly in banking and credit institutions that are bodies of the Federal Public Administration. (Full text at Appendix IV).

(c) Chapter XVII of Title Six of the Federal Labor Law, that forbids university workers to form a single union, and divides them into three groups, academic, administrative or mixed unions. The ILO has not to the Petitioners' knowledge reviewed this Title in recent years. However, the principle enumerated by the CEACR in challenging Mexico's law requiring all public employees to belong to one union is equally valid in the case of the state barring workers from forming such a single union:

In this connection, the Committee reiterates that the public authorities must refrain from legislative interventions which limit the right of workers to join the trade union organization that they consider to be appropriate (Article 2 of the Convention) and the right to give up their membership of that trade union. (Appendix I at 1.)

(d) The Law of General Routes of Communication, that gives the government the right to requisition or seize the means of transportation, communication, and related services, "in order to prevent possible sabotage provoked by foreign agents." This allows the police or the army, in the case of a strike, to take over these facilities and continue to operate them. While the Response to the 1991 petition (at 14) notes that this provision has not been used by the government to suppress any strikes since 1980, the law remains on the books with potential for overly-broad interpretation as an ongoing threat to workers in this sector. The fact that it has been so used, regardless how many years ago, is relevant to the question at hand.

BUSINESS IMPROVEMENT ACT OF 1993

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 15, 1993

Mr. RICHARDSON. Mr. Speaker, today I am introducing the Business Improvement Act of 1993, legislation that would enact long overdue reforms to the 8(a) program administered by the Small Business Administration. For too long, the 8(a) program has failed to channel minority-owned businesses into America's economic mainstream. Despite the changes made in 1988 to the 8(a) program it is evident that further reforms are necessary if the 8(a) program is to promote and sustain minority business opportunities.

In 1992, the Commission on Minority Business Development issued a report outlining its recommendations to improve the 8(a) program. Additionally, the Small Business Administration has long sought changes to the 8(a) program. This legislation incorporates the recommendations made by the Commission and SBA to inmprove the 8(a) program. The Business Improvement Act will make programs for minority firms more amenable to business growth by: Changing 8(a) business mix requirements; expanding competitive procurements through extension of the Small and Disadvantaged Business [SDB] Program to all Federal agencies; making a technical correction to make consistent the eligibility requirements for award of 8(a) contracts; making sole-source the basis for all contracts in the 8(a) program because of competitive opportunities in the SDB Program; and continuing access to business opportunities. This legislation will also suspend graduations until a study establishing appropriate section 8(a) program participation terms is completed. Additionally, this legislation will increase opportunity among America's diverse ethnic population including Native American firms participating in the 8(a) program.

Finally, this legislation will provide for uniform procedures for contesting status in the SDB Program.

I am joined in this effort to reform the 8(a) program by Mr. MACHTLEY and I urge my colleagues to support the Business Improvement Act.

TRIBUTE TO THE HONORABLE GENE CHAPPIE

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 15, 1993

Mr. FAZIO. Mr. Speaker, I rise today to pay tribute to one of California's most colorful and effective leaders in modern history, the late Gene Chappie. A good friend and colleague to Members on both sides of the aisle, Gene was truly a unique and great presence in these Halls.

My friendship with Gene Chappie—whose name I will never mispronounce after being corrected by his own mother—spanned more than two decades. And while we fought many political wars through the years, our friendship never suffered, but instead grew stronger out of mutual respect and admiration. While I agreed on few issues with Gene, my respect for his fervor, his sense of humor and his unrelenting dedication to the people he represented never waned.

I first met Gene when I came to Sacramento to the State legislature in 1967. His membership in the body at that time had been well established. Gene had been a member of the El Dorado County Board of Supervisors, a role he returned to at the end of his political career, and then had been elected to the State assembly. However irascible or profane he was, Gene Chappie was extremely effective, his persona and sense of humor the tools he used to get the job done.

Gene enjoyed his work and his colleagues, but above all he enjoyed making a difference for the rural and small town district that he represented so well in the various forms it took over the years. Gene had a great sense of humor and a no-holds-barred willingness to use every epitaph ever conceived of to make you laugh or to drive home an argument and, of course, most of the time he used his own humor on himself. And while he was a conservative in the truest sense of the word, he had many friends on both sides of the aisle. I was privileged to be one of them.

I remember a parade in my district in west Sacramento where Gene, dressed as Christopher Columbus, donned a purple costume and tights. Gene was aware, I think, that his legs were not complemented by these tights. I gave him a razzing as he proceeded down the parade route and he found it very hard to restrain from the normal way of communicating with me, which would have been difficult in a public setting. Nonetheless, this ability to not take oneself too seriously, to laugh and enjoy life, was Gene Chappie's trademark.

Gene's 16 years in the State assembly, his three terms in the U.S. House of Representatives, his time spent as a member of the El Dorado County Board of Supervisors and his other years of public service make up a 40-year career and contribution that will live on in California history.

To Gene's entire family, particularly to his wife, Nancy, to all his friends in Sacramento and throughout northern California I offer my sincere sympathy for Gene's loss. He will be deeply missed.

JONATHAN TOMAL RARE DISEASES PUBLIC INFORMATION ACT

HON. TIM ROEMER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 15, 1993

Mr. ROEMER. Mr. Speaker, Jonathan Tomal is a healthy 12-year-old boy living in my district today because of a miracle. And today I am introducing legislation that could create more miracles for children like Jonathan who was not expected to live to see his fifth birthday.

When Jonathan was 3 years old, he was diagnosed with an inoperable tumor on his brain stem. Instead of preparing for him to die as they were told by numerous people in the medical establishment, Jonathan's parents—Dan and Annette—set off on a remarkable campaign to find a cure for their son.

Countless agonizing months later, the Tomals found a miracle in Dr. Fred Epstein of New York University Hospital through the unlikely source of an old magazine article. Dr. Epstein specializes in childhood brain tumors, and was able to successfully treat Jonathan, who has made a wonderful recovery.

Mr. Speaker, the tragedy is that a cure existed and a person existed who could help Jonathan. But dozens of doctors and a number of clinics and hospitals who treated Jonathan were unaware that help existed. The

Tomals lived on the brink of tragedy and only by accident found help.

But there is a reason to hope that other parents in the Tomal's shoes do not have to go through such an agonizing search, perhaps without such happy results. Because of nationwide publicity in printed media and on television about Jonathan's unique story, dozens of other children who might have died are alive today. Other parents who had reached the end of their rope heard Jonathan's story and found Dr. Epstein to cure their own children.

But the attention to Jonathan's story will not last forever.

Mr. Speaker, in order that we may continue to save the lives of our children, our parents, our friends and loved ones, I am introducing legislation today to create, within the NIH, a computerized clearinghouse that will track the names of people and institutions that treat specific rare diseases and disorders.

This bill also covers clinics and other research facilities that are studying diseases and conditions for which there is no cure.

Doctors, hospitals and their patients will have a place they can call to seek out people and places that can help people like Jonathan, who seem to have no hope.

The clearinghouse will find and store information about people like Dr. Epstein whose abilities and specialties are unusual and not well known. It will gather such information on a continual basis, and educate and disseminate in all available avenues, including medical newsletters and publications, through medical and hospital societies, and through the auspices of the NIH and the Department of Health and Human Services.

Mr. Speaker, this bill is named after Jonathan, and I believe it has the potential to save many, many lives. The strength of the Tomal family is a unique and moving story. It is their firm wish that other families do not have to struggle through what happened to them, and they have tirelessly retold their story over and over again with the distinct goal of saving the lives of children, and adults, wherever they can.

This legislation is a direct result of their efforts, and a real solution to evolving their work into a permanent solution to the agony of rare and life-threatening disease to countless American families.

In the coming weeks I will be seeking cosponsors in this effort to make a real difference to the well-being of families who become the victims to the dark circumstances of uncertain sickness.

THE LEGAL SERVICES REAUTHORIZATION ACT OF 1993

HON. JOHN BRYANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 15, 1993

Mr. BRYANT. Mr. Speaker, today I am introducing the Legal Services Reauthorization Act of 1993. The bill is identical to H.R. 2039 as passed by the House of Representatives on May 12, 1992.

The Legal Services Reauthorization Act of 1993 amends the Legal Services Corporation Act to provide authorization for appropriations for the Legal Services Corporation for fiscal years 1993 through 1996. The bill reaffirms the commitment of the Congress to provide the poor with access to our Nation's system of justice. In addition, the bill revises the act to strengthen local control; improves the quality, effectiveness, and efficiency of service provided by the existing delivery system; and makes numerous substantive changes to address problems that have emerged within the Corporation or at the local level since the program was last reauthorized in 1977.

The bill would maintain most of the restrictions that currently apply to the Legal Services Corporation and its grantees, including restrictions on activities involving class actions, representation of aliens, lobbying, and administrative representation. It also would add new restrictions to forbid legal representation in cases concerning redistricting at any level of government and eviction proceedings involving individuals convicted of drug violations.

The bill has a number of provisions that would reduce the likelihood of meritless litigation and increase the ability of defendants to avoid unfavorable settlements in cases that are not well grounded. The bill would establish a right for defendants to recover costs and attorneys' fees from the Corporation if a court finds that a defendant was the victim of a suit brought to harass or retaliate against the defendant, that a plaintiff maliciously abused legal process, or that a plaintiff's action was—frivolous, unreasonable, or without foundation. It also would require that local programs use negotiation and alternative dispute resolution mechanisms, where available, to avoid excessive litigation; and obtain from clients retainer agreements which recite the facts on which a claim is initially based.

The bill would define Legal Services Corporation funds as Federal funds for the purpose of Federal criminal laws designed to outlaw theft and fraud; establish minimum standards for monitoring and investigating the activities of local programs; require the Corporation to develop criteria for evaluating the capability and performance of recipients; clarify the responsibilities of the governing bodies of local programs; continue the existing requirement that at least one half of the membership of such local governing bodies be appointed by the State or local bar association where the recipient is located; require that programs keep records of time spent on cases or other activities and that attorneys and paralegals keep contemporaneous records by case or matter of the time spent on each activity and the source of funds to be charged for the activity; and prohibit the establishment by local programs of "alternative corporations" to evade or avoid the restrictions of the act.

The bill would maintain the ability of programs to engage in fee-generating cases where only statutory benefits are sought and appropriate private representation is not available, and would prevent the Corporation from recouping such fees or offsetting them against grant awards.

Finally, the bill would require the Corporation to study the feasibility of using competition to award some or all program grants.

Mr. Speaker, the Judiciary Committee's Subcommittee on Administrative Law and Governmental Relations, which I chair and which oversees the Legal Services Corporation, plans to hold hearings on this legislation soon. I hope and trust that this important bill to help provide legal assistance to the Nation's poor will pass the House in the near future.

AMERICA—THE MORAL VACUUM

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 15, 1993

Mr. CRANE. Mr. Speaker, this past June, Americans witnessed atrocious acts of barbarism as individuals killed their countrymen for no excusable reason. Unfortunately, these acts did not take place in war-torn former Yugoslavia, but rather in the capital city of the United States. In a 1-week period, 24 people were killed in Washington, DC.

Unfortunately, these acts of terrorism are being practiced on a regular basis all across our Nation. Politicians, sociologists, and civic leaders too often excuse the behavior; blaming it, for example, on insufficient funding for various social programs. What these people fail to realize is that the eroding moral foundation in our country is contributing to this disturbing trend.

Religion and morality are being attacked from all sides. The church has been forced to retreat as the ACLU and other groups attempt to remove prayer from schools and nativity scenes from public view. In his June 26, 1993, article entitled "America No Longer Safe for Children," Patrick Buchanan explains that our country now has a moral vacuum where once there existed religious beliefs that were so much a part of the founding of our "one nation under God." As Mr. Buchanan explains, it is because of this absence of morality that individuals do not respect the law and do not take responsibility for their actions.

I would like to submit for the record this article, which appeared in a local paper in my district, the Daily Herald, so that my colleagues can share in the wisdom of Mr. Buchanan's remarks.

AMERICA NO LONGER SAFE FOR CHILDREN

(By Patrick Buchanan)

It was that most innocent of occasions, a recreation center on Benning Road in southeast Washington, a hundred noisy kids jumping in and out of a community pool on a 90-degree day.

Suddenly, a gunman appeared on the hillside. Before he stopped firing with his semiautomatic pistol, six children, 5 to 14, were bleeding from gunshot wounds. In the same 48 hours in which that attempted massacre occurred, 14 people were murdered in the nation's capital.

This same week, Caleb Hughes, serving a 50-year sentence for abducting 5-year-old Melissa Brannen of Fairfax County, saw his conviction overturned. There is insufficient proof Hughes abducted her—with intent to molest, said the Virginia Court of Appeals. Hughes must be tried again. As abduction alone only carries a 10-year sentence, and Hughes has served three and a half, he may be eligible for immediate parole. Melissa was never seen again, after leaving her mother's side at a Christmas party to get some potato

chips. Traces of her hair and dress were found in Hughes' car.

These horrors are not confined to urban areas.

It was in a town 100 miles from San Francisco that a mother this spring walked into a courtroom and shot in the back of the head the smirking pervert charged with molesting her son.

In West Memphis, Ark., a Middle American town of 28,000, three teen-agers are charged in the murder of three 8-year-olds boys whose bodies were found in a drainage ditch. Reportedly, one of the teenagers gave police a 27-page statement saying the boys were murdered in a cult ritual, that he watched as his friends choked the boys unconscious, raped one, and sexually mutilated another.

The horror, the anguish of these stories, re-enacted again and again, with trusting children as victims of sex abuse and murder, has induced a terror in the hearts of parents unknown in America.

What became of the America we grew up in, where 8-year-olds were given a brown bag with sandwiches in cellophane, and sent off in safety to the playground for the day?

The day of the pool shooting, a panel of the National Science Foundation reported on the causes of juvenile crime. Among them (as reported in The Washington Post): "(S)chools that have ability tracking, which works against low-achieving students; a health care system that excludes teenagers * * * the absence of any help for students moving from school to jobs; and a justice system that fails to rehabilitate most adolescent offenders."

Sorry, but the same old sociological explanations just won't do.

What we are dealing with here is evil, pure and simple.

Forty years ago, our ideas about right and wrong came out of religious beliefs. Taught in home and school, echoed from pulpits, reflected in film and books, these ideas served as the basis of morality and law.

Today, the conscience-forming, character-forming institutions—family, home, church, school—have broken down. The old ideas of right and wrong are mocked. Popular culture, TV and film, repeat a single theme: Do your own thing. And, into the moral vacuum of weak minds—inhibitions dissolved by TV and film—are slipped the enticements of the forbidden fruits, alluringly presented by pornographic films and magazines, featuring women, even children. From the addiction that follows, from the soul thus corrupted, there ensues the criminal act.

Neither poverty nor unemployment can explain the new barbarism. For, in the 1930s a third of the nation was poor, a fourth without work. Yet, America's cities were decent, safe places. No. the root cause of crime is not poverty; it is evil men of criminal intent whose only concern is getting caught, whose only fear is death.

America's enemy is not in Mogadishu. He is inside the gates. And we will win this war on crime only when the body count of that enemy approaches in number that of the innocent victims of his atrocities.

TRIBUTE TO LESLIE GREEN

HON. JILL L. LONG

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 15, 1993

Ms. LONG. Mr. Speaker, I rise today to speak about Leslie Green, a bright and sparkling young woman, who gave so much to her community in northeastern Indiana. Leslie was a member of Immaculate Conception Catholic Church. She was the president of Students Against Drunk Driving, student council president, and an honor student with the highest grade point average in her class at Churubusco High School. Leslie was outgoing, energetic, and looking forward to her senior year in high school.

Leslie was planning to attend the University of Notre Dame after graduation to study engineering, and was also recently chosen to represent Indiana, in the fall, at a national youth leadership council here in Washington, DC. But none of this will ever be. Leslie was killed by a drunk driver on June 28, the day before her 17th birthday.

At Leslie's funeral, Father Daniel Kennerck stated that "a great vacuum has come into" the lives of those who knew Leslie. It is so true that she touched the lives of all who knew her.

I offer my deepest sympathies to Leslie's family and friends. I also invite my colleagues to take just a brief moment to reflect upon this tragedy and the sad irony of a young lady who was killed by the very element that she tried to prevent. I also ask everyone in our Nation to make a personal commitment to do everything possible to not allow such a tragedy to be repeated.

TRIBUTE TO EDWARD H. ZIEGNER

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 15, 1993

Mr. JACOBS. Mr. Speaker, Sinclair Lewis wrote that city people and country people are pretty much the same except that city people have a little bit of a crust around their hearts. He went on to suggest that once you pass the crust, you are dealing in the same material.

That analysis would fit pretty well our departed friend, Ed Ziegner, who for a very long time was the political reporter's political reporter for Indiana.

Crusty he was. Heartless he was not.

The following articles belong on the permanent record of the political history of our country.

[From the Indianapolis News, June 23, 1993]

EDWARD H. ZIEGNER

Edward Ziegner, former political editor of The News, had a journalism career that spanned nearly a half century and touched six decades of Indiana and national political history.

He passed away yesterday.

Ziegner came from a family of journalists. Both his father and brother worked for The News.

"Even in high school," Ziegner said, "I never wanted to be anything else but a newspaperman."

He started work on The News copy desk in 1941, but his career was soon interrupted by World War II. After his discharge in 1945, he returned to The News as a reporter, but quickly gravitated to politics, covering the 1948 presidential election.

He began a regular political column in The News in 1951. Ziegner was also chief of The News' Legislative Bureau. He once wryly observed, "I've been around for 27 regular legislative sessions and seven special sessions, proving there is no limit to how much a man can stand."

Regarded as the "dean" of Indiana political reporters, Ziegner cut his teeth on the likes of former Indiana Sen. Homer Capehart. He was in mid-career when Birch Bayh was speaker of the Indiana House of Representatives, and was writing about Bayh's son, Evan, at the end of his career.

This longevity of experience, coupled with an encyclopedic memory, excellent political instincts and sound judgment, gave him the tools of an outstanding political analyst.

Much of his success, however, was sheer hard work.

Between campaigns and legislative sessions, he toured the state, from Gary to Evansville, talking with county political chairmen, getting to know new candidates and maintaining ties with old ones. When a crucial political story broke, Ziegner already had most of the knowledge in hand, and his telephone would be ringing with sources calling in additional tips.

Ziegner not only wrote—and wrote well—about Indiana politics. He also shaped the political scene.

Countless politicians would come to Ziegner seeking advice about their careers.

They sought Ziegner's counsel because they knew it would be unbiased and unvarnished. And it was.

Ziegner fervently believed that officeholders were public servants and were mere custodians of the offices they held. He was totally unfraid to call to account those who failed to understand the limits of their powers or who violated their public trust.

He would save some of his best barbs for his End of the Session speech—which was always one of the highlights of the Legislature.

In her book "Forgive Us Our Press Passes," Majie Alford Failey, who worked with Ziegner at The News, wrote of Ziegner's retirement from the paper in 1985: "Forty years later (after returning to The News following the war) he retired as chief poitical editor. Except, of course, he really didn't. You never really do. You can't wash out all the ink, the heartbeats and the memories. Eddie belonged, and still belongs to politics in Indiana, as every governor from Shricker to Bayh could have told you."

The News extends its condolences to Edward Ziegner's family and friends. He will be long remembered and greatly missed.

[From the Indianapolis News, June 29, 1993]

REMEMBERING ED ZIEGNER

To the Editor of the News:

Ed Ziegner, who died June 22, was a longtime valued friend and colleague at The News and in the 38th Natinal Guard Division.

He was an expert on Indiana government and politics. He was always a jump ahead of the politicians and government officials. As a Statehouse reporter, he became a confidant in many places, starting out at the State Police office, then at the Statehouse and later in the governor's office and elsewhere. He headed the legislative bureau of The News for many years and gave the press farewell "ribbings" to the General Assembly at the end of it sessions.

He was a resourceful reporter and political editor at The News for many years. He had a world of informaiton at his fingertips with an elaborate filing system and a fantastic memory of events in Hoosier history in the 20th century.

Ed took my place on the copy desk at The News when I went into service in World War II. We both went to Officer Candidate School and received commissions. During the war we met on the backside of a high hill in Purple Heart Valley near Cassino, Italy. He was at a forward artillery position, and I was on the way to defense positions near the Rapido River. He later was assigned to the press section of Gen. Mark Clark's 5th Army headquarters.

During the Korean War, we both left The News to attend Army service schools in case we were called to active service again.

I convinced Ed to join the Guard after World War II, and he served with distinction as the public affairs officer for the division. He was master of ceremonies for the annual division parades, the Indianapolis Press Club's Gridiron dinner and many other events. He was an excellent speaker who used both wit and interesting historical information.

Ed was a giant in the newspaper business, and we all missed him and his writings when he retired.

Wendell C. Phillippi, Indianapolis.

THANKS FOR THE MEMORIES

(The following is a reprint of the last regular political column written by Edward H. Ziegner, former political editor of The News. It appeared in the Nov. 23, 1985 editions of The News.)

This political column is in the nature of "see you later".

Not necessarily farewell, a final goodbye, and a fast fadeout.

But this is the last of these weekly comments on Indiana political affairs, for I am retiring from The New Tuesday after 44½ years.

I came to work for the paper May 3, 1941, but did take four years out for military leave during World War II.

Before we get into the politics, allow a brief personal note, please.

Excepting two short intervals—1932–35 and 1937–41—a member of my family has been associated with this newspaper since 1915, more than 70 years. My father came to work here in 1915, and was on the staff at his death in 1932. My late brother worked here from 1935 to 1937.

I came in 1941, and my wife, Martha—whom I did not know then—came to work in 1943. I met her here when I came home from the war in 1945.

Back to Indiana politics.

This column has appeared weekly, except for vacation times, since 1951. So I have written between 1,600 and 1,700 of them, not to mention thousands of regular political stories and analysis pieces.

A good many political memories come flooding back.

The first campaign on which I reported was 1948, when I joined in lockstep with thousands of other reporters to decree that Republican Tom Dewey would beat Democrat Harry Truman.

I started out being wrong, and some think nothing has changed in 37 years.

I have worked for some wonderful people, and with some wonderful people over these years. I have known some outstanding politicians and public servants, in both political parties. I have known some lousy ones, too, but we'll only mention the best.

The best three governors have been Harold Handley (1957–61), Matt Welsh (1961–65) and Otis Bowen (1973–81).

The best U.S. senator has been (and still is) Richard Lugar; the best congressman Lee Hamilton, Ninth District, now in his 11th term.

The best two state chairmen—Gordon St. Angelo for the Democrats and James T. Neal for the Republicans. Add to these two names Republican Keith Bulen, and you have the three most skillful and innovative political professionals of my time.

Having reported 27 regular and seven special sessions of the Legislature, the best three speakers in the House were Democrat Dick Bodine (1965), Bowen 1967–72, and Republican Kermit Burrous, who followed Bowen through 1980, with a 1975–76 break in service.

The top president pro tem of the Senate Democrat Robert J. Fair.

The best individual legislator—the late Adam Benjamin of Gary, who went on to Congress.

The best speech I ever heard—out of thousands—was Adlai Stevenson's remarks accepting the Democratic nomination for president in Chicago in 1952.

While there have been times so dull and candidates so bad they defy description, nearly all of it has been great fun.

I'm happy I was there. I wouldn't have missed it.

I thank both the faithful and the sometime readers.

And for all, I bid you an affectionate farewell.

[From the Indianapolis News, June 23, 1993]

EDWARD H. ZIEGNER WAS NEWS REPORTER

Edward H. Ziegner, 72, who followed his father as the political editor of The News, died Tuesday.

Calling will be from 3 to 8 p.m. Thursday at Flanner & Buchanan Broad Ripple Mortuary. Services have not been set.

In a career at The News that spanned more than 44 years, Ziegner crisscrossed the state, traveling thousands of miles each year to chat with county political chairmen, attend political meetings, interview state legislative candidates and watch candidates for governor, senator and congressman mix with the people.

As the dean of Indiana political journalists and probably the dean of two-finger typists, Ziegner was noted for his brusque, take-no-prisoners style. Many politicians of both parties experienced his bark, particularly when they gave a story to the competition.

"My husband often called him 'Mr. Integrity.' That was his name for Ed," said Barbara Handley, wife of former Gov. Harold Handley. The Handleys moved next door to Ziegner when Handley became lieutenant governor in 1952.

"I think his writing will be missed because he wrote perceptively and succinctly. I can't leave out his equally delightful anecdotal conversations. You could listen to him for hours. He had a memory like a fox," Mrs. Handley said.

Gov. Evan Bayh said Ziegner's passing is the "end of an era in Indiana public affairs."

"Ed pursued his daily quest for truth with fire, zeal and good humor, while never losing his perspective or his idealism," he said. "No one can replace the position he held as the acknowledged authority on Indiana government and politics."

Gordon St. Angelo, Democratic state chairman from 1964 to 1974, recalled "whenever the national guys came in—(David) Broder (of the Washington Post), Johnny Apple (of the New York Times), Evans and Novak, they always checked in with Ed first to find out what was going on in Indiana. He had that national respect. And he got feedback from them on a national basis that few enjoyed."

Gordon Englehart, retired political editor for the Louisville Courier-Journal, recalled his fierce competition but deep friendship with Ziegner.

"If he was your friend, nobody could be warmer," Englehart said.

Jack Averitt, who covered the Legislature with Ziegner for 37 years, said, Ed was one of the better political writers of his generation because he did his homework. He could be aggressive or extremely kind, depending on the situation. He liked many politicians but wasn't awed by any of them."

Bill "Moose" Roberts, another longtime Legislature reporter for The News, said Ed "was part curmudgeon and part iconoclast. Hardly any Indiana politician or officeholder between South Bend and Jeffersonville escaped his scorn, especially in his end-of-the-session address to the two houses of the General Assembly."

Roberts recalled one speech where Ziegner referred to three members of the Republican State Committee as "the greatest, most incompetent, trite, stumble and fumble comedy opera stars of all time."

Eugene S. Pulliam, publisher of The News, called Ziegner "one of the best political reporters I have ever known. I'm proud to have worked with him."

A member of the Indiana Journalism Hall of Fame, Ziegner joined The News in 1941 after attending Wabash College and Indiana University. He left the paper in World War II and became an anti-aircraft artillery officer.

Ziegner returned to the paper in 1948. From 1953 to 1985, Ziegner led The News' legislative bureau from a temporary, gray wooden shack that was erected every two years in the hallway outside the House of Representatives.

Ziegner covered 27 regular sessions and seven special sessions of the Legislature.

One Saturday morning, Ziegner heard footsteps echoing in the empty Statehouse. He went outside "the shack," leaned over the railing and said "Good morning" to Gov. Roger Branigin. The governor looked up and commented, "I think we're the only SOBs in this building at this hour."

Ziegner retired from The News in 1985 but continued to write a Saturday political column until 1990.

He won the American Political Science Association award for distinguished public affairs reporting and twice was named a Sagamore of the Wabash. He was the Indianapolis Press Club's "man of year" in 1981.

Ziegner remained with the Indiana National Guard after the war, attaining the rank of lieutenant colonel.

Survivors—wife Martha McHatton Ziegner; daughter Anne Gillem; son David E. Ziegner; granddaughters Jennifer Jane Ziegner, Bethany Anne Gillem.

[From the Indianapolis Star, July 1, 1993]

STATEHOUSE SERVICE HONORS LATE POLITICAL REPORTER

(By R. Joseph Gelarden)

The governor was in the midst of a legislative crisis, but he took a few moments Wednesday outside his office to join a memorial service for political reporter Edward H. Ziegner. So did the lieutenant governor.

A former governor who also served as a presidential Cabinet secretary drove down from Bremen to offer a tribute, as did a former Indianapolis mayor and a couple of old pals from the legislature.

The audience was peppered with powerful judges, and party officials, and a lobbyist or two.

Not a bad turnout to remember a jot-'em-down reporter whose trademark was blistering the hides off those who like to think they pull the strings of politics and government in Indiana.

Ziegner, a former reporter for *The Indianapolis News*, died June 22. He retired in 1985 after 44 years in journalism, most of those as *The News*' Statehouse bureau chief and chief political correspondent.

Gov. Evan Bayh, Lt. Gov. Frank L. O'Bannon and former Gov. Otis R. Bowen, among others, spoke at the memorial service in the Statehouse rotunda.

"Ed was a quiet, polite, friendly man—until you crossed him," said Bowen. "Then he could be brutal."

Legislators and tourists who peered over the ornate balconies heard former Indianapolis Mayor William H. Hudnut III talk about Ziegner's love of honesty and integrity, his love and admiration for a handful of the state's political leaders. Former state Democratic Party Chairman Gordon St. Angelo remembered Ziegner's love of the political game.

Most remembered the annual address Ziegner gave to the Indiana General Assembly at the close of each legislative session.

Referring to the gridlock and heated partisan political wrangling that have punctuated the current special session, St. Agnelo said:

"If Ed was covering this session, we would have 44 charred bodies in the Senate. The only senators still alive would have been his friends and sources."

O'Bannon remembered Ziegner's sense of mission.

"Political leaders like to shout the good news and whisper the bad. It was Ed's job to make sure everyone heard about the whispers," the lieutenant governor said.

"He always demanded the best out of himself as a journalist and a person. He taught me that we should expect the same of ourselves.

"Thanks, Ed."

[From the Indianapolis News, June 24, 1993]

DEATH HITS TOO CLOSE

(By David Mannweiler)

I'm not quite sure when I realized I no longer just turned past the obituary page, but it's relatively new with me. It's unsettling, too, a sign that I've come to a milestone I didn't want to reach.

People I know are starting to die.

I used to just ignore obits. I didn't know anybody who died. Old people died. If they were "important," I knew they had died because they made the front page. If someone died who was linked to me in some way—school, church, the neighborhood—my mother would tell me about it because she knew I'd never see it on the obit page.

Mom would say someone had died and I'd stop at the funeral home, sign the book, say I was sorry and leave quickly. That wasn't the old way, the way my grandmother did it.

A Southsider, she could spend entire afternoons at G.H. Herrmann's East Street Funeral Home at a wake. It became almost a second home for her.

She spent so much time there sitting on chairs talking to other elderly widows that my brothers and I joked that when you got old you went to funeral homes just to show other people you were still alive.

ONE OF MY HEROES

The phone has rung twice at my house in recent years with the news of death. One call was about my fourth-grade teacher, because we had continued a friendship and a communion long past grade school, high school and college.

Tuesday night, the call was for Ed Ziegner, one of my heroes. I never told him he was a personal hero of mine, but I think he knew it.

I read Ziegner's words in this newspaper long before I came to work here. He wrote careful prose that could glisten on a page. He could cloak ideas in just the exact words and do it effortlessly.

Not everyone agreed with everything he wrote, but when you are writing about politics and both Democrats and Republicans think you're awful and unfair and you favor the other party, then you must be doing your job well.

Ziegner, could distill the dross of an event and find the gold nuggets, recalls Moose Roberts, who wrote about the Legislature with Ziegner beginning in 1955.

LOVE AMID GRUMBLES

"Nobody was better at dictating a story to a reporter in the office," Roberts said, "Ziegner would come out of a press conference or a committee meeting, grab a phone and dictate a story which was errorless and complete. The biggest problem you had at the other end was trying to tell Ed to slow down.

"He frequently grumbled about the hours and the lousy working conditions in the small shack The News occupied in the Statehouse, but you could tell he loved every minute of it. He wouldn't have been satisfied anywhere else."

The News' legislative bureau operates out of a permanent office at the Statehouse now. The old third-class shack is gone and now so is a first-class man who worked there and truly did love every minute of it.

[From the Indianapolis News, June 29, 1993]

AN END-OF-THE-SESSION SPEECH

(By David Rohn)

Goodness knows, if ever there was a session of the Indiana General Assembly that needed an end-of-session speech written and delivered by Ed Ziegner, this one has been it.

Ziegner, properly regarded as the dean of Indiana political reports, passed away last week. Mercifully, this was one session he didn't have to endure until the end.

He regularly delivered his end-of-the session speeches to special joint sessions of the House and the Senate in the House chamber, beginning in 1969 until his retirement in 1985.

Usually, the governor, lieutenant governor and numerous other public officials also would attend, although a couple governors who had been at the receiving end of Ziegner's unvarnished critiques the previous session would chicken out.

The speeches were also a popular hit with lobbyists, legislative aides and the public. There was always a big crowd in the hallways outside the House to hear Ziegner over the public address system.

Had he been called upon to deliver his carefully-chosen remarks this year, well I can hear him now * * *.

I've watched this session very carefully, from the beginning right to this moment, and I've looked at what you have passed, and what you haven't, and listened to what you've said on the floor, and in press conferences, and I have an important message for each and every one of you: "Send not to know for whom the bell tolls. It tolls for thee."

Ziegner would then peer up over his glasses and add:

You remind me of what Jim Watson said when he came out of the smoke-filled room in Chicago which nominated Warren Harding. And when he was asked how it was, Watson replied: "There we were—knee-deep in midgets."

Since 1985, when Ziegner delivered his last speech to the Indiana General Assembly prior to his retirement, there have been five special sessions called.

Many of them, including this special session, have been extremely long ones.

During the 16 years Ziegner took to the podium in the well of the House, there were only three special sessions called—the longest lasting 11 days; one lasting three days; and, another lasting just a day.

They were probably short with good reason. Who wanted to provide Ziegner with any more ammunition than he already had for his annual critique?

Such as:

The Senate offers the greatest proof there is that life exists after death that I've ever seen. When a constituent calls a senator, he or she gets a recorded message which says, "Please leave your name and number and one good reason why I should call you back."

Ziegner was merciless at the microphone. No one—not the governor or the speaker of the House, the lieutenant governor or the president pro tem of the Senate—was too powerful to intimidate him or temper his remarks.

That, of course, was one of the attributes that made him such an outstanding political analyst. He took a democratic (with a small d) view of politics, believing that officeholders were, indeed, public servants who served at the pleasure of the electorate.

They were, at best, trustees of a magnificent constitutional inheritance and were beholden to the consent of the governed.

He understood that public office could be a powerful—even intoxicating—drink for the individual who held it, just as Ziegner also knew full well the moment he retired as political editor of The News, many of his own phone calls, luncheon dates and party invitations would dry up.

But Ziegner had long ago learned that there is life outside of politics, journalism, position or profession and that true friendships would endure.

In a mellower moment, he once said:

This (the Legislature) is a special place, and its genius is that it refreshes and renews itself each two years.

When I think of the friends I have made here over all the years I have been around, I think of Yeats' lines:

"Count where man's glory most begins and ends.

"And say my glory was I had such friends."

For all of his caustic remarks about what annually transpired in the General Assembly, he said in one speech:

I like to believe as I see more of government and politics, and as the years go by, that you in both parties and those of us who are in the press and all the vast apparatus which supports this machine and makes it go, with all the accompanying fits and starts, that all of us are after the same thing—responsible and responsive government in a free society. We think and we vote and we believe and we argue as many, but we pray as one.

This session and its attendant special session no doubt would have sorely tested that belief.

More likely, if given the chance, Ziegner would have said: Essentially, you've done nothing, you've done it elaborately and

you're proud of it. You've given new meaning to that old line, "Many a train of thought is just a string of empties."

Or:

The state needs some of this stuff you've passed about as bad as a hog needs a wristwatch.

Oh, my, where is Ed Ziegner when Indiana politics sorely needs him?

TRIBUTE TO ROBERT RHODE

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 15, 1993

Mr. CAMP. Mr. Speaker, it is with great pleasure that I rise today to recognize a special individual, Mr. Robert Rhode, from Chesaning, MI. Bob is being honored by the Chesaning School System as he retires from 17 years of service as the superintendent of the Chesaning School District.

Originally from a dairy farm in Remus, Bob received his masters in education from Central Michigan University, has been teaching in the Michigan School System for 35 years, and has contributed much throughout his career to the needs of the students of Chesaning. He is an active member of the Trinity United Methodist Church, serves as president of the Chesaning Lion's Club, and is a member of the Saginaw County Business and Education Coordinating Council.

Bob's involvement goes beyond the classroom. Also known as Captain Bob, he has served as MC of the Chesaning Showboat for more than two decades. In addition to all of this, Bob enjoys time with his family, which includes his wife Claudia, and all four daughters, Jill, Jane, Sally, and Joanne.

Bob has provided leadership and direction for the students for the Chesaning School System, and his contributions will reach far beyond their formative years. Through his immeasurable commitment and dedication, he has become a trusted individual to the friends and families of students throughout the area.

Mr. Speaker, Robert Rhode is truly an amazing individual. I know that you will join with me and the Chesaning community in congratulating him on his retirement, and wishing him continued success in future endeavors.

LEGISLATION DESIGNATING MAURICE RIVER A COMPONENT OF WILD AND SCENIC RIVERS SYSTEM

HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 15, 1993

Mr. HUGHES. Mr. Speaker, I am introducing legislation today which designates some 35 miles of the Maurice River and its tributaries in the State of New Jersey as components of the National Wild and Scenic Rivers System.

Wild and scenic designation assures the long-term protection of unique natural resources through sound, locally implemented river management plans. Only the most select free-flowing rivers that have outstanding natural, cultural, or recreational values make up the Wild and Scenic System. I am very proud that New Jersey hosts two such rivers.

Earlier this session, I introduced similar legislation—H.R. 32—designating some 23 miles of the Maurice River and its tributaries as components of the national system. I am reintroducing this legislation today to designate additional miles and clarify any ambiguities that arose earlier due to the interpretation of language pertaining to condemnation authority.

Specifically, the bill requires that management of the designated segments will be at the local level by cooperative agreements between the Secretary of the Interior and local municipalities. These agreements will be consistent with local river management plans which are almost exclusively the product of local thinking, based on the input of local residents, businesses, and elected officials. Authority for implementation of the plan will lie solely at the local level.

Under the law, lands cannot be acquired by the Secretary of the Interior for wild and scenic areas within any incorporated municipality which has a valid zoning ordinance which conforms with the purposes of the legislation. As the river management plans have already been adopted by the local municipalities and, in some cases, incorporated into local zoning ordinances, and meet the goals of the Wild and Scenic Act, condemnation of property will be avoided.

The Maurice River is one of New Jersey's most magnificent treasures. The river forms an integral part of the Pinelands ecosystem, provides fresh water to the region, and is rich in the unique history and culture of southern New Jersey.

This region provides important habitat for a wide variety of animals, birds, and plants, and is well known for its fishing, boating, and recreational activities. Sites of cultural and historical interest along the river corridor include a prehistoric American Indian settlement and several intact villages and towns.

This bill not only seeks to maintain and conserve these important river resources, but simultaneously recognizes that the river is also the economy and thus seeks to protect traditional economic activities such as oystering, crabbing, fishing, recreation or tourism.

We are so fortunate in southern New Jersey to have such beautiful natural resources. We recognize the unique qualities of these majestic resources and the importance of protecting them. That is why we are able today to offer additional protections. If our sister cities in the northern part of our State could go back 100 years, they would have done it differently. There is no question that they would have taken advantage of available planning and management tools to offer similar protection to their natural resources. Instead they are left to cleaning up the mess that we've created.

It is clear that we have a unique opportunity in the southern part of the State to preserve these magnificent areas for our children and their children. This step will be looked upon in the years ahead as one of the more significant events that the leaders in our region have accomplished.

Indeed, the local communities have shown their commitment to the preservation of this very special resource. Since I first introduced this bill last Congress, Maurice River Township and the cities of Millville and Vineland have passed resolutions endorsing designation. And most recently, Commercial Township and Buena Vista Township announced they, too, will introduce resolutions supporting designation of the relevant river segments.

These endorsements enable the designation of approximately 12 additional miles, encompassing all five affected municipalities and almost the entire study site. Such strong support at the local level is unique and reflects many years of hard work from the grassroots level to the Federal Government.

Certainly, we would not be where we are today without the tireless efforts, enthusiasm, and interest of several local officials and citizens. I would like to pay special tribute to Steve Kehs, executive director of Cumberland County Department of Planning and Development, whose efforts to negotiate a consensus, ensure that the local needs were met, and develop a management plan for the river are largely responsible for the success we are realizing today.

I also want to give special recognition to Ed Salmon, who as a member of the general assembly, was one of the original leaders of this effort. A measure of thanks also goes to the members of the Board of Chosen Freeholders, Mayor Feltes, and other community leaders who have been instrumental in developing legislation which meets the need of the river, the community, and the Federal Government, a tremendous accomplishment.

Additionally, Ms. Patricia Weber and the National Park Service have done an outstanding job in working with the affected communities to ensure a full understanding by all participants of the national system. Progress to protect the river is a direct result of the dedication and enthusiasm exhibited by Patty Weber during the study process.

Finally, the real power behind collective action stems from the efforts of local citizens. Jane Galetto and Don Fauerbach, president and founder of Citizens United to Protect the Maurice River and Its Tributaries, rallied local support for this effort and worked endlessly to ensure a complete understanding of the need for and significance of protecting this watershed. The formation of Citizens United alone is an indication of the level of commitment to the preservation of this very special resource.

The result of the collective efforts of local citizens and community leaders is a river management plan which will almost exclusively be the product of local thinking and long-term protection for one of New Jersey's most majestic rivers.

People think of New Jersey as what they see from the Turnpike. They do not think of New Jersey as having water that is so pure it is drinkable. As southern Jersey grows and prospers it is important that we preserve that quality of life. Offering protection to this area at this time, therefore, is an opportunity we cannot afford to miss. This legislation will help us to do that. Accordingly, I urge my colleagues to support me in this endeavor.

SUPPORT OF OCOEE RIVER OLYMPIC DEVELOPMENT

HON. MARILYN LLOYD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 15, 1993

Mrs. LLOYD. Mr. Speaker, I rise in support of the development of the Ocoee River area in Cherokee National Park for use in the 1996 Olympic whitewater kayaking competition.

In a time when the Federal Government is facing serious budget constraints, it is important to recognize the economic development value of the Ocoee River project. This project will not only build a national whitewater venue for future world competition in one of the fastest growing international sports, kayaking, but it will bring much needed investment to an economically depressed area.

Polk County, TN, where the Ocoee River is located, has an unemployment rate of 13.5 percent and recently suffered devastating damage to its poultry industry from the Blizzard of 1993. Economic growth has been consistently limited in this county, because more than half of the land is owned by the Federal Government. Clearly a strong justification for a Federal development role exists under these circumstances.

Federal investments in amateur sports programs, such as the Olympics, have in the past induced long-term positive economic returns to economically depressed areas such as Polk County. The development of the currently unused upper section of the Ocoee River will strengthen the existing river-based recreation facilities in the Cherokee National Forest, generating hundreds of new jobs in the area over the post-Olympic period.

Today, 600 people work in the Ocoee River recreation industry and visitors generate nearly $22 million in annual economic impact. The nearby Hiwasee River adds an additional 100 jobs and $4.5 million in related spending. River-oriented recreation in this national forest represents the greatest potential for growth in the region, but is currently operating at maximum capacity on the lower section of the river. The Ocoee River project is a carefully developed complement that will serve the national interest in the multipurpose use of natural resources and significantly increase capacity of the river to entertain tourists by developing previously unavailable sections. Similar projects have quickly recovered initial investments and stimulated the economy by increasing the recreation resources available to the public.

A Peat Marwick study has estimated the pre-Olympic economic impact on Polk and the surrounding counties will be approximately $63 million, six times the 5-year Federal investment. The Tennessee Valley Authority is currently completing a study of the long-term effect of the development, but initial estimates have the figure at $18.8 million annually.

The Hoosier Horse Park Pan American Games development in Indiana is an excellent example of a project that complemented an existing program and increased the area revenues, recovering the total Federal investment within 5 years. This amateur sports development initiated with a $5-million Federal investment in 1988 produced $5.3 million by 1993.

The Ocoee River project involves a unique partnership of Federal, State, local, and private stakeholders committed to responsible management and effective development of the resources in this rural region. Of the estimated $26-million cost of the project improvements, no more than $11.7 million is projected to come from the Forest Service over a 5-year period.