

## SENATE—Friday, July 23, 1993

(Legislative day of Wednesday, June 30, 1993)

The Senate met at 8 a.m., on the expiration of the recess, and was called to order by the Honorable HERB KOHL, a Senator from the State of Wisconsin.

## PRAYER

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

Let us pray.

In a moment of silence, let us thank the Lord for the return of Senator SPECTER and let us pray for his complete recovery of health and strength. "Thou wilt keep him in perfect peace, whose mind is stayed on Thee \* \* \*."—(Isaiah 26:3)

God of peace, let us not take this offer of peace lightly. There is little in the Senate or in the world that offers peace, much of the dynamics in the democratic process generates dispeace. Little that is happening in the world around us gives peace whether it is Bosnia or Somalia or Nicaragua or flood in the Midwest or, for that matter, resolving the budget issues. And often life in the home is not peaceful.

Gracious God, men and women with great responsibility need peace, and I pray for those in this large Senate family that each may discover "the peace that passes understanding" which comes from trusting in Thee. May this weekend bring respite from struggle and pressure. May there be peace in our hearts and in our homes.

We pray in the name of the Prince of Peace. Amen.

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, July 23, 1993.

To the Senate:

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

ROBERT C. BYRD,  
President pro tempore.

Mr. KOHL 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.

LEGISLATIVE BRANCH  
APPROPRIATIONS ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to consideration of H.R. 2348, which the clerk will report.

The legislative clerk read as follows:

A bill [H.R. 2348] making appropriations for the legislative branch for the fiscal year ending September 30, 1994, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italic.)

## H.R. 2348

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Legislative Branch for the fiscal year ending September 30, 1994, and for other purposes, namely:

TITLE I—CONGRESSIONAL OPERATIONS  
SENATE

## EXPENSE ALLOWANCES

*For expense allowances of the Vice President, \$10,000; the President Pro Tempore of the Senate, \$10,000; Majority Leader of the Senate, \$10,000; Minority Leader of the Senate, \$10,000; Majority Whip of the Senate, \$5,000; Minority Whip of the Senate, \$5,000; and Chairmen of the Majority and Minority Conference Committees, \$3,000 for each Chairman; in all, \$56,000.*

REPRESENTATION ALLOWANCES FOR THE  
MAJORITY AND MINORITY LEADERS

*For representation allowances of the Majority and Minority Leaders of the Senate, \$15,000 for each such Leader; in all, \$30,000.*

## SALARIES, OFFICERS AND EMPLOYEES

*For compensation of officers, employees, and others as authorized by law, including agency contributions, \$69,895,000, which shall be paid from this appropriation without regard to the below limitations, as follows:*

## OFFICE OF THE VICE PRESIDENT

*For the Office of the Vice President, \$1,431,000.*

## OFFICE OF THE PRESIDENT PRO TEMPORE

*For the Office of the President Pro Tempore, \$432,000.*

OFFICES OF THE MAJORITY AND MINORITY  
LEADERS

*For Offices of the Majority and Minority Leaders, \$2,076,000.*

## OFFICES OF THE MAJORITY AND MINORITY WHIPS

*For Offices of the Majority and Minority Whips, \$644,000.*

## CONFERENCE COMMITTEES

*For the Conference of the Majority and the Conference of the Minority, at rates of compensation to be fixed by the Chairman of each*

*such committee, \$942,000 for each such committee; in all, \$1,884,000.*

## OFFICES OF THE SECRETARIES OF THE CONFERENCE OF THE MAJORITY AND THE CONFERENCE OF THE MINORITY

*For Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority, \$362,000.*

## OFFICE OF THE CHAPLAIN

*For Office of the Chaplain, \$172,000.*

## OFFICE OF THE SECRETARY

*For Office of the Secretary, \$11,715,000.*

OFFICE OF THE SERGEANT AT ARMS AND  
DOORKEEPER

*For Office of the Sergeant at Arms and Doorkeeper, \$32,739,000.*

OFFICES OF THE SECRETARIES FOR THE MAJORITY  
AND MINORITY

*For Offices of the Secretary for the Majority and the Secretary for the Minority, \$1,133,000.*

## AGENCY CONTRIBUTIONS AND RELATED EXPENSES

*For agency contributions for employee benefits, as authorized by law, and related expenses, \$17,307,000.*

OFFICE OF THE LEGISLATIVE COUNSEL OF THE  
SENATE

*For salaries and expenses of the Office of the Legislative Counsel of the Senate, \$3,080,000.*

## OFFICE OF SENATE LEGAL COUNSEL

*For salaries and expenses of the Office of Senate Legal Counsel, \$833,000.*

EXPENSE ALLOWANCES OF THE SECRETARY OF  
THE SENATE, SERGEANT AT ARMS AND DOOR-  
KEEPER OF THE SENATE, AND SECRETARIES FOR  
THE MAJORITY AND MINORITY OF THE SENATE

*For expense allowances of the Secretary of the Senate, \$3,000; Sergeant at Arms and Doorkeeper of the Senate, \$3,000; Secretary for the Majority of the Senate, \$3,000; Secretary for the Minority of the Senate, \$3,000; in all, \$12,000.*

## CONTINGENT EXPENSES OF THE SENATE

## SENATE POLICY COMMITTEES

*For salaries and expenses of the Majority Policy Committee and the Minority Policy Committee, \$1,199,100 for each such committee; in all, \$2,398,200.*

## INQUIRIES AND INVESTIGATIONS

*For expenses of inquiries and investigations ordered by the Senate, or conducted pursuant to section 134(a) of Public Law 601, Seventy-ninth Congress, as amended, section 112 of Public Law 96-304 and Senate Resolution 281, agreed to March 11, 1980, \$77,000,000.*

EXPENSES OF UNITED STATES SENATE CAUCUS ON  
INTERNATIONAL NARCOTICS CONTROL

*For expenses of the United States Senate Caucus on International Narcotics Control, \$336,000.*

## SECRETARY OF THE SENATE

*For expenses of the Office of the Secretary of the Senate, \$1,366,500.*

SERGEANT AT ARMS AND DOORKEEPER OF THE  
SENATE

*For expenses of the Office of the Sergeant at Arms and Doorkeeper of the Senate, \$74,894,000, of which \$16,500,000 shall remain available until expended.*

## MISCELLANEOUS ITEMS

*For miscellaneous items, \$6,748,000.*

SENATORS' OFFICIAL PERSONNEL AND OFFICE  
EXPENSE ACCOUNT

*For Senators' Official Personnel and Office Expense Account, \$185,768,000.*

OFFICE OF SENATE FAIR EMPLOYMENT  
PRACTICES

For salaries and expenses of the Office of Senate Fair Employment Practices, \$825,000.

STATIONERY (REVOLVING FUND)

For stationery for the President of the Senate, \$4,500, for officers of the Senate and the Conference of the Majority and Conference of the Minority of the Senate, \$8,500; in all, \$13,000.

OFFICIAL MAIL COSTS

For expenses necessary for official mail costs of the Senate, \$20,000,000.

ADMINISTRATIVE PROVISIONS

SEC. 1. (a) Charges for expenses of any office, the funds of which are disbursed by the Secretary of the Senate, may be vouchered by a Senate support office paying such expenses or to which such charges are owed for goods or services provided, if—

(1) such charges are paid on behalf of the office incurring such expenses by such Senate support office; or

(2) such charges are payable to such Senate support office for goods or services provided by such office to the office incurring such expenses.

(b) Payments under this section shall be charged to the official funds of the office on whose behalf the expenses were paid, or which received the goods or services for which payment is required.

(c) Any voucher submitted by a Senate support office pursuant to this section shall be accompanied by a certification from such office of the amount and that such purchases were of the nature that they could be charged to the official funds of the office on whose behalf charges were paid, or to which goods or services were provided.

(d) Vouchers under this section shall be submitted and paid subject to such regulations as may be promulgated by the Committee on Rules and Administration.

SEC. 2. Effective on and after October 1, 1993, the aggregate of each of the sums determined under clauses (iii) and (iv) of section 506(b)(3)(A) of the Supplemental Appropriations Act, 1973 (2 U.S.C. 58(b)(3)(A) (iii) and (iv)), shall be deemed decreased by 2.5 percent.

SEC. 3. Section 12 under the subheading "ADMINISTRATIVE PROVISIONS" under the heading "SENATE" in the Legislative Branch Appropriations Act, 1991 (2 U.S.C. 58c-1) is amended in the first sentence by striking "the Committee on Appropriations of the Senate and".

HOUSE OF REPRESENTATIVES

SALARIES AND EXPENSES (PRIOR YEAR)

(RESCISSION)

Of the funds appropriated in the Legislative Branch Appropriations Act, 1991, for the House of Representatives under the heading "SALARIES AND EXPENSES", there is rescinded a total \$730,037.41, in the amounts specified for the following headings and accounts:

(1) "HOUSE LEADERSHIP OFFICES", \$24,988.44, as follows: (A) "Office of the Speaker", \$5,245.00; (B) "Office of the Majority Leader", \$4,743.44; (C) "Office of the Minority Leader", \$5,000.00; (D) "Office of the Majority Whip", \$5,000.00; and (E) "Office of the Minority Whip", \$5,000.00.

(2) "MEMBERS' CLERK HIRE", \$686.50.

(3) "COMMITTEE EMPLOYEES", \$44.59.

(4) "STANDING COMMITTEES, SPECIAL AND SELECT", \$138,448.87.

(5) "ALLOWANCES AND EXPENSES", \$500,691.91 as follows: (A) "furniture and furnishings", \$624.54; (B) "reemployed annuitants reimbursements", \$67.37; and (C) unspecified, \$500,000.00.

(6) "COMMITTEE ON APPROPRIATIONS (STUDIES AND INVESTIGATIONS)", \$2,682.97.

(7) "SALARIES, OFFICERS AND EMPLOYEES", \$62,494.13, as follows: (A) "Office of the Clerk", \$2,053.34; (B) "Office of the Sergeant at Arms", \$352.20; (C) "Office of the Doorkeeper", \$99.08; (D) "Office of the Chaplain", \$255.50; (E) "the House Democratic Steering and Policy Committee and the Democratic Caucus", \$9,355.14; (F) "the House Republican Conference", \$1,824.87; and (G) "six minority employees", \$48,554.00.

Of the funds appropriated in the Legislative Branch Appropriations Act, 1992, for the House of Representatives under the heading "SALARIES AND EXPENSES", there is rescinded a total of \$891,717.36, in the amounts specified for the following headings and accounts:

(1) "HOUSE LEADERSHIP OFFICES", \$533,169.67, as follows: (A) "Office of the Speaker", \$308,604.60; (B) "Office of the Majority Leader", \$46,970.75; (C) "Office of the Minority Leader", \$154,142.11; (D) "Office of the Majority Whip", \$18,819.23; and (E) "Office of the Minority Whip", \$4,632.98.

(2) "MEMBERS' CLERK HIRE", \$7,272.63.

(3) "ALLOWANCES AND EXPENSES", \$12,226.40 as follows: (A) "furniture and furnishings", \$4,379.86; and (B) "reemployed annuitants reimbursements", \$7,846.54.

(4) "SALARIES, OFFICERS AND EMPLOYEES", \$339,048.66, as follows: (A) "Office of the Sergeant at Arms", \$500.00; (B) "Office of the Chaplain", \$1,886.97; (C) "Office of the Parliamentarian", \$35,969.46; (D) "Office of the Historian", \$62,999.89; (E) "the House Democratic Steering and Policy Committee and the Democratic Caucus", \$115,226.11; and (F) "six minority employees", \$122,466.23.

Of the funds appropriated in the Legislative Branch Appropriations Act, 1993, for the House of Representatives under the heading "SALARIES AND EXPENSES", there is rescinded a total of \$1,500,000 in the amounts specified for the following heading: "STANDING COMMITTEES, SPECIAL AND SELECT".

SALARIES AND EXPENSES

For salaries and expenses of the House of Representatives, \$686,318,000, as follows:

HOUSE LEADERSHIP OFFICES

For salaries and expenses, as authorized by law, \$5,871,000, including: Office of the Speaker, \$1,395,000, including \$25,000 for official expenses of the Speaker; Office of the Majority Floor Leader, \$1,003,000, including \$10,000 for official expenses of the Majority Leader; Office of the Minority Floor Leader, \$1,383,000, including \$10,000 for official expenses of the Minority Leader; Office of the Majority Whip, \$1,235,000, including \$5,000 for official expenses of the Majority Whip and not to exceed \$539,600, for the Chief Deputy Majority Whip; and Office of the Minority Whip, \$855,000, including \$5,000 for official expenses of the Minority Whip and not to exceed \$97,980, for the Chief Deputy Minority Whip.

MEMBERS' CLERK HIRE

For staff employed by each Member in the discharge of official and representative duties, \$225,004,000.

COMMITTEE EMPLOYEES

For professional and clerical employees of standing committees, including the Committee on Appropriations and the Committee on the Budget, \$70,445,000.

COMMITTEE ON THE BUDGET (STUDIES)

For salaries, expenses, and studies by the Committee on the Budget, and temporary personal services for such committee to be expended in accordance with sections 101(c), 606, 703, and 901(e) of the Congressional Budget Act of 1974, and to be available for reimbursement to agencies for services performed, \$389,000.

STANDING COMMITTEES, SPECIAL AND SELECT

For salaries and expenses of standing committees, special and select, authorized by the House, \$52,662,000.

COMMITTEE ON HOUSE ADMINISTRATION

HOUSE INFORMATION SYSTEMS

For salaries, expenses and temporary personal services of House Information Systems, under the direction of the Committee on House Administration, \$22,885,000, of which \$14,557,000 is provided herein: *Provided*, That House Information Systems is authorized to receive reimbursement for services provided from Members of the House of Representatives and other Governmental entities and such reimbursement shall be deposited in the Treasury for credit to this account: *Provided further*, That amounts so credited for fiscal year 1993 and not obligated shall be available for obligation in fiscal year 1994.

ALLOWANCES AND EXPENSES

For allowances and expenses as authorized by House resolution or law, \$220,812,000, including: Official Expenses of Members, \$76,545,000; supplies, materials, administrative costs and Federal tort claims, \$11,328,000; net expenses of purchase, lease and maintenance of office equipment, \$7,196,000; net expenses for telecommunications, \$5,960,000; furniture and furnishings, \$1,720,000; stenographic reporting of committee hearings, \$1,055,000; reemployed annuitants reimbursements, \$933,000; Government contributions to employees' life insurance fund, retirement funds, Social Security fund, Medicare fund, health benefits fund, and worker's and unemployment compensation, \$115,314,000; and miscellaneous items including purchase, exchange, maintenance, repair and operation of House motor vehicles, inter-parliamentary receptions, and gratuities to heirs of deceased employees of the House, \$761,000.

CHILD CARE CENTER

For salaries and expenses of the House of Representatives Child Care Center, such amounts as are deposited in the account established by section 312(d)(1) of the Legislative Branch Appropriations Act, 1992 (40 U.S.C. 184g(d)(1)), subject to the level specified in the budget of the Center, as submitted to the Committee on Appropriations of the House of Representatives.

COMMITTEE ON APPROPRIATIONS (STUDIES AND INVESTIGATIONS)

For salaries and expenses, studies and examinations of executive agencies, by the Committee on Appropriations, and temporary personal services for such committee, to be expended in accordance with section 202(b) of the Legislative Reorganization Act of 1946, and to be available for reimbursement to agencies for services performed, \$6,431,000.

OFFICIAL MAIL COSTS

For expenses necessary for official mail costs of the House of Representatives, as authorized by law, \$40,000,000.

SALARIES, OFFICERS AND EMPLOYEES

For compensation and expenses of officers and employees, as authorized by law, \$50,147,000, including: Office of the Clerk, including not to exceed \$1,000 for official representation and reception expenses, \$11,947,000; Office of the Sergeant at Arms, including not to exceed \$500 for official representation and reception expenses, \$1,384,000; Office of the Doorkeeper, including overtime, as authorized by law, \$10,101,000; Office of Director of Non-legislative and Financial Services, \$14,402,000; for the salaries

and expenses of the Office of General Counsel, \$674,000; Office of the Chaplain, \$123,000; Office of the Parliamentarian, including the Parliamentarian and \$2,000 for preparing the Digest of Rules, \$898,000; for salaries and expenses of the Office of the Historian, \$310,000; for salaries and expenses of the Office of the Law Revision Counsel of the House, \$1,453,000; for salaries and expenses of the Office of the Legislative Counsel of the House, \$4,071,000; six minority employees, \$738,000; the House Democratic Steering and Policy Committee and the Democratic Caucus, \$1,474,000; the House Republican Conference, \$1,474,000; and other authorized employees, \$1,098,000.

#### ADMINISTRATIVE PROVISIONS

SEC. 101. (a) Upon the transfer of any function to the Director of Non-legislative and Financial Services by the authority of the Committee on House Administration pursuant to rule X of the House of Representatives and upon the commencement of operation of the Office of Inspector General, the applicable amounts appropriated by the Legislative Branch Appropriations Act, 1992, or by this Act, for the purposes specified in subsection (b) shall be available to the Director and the Office of Inspector General for the carrying out of such function or operation, upon the approval of the Committee on Appropriations of the House of Representatives. In no case shall the transfer of any function referred to in the preceding sentence include the transfer of any function of the Capitol Guide Service.

(b) The purposes referred to in subsection (a) are salaries and expenses of the House of Representatives under the headings "ALLOWANCES AND EXPENSES" and "SALARIES, OFFICERS AND EMPLOYEES".

SEC. 101A. (a) House Resolution 1238, Ninety-first Congress, agreed to December 22, 1970 (as enacted into permanent law by chapter VIII of the Supplemental Appropriations Act, 1971, and supplemented by the Act entitled "An Act relating to former Speakers of the House of Representatives" (88 Stat. 1723)) (2 U.S.C. 31b-1 et seq.) is amended by adding at the end the following new section:

"SEC. 8. The entitlements of a former Speaker of the House of Representatives under this resolution shall be available—

"(1) in the case of an individual who is a former Speaker on the effective date of this section, for 5 years, commencing on such effective date; and

"(2) in the case of an individual who becomes a former Speaker after such effective date, for 5 years, commencing at the expiration of the term of office of the individual as a Representative in Congress."

(b) The amendment made by subsection (a) shall take effect on October 1, 1993.

#### JOINT ITEMS

For joint committees, as follows:

##### JOINT ECONOMIC COMMITTEE

For salaries and expenses of the Joint Economic Committee, [\$3,980,000] \$3,626,000, to be disbursed by the Secretary of the Senate.

##### JOINT COMMITTEE ON PRINTING

For salaries and expenses of the Joint Committee on Printing, [\$1,377,000] \$1,311,000, to be disbursed by the Secretary of the Senate.

##### JOINT COMMITTEE ON TAXATION

For salaries and expenses of the Joint Committee on Taxation, \$5,701,000, to be disbursed by the Clerk of the House.

For other joint items, as follows:

##### OFFICE OF THE ATTENDING PHYSICIAN

For medical supplies, equipment, and contingent expenses of the emergency rooms,

and for the Attending Physician and his assistants, including (1) an allowance of \$1,500 per month to the Attending Physician; (2) an allowance of \$500 per month each to two medical officers while on duty in the Attending Physician's office; (3) an allowance of \$500 per month each to two assistants and \$400 per month each to not to exceed nine assistants on the basis heretofore provided for such assistance; and (4) \$1,002,000 for reimbursement to the Department of the Navy for expenses incurred for staff and equipment assigned to the Office of the Attending Physician, which shall be advanced and credited to the applicable appropriation or appropriations from which such salaries, allowances, and other expenses are payable and shall be available for all the purposes thereof, \$1,502,000, to be disbursed by the Clerk of the House.

#### CAPITOL POLICE BOARD

##### CAPITOL POLICE

##### SALARIES

For the Capitol Police Board for salaries, including overtime, and Government contributions to employees' benefits funds, as authorized by law, of officers, members, and employees of the Capitol Police, \$62,255,000, of which \$29,453,000 is provided to the Sergeant at Arms of the House of Representatives, to be disbursed by the Clerk of the House, and \$32,802,000 is provided to the Sergeant at Arms and Doorkeeper of the Senate, to be disbursed by the Secretary of the Senate: *Provided*, That of the amounts appropriated for fiscal year 1994 for salaries, including overtime, and Government contributions to employees' benefits funds under this heading, such amounts as may be necessary may be transferred between the Sergeant at Arms of the House of Representatives and the Sergeant at Arms and Doorkeeper of the Senate, upon approval of the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate.

##### GENERAL EXPENSES

For the Capitol Police Board for necessary expenses of the Capitol Police, including motor vehicles, communications and other equipment, uniforms, weapons, supplies, materials, training, medical services, the employee assistance program, not more than \$2,000 for the awards program, postage, telephone service, travel advances, relocation of instructor and liaison personnel for the Federal Law Enforcement Training Center, and \$85 per month for extra services performed for the Capitol Police Board by an employee of the Sergeant at Arms of the Senate or the House of Representatives designated by the Chairman of the Board, \$1,977,000, to be disbursed by the Clerk of the House of Representatives: *Provided*, That, notwithstanding any other provision of law, the cost of basic training for the Capitol Police at the Federal Law Enforcement Training Center for fiscal year 1994 shall be paid by the Secretary of the Treasury from funds available to the Department of the Treasury.

##### ADMINISTRATIVE PROVISION

SEC. 102. Amounts appropriated for fiscal year 1994 for the Capitol Police Board under the heading "CAPITOL POLICE" may be transferred between the headings "SALARIES" and "GENERAL EXPENSES", upon approval of the Committees on Appropriations of the Senate and the House of Representatives.

##### CAPITOL GUIDE SERVICE

For salaries and expenses of the Capitol Guide Service, \$1,628,000, to be disbursed by the Secretary of the Senate: *Provided*, That

none of these funds shall be used to employ more than thirty-three individuals: *Provided further*, That the Capitol Guide Board is authorized, during emergencies, to employ not more than two additional individuals for not more than one hundred twenty days each, and not more than ten additional individuals for not more than six months each, for the Capitol Guide Service.

##### SPECIAL SERVICES OFFICE

For salaries and expenses of the Special Services Office, \$363,000, to be disbursed by the Secretary of the Senate.

#### OFFICE OF TECHNOLOGY ASSESSMENT

##### SALARIES AND EXPENSES

For salaries and expenses necessary to carry out the provisions of the Technology Assessment Act of 1972 (Public Law 92-484), including official reception and representation expenses (not to exceed \$5,500 from the Trust Fund), and expenses incurred in administering an employee incentive awards program (not to exceed \$2,500), and rental of space in the District of Columbia, \$20,815,000: *Provided*, That none of the funds in this Act shall be available for salaries or expenses of any employee of the Office of Technology Assessment in excess of 143 staff employees: *Provided further*, That no part of this appropriation shall be available for assessments or activities not initiated and approved in accordance with section 3(d) of Public Law 92-484: *Provided further*, That none of the funds in this Act shall be available for salaries or expenses of employees of the Office of Technology Assessment in connection with any reimbursable study for which funds are provided from sources other than appropriations made under this Act, or shall be available for any other administrative expenses incurred by the Office of Technology Assessment in carrying out such a study.

#### CONGRESSIONAL BUDGET OFFICE

##### SALARIES AND EXPENSES

For salaries and expenses necessary to carry out the provisions of the Congressional Budget Act of 1974 (Public Law 93-344), including not to exceed \$2,500 to be expended on the certification of the Director of the Congressional Budget Office in connection with official representation and reception expenses, [\$22,317,000] \$22,442,000: *Provided*, That none of these funds shall be available for the purchase or hire of a passenger motor vehicle: *Provided further*, That none of the funds in this Act shall be available for salaries or expenses of any employee of the Congressional Budget Office in excess of 226 staff employees: *Provided further*, That any sale or lease of property, supplies, or services to the Congressional Budget Office shall be deemed to be a sale or lease of such property, supplies, or services to the Congress subject to section 903 of Public Law 98-63: *Provided further*, That the Director of the Congressional Budget Office shall have the authority, within the limits of available appropriations, to dispose of surplus or obsolete personal property by inter-agency transfer, donation, or discarding.

#### ARCHITECT OF THE CAPITOL

##### OFFICE OF THE ARCHITECT OF THE CAPITOL

##### SALARIES

For the Architect of the Capitol; the Assistant Architect of the Capitol; and other personal services; at rates of pay provided by law, [\$8,762,000] \$8,144,000.

##### TRAVEL

Appropriations under the control of the Architect of the Capitol shall be available for expenses of travel on official business not to exceed in the aggregate under all funds the sum of \$20,000.

## CONTINGENT EXPENSES

To enable the Architect of the Capitol to make surveys and studies, and to meet unforeseen expenses in connection with activities under his care, \$100,000, to remain available until expended].

## CAPITOL BUILDINGS AND GROUNDS

## CAPITOL BUILDINGS

For all necessary expenses for the maintenance, care and operation of the Capitol and electrical substations of the Senate and House office buildings, under the jurisdiction of the Architect of the Capitol, including furnishings and office equipment; including not to exceed \$1,000 for official reception and representation expenses, to be expended as the Architect of the Capitol may approve; purchase or exchange, maintenance and operation of a passenger motor vehicle; security installations, which are approved by the Capitol Police Board, authorized by House Concurrent Resolution 550, Ninety-Second Congress, agreed to September 19, 1972, the cost limitation of which is hereby further increased by \$200,000; and attendance, when specifically authorized by the Architect of the Capitol, at meetings or conventions in connection with subjects related to work under the Architect of the Capitol, \$23,978,000, of which [\$4,663,000] \$4,413,000 shall remain available until expended.

## CAPITOL GROUNDS

For all necessary expenses for care and improvement of grounds surrounding the Capitol, the Senate and House office buildings, and the Capitol Power Plant, \$5,289,000, of which \$225,000 shall remain available until expended.

## SENATE OFFICE BUILDINGS

For all necessary expenses for maintenance, care and operation of Senate Office Buildings; and furniture and furnishings, to be expended under the control and supervision of the Architect of the Capitol, \$47,339,000, of which \$10,177,000 shall remain available until expended.

## HOUSE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of the House office buildings, including the position of Superintendent of Garages as authorized by law, \$32,287,000, of which \$2,400,000 shall remain available until expended.

## CAPITOL POWER PLANT

For all necessary expenses for the maintenance, care and operation of the Capitol Power Plant; lighting, heating, power (including the purchase of electrical energy) and water and sewer services for the Capitol, Senate and House office buildings, Library of Congress buildings, and the grounds about the same, Botanic Garden, Senate garage, and air conditioning refrigeration not supplied from plants in any of such buildings; heating the Government Printing Office and Washington City Post Office; and heating and chilled water for air conditioning for the Supreme Court Building, Union Station complex, Thurgood Marshall Federal Judiciary Building and the Folger Shakespeare Library, expenses for which shall be advanced or reimbursed upon request of the Architect of the Capitol and amounts so received shall be deposited into the Treasury to the credit of this appropriation, \$32,777,000, of which \$665,000 shall remain available until expended: *Provided*, That not to exceed \$3,200,000 of the funds credited or to be reimbursed to this appropriation as herein provided shall be available for obligation during fiscal year 1994.

## LIBRARY OF CONGRESS

## CONGRESSIONAL RESEARCH SERVICE

## SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of section 203 of the Legislative Reorganization Act of 1946, (2 U.S.C. 166) and to revise and extend the Annotated Constitution of the United States of America, \$56,718,000: *Provided*, That no part of this appropriation may be used to pay any salary or expense in connection with any publication, or preparation of material therefor (except the Digest of Public General Bills), to be issued by the Library of Congress unless such publication has obtained prior approval of either the Committee on House Administration of the House of Representatives or the Committee on Rules and Administration of the Senate: *Provided further*, That, notwithstanding any other provision of law, the compensation of the Director of the Congressional Research Service, Library of Congress, shall be at an annual rate which is equal to the annual rate of basic pay for positions at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

## GOVERNMENT PRINTING OFFICE

## CONGRESSIONAL PRINTING AND BINDING

For authorized printing and binding for the Congress and the distribution of Congressional information in any format; printing and binding for the Architect of the Capitol; expenses necessary for preparing the semi-monthly and session index to the Congressional Record, as authorized by law (44 U.S.C. 902); printing and binding of Government publications authorized by law to be distributed to Members of Congress; and printing, binding, and distribution of Government publications authorized by law to be distributed without charge to the recipient, \$88,404,000: *Provided*, That this appropriation shall not be available for printing and binding part 2 of the annual report of the Secretary of Agriculture (known as the Yearbook of Agriculture) nor for copies of the permanent edition of the Congressional Record for individual Representatives, Resident Commissioners or Delegates authorized under 44 U.S.C. 906: *Provided further*, That this appropriation shall be available for the payment of obligations incurred under the appropriations for similar purposes for preceding fiscal years.

This title may be cited as the "Congressional Operations Appropriations Act, 1994".

## TITLE II—OTHER AGENCIES

## BOTANIC GARDEN

## SALARIES AND EXPENSES

For all necessary expenses for the maintenance, care and operation of the Botanic Garden and the nurseries, buildings, grounds, and collections; and purchase and exchange, maintenance, repair, and operation of a passenger motor vehicle; all under the direction of the Joint Committee on the Library, \$3,008,000.

## LIBRARY OF CONGRESS

## SALARIES AND EXPENSES

For necessary expenses of the Library of Congress, not otherwise provided for, including development and maintenance of the Union Catalogs; custody and custodial care of the Library Buildings; special clothing; cleaning, laundering and repair of uniforms; preservation of motion pictures in the custody of the Library; operation and maintenance of the American Folklife Center in the Library; preparation and distribution of catalog cards and other publications of the Library; hire or purchase of one passenger

motor vehicle; and expenses of the Library of Congress Trust Fund Board not properly chargeable to the income of any trust fund held by the Board, \$201,231,000, of which not more than \$7,500,000 shall be derived from collections credited to this appropriation during fiscal year 1994 under the Act of June 28, 1902 (chapter 1301; 32 Stat. 480; 2 U.S.C. 150): *Provided*, That the total amount available for obligation shall be reduced by the amount by which collections are less than the \$7,500,000: *Provided further*, That of the total amount appropriated, \$8,127,000 is to remain available until expended for acquisition of books, periodicals, and newspapers, and all other materials including subscriptions for bibliographic services for the Library, including \$40,000 to be available solely for the purchase, when specifically approved by the Librarian, of special and unique materials for additions to the collections.

## COPYRIGHT OFFICE

## SALARIES AND EXPENSES

For necessary expenses of the Copyright Office, including publication of the decisions of the United States courts involving copyrights, \$26,244,000, of which not more than \$14,500,000 shall be derived from collections credited to this appropriation during fiscal year 1994 under 17 U.S.C. 708(c), and not more than \$2,333,000 shall be derived from collections during fiscal year 1994 under 17 U.S.C. 111(d)(2), 119(b)(2), and 1005: *Provided*, That the total amount available for obligation shall be reduced by the amount by which collections are less than \$16,833,000: *Provided further*, That \$100,000 of the amount appropriated is available for the maintenance of an "International Copyright Institute" in the Copyright Office of the Library of Congress for the purpose of training nationals of developing countries in intellectual property laws and policies: *Provided further*, That not to exceed \$2,250 may be expended on the certification of the Librarian of Congress or his designee, in connection with official representation and reception expenses for activities of the International Copyright Institute.

## BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

## SALARIES AND EXPENSES

For salaries and expenses to carry out the provisions of the Act of March 3, 1931 (chapter 400; 46 Stat. 1487; 2 U.S.C. 135a), [\$43,144,000] \$42,713,000, of which [\$10,377,000] \$9,946,000 shall remain available until expended.

## FURNITURE AND FURNISHINGS

For necessary expenses for the purchase and repair of furniture, furnishings, office and library equipment, \$3,939,000: *Provided*, That of those funds that remain available until expended, up to \$593,000 may be transferred to the Architect of the Capitol appropriation "Library Buildings and Grounds, Structural and Mechanical Care" to complete renovation and restoration work on the Thomas Jefferson and John Adams Buildings.

## ADMINISTRATIVE PROVISIONS

SEC. 201. Appropriations in this Act available to the Library of Congress shall be available, in an amount not to exceed \$175,690, of which \$54,800 is for the Congressional Research Service, when specifically authorized by the Librarian, for attendance at meetings concerned with the function or activity for which the appropriation is made.

SEC. 202. (a) No part of the funds appropriated in this Act shall be used by the Library of Congress to administer any flexible or compressed work schedule which—

(1) applies to any manager or supervisor in a position the grade or level of which is equal to or higher than GS-15; and

(2) grants such manager or supervisor the right to not be at work for all or a portion of a workday because of time worked by the manager or supervisor on another workday.

(b) For purposes of this section, the term "manager or supervisor" means any management official or supervisor, as such terms are defined in section 7103(a) (10) and (11) of title 5, United States Code.

SEC. 203. Appropriated funds received by the Library of Congress from other Federal agencies to cover general and administrative overhead costs generated by performing reimbursable work for other agencies under the authority of 31 U.S.C. 1535 and 1536 shall not be used to employ more than 65 employees and may be expended or obligated—

(1) in the case of a reimbursement, only to such extent or in such amounts as are provided in appropriations Acts; or

(2) in the case of an advance payment, only—

(A) to pay for such general or administrative overhead costs as are attributable to the work performed for such agency; or

(B) to such extent or in such amounts as are provided in appropriations Acts, with respect to any purpose not allowable under subparagraph (A).

SEC. 204. Not to exceed \$5,000 of any funds appropriated to the Library of Congress may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the Library of Congress incentive awards program.

SEC. 205. Not to exceed \$12,000 of funds appropriated to the Library of Congress may be expended, on the certification of the Librarian of Congress or his designee, in connection with official representation and reception expenses for the Overseas Field Offices.

[SEC. 206. (a) Effective for fiscal years beginning with fiscal year 1995, no amount may be disbursed for any activity of the Library of Congress, except to the extent and in the amount provided (1) in the annual regular appropriations Act making appropriations for the legislative branch, or (2) in a supplemental appropriations Act that makes appropriations for the legislative branch.

(b) Subsection (a) applies to disbursement of amounts derived from any source, including (1) amounts from library and bibliographical services performed on a reimbursable basis, under agency agreement or otherwise, for any public or private entity, (2) amounts from grants or similar payments for any purpose, and (3) amounts from gifts, whether such amounts are in the form of trust funds administered by the Library of Congress Trust Fund Board or otherwise.]

**ARCHITECT OF THE CAPITOL  
LIBRARY BUILDINGS AND GROUNDS  
STRUCTURAL AND MECHANICAL CARE**

For all necessary expenses for the mechanical and structural maintenance, care and operation of the Library buildings and grounds, [\$9,543,000] \$9,974,000, of which [\$1,060,000] \$1,341,000 shall remain available until expended: *Provided*, That, subject to approval by the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate, the Librarian of Congress may transfer from any appropriation under the heading "Library of Congress" amounts not to exceed in the aggregate \$3,200,000 to the appropriation "Architect of the Capitol, Library buildings and grounds, Structural and mechanical

care, No Year" to complete the renovation and restoration of the Thomas Jefferson and John Adams buildings.

**COPYRIGHT ROYALTY TRIBUNAL  
SALARIES AND EXPENSES**

For necessary expenses of the Copyright Royalty Tribunal, \$1,028,000, of which \$900,000 shall be derived by collections from the appropriation "Payments to Copyright Owners" for the reasonable costs incurred in proceedings involving distribution of royalty fees as provided by 17 U.S.C. 807.

**GOVERNMENT PRINTING OFFICE  
OFFICE OF SUPERINTENDENT OF DOCUMENTS  
SALARIES AND EXPENSES**

For expenses of the Office of Superintendent of Documents necessary to provide for the cataloging and indexing of Government publications and their distribution to the public, Members of Congress, other Government agencies, and designated depository and international exchange libraries as authorized by law, \$29,082,000: *Provided*, That travel expenses, including travel expenses of the Depository Library Council to the Public Printer, shall not exceed \$130,000: *Provided further*, That funds, not to exceed \$2,000,000, from current year appropriations are authorized for producing and disseminating Congressional Serial Sets and other related Congressional/non-Congressional publications for 1991 and 1992 to depository and other designated libraries.

**GOVERNMENT PRINTING OFFICE REVOLVING  
FUND**

The Government Printing Office is hereby authorized to make such expenditures, within the limits of funds available and in accord with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act as may be necessary in carrying out the programs and purposes set forth in the budget for the current fiscal year for the "Government Printing Office revolving fund": *Provided*, That not to exceed \$2,500 may be expended on the certification of the Public Printer in connection with official representation and reception expenses: *Provided further*, That the revolving fund shall be available for the hire or purchase of passenger motor vehicles, not to exceed a fleet of twelve: *Provided further*, That expenditures in connection with travel expenses of the advisory councils to the Public Printer shall be deemed necessary to carry out the provisions of title 44, United States Code: *Provided further*, That the revolving fund shall be available for services as authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem rate equivalent to the rate for level V of the Executive Schedule (5 U.S.C. 5316): *Provided further*, That the revolving fund and the funds provided under the paragraph entitled "OFFICE OF SUPERINTENDENT OF DOCUMENTS, SALARIES AND EXPENSES" together may not be available for the full-time equivalent employment of more than 4,850 workyears: *Provided further*, That the revolving fund shall be available for expenses not to exceed \$500,000 for the development of plans and design of a multi-purpose facility: *Provided further*, That activities financed through the revolving fund may provide information in any format: *Provided further*, That the revolving fund shall not be used to administer any flexible or compressed work schedule which applies to any manager or supervisor in a position the grade or level of which is equal to or higher than GS-15: *Provided further*, That expenses for attendance at meetings shall not exceed \$75,000.

SEC. 207. (a) Subsection (b) of section 309 of title 44, United States Code, is amended—

(1) in the matter before paragraph (1), by striking out "shall be:" and inserting in lieu thereof "shall be—";

(2) in paragraph (1), by inserting "and" after the semicolon at the end;

(3) in paragraph (2), by striking out "and" and inserting in lieu thereof a period; and

(4) by striking out paragraph (3).

(b) The first undesignated paragraph of section 1708 of title 44, United States Code, is amended by striking out the third sentence.

(c) The amendments made by subsections (a) and (b) shall take effect on October 1, 1993.

**GENERAL ACCOUNTING OFFICE  
SALARIES AND EXPENSES**

For necessary expenses of the General Accounting Office, including not to exceed \$7,000 to be expended on the certification of the Comptroller General of the United States in connection with official representation and reception expenses; services as authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem rate equivalent to the rate for level IV of the Executive Schedule (5 U.S.C. 5315); hire of one passenger motor vehicle; advance payments in foreign countries in accordance with 31 U.S.C. 3324; benefits comparable to those payable under sections 901(5), 901(6) and 901(8) of the Foreign Service Act of 1980 (22 U.S.C. 4081(5), 4081(6) and 4081(8)); and under regulations prescribed by the Comptroller General of the United States, rental of living quarters in foreign countries and travel benefits comparable with those which are now or hereafter may be granted single employees of the Agency for International Development, including single Foreign Service personnel assigned to AID projects, by the Administrator of the Agency for International Development—or his designee—under the authority of section 636(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2396(b)); \$430,815,000: *Provided*, That not more than \$1,600,000 of reimbursements received incident to the operation of the General Accounting Office Building shall be available for use in fiscal year 1994: *Provided further*, That notwithstanding 31 U.S.C. 9105 hereafter amounts reimbursed to the Comptroller General pursuant to that section shall be deposited to the appropriation of the General Accounting Office then available and remain available until expended, and not more than \$4,000,000 of such funds shall be available for use in fiscal year 1994: *Provided further*, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the Joint Financial Management Improvement Program (JFMIP) shall be available to finance an appropriate share of JFMIP costs as determined by the JFMIP, including the salary of the Executive Director and secretarial support: *Provided further*, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the National Intergovernmental Audit Forum or a Regional Intergovernmental Audit Forum shall be available to finance an appropriate share of Forum costs as determined by the Forum, including necessary travel expenses of non-Federal participants. Payments hereunder to either the Forum or the JFMIP may be credited as reimbursements to any appropriation from which costs involved are initially financed: *Provided further*, That to the extent that funds are otherwise available for obligation, agreements or contracts for the removal of asbestos, and renovation of the

building and building systems (including the heating, ventilation and air conditioning system, electrical system and other major building systems) of the General Accounting Office Building may be made for periods not exceeding five years: *Provided further*, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the American Consortium on International Public Administration (ACIPA) shall be available to finance an appropriate share of ACIPA costs as determined by the ACIPA, including any expenses attributable to membership of ACIPA in the International Institute of Administrative Sciences: *Provided further*, That of the amount provided under this heading, not to exceed \$500,000 shall be available for a broadbased organizational performance review of the General Accounting Office, focused on agency structure, skills, staffing, systems, and its execution of its statutory and assigned responsibilities.

#### TITLE III—GENERAL PROVISIONS

SEC. 301. No part of the funds appropriated in this Act shall be used for the maintenance or care of private vehicles, except for emergency assistance and cleaning as may be provided under regulations relating to parking facilities for the House of Representatives issued by the Committee on House Administration and for the Senate issued by the Committee on Rules and Administration.

SEC. 302. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 303. Whenever any office or position not specifically established by the Legislative Pay Act of 1929 is appropriated for herein or whenever the rate of compensation or designation of any position appropriated for herein is different from that specifically established for such position by such Act, the rate of compensation and the designation of the position, or either, appropriated for or provided herein, shall be the permanent law with respect thereto: *Provided*, That the provisions herein for the various items of official expenses of Members, officers, and committees of the Senate and House of Representatives, and clerk hire for Senators and Members of the House of Representatives shall be the permanent law with respect thereto.

SEC. 304. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 305. Notwithstanding any other provision of law, and subject to approval by the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate, amounts may be transferred from the appropriation "Library of Congress, Salaries and expenses" to the appropriation "Architect of the Capitol, Library buildings and grounds, Structural and mechanical care" for the purpose of purchase, rental, lease, or other agreement, of storage and warehouse space for use by the Library of Congress during fiscal year 1994, and to incur incidental expenses in connection with such use.

SEC. 306. The General Accounting Office, the Government Printing Office, or the Library of Congress may for such employees as it deems appropriate authorize a payment to

employees who voluntarily separate before January 1, 1994, whether by retirement or resignation, which payment shall be paid in accordance with the provisions of section 5597(d) of title 5, United States Code. ]

(b) *The number of employee positions authorized for the General Accounting Office, the Government Printing Office, or the Library of Congress, as the case may be, shall be reduced by one position for each vacancy created by reason of a separation under subsection (a). No funds appropriated by this Act for salaries or expenses of any position that is eliminated under the preceding sentence may be used for any other purpose.*

SEC. 307. (a) The number of employee positions, on a full-time equivalent basis, for each covered entity shall be reduced by at least 4 percent from the [level] funded level, other than those supported by gift and trust funds, as of September 30, 1992, or, with the approval of the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate, as of a later date, but not later than September 30, 1993. At least 10 percent of the positions eliminated shall be positions the pay for which is equal to or greater than the annual rate of basic pay payable for grade GS-14 of the General Schedule.

(b) The reduction required by subsection (a) shall be completed not later than September 30, 1995, with at least 62.5 percent of the reduction for each covered entity to be achieved by September 30, 1994.

(c) The Comptroller General shall carry out compliance reporting under this section.

(d) As used in this section—

(1) the term "covered entity" means an entity of the legislative branch with more than 100 employee positions, on a full-time equivalent basis, as of September 30, 1992; and

(2) the term "entity of the legislative branch" means the House of Representatives, the Senate, the Office of the Architect of the Capitol (including the Botanic Garden), the Capitol Police, the Congressional Budget Office, the Copyright Royalty Tribunal, the General Accounting Office, the Government Printing Office, the Library of Congress, and the Office of Technology Assessment.

SEC. 308. (a) For fiscal years 1995, 1996, and 1997, the submissions in support of the amounts included in the Budget for each entity of the legislative branch shall set forth a separate category for administrative expenses. For fiscal years 1993 and 1994, the administrative expenses for each entity of the legislative branch shall be calculated and submitted in a separate category in the same format as if submitted in support of amounts included in the Budget.

(b) For fiscal years 1994, 1995, 1996, and 1997, the submissions under subsection (a) in the separate category for administrative expenses for each entity of the legislative branch shall include reductions from the amount calculated for administrative expenses for fiscal year 1993, adjusted for inflation, as follows:

(1) Fiscal year 1994, reduction of not less than 3 percent.

(2) Fiscal year 1995, reduction of not less than 6 percent.

(3) Fiscal year 1996, reduction of not less than 9 percent.

(4) Fiscal year 1997, reduction of not less than 14 percent.

(c) The Comptroller General shall carry out compliance reporting under this section.

(d) As used in this section—

(1) the term "administrative expenses" means expenses of contractual services and

supplies, other than rental payments, programmatic mission-essential expenses, reimbursable expenses, and expenses required by law;

(2) the term "Budget" means the budget of the United States Government, submitted under section 1105 of title 31, United States Code; and

(3) the term "entity of the legislative branch" means the House of Representatives, the Senate, the Office of the Architect of the Capitol (including the Botanic Garden), the Capitol Police, the Congressional Budget Office, the Copyright Royalty Tribunal, the General Accounting Office, the Government Printing Office, the Library of Congress, and the Office of Technology Assessment.

#### RETIREMENT CREDIT FOR CERTAIN PRIOR SERVICE WITH THE HOUSE CHILD CARE CENTER

SEC. 309. (a) DEFINITIONS.—For the purpose of this section—

(1) the term "House Child Care Center" means the House of Representatives Child Care Center; and

(2) the term "Congressional employee" has the meaning given such term—

(A) in subchapter III of chapter 83 of title 5, United States Code, to the extent that this section relates to the Civil Service Retirement System; or

(B) in chapter 84 of title 5, United States Code, to the extent that this section relates to the Federal Employees' Retirement System.

(b) CSRS.—(1) Subject to paragraph (2), any individual who is an employee of the House Child Care Center on the date of enactment of this Act shall be allowed credit under subchapter III of chapter 83 of title 5, United States Code, as a Congressional employee, for any service if—

(A) such service was performed before October 1, 1991, as an employee of the House Child Care Center (as constituted before that date); and

(B) the employee is subject to subchapter III of chapter 83 of such title as of the date of enactment of this Act.

(2) Credit for service described in paragraph (1)(A) shall not be allowed under this section unless there is paid into the Civil Service Retirement and Disability Fund, by or on behalf of the employee involved, an amount equal to the deductions from pay which would have been applicable under section 8334(c) of title 5, United States Code, for the period of service involved, if such employee were then a Congressional employee, including interest. Retirement credit may not be allowed under this section for any such service unless the full amount of the deposit required under the preceding sentence has been paid.

(c) FERS.—(1) Subject to paragraph (2), any individual who is an employee of the House Child Care Center on the date of enactment of this Act shall be allowed credit under chapter 84 of title 5, United States Code, as a Congressional employee, for any service if—

(A) such service was performed before October 1, 1991, as an employee of the House Child Care Center (as constituted before that date); and

(B) the employee is subject to chapter 84 of such title as of the date of enactment of this Act.

(2) Credit for service described in paragraph (1)(A) shall not be allowed under this section unless there is paid into the Civil Service Retirement and Disability Fund, by or on behalf of the employee involved, an amount equal to the deductions from pay

which would have been payable under applicable provisions of law, for the period of service involved, if such employee were then a Congressional employee, including interest (computed in the same way as interest under subsection (b)(2)). Retirement credit may not be allowed under this section for any such service unless the full amount of the deposit required under the preceding sentence has been paid.

(d) **CLARIFICATION.**—Nothing in this section shall be considered to relate to the Thrift Savings Plan.

(e) **OPM FUNCTIONS.**—The Office of Personnel Management shall—

(1) prescribe any regulations which may be necessary to carry out this section; and

(2) with respect to any service for which credit is sought under this section, accept the certification of the Clerk of the House of Representatives concerning the period of such service and the amount of pay which was paid for such service.

**SEC. 310.** (a) Section 17 of the Act entitled "An Act making Appropriations for sundry Civil Expenses of the Government for the Year ending June thirtieth, eighteen hundred and sixty-seven, and for other purposes", approved July 28, 1866 (2 U.S.C. 43), is amended by inserting after "mileage" the first place it appears the following: "for each Senator".

(b) The amendment made by subsection (a) shall take effect on October 1, 1993.

**SEC. 310.** (a) Section 17 of the Act of July 28, 1866 (2 U.S.C. 43), is repealed.

(b) The first section of the Act of July 8, 1935 (2 U.S.C. 43a), under the heading "SENATE" and the subheading "SALARIES AND MILEAGE OF SENATORS", is amended by deleting "and hereafter the President of the Senate shall be paid mileage at the same rate and in the same manner as now allowed by law to Senators, Members of the House of Representatives, and Delegates in Congress".

**SEC. 311.** The Committee on House Administration of the House of Representatives is authorized and directed to take such action, whether by regulation or otherwise, to transfer to the Clerk of the House of Representatives responsibility for all financial activities of legislative service organizations, including the establishment and maintenance of revolving accounts to receive their dues and assessments and to make disbursements of their ordinary and necessary business expenses in support of Members' official and representational duties. The transfer referred to in the preceding sentence shall take effect not later than January 1, 1994.

**SEC. 312.** None of the funds made available in this Act may be used for the relocation of the office of any Member of the House of Representatives within the House office buildings.

**SEC. 313.** Notwithstanding any other provision of law, such sums as may be necessary for the replacement of the Thomas Jefferson Library of Congress Building roof shall be transferred from the funds appropriated to the Clerk of the House in the Fiscal Year 1986 Urgent Supplemental Appropriations Act, Public Law 99-349, and subsequently transferred to the Architect of the Capitol pursuant to the Legislative Branch Appropriations Act, 1989, Public Law 100-458 for Capitol Complex Security Enhancements, to "Architect of the Capitol, Library Buildings and Grounds, Structural and Mechanical Care": Provided, That not to exceed \$7,000,000 may be transferred pursuant to this section.

**SEC. 314.** Section 316 of Public Law 101-302 is amended in the first sentence of subsection (a) by striking "1993" and inserting "1994".

**SEC. 315.** Section 2(a) of the Act of July 25, 1974 (2 U.S.C. 130c(a)) is amended by deleting "\$500" and inserting in lieu thereof "\$1,500".

**SEC. 316.** (a) Section 1205(a)(1) of the Supplemental Appropriations Act of 1993 is amended by inserting before the semicolon the following: "and amounts transferred by the Architect of the Capitol from funds appropriated to the Architect".

(b) Section 1205 of such Act is amended by adding at the end the following:

"(d) In case of an award under section 307 of Public Law 102-166, or a payment pursuant to an agreement under section 310 of such Public Law, to an employee described in section 301(c)(1)(B), to an applicant for a position described in section 301(c)(1)(B) as defined in section 301(c)(1)(C), or to a person formerly employed in a position described in section 301(c)(1)(B) as defined in section 301(c)(1)(D), all of Public Law 102-166, the Architect of the Capitol, at the direction of the Secretary of the Senate, shall transfer to the account established by subsection (a), from funds appropriated to the Architect of the Capitol, an amount sufficient to pay such award or payment pursuant to such agreement."

(c) The amendments made by this section shall be effective on and after October 1, 1992.

**SEC. 317.** The Librarian of Congress shall enter into an agreement with the President of the University of Nevada, Reno for the purpose of assisting in the establishment of the Great Basin Intergovernmental Center. The Great Basin Intergovernmental Center is authorized to accept contributions from Federal sources. The Center may also receive contributions both in-kind and cash from private and other non-Federal sources.

This Act may be cited as the "Legislative Branch Appropriations Act, 1994".

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, it is not often that a Member of the U.S. Senate has the opportunity to manage a bill, and especially an appropriations bill. It is a rare opportunity, not given to many Senators, especially during the era of the famous ROBERT BYRD who, as we know, will go down as one of the legends of the U.S. Senate.

I, though, am not looking forward with anticipation, glee, or any kind of satisfaction to this bill coming to the Senate floor. You may ask why.

The reason is that I have managed this bill on four separate occasions, and I have found from my experience that, Mr. President, this is the time that Members of this body will come to the floor and berate the Congress, try to embarrass Members of Congress, and demean the institution in which we are privileged to serve. So I approach the task of managing this bill with considerable trepidation. In fact, I am almost sick to my stomach.

It is no wonder that the American public has a low regard for the U.S. Congress, because all they would have to do is watch what happens when the

bill that relates to the Congress' own funding comes before this body. They would conclude that perhaps they should not hold us in high regard because of the way Members of the Senate speak about each other and the institution generally. I think that is really too bad.

This, Mr. President, is the people's branch of government. This is the time when we should be talking about the importance of this institution in our special scheme of government, how it has on occasion after occasion saved the American public from serious policy mistakes, saved the American people public money and, in general, done a very fine job of maintaining this country's superiority, economically and morally, throughout the world.

There have been things written about why the American public feels the way they do about Congress. One theory is that during the past decade or so, there has been so much negative campaigning, that those despite the civility required by the democratic process have won. These people who spew negativism about people they are running against have convinced the American public that we are all bad, through the television cameras and radio spots and paid advertisements in newspapers. People have become convinced perhaps, I believe wrongfully so, about how corrupt, inept, and just basically bad Members of Congress are.

And so this bill that is now before this body provides the pretext to berate the Congress, to demagog. Webster says a demagog is a leader—and we are all leaders, all 100 of us—who makes use of popular prejudices and false claims and promises in order to gain power.

I submit that in the short term, perhaps there is some power or advantage gained through a press release or maybe an interview on television or an interview on radio. But in the long term it is not helpful—not only to this body but the country.

I want all the Members of this body, and the staffs, to understand that this bill is the mechanism that we use to fund the legislative branch of government. Members of this body, and their staffs, will not be saved by any fancy bookkeeping that will be done after this bill leaves this floor. They will not be saved by something innovative in the conference committee. What the Members of this body vote for this year is what they are going to get.

In effect, the games have ended and we will have to live by the consequences of our votes today.

Mr. President, the Founding Fathers of this country designed a great constitutional framework featuring separation of powers, coupled with a system of checks and balances. We are here today to talk about one of the keystones of that system that was established over 200 years ago by our

Founding Fathers, the legislative branch of government.

I am very proud to be a Member of the Congress of the United States. I served two terms in the House of Representatives. I love the House of Representatives. I reflect on my years in the House of Representatives with very happy thoughts. I have enjoyed immensely my service in the Senate. I am proud that I chose this form of work. I am satisfied that what we are doing today is protecting the rights of the American public through making sure that the legislative branch of government can function on a par with the other two branches of government.

I know that some of my colleagues—and I am sure much of the staff—have watched Senator BYRD talk about the rise and the fall of the Roman Republic and the Empire. Now, the lessons he has derived from Roman history have been important. I have enjoyed them a lot. But the single most important lesson that he has emphasized, the one lesson that he has attempted to inculcate more than any other in his review of history is how the legislative branch is important to the commonwealth and stability of society. He shows us by recounting the panoramas of history, that legislative branch of government become weaker and weaker, as in the ancient Rome, you see that excesses multiplied and the Empire grew weaker and weaker. I believe the same ap-

plies here, that the weaker the Senate of the United States becomes, the weaker we become as a country. I hope all Members of the Senate before coming here with their bomb-throwing amendments would understand how important the legislative branch of government is.

Mr. President, we as a government spend about \$1.5 trillion a year. The amount of this bill is about \$2.3 billion. It is a very small fraction of what we spend totally—0.15 of 1 percent to be exact. Yet the legislative function takes a tremendous amount of time even though it deals with a little part of the \$1.5 trillion—and I think rightfully so. I think this body deserves scrutiny. I think that during the past 4—and this is the fifth—years I have chaired this subcommittee we have had a lot of scrutiny.

I am going to talk for a little while now, Mr. President, about what we have done in this bill and perhaps what we have done in some of the past legislation.

H.R. 2348, the bill that is now before this body, contains a total of \$2,271,407,946 in new discretionary budget authority. These amounts and associated outlays are within this legislative branch subcommittee's 602(b) allocation. The amounts in the bill are also \$371 million less than the amounts requested in the President's budget, a reduction of 14 percent from the budget proposed for the Congress and related

agencies. The total is \$31 million or 1.4 percent below the enacted levels, below the funding for the current year.

It should be noted that this is the second year in a row that total funding for the legislative branch will be less than the enacted levels. This means that the total recommended for fiscal year 1994 is substantially less in purely nominal terms than the amounts that were provided 2 years ago in fiscal year 1992.

The fiscal year 1992 conference agreement provided \$2,343,163,700 in discretionary budget authority. The bill now before the Senate that we are debating will provide \$2,271,407,000 in discretionary budget authority, a reduction of almost \$72 million or 3.1 percent.

Moreover, Mr. President, these decreases are in nominal dollars, which means they are unadjusted for the effects of inflation and other uncontrollable cost increases. The reduction in levels of program and capacity are significantly larger. We will talk about those.

I have a table comparing the funding that would be necessary to have kept the legislative branch at the same program level as 1992 with the amounts provided in the bill. I ask that this chart be printed in the RECORD.

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

LEGISLATIVE BRANCH—FISCAL 1992 PROGRAM LEVEL VERSUS FISCAL YEAR 1994 RECOMMENDED

	Fiscal year—			Difference	Percentage
	1992 actual <sup>1</sup>	1992 baseline for fiscal year 1994	1994 Committee recommendation		
Budget authority .....	\$2,303,164,000	\$2,573,590,000	\$2,271,407,946	\$302,182,000	11.7
Outlays .....	2,269,676,000	2,511,941,000	2,268,666,000	243,275,000	9.7

<sup>1</sup> Reflects rescissions of \$40,000,000.

Source: CBO data.

Mr. REID. These data tell a remarkable story. They show that the agencies of the legislative branch of government are over \$302 million, or almost 12 percent, below the amounts that would be necessary to continue the programs and staffing provided in fiscal year 1992.

Let me emphasize that. Agencies of the legislative branch in this bill are operating with 12 percent fewer resources than they had only 2 years ago. I think that says a lot. In this bill, the legislative branch bill, the agencies including the Senate and the House, will be operating with 12 percent fewer resources than they had only 2 years ago. Put another way, the legislative branch will be running at about 88 percent of the capacity it had in fiscal year 1992.

These funding reductions will inevitably affect all aspects of the day-to-day operations of this body and the other body and related agencies in the performance of their responsibilities. When I talk about related agencies, the

Senate and the House make up approximately 50 percent of the spending in this bill. Other agencies within the legislative branch make up the other approximately 50 percent.

Staffing cuts are the most obvious effect of the contraction that has been going on over the last couple years of this bill. The committee bill will directly abolish 248 permanent positions and discontinue funding for another 2,318 authorized permanent positions for a total decrease in allowable staffing of almost 2,600 people.

I should point out that the committee bill includes a general provision to assure that the legislative branch makes good on the congressional leadership's commitment to achieve a 4-percent reduction in full-time equivalent employment and a 14-percent reduction in administrative expenses. These reductions, it will be recalled, parallel those announced by President Clinton for the executive branch.

I may say, though, that the actions we have already taken and the ones we

plan for the future will in all probability result in savings that will exceed these targets. Although these reductions are severe, and there is no question about it, the committee believes that they are manageable or we would not bring them before this body.

Cutting back, Mr. President, is never easy. Done too fast it can seriously damage an organization's viability and operational effectiveness.

The committee recommendation requires that legislative branch agencies continue to contract to the maximum extent possible without turning to the disruption and chaos of general reductions in force.

Mr. President, in today's newspaper we saw what happens when there is a reduction in force. There is a major article in today's Washington Post about the post office, where the new Postmaster, Marvin Runyon, "Carvin" Marvin," as he is referred to, attempted to make some significant changes in staffing at the Postal Service.

The reviewing panel that has oversight and responsibility deemed administratively those to be reductions in force. What does that mean? It means that the Postal Service, rather than those people, is simply being moved about: Some of whom I guess were on not permanent status, or at least they did not think so. Now these people will have to be paid all back wages. Perhaps they will have to be paid all kinds of benefits that were not expected. That is what happens when you have reductions in force that are unanticipated.

The bill before this body, though, is a responsible proposal. It accomplishes significant cutbacks which can be managed without causing irreparable operational disruption. I am convinced that it will not be easy but we can do it. It would be a serious mistake to force agencies to conduct general reductions in force. The cost of these so-called RIF's are not confined to the human pain and anxiety of people laid off. They also inflict serious damage to the organization.

Again, I refer you to this morning's newspaper. Under RIF procedures, managers cannot control who stays or who goes, who is assigned to what positions and which functions or status. It is a seniority-based process. The most senior people stay; the most junior people go, irrespective of whether the organization needs them or not.

The process often drags out for months and sometimes years, and it takes without question an organization many years to recover. Progress has been made over the past years in the legislative branch in expanding the number of minorities and women in key positions. We have acquired people with skills and abilities necessary to address 20th century problems, and we are recruiting young individuals of leadership abilities that will be essential as we move into the next century. A general RIF will set the process back at least 10 years.

The reason this is so important—I mentioned the minorities, the women, and the young, well educated work force—is that these would be the first to go because they were the last hired under the RIF. So we cannot allow that to happen.

Let me talk about a few of the highlights of this legislation. The report accompanying the bill provides a detailed explanation of the committee recommendations for each of the accounts in the bill. I want to take a few moments to highlight some of the specific agencies.

#### LIBRARY OF CONGRESS

The Library of Congress requested almost \$340 million, including the authority to spend over \$24 million in receipts. The committee recommendation provides \$306,512,000 including authority to spend some \$24,333,000 in receipts that they obtain from copyright registration from sales of cataloging data.

This is a reduction of over \$33 million, or over 9 percent and 151 positions below their request. It is also over \$3.5 million below the enacted level.

An author recently wrote:

No matter what you are looking for, you can find it at the world's largest library.

Mr. President, the world's largest library is the Library of Congress. Mr. President, the world's finest library today is the Library of Congress. Mr. President, the world's finest library in the history of the world is the present-day Library of Congress. There has never been a library like the Library of Congress.

It has been called a time capsule of human knowledge, a storage house of national memory, and a national treasure. The Library's collections total over 100 million items—books, manuscripts, music, film, recordings, maps, prints, and photographs—covering virtually every subject, in formats that vary from papyrus to modern optical disk. The collection of the Library's reading material—listen to this—is in 468 languages. There has never been a library like that, I repeat.

Its 22 reading rooms are used annually by more than 1 million researchers. Services provided by the Library are used by the executive, legislative, and judicial branches of the Federal Government, and libraries of every State in the Union and throughout the world.

The Library of Congress is, of course, much more than just collections of books and documents. The staff of this great institution are talented scholars in scores of disciplines, people who are on the cutting edge of library technology, from cataloging to preservation.

I do not know how many Members of this body saw the great exhibit on the Vatican, a wonderful exhibit, things that had never been seen. Why were we able to do that? Because the Library of Congress assisted the Vatican in cataloging their archives and their library. The Vatican was so grateful for the help that the Library gave them that they allowed these treasures to come across the waters. We were able to see, for the first time, things from many centuries ago, things that Catholic priests had done in China, great scientific endeavors that they had done in China that people did not know about. So this Library is significant.

Mr. President, there are individuals who are experts, as I indicated, in everything from constitutional law to photography, from American folklore to Latin American studies.

I have talked before on this floor about going to the Library before to see somebody for whom I had great admiration, to see what they had on Woody Guthrie. I spent an afternoon with Woody Guthrie, reading his personal letters, seeing some of the songs he had written, reading why he wrote

them. I went through the period of time in his letters when he was accused of being a Communist and when he had trouble finding work. It was a wonderful afternoon that I spent in the American folklife section of that Library.

The daily contributions of the Library are important and should be preserved. Without their experience and talents, there would be no Library of Congress as we know it.

After having said this, Mr. President, I advise this body that we have had to cut and hack the Library of Congress' budget. There are programs that we have had to eliminate. That is tough when we are dealing with an institution that is so significant and so important to this country.

#### GENERAL ACCOUNTING OFFICE

For the General Accounting Office, we are recommending an appropriation of almost \$431 million, plus authority for \$5.6 million in offsetting collections. This is a reduction of about \$667 million below their request, and over \$4 million below the enacted level. In addition, the GAO will be required to reduce its staffing by an additional 100 full-time persons from the current level of 4,900. This amounts to a reduction of about \$8 million and 262 positions from the 1992 level.

The funding and staffing reductions contained in this bill will result in a smaller GAO, with fewer resources available to support its congressional request workload.

There are a number of Senators who do not like what the GAO does. They have come to me. And I have been critical at times of the General Accounting Office. But I think the General Accounting Office has really tried in the last couple of years to improve its relations with Congress, to be better in communicating with us.

They have gone through some significant cuts. They will this year have to cut back in travel, in certain instances, expert services, contract services, time sharing, and data bases, all of which are to support its congressional work. Although GAO is committed to managing within this constraint level, these reductions, coupled with the staffing reductions, will result in an increase in the current backlog of congressionally requested jobs. Everyone should understand that GAO is not going to be able to get its work done as quickly as it has. Why? Because we are cutting them back.

Last year, this committee included language requiring independent review of the GAO to provide an empirical basis for assessing various criticisms expressed by some Members about GAO and its work.

This review was to be accomplished by a qualified outside accounting auditing firm. Staff, in fact, has already gone through the process of doing some preliminary interviews with various accounting firms throughout the country.

This would have addressed issues such as the clarity of organizational structure, policies governing the selection and manner of evaluation and effectiveness of GAO and its resources, the quality of their work product, and the competency and qualification of GAO staff to do the work to which they are assigned.

In effect, what we want is an organization to come and do to GAO what they do to everybody else. I am sorry to say that provision was eliminated in the conference with the House. We could not get the House to bend on that. I think, in hindsight, even the House will recognize that was not the wise thing to do.

This bill includes language inserted by the House earmarking \$500,000 for a broad-based organizational performance review of the General Accounting Office focused on agency structure, skill, staffing system, and execution of its statutorily assigned responsibilities. The committee concurs in this language, which is designed to accomplish the same objectives as the reviewing committee proposed last year.

In this regard, it should be noted that the Senate Governmental Affairs Committee contracted with the National Academy of Public Administrations to perform an examination of GAO in conjunction with plant oversight hearings that will address the same basic issues. So those dissatisfied with GAO's performance will have ample opportunity to address their concerns in this process.

We have also included language directing GAO to reevaluate its field office structure. We anticipate that further opportunities for saving and work force reductions will result from that analysis.

#### OFFICE OF TECHNOLOGY ASSESSMENT

The recommended bill contains almost \$21 million for the Office of Technology Assessment activities for this fiscal year. This is \$210,000 below the level that was provided last year and is \$2,110,000 below the request they made. We know that the OTA's central mission is to provide the analytic capability required to deal intelligently with the scientific and technical dimension of public policy. This is a great little organization, and it is important that we have an organization like this to deal with the scientific world Congress faces.

#### CONGRESSIONAL BUDGET OFFICE

This bill includes \$22,442,000 for the CBO, which is \$100,000 below the fiscal 1993 level and \$1,208,000 below their request. CBO is best known for its budget-related functions. It gives the Congress an independent, nonpartisan source for budgetary and economic analysis. CBO also presents the Congress with options and alternatives in a wide range of subject areas beyond the budget, per se. CBO's annual analysis of the President's budget and semi-

annual updates of the budget are of particular value to the overall work of this committee. CBO studies help to form policymaking in every domain, including defense, national security, agriculture, and human resources.

Mr. President, you will recall during the State of the Union Message that the President said he was not going to use OMB figures; he was going to use CBO for his figures for honesty in budgeting. We have had a tremendous battle over the last several years as to whose numbers we were going to use. Everybody has agreed that the best numbers to use is CBO. CBO is nonpartisan. I do not think there is a person here who will say that any of the budget figures that we have received from CBO have ever been skewed as a result of a political party. They have a tremendous burden, because they are the numbers people we look to in this Congress.

#### ARCHITECT OF THE CAPITOL

The bill includes \$163 million to support the operations under the Architect, including the Botanic Gardens, at \$52,679,000, or 24 percent below the request.

Mr. President, the Architect of the Capitol is responsible for the supervision of all structural and mechanical improvements, additions, alterations, and repairs to the Capitol Building and the surrounding grounds, the Senate and House office buildings, the Library of Congress, the Supreme Court, Robert A. Taft Memorial, and the Botanic Gardens, and I have missed a few. These facilities, aside from their intrinsic historic significance, constitute invaluable capital investments. Their care, maintenance, and enhancement is a public trust of the highest order.

We have deferred significant items in the request of the Architect of the Capitol request. Members of this body should understand that in the months to come, there will probably be some criticism of the Architect for not having done this or that, or elevators that are too slow. Well, we have cut his request by 25 percent.

Fire signaling system; we had to delete that. Modernize the Russell Senate Office Building elevators; we have deleted that. Roofing repairs; we deleted that. Energy efficient lighting; we have deleted that. Americans with disabilities requirements; we had to delete that—defer it at least. For the powerplant, a very large item, a refrigeration plant chiller conversion; we deleted that. The Botanic Gardens, again one of the treasures of this country; they have a large conservatory that is useless. You cannot go in there. Why? Because it is unsafe. And it is going to take \$7 million to fix the roof and other structures. We have to defer that. There is not enough money. People have to understand that.

Renovation of the administration building; we deleted that. Library of Congress, restoration and renovation of

the two buildings we have, the two library buildings; we have deferred that. The retrofit energy-efficient lighting system in the library; we deferred that. Book stack lighting control system; we have deleted all that.

#### THE CAPITOL POLICE

As I drove to work this morning, the people that guard this Capitol were there. They are always there. It does not matter where you go, they are there. Why? Because it is important and necessary, in this modern world of terrorism, that they are there. They are the finest trained law enforcement officers in the United States and probably the world. They know what to do under all conditions. A lot of times we see them standing, not driving cars in hot pursuit; we do not see them writing burglary reports. We see them standing at their post waiting for something to happen, and when something does happen, they are vigilant, aware, and well-trained.

Mr. President, as some people know, I was a Capitol policeman, and I am very proud of having been a Capitol policeman in my younger days. I think the Capitol Police have gotten better. I wish I had been as good as they are as a policeman. They are better trained. They are in better physical condition and in better mental condition than we were in those days. But we have had to cut them also—having said all of those nice things. There is a total of \$64 million to finance the Capitol Police. This is a significant reduction.

#### THE SENATE

The total recommended for the Senate in 1994 is \$443 million. This represents a decrease of \$8.2 million below the enacted level, a reduction of about \$67 million from the request. More significantly, the Senate will be \$23 million below the amounts provided in fiscal 1992, and probably even lower than that before we finish here.

In constant dollars, this equates to a cut in real resources of \$81 million. Earlier this year, the Senate, in Senate Resolution 71, cut funding for its committees by about 7.5 percent from the previous fiscal year under the leadership of the present Presiding Officer, the chairman of the Rules Committee, Senator FORD. This bill includes a provision reducing the total allocation to the offices of Senators by about 2.5 percent, notwithstanding the increase in workload we have been experiencing. Take my situation. I come from the small State of Nevada. Last year at this time, I was getting an average of 800 pieces of mail a day. This year, I am receiving 4,000 pieces of mail a day. That is a 500-percent increase.

Mr. President, I want to be able to answer that mail. People write to me expecting that I answer them. And whether they are from Elko, Las Vegas, or Reno, they will get an answer. My staff works very hard to get those answers to them—maybe not as

quickly as they would like, but we get the answers out.

I am sure that the same has happened throughout this body. I have talked to many Members of this Senate and their mail has gone up significantly. The State of Nevada is growing rapidly, but that does not account for a 500-percent increase in the amount of mail that I get. We have to meet those demands but we are cutting back by 2½ percent.

Mr. President, I want to yield the floor, but prior to doing so, I express my appreciation to Senator MACK, of Florida, the ranking member of this subcommittee, for his assistance in the development of this legislation. I have had over the years the pleasure of working with some tremendous people—Senator NICKLES for 2 years, Senator GORTON for 2 years—and this is the first year with CONNIE MACK. Senator MACK and I came to the House together. We have gotten to know each other well and I look forward, as I did when I learned he was going to be the ranking member, to working with him. We do not agree on everything in this bill, but he is a gentleman. He approaches his work in that manner, and the people of Florida are certainly proud of him, as they should be.

Mr. President, I also thank Senator BYRD and the full committee staff for their help in bringing this measure to this point in the process. Anyone acquainted with this body knows that Senator BYRD is a man of the Senate. He has no peer in his dedication to the welfare of the people's branch of government.

We are also fortunate to have Senator HATFIELD as the ranking member of the full committee. Everyone in this Chamber knows how much time and effort he has devoted to improving the Senate and strengthening the legislative branch in general. He comes to subcommittee meetings we hold. He is a fine Senator. And I appreciate his doing the great work that he does for the country.

#### ORDER OF PROCEDURE

Mr. REID. Mr. President, I understand that there has been some confusion as to the time on the bill.

Under the consent agreement governing the consideration of this bill, there are 30 minutes for debate on the bill with the time equally divided and controlled.

I now ask unanimous consent that an additional 30 minutes be available for debate on the bill and that the control be in the usual form.

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

#### PRIVILEGE OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that Chuck Turner of the Library of Congress be granted privileges of the floor during the consideration of H.R. 2348.

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

The Senator from Florida is recognized for 20 minutes.

Mr. MACK. Thank you, Mr. President. It is not my intention to use that much time.

Let me begin by expressing appreciation to Senator REID for his kind comments a few moments ago, and also responding to his earlier statements. I do appreciate his concern for the Congress of the United States.

I was thinking as he was talking about his love of the institution, that I have a grandfather and a step-grandfather who served in the U.S. Senate, which covered a period of time from roughly 1912 to 1950; Senator Morris Sheppard from Texas, who served until 1941. I had a picture of Senator Sheppard and Senator Connally, also from the State of Texas.

I have a deep personal interest as well as a national interest in the institution and in its need for projecting the kinds of actions that will, in fact, gain it the strength and the reputation that is so important for us as a legislative body as we make the laws that affect the people of our great States and great Nation. So, I appreciate very much the comments that the Senator made earlier in his remarks and also recognize the need, again, to do what is necessary to maintain that reputation.

Mr. President, Senator REID has ably summarized the recommendations we bring to the Senate today, and our report on this bill has been made available since Wednesday morning. So I will not attempt an exhaustive description but only emphasize a few major points.

I believe that this bill overall is fair and balanced. I recognize that we can no longer spend more and more each year on this branch of Government. We are starting to make real spending cuts, and that is very, very significant. I believe that it is imperative that we make serious spending reductions throughout Government. It is clearly important that we, as legislators, understand that our branch cannot be exempt from this difficult process. This bill reflects that understanding.

Let me reemphasize the specifics of what Senator REID had stated. This is the second consecutive year that this bill is below the previous year's enacted amount. Let me be specific. In actual dollars, we are spending less than last year and less than the year before, not from a baseline but from the actual spending level.

This bill represents a reduction of 3.3 percent in actual dollars below the amounts appropriated for fiscal year 1992, our budget 2 years ago. We are recommending a bill that cuts spending 11.7 percent in budget authority and 9.6 percent in outlays below the level for 1994 that we would have experienced if

fiscal year 1992 policy had been carried forward. And 1992 is important because that year represents the high-water mark for the legislative branch appropriation.

In addition to the overall spending cuts, the bill eliminates between 2,400 and 2,600 positions from the legislative branch of Government. We need to do more in the future, and I will work toward that end.

The bill reduces funding for the joint committees of Congress, which is consistent with the action taken by the Senate earlier this year to reduce the funding for standing and select committees. Our individual offices also experience real cuts in salary and expense accounts, 2.5 percent.

From the information I have, this is the first time since I have been in Congress that individual office accounts have actually gone down, not from a baseline, but from actual spending levels.

Again, we need to do more in the future, and I will work toward that end. But we must also remember our institutional responsibilities and our capacity to serve our constituents. This bill does a good job of striking that delicate balance.

I will have an amendment to propose, and I am certain that several of my colleagues will offer amendments to further cut spending here in Congress. But we are definitely moving in the right direction.

Again, Mr. President, I commend Senator REID for his leadership. I appreciate the working relationship that we developed as we put this legislation together, and I look forward to working with him through conference and as we move into next year's appropriations bills as well.

At this point, 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. REID. 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. REID. Mr. President, I ask unanimous consent that the committee amendments be considered and agreed to en bloc, provided that no points of order be waived thereon, and that the measure, as amended, be considered as original text for the purpose of further amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendments were agreed to en bloc.

#### AMENDMENTS NOS. 626, 627, AND 628

Mr. REID. Mr. President, we have a number of noncontroversial amendments which the distinguished minority manager and I have reviewed.

It is our understanding that they have been cleared on both sides of the aisle. I believe it would expedite the business of the Senate if we could dispose of these en bloc, and I send them to the desk.

They include the following items:

An amendment by Senator HATFIELD to increase funding for the Library of Congress for the American memory project and administrative support position for the Librarian Emeritus; an amendment on behalf of Senator STEVENS to restore funding and the language which authorizes payments from the account mileages of the Vice President and Senators; an amendment by Senator BURNS regarding the Government Printing Office; and an amendment by Senator STEVENS providing additional funding for the Office of Technology Assessment.

Mr. President, I ask unanimous consent that the amendments I have enumerated be considered and agreed to en bloc.

The PRESIDING OFFICER. Is there objection?

Mr. MACK. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Florida.

Mr. MACK. I understand that there is an amendment here offered by Senator STEVENS that we are going to accept en bloc?

Mr. REID. Yes, that is the amendment for the Office of Technology Assessment, a matter of \$1 million.

Mr. MACK. Maybe we ought to withhold on that, because we have other things to be discussed.

Mr. REID. Mr. President, I ask unanimous consent that the unanimous-consent agreement be modified to delete the amendment by Senator STEVENS providing for additional funding for the Office of Technology Assessment.

I ask unanimous consent that the amendments, except for the one that I have enumerated, be considered and agreed to en bloc.

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

The amendments (Nos. 626, 627, and 628) were agreed to en bloc, as follows:

AMENDMENT No. 626

On page 27, line 19, strike "\$201,231,000" and insert "\$202,304,595."

AMENDMENT No. 627

On page 2 after line 2 insert the following:

MILEAGE AND EXPENSES ALLOWANCES  
MILEAGE OF THE VICE PRESIDENT AND  
SENATORS

For mileage of the Vice President and Senators of the United States, \$60,000.

On page 48, strike lines 1 through 9, and insert the following:

SEC. 310. (a) Section 17 of the Act entitled "An Act making Appropriations for sundry Civil Expenses of the Government for the Year ending June thirtieth, eighteen hundred and sixty-seven, and for other purposes", approved July 28, 1866 (2 U.S.C. 43), is

amended by inserting after "mileage" the first place it appears the following: "for each Senator".

(b) The first section of the Legislative Branch Appropriations Act, (1936 (2 U.S.C. 43a), under the heading "SENATE", and the subheading "SALARIES AND MILEAGE OF SENATORS", is amended by striking "Senators, Members of the House of Representatives, and Delegates in Congress" and inserting "Senators".

(c) The amendments made by subsections (a) and (b) shall take effect on October 1, 1993.

AMENDMENT No. 628

On page 50, insert the following:

SEC. 318. (a)(1) None of the funds appropriated or made available from any source for any fiscal year may be obligated or expended by any entity of the executive branch for the procurement or production of any printing or duplicating (including forms), unless such printing or duplicating is requisitioned through the Government Printing Office.

(2) Paragraph (a)(1) does not apply to (A) individual printing or duplicating orders costing not more than \$1,000, if the work is not of a continuing or repetitive nature, and, as certified by the public printer, cannot be provided more economically by open, competitive procurement through the Government Printing Office, (B) printing for the Central Intelligence Agency, the Defense Intelligence Agency, the National Security Agency, or specifically classified material of the Department of Defense, or (C) printing from other sources that is specifically authorized by law. The Secretary may waive the limitations of subsection (a) for military operational requirements and provided further that the Secretary shall notify the Joint Committee on Printing within (7) seven days.

(3) As is used in this subsection, the terms "printing" or "duplicating" include the processes of: composition; platemaking; wet and dry offset; letterpress; gravure; flexography; ink jet; electrostatic or other copying; laser or variable imaging; silk screen processes; production of an image on paper or other substrate by any means or equipment; binding; microfilm; or the end items of such processes.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT No. 629

(Purpose: To restrict the use of the franking privilege by Members and offices of the Senate)

Mr. MACK. 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 Florida [Mr. MACK] for himself and Mr. KOHL, proposes an amendment numbered 629.

Mr. MACK. 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 7, between lines 15 and 16, insert the following:

SEC. 4. (a) This section shall apply to mailings by Senators, Senators-elect, and offices of the Senate made during fiscal year 1994 and each fiscal year thereafter in addition to any other law relating to the use of the franking privilege.

(b) For the purposes of this paragraph—

(1) the term "mass mailing"—

(A) means, with respect to a session of Congress, a mailing of 500 or more newsletters or other pieces of mail with substantially identical content (whether such mail is deposited singly or in bulk, or at the same time or different times), but

(B) does not include a mailing—

(i) of matter in direct response to a communication from a person to whom the matter is mailed (to the extent of 2 such mailings) that—

(I) in the case of an initial response, is mailed at any time; or

(II) in the case of a followup response, is mailed not later than 180 days after the date of receipt of the communication;

(ii) to other members of Congress or to a Federal, State, or local government official;

(iii) of a news release to the communications media;

(iv) of a town meeting or mobile office notice; or

(v) of a Federal publication or other item that is provided by the Senate to all Senators or made available by the Senate for purchase by all Senators from official funds specifically for distribution.

(c) A Senator, Senator-elect, or office of the Senate may not mail a mass mailing under the frank.

(d) As soon as practicable after the close of each quarter of a fiscal year, the chairman of the Committee on Rules and Administration of the Senate shall cause to be printed in the CONGRESSIONAL RECORD—

(1) the dollar amount of the allocation of official mail costs made to each Senator, Senator-elect, and office of the Senate for the fiscal year;

(2) the dollar amount of official mail costs that were incurred by each Senator, Senator-elect, and Senate office during that quarter; and

(3) the balance of the allocation for official mailing costs that remain available to each Senator, Senator-elect, and Senate office.

(e)(1) In connection with their fiscal 1995 budget presentations to the Committee on Appropriations of the Senate, the Secretary of the Senate and the Sergeant at Arms and Doorkeeper of the Senate shall submit a report that describes—

(A) the best available and most recent information relating to the amount of expenditures made from each Senate office account for official mail activities during fiscal year 1994 as of the date of the budget presentation;

(B) the best available and most recent information relating to the amount of expenditures made from each Senate office account for official mail activities during fiscal year 1993 as of the date that is one year earlier than the date referred to in subparagraph (A); and

(C) the amount of any difference between the amounts described in subparagraphs (A)

and (B) that is attributable to the operation of subsection (c).

(2) As used in this subsection, the term "official mail activities" includes the cost of producing, processing, and mailing of official mail.

(f)(1) On and after the date of enactment of this Act and during fiscal year 1994 and each fiscal year thereafter, no member, officer, or employee of the Senate may use any appropriated funds or any equipment or other resources that are paid for with appropriated funds for the purpose of procuring, gaining access to, or using a mailing list of any kind (including a voter registration list) that is produced by any public or private entity except a mailing list described in paragraph (2).

(2)(A) A mailing list is described in this paragraph if it is—

(i) a postal patron list or update as provided by the United States Postal Service to be used for town meeting and mobile office notices;

(ii) a list of members of the communications media;

(iii) a list of Federal, State, or local government officials; or

(iv) a list of fewer than 500 persons identifiable as having an interest in a legislative topic that is different from any legislative topic identified as a subject of interest of persons named in any list previously procured, accessed, or used by a person (or by another member of the office of which the person so procuring, accessing, or using is a member) and used for the purpose of making a mailing with official funds during a fiscal year.

(B) For the purpose of subparagraph (A)(iv), a legislative topic may be considered to be different from another legislative topic only if any mailing for which it is intended to be used (and for which it is in fact used) has a content that is not substantially identical (within the meaning of subsection (b)(1)(A)) to the content of any other mailing made by the office previously during the fiscal year.

Mr. FORD. Parliamentary inquiry, Mr. President. Is there a time limit on this amendment?

The PRESIDING OFFICER. Amendments are generally limited to 30 minutes, evenly divided, unless specified otherwise.

Mr. FORD. I thank the Chair.

Mr. STEVENS. Parliamentary inquiry, Mr. President. Who controls the time on that amendment?

The PRESIDING OFFICER. The time is controlled in the usual manner. The manager of the amendment has half the time and the majority manager of the bill has the other half if he chooses to oppose it.

Mr. REID. Mr. President, I control the time opposing the amendment. I would be happy at the appropriate time to yield whatever time Senator STEVENS might need.

The PRESIDING OFFICER. Without objection, it is so ordered. Who yields time?

Mr. STEVENS. I did not hear the response. I am sorry. What was the response of the Chair?

The PRESIDING OFFICER. The manager of the amendment, the offeror of the amendment, has half the time.

The majority manager has the other half if he chooses to oppose the measure.

Mr. STEVENS. If he chooses to oppose it. Who controls it if he does not choose to oppose it?

Mr. REID. Mr. President, I have already stated that I oppose the amendment.

Mr. STEVENS. I am sorry. I did not hear the Senator.

Mr. REID. I will yield whatever time the Senator needs.

Mr. STEVENS. I am sorry, I did not hear the Senator.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. MACK. Mr. President, this amendment is straightforward. This amendment ends the use of the frank for mass mailings.

None of us needs to be reminded of the fiscal crisis the Government faces. Quite simply, mass mailings are a luxury neither this body nor the American taxpayer can afford.

I wish it were otherwise. I wish we were here today to discuss how we might spend moneys from a surplus in the Federal budget.

But we are not. We have to show leadership in prioritizing spending, especially when it comes to the legislative branch. And I believe that unsolicited mass mailings cannot be described as a necessity.

Let there be no mistake, this amendment does the job of eliminating mass mailings, but still maintains the ability of Members to respond to inquiries from their constituents. Every Senator's ability to respond to inquiries from their constituents would be maintained in its entirety. The amendment eliminates only unsolicited mass mailings.

Again, let me repeat. Unsolicited mass mailings are simply a luxury we can no longer afford.

Now, let me take a moment to spell out the specifics of this amendment.

This amendment prohibits the use of the frank for mass mailings as defined by current law and Senate regulations.

The amendment provides for the customary uses of the frank by Senators: initial response to constituent inquiries; press releases; correspondence with Federal, State, and local officials, and; town meeting and mobile office notices, with the customary limits on size and content.

The amendment does not directly decrease the appropriation, this year, for official mail cost. However, savings are anticipated since it is highly improbable that the full appropriation will be used in the absence of mass mailings.

While it is difficult at this time to project precisely what the savings will be, because of the uncertainty of mail patterns, preliminary information suggest a savings of between \$7 to \$10 million—a savings of up to 50 percent of this year's appropriated amount. How-

ever, the official mail cost account is funded at the committee recommendation to ensure that there are adequate funds to meet first response needs and the limited exceptions that I have mentioned.

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

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Will the Senator from Nevada let me have 3 minutes?

Mr. REID. That will be appropriate.

Mr. FORD. Mr. President, the Senate is again considering the appropriation for official mail. It is an item on which the Senate has received compliments from many sources.

That policy now in place has saved taxpayers several millions of dollars any yet offered Members an opportunity to exercise their discretion on how best to use the allocation of those funds.

Mr. President, I want my colleagues to know the consequences of this amendment. It eliminates mass mail except for town meeting notices and the mailing of Federal publications provided to Members. It extends the followup response from 4 to 6 months, that is, the second followup response. It requires the quarterly reporting of allocations and expenditures for official mail in the CONGRESSIONAL RECORD.

By the way, Mr. President, I just filed the report today on mass mailing. It will be a matter of record.

The amendment prohibits the purchase of outside mailing lists except for small lists, such as communications media, public officials, and so forth.

I do not send out newsletters, so it does not affect me. I have not for years. But I do not object to those who choose to send them out. Individual Members are in the best position of determining how best to use funds available to them instead of being micro-managed by a committee.

I believe that the Senate currently has a very successful program with respect to the regulations governing franked mail. It is a program that is fair and I believe most Senators will say it is working. This can be seen by the fact that from a high point of \$43 million in 1984, the Senate is now at an expenditure level of approximately \$12 million for fiscal year 1993. Mr. President, I want to repeat, the cost for official mail in 1984 was \$43 million, and in 1993 it will be about \$12 million—a reduction of over \$30 million.

I urge each Member to consider carefully the consequences of this amendment. The Rules Committee will not have the authority nor funds to cover mass mailings regardless of how meritorious they may be. I do not send out newsletters, so this amendment will not have a substantial effect on the operations of my office. For my colleagues who do send out newsletters, it

will affect the operations of their offices. I want the Senators to be aware of this when they cast their votes on this amendment.

Mr. KOHL. Mr. President, I rise as a cosponsor and strong supporter of this amendment.

This amendment will not balance the budget. It will not save a great deal of money. But it will make what I think is an important point: That all of us here in this body are willing to set an example on deficit reduction.

I have never sent out a single mass mailing in the 4½ years I have been here. And I will not do any mass mailings in the next year and a half. Because I made a conscious decision when I came to Washington to be frugal with my office budget.

Now, maybe I will be sorry I made that decision if I run again in 1994. But I doubt it. Because I think my decision has not been lost on the taxpayers of Wisconsin. I believe they appreciate the fact that I am saving them money—probably more than they would appreciate hearing from me on a regular basis.

I know that many of my colleagues believe that newsletters and constituent surveys are a valuable way of keeping in touch with their constituents. And they are, no doubt about it.

But they are also clearly not essential. In calendar year 1992, there were 20 of us in this body who did not make use of mass mailings. Twenty of us who managed to stay in touch with the people of our State without using newsletters and constituent surveys. And I do not believe that we, or our constituents, are any the worse off because of it.

We can set a small but important example here today. Just as we are asking Americans to sacrifice in the name of deficit reduction, we should be willing to sacrifice as well.

How much of a sacrifice is it? In calendar year 1992, the Senate spent \$11.5 million on mass mailings. So my guess is that this amendment will save about that amount out of a total Senate mail allocation of \$20 million.

This amendment does not prevent Senators from answering constituent mail. It does not prevent Senators from doing followup mailings—of any size—to constituents who have written in on an issue, provided the followup letter is mailed within 6 months of the original letter. It does not prevent Senators from sending notices of a townhall meeting. All it basically asks of Senators is to give up the use of newsletters.

We all hear and see every day the reports of our supposed perks and privileges. And we all know that most of these reports are unwarranted. But, at the same time, where we can make sacrifices—sacrifices that will not impinge on the quality of service we provide our constituents—we ought to do so.

So I hope my colleagues will agree with me that this is one small sacrifice we can make. A sacrifice that will save the American taxpayers approximately \$11 million per year. And one that will not jeopardize the value we place in the thoughts and opinions of our constituents.

I yield the floor.

The PRESIDING OFFICER (Mr. KOHL). The Senator from Nevada.

Mr. REID. Mr. President, I yield 11 minutes to the Senator from Alaska.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I will have a series of amendments to this amendment. I want the Senate to know I do not intend to allow them to be agreed to. I want the time to explain my position on this, so I am going to offer a series of amendments. I hope they will be adopted. If they are not adopted, I am still going to have my time to make some remarks about this bill.

First, let me start off by thanking my friend from Kentucky, the chairman of the Rules Committee. He is precisely right and I ask to have printed in the RECORD after my remarks the article from Roll Call on March 29, 1993. It specifically states that David Keating, executive vice president of the National Taxpayers' Union, said last week, "We are happy with what the Senate had done overall in terms of franking."

It goes on to explain who is using the frank.

I ask unanimous consent that article be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. STEVENS. Mr. President, I do not send out a newsletter, either, anymore. Once in a while I send out one that goes to less than the whole State for particular reasons I will describe.

My allowance now, for a Senator from a small State, is too small to send one mailing to each registered voter in my State.

When I first came to the Senate, mailing privileges were equal. We all were treated equal. Over the years, it has gotten to the point where we have to do everything in this body now by population. So there are people in this body who have allowances that are in the hundreds of thousands of dollars to mail.

What do many of them do with the money they receive from mass mailing? They transfer it to the clerk hire account. They do not use it, as the Senator said, for mailing, although they are entitled to. Why? Because we have other means of communication now to most portions of the country—telefaxes, automatic portable telephones—by which you can reach people.

I represent a State—too bad I did not bring the map over. Maybe I ought to bring it over because we are going to be here for a while. My State is one-fifth the size of the United States. I have 650,000 people living in one area one-fifth the size of the United States. We are putting all States on the ironing board and leveling them out.

So what do I do? I try to allocate my mass mailing. If I have a recent action pertaining to pilots, I try to find out the pilots in the area who I think would be affected by that, and I send them a mass mailing. A mass mailing is defined as anything over 400 pieces that is not sent to persons in reply to a letter received.

If you generate a form letter in one of these mega-States of 1 million letters, and they are all about the same thing, or they are all a version of a "send this to your Senator" type of letter that is already printed out, under this provision, a Senator can send out a million letters in response to it. Under this, I cannot send out 501 letters to Indian native villages throughout my State who might be interested in specific legislation.

I intend, as I go through today, to educate the Senate a little bit about what is in the law now. Before I am through, I am going to ask that title 39 of the U.S. Code be printed in the RECORD—I do not yet—because it is a provision that runs form page 562 of the Senate manual to 572. It is 10 pages printed. If you want to read it today, I advise Senators to do it because that law that is repeated there, title 39, affects each of us.

This amendment, which my friend from Florida has offered, is about 6 pages long, triple spaced. It emulates title 39 of the Federal Code. That specifically says what we can and cannot do with franking. As I have said, the National Taxpayers Union is happy with what we have done. If there is an argument, it is over on the other side, in the other body. But I understand them. They have a different situation than we have.

We represent a whole area of a State. Unfortunately, my colleague in the House, Congressman DON YOUNG, represents the same area I do and Senator MURKOWSKI does. We have one Congressman.

We have a situation where we deal with people who live in world circumstances and they cannot be communicated with in the normal sense. I have literally 100 or more towns and villages that have residents of less than 1,000 who have no daily newspaper, no weekly newspaper, no radio station, and no communication with their Government, except through one of the three of us.

Over the years, I have tried to preserve some equity, although we went along with the concept of limiting—those of us who use them—newsletters.

I tried to preserve equity in the sense of trying to keep the people of my State informed as to what the Federal Government is doing to them or for them. I assure you, Mr. President, they do a lot more of the former than the latter.

As a practical matter, this mailing is important to the rural areas. That is why for almost 25 years now I have stayed on the Post Office and Civil Service Subcommittee, and I know people at the U.S. Postal Service probably better than any Member of Congress because it is important to us what happens in mailings, what happens in the Postal Service.

Incidentally, I tell the Senate that this is legislation on an appropriations bill. It would be permanent legislation. As I said, I do not know anyone who wanted to codify it who would put it into title 39 because it is similar to, in some respects, some of the provisions—not identical; they have not taken the language directly out of title 39—but it is inconsistent with most of it.

So, as a consequence, one of the things we would have to find out is what happens to title 39 if this is enacted by Congress.

Mr. President, I regret that it is necessary to come here and take the Senate's time. I think it is nice once in a while to have the time on a Friday morning to educate some of my colleagues as to what living in a rural State really is like. We have several urban towns. Our largest one has 250,000 people. I do not send mass mailings to Anchorage. I used to because I felt they ought to have the same information that I made available to the people in rural areas. Otherwise, we might be able to say one thing in the rural areas and another thing in town. I have never tried to do that.

In States that have sparse populations, that have very few media outlets—and let me comment on that. When I came to Washington, there were probably 10 reporters who reported daily on what was going on in Washington, who reported to various entities in Alaska. We had UPI and AP very active. We had our own AP person here who reported through Seattle into Alaska. Today, there is one reporter who works part time on Alaska matters. That reporter also reports for several other newspapers in several other States.

When we get information through the mass media into Alaska, it is in a sound bite of 45 seconds, and it is usually very derogatory. It comes out of the national scene. In order to really send our people the truth about what has happened—and I try to report accurately to our people what goes on, the good news and the bad news—it is necessary to send out information, particularly it is necessary to send out the kind of information that is pertinent to action by the Senate. That is what I try to do.

I have never transferred funds from the mailing account to my clerk hire account. That means, for those people who might be reading this later or listening, to the account we use to hire our employees and run our offices. I have enough money to do that. As I said, I do not have enough money to send out one newsletter once a year to this vast rural area I represent. I used to send out 10 or 11 a year. The cost still was not very excessive.

They figure that last year, Senator MOYNIHAN spent 2 cents per constituent—no, 1.7 cents per constituent. That was the largest mailing that we had in the Senate. I ask the Senate, what is wrong with that, Mr. President? We have other things we are spending money on, and if we go through this, we are going to start looking at telephone accounts and faxing accounts and a few other accounts that I think are building up much too rapidly.

I am probably using more of my friend's time than I should. I will be offering my own first amendment when this time passes, but let me point out for Members of the Senate, if they would like to see them, we have issued by the Rules and Administration Committee—the distinguished chairman, Senator FORD, I think mentioned this—we have regulations governing franked mail. They cover 16 pages, single spaced. They define what is in title 39 so that there is no misunderstanding concerning the use of franked mail.

I will have more to say later, Mr. President. Has the time expired on this amendment?

THE PRESIDING OFFICER. The Senator's time has expired.

Mr. STEVENS. Parliamentary inquiry. I cannot offer my second-degree amendment until the time has totally expired?

THE PRESIDING OFFICER. All time on the amendment must have expired before the Senator can offer the second-degree amendment.

#### EXHIBIT 1

[From Roll Call, Mar. 29, 1993]

SENATORS' FRANKED MASS MAIL VERY LIGHT SPENT LESS THAN \$3 MILLION FOR QUARTER; POSTAL SERVICE PROJECTS SURPLUS FOR YEAR

(By Tim Curran)

Sen. Daniel Patrick Moynihan (D-NY), up for re-election in 1994, was the top franker in the fourth quarter of last year, but overall franking by Senators was very light during the period and projected over the entire fiscal year, will result in a surplus in the chamber's franking appropriation.

In fact, the Senate has finished with a surplus in franking funds for the last three years, and the restraint shown by Senators has won praise from even the toughest franking critics.

"We're happy with what the Senate has done overall in terms of franking," David Keating, executive vice-president of the National Taxpayers Union, said last week. "The question is how will we get the House to follow the good work the Senate has done?"

Between Oct. 1 and Dec. 31, 1992, only 32 Senators used the frank for mass mailings,

according to figures published in the March 22 Congressional Record by Sen. Wendell Ford (D-Ky), chairman of the Rules and Administration Committee. The total cost of franking for the quarter was \$2,958,000, covering 10.7 million pieces of mail.

Moynihan's mailings cost \$269,000, or roughly one-tenth of the total. But the postal expense amounted to only 1.7 cents for each of his constituents.

Only three other Senators, all Democrats, spent more than \$100,000 on franking: Lloyd Bentsen (Texas), \$142,000; Paul Simon (Ill), \$169,000; and Howell Heflin (Ala), \$100,000.

The biggest spender on franked mail, per capita, during the quarter was Sen. Joe Biden (D-Del), at 7.1 cents; second was Sen. Pete Domenici (R-NM), at 5.3 cents; followed by Senator Majority Leader George Mitchell (D-Maine), 4.4 cents.

According to figures provided by Alfred Carreon Jr., manager of accounting, finance, and planning for the US Postal Service, "Projected to an annual figure based upon an adaptation of historical trends for Senate franked mail activity," during all of fiscal 1993, the Senate would send 72.6 million pieces of franked mail at a cost of \$16.2 million. That's roughly one letter to every US household, or half a letter per Senator per constituents household.

The Senate appropriated \$20 million for franking in the fiscal year, so if the projections are accurate, the Senate would finish with a surplus of nearly \$4 million.

According to a formula used to determine franking allowance, Senators are allowed 15 cents times the number of addresses in their states for mailings, with additional funds provided for states with only one or two Congressional districts. Those figures are then prorated after the Senate appropriate funds, as the appropriation is generally smaller than the amount of requested funds.

The House has appropriated \$47.7 million for franking in fiscal 1993 but is expected to spend significantly less. The formula for each office's allowance is .67425 cents times the number of private postal drops in the district.

In battling an amendment to the fiscal year 1994 budget resolution that would have slashed 25 percent from the legislative branch appropriation, Sen. Harry Reid (D-Nev), argued that as far as franking goes, "The Senate has been stripped almost of its ability to mail."

"We, in effect, now have the ability to mail to people who write to us, and that is about it," Reid said on the floor last Monday. "I do not think there is a Senator who now sends a newsletter. I might be wrong, but I doubt it. Because under our franking rules, we do not have enough money to send one letter to every household in our state."

Actually, Senate aides say that some Senators still do send newsletters, but that the practice is on the decline.

Among Senators up in 1994, following Moynihan on the spending list were Sens. Paul Sarbanes (D-Md), who spent \$95,000 to send 663,000 pieces of mail; Trent Lott (R-Miss), \$60,000 on 413,000 pieces; Richard Bryan (D-Nev), \$24,000 on 53,000 pieces; Dave Durenberger (R-Minn), \$23,000 on 130,000 pieces; and Slade Gorton (R-Wash), \$18,000 on 101,000 pieces.

Also franking in the quarter were other Senators up in 1994: Sens. Jeff Bingaman (D-NM), 54,925 pieces at \$11,264; John Chafee (R-RI), 107,950 pieces at \$15,333; Orrin Hatch (R-Utah), 22,600 pieces at \$3,217; Jim Jeffords (R-Vt), 24,113 pieces at \$7,494; Joe Lieberman (D-Conn), 77,812 pieces at \$25,422; Richard Lugar

(R-Ind), 35,950 pieces at \$5,602; George Mitchell (D-Maine), 382,700 pieces at \$54,480; Don Riegle (D-Mich), 180,160 pieces at \$26,134; and Paul Sarbanes (D-Md), 663,450 pieces at \$95,276.

Mr. MACK addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. MACK. Before I yield some additional time to my colleagues, I would like to make a couple of responses.

First of all, it was indicated that in essence we are only spending \$12 million on mailing for the Senate as it is, and this bill has \$20 million available for it. Maybe one of the things we should do is just change the figure in this bill down to the \$12 million figure. I am of the impression that, if we continue under present law, we will spend close to the \$20 million that is in this bill.

With respect to the comments that my distinguished colleague from Alaska has made that he would be prohibited from mailing his pilots a mass mailing under my proposal, he is exactly correct. That is exactly what I am trying to eliminate. We do provide, however, in this legislation the same language that exists today that you cannot mail—we put a limitation on at 500, that you can still send out 500 letters unsolicited. What we are trying to do is to eliminate the newsletters, the mass mailings over 500.

And, again, the Senator from Alaska is correct. What has happened over the years is that Members of the Senate have accumulated huge lists that we can use to mail unsolicited, and we are, in fact, putting a lid on that. We are saying you cannot do any more than 500. So he is correct about that. I do not refute that. As I said in my opening comment, I wish that we had the funds to do those kinds of things. I do not believe we have the money to do that. That is a luxury we no longer can afford.

It seems to me, Mr. President, it is reasonable for us to try to limit the type of mailing we do and allow Members to make responses to our constituents. That is what this amendment will allow.

At this point, I yield 3 minutes to the Senator from Georgia.

Mr. COVERDELL. Mr. President, I rise in support of the amendment as offered by the Senator from Florida.

I am one of those individuals who, as I have mentioned here before, is fresh from the hustings, so to speak, and am a product of the 1992 political rebellion, as I would call it.

My constituents are very comfortable with the idea that we ought to be responsive. In fact, they insist upon it. They expect a Member of the Senate or House to respond to their questions and their inquiries, to provide information when requested and data when suggested. But they do not look at us as an advertising agency. They are not looking for a free sample.

There is objection to the concept of the newsletter. There is not a voter in America today who does not realize that we are in a period of fiscal constraint. These are difficult times for us financially. And there are great pressures upon us to set fiscal priorities.

We had a debate in which I was involved just the other day when I introduced a deficit reduction concept to force us to begin to set priorities. This is not on as large a scale but is very symptomatic. It is something by which every voter can make a measurement. They, as I said, expect individual mail to be responded to. They demand it. And they ought to have a response. They expect personal and direct individual information to be exchanged back and forth. But they do not want us to engage in mass newsletter mailings. They associate that with junk mail.

I think it would be interesting, if it were possible, for us to have an understanding of how much of this mail is actually read. It would be very, very limited.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. COVERDELL. So here in this amendment of the Senator from Florida we have an exercise of constraint, of discipline, an effort to set priorities about the utilization of the tax dollars of the United States.

I commend the Senator for his amendment and intend to support it.

I yield to the Senator from Florida.

Mr. MACK addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. MACK. May I inquire as to how much time I have remaining?

The PRESIDING OFFICER. The Senator has 6 minutes and 40 seconds remaining.

Mr. MACK. I yield 3 minutes to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, I congratulate and compliment my friend and colleague, Senator MACK, of Florida, for an amendment that requires some courage because, obviously, it is not one that is going to be uniformly well regarded throughout this body.

I am also interested to note that there is an article that was placed on Senators' desks this morning which says that Senators' franked mail is very light.

We have made significant reforms in the last couple years. I think the Senator from Alaska mentioned that. I compliment the chairman of the subcommittee, Senator REID, because we have worked on this legislation for the last several years. Some major reforms that were enacted in the last few years, I might mention to my friend and colleague from Florida, did reduce costs. They included disclosure. A lot of people did not want disclosure. We had not

had disclosure on mail costs for decades.

I might remind my colleagues we had disclosure in the Senate before we had it in the House. The House was adamantly opposed to disclosure, and we used to have joint—you might remember, Mr. President—accounts between the House and the Senate. Even when we had restrictions in the Senate, the House had no restrictions and they continued to mail without regard to cost. It was just an open-ended entitlement.

And as to mail costs, I remember having charts—I do not have those with me this morning—that showed mail costs for both House and Senate continued to explode. We enacted reforms in the Senate and restricted Senate mail costs. The House did not. We finally did require disclosure in both House and Senate. Again, that was not well received in the other body, but it did enable us to make significant reforms.

We also saved money when we passed a reform which said that Senators, if they did not use their mail, then it could not be transferred to other Senators.

So I think progress has been made. If we are going to take the next big step, it would be to pass the amendment of the Senator from Florida, and that would be to ban unsolicited mass mailings. You can still have mailings, as I understand, up to 500 individuals. If you were going to have a doctors' meeting in a town, you could mail the doctors that had written you on that particular issue and say, I am going to have a meeting to discuss health care. If the Senator from Alaska wanted to mail most pilots and say we want to meet in Anchorage to talk about some of the challenges in aviation, I think he could do it. What we would be banning is unsolicited mailing statewide.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. NICKLES. So I compliment my colleague from Florida for an excellent amendment.

Mr. MACK addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. MACK. I would like again to kind of go over what the amendment does. What we are really saying here is we want to eliminate newsletters and mass mailings above 500.

What Members of the Senate are still permitted to do I think is reasonable: First response mail. That is not only saying that you can respond when you receive the letter. It says that you can respond a second time within a 6-month period with that same group.

This is not some draconian taking away the right of a Member to communicate with his constituency. The reality is you will have the funds available to respond to every piece of mail you receive, and you can respond a second time within 6 months if there is

something else that you need to inform your constituency about.

Press release. We treat them just like we treated them in the past; correspondence with Federal, State, and local officials.

I mentioned the unsolicited mailings of 500 or less. We also included in this town meetings. If a Senator wants to hold a town meeting, he can notify his constituents in that area of a town meeting. If there is a mobile office that is going to be in the area, they can notify the community that the mobile office will be there.

Again, this is a reasonable approach. All we are saying is under the conditions that we now face with respect to dollars, it makes sense to make further reductions.

So, Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. REID. Mr. President, it is my understanding that I have 1 minute left. Is that true?

The PRESIDING OFFICER. That is correct.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator does not have time under the precedents to suggest the absence of a quorum.

Mr. REID. Mr. President, I ask unanimous consent that I be allowed to have a quorum call at this time.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

The PRESIDING OFFICER. Who yields time on the amendment?

Mr. REID. I yield the remainder of my time.

The PRESIDING OFFICER. Does the Senator from Florida yield the remainder of the time?

Mr. MACK. I yield the remainder of my time.

The PRESIDING OFFICER. All time on the amendment is yielded back.

AMENDMENT NO. 630 TO AMENDMENT NO. 629.

Mr. STEVENS. 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 Alaska [Mr. STEVENS] proposes an amendment numbered 630 to amendment No. 629.

On page 3, line 6, add the following new paragraph:

"(vi) of information pertaining to official business of the Senate to residents of towns and villages with populations under 1,000 and without a daily newspaper published within 50 miles."

Mr. STEVENS. Mr. President, I yield myself 10 minutes on this to speak.

Mr. President, I appreciate the statement made by the Senator from Oklahoma. He is right, there have been lots of changes made in this mail franking provision. One of them, as a matter of fact, I put in myself and asked Congress to approve; that is, that no Member can mail franked mail, mass mailings, within 60 days of an election, because we had indications that some Members might have been guilty of doing that.

We have made a series of changes in this law over the years. One of the major ones was made in 1973, another in 1977. I commend reading of the act as it stands to anyone. I repeat, it is on page 562 of the Senate manual. I think that Members ought to compare the Mack amendment to what is the law today.

One of the problems about the Mack amendment is that if we look at it, it is oriented to favor larger States. I do not mean to be offensive to my friend. But a Federal publication, for instance, on page 3, is provided to the Senate, to all Senators, or made available for purchase by Senators, and can be mailed without restriction.

So a Senator from a large State can mail 50,000 calendars. But I cannot mail 501 letters to people who have a direct interest in legislation and official business that we are conducting now.

The Senator from Oklahoma said, well, we could get together and send a notice ahead of time under the notice for town meetings to get together 400 or 500 doctors.

Again, I say to my friend, I do not think I have 400 or 500 doctors in any town in the State. The notice of town meetings or mobile office notice—I put out my mobile office notice, Mr. President, through the courtesy of the radio stations. I send notice to them saying my mobile office will be in a town, parked next to the post office; or village, parked next to the mayor's office on a certain date between certain hours. That is much better for us than using the mail.

We do not use the mail for our mobile office. Maybe people in larger cities might have to do that. But I suggest that sending notice for a mobile office into a town of 1 million people would cost more than if I had sent out a newsletter to everyone in my State. As a matter of fact, as I said, more Members are transferring more money from the mass mailings to their personal hire, the clerk hire accounts, than I use for a total mailing to registered voters in my State.

What I am saying is, the current law is very restrictive already on Senators

representing rural States. The reason I put this amendment in is that I represent 176 Alaska Native villages—Eskimos, Indians, Aleuts. I just took a 2-day trip down the Kuskokwim River and visited 10 or 11 Eskimo villages, and I do not think any one of them had more than 150 residents.

Well, Bethel has more than that, I take that back. That was the final area I went to. It is the center of the area. Those people are starved for information on what is going on back here. I do not think I should be denied the right to contact them.

This amendment, if adopted, would allow those people, who reside in villages of less than 1,000 and do not have a daily newspaper printed within 50 miles, to be informed of what is going on in Washington by their Senator directly. I do not think that we ought to lose sight of the fact that when we started working on the mass mailing account it was approaching \$100 million for the Senate alone. It is down now to \$13 million for the Senate in terms of what it costs to mass mail.

I cannot tell you how much is transferred from the mass mailing account to personal office use. I have not added it up. I think those people who make transfers to their personal accounts spend more money than those of us who keep our constituents informed.

Yesterday, when I met with a group of students from throughout the country and answered some of their questions, they asked me how I keep in contact. I told them, frankly, it is very hard. I told them about a constituent of mine that told me that his brother or sister had written to his or her Senator and had not received a response. So he said, "Write to Ted, because Ted will answer. He always answers me." He said, "You did not answer it; why did you not answer it?" I said, "I shred all of the mail from out of State. I do not have enough money to answer mail from out of State," particularly these form letters that come in, the letters from veterans, or for various organizations that fill out the forms and they put in their name and say they want a reply. You do not have enough money to answer them. It takes more than 500, I will tell you that right now.

The difficulty with this is that people get hooked on these things and think they are good press. I am tired of good press. I would rather have good Senators. I would rather have people be able to communicate with my people.

I am going to offer amendments today until people listen. We need to have the right to send mailings to people in rural areas. They do not get daily newspapers. They do not get daily radio station reports of any length at all. Our State pays for what we call RatNet. They take part of the national news media, and our State pays to send that out through the telephone system, to the Rural Alaska

Telephone Network. We pay for it because we want our people to come into the 21st century with everybody else.

We are tired of being discriminated against here in the Senate. When I came here, we were treated equally. We had the same number of people on our staff as the Senator from New York. I bet the people from the larger States spend more money on one employee—one employee that I am not allowed to hire, because we are limited—than I spend on mailing all year long. I think we ought to go back and examine these things, and I intend to do that next year and find the basis of it.

What people do not understand is that the general account now was melded since I have been in the Senate. Before, we had an allowance for postage, and telegraph, and for travel, and we had separate allowances for various things, for stationary, and they were fair. Each Senator was treated the same. Now we get an allowance, and it is based on population. When are we going to start realizing—I get more mail than some people about defense, because I was chairman of the defense appropriations subcommittee for 6 years. People who want information on what is going on in defense write to me. I cannot answer them. This amendment changes that somewhat. I could answer directly, but I could not answer again within 6 months. Think of that. If I send out information to someone and say I will follow up when something happens, I can send out one more time in 6 months. That is it.

I think this legislation ought to be considered where it belongs—in committee, in the legislative committee. This is legislation, and it is emasculating title 39 related to Postal Service, mail matter, penalty and franked mail. It has not been thought out, with due respect to the Senator from Florida. I understand he is trying to limit expenses. I am trying to make sure the people of the United States get the information they need about what is going on in the Senate that affects them. If you can get it by television or radio in Florida, fine. They cannot get it in my State that way. We are going to be here today until people understand that.

Mr. MACK. Mr. President, again listening to what the Senator from Alaska has said, it is obvious that he feels very strongly about continuing to do the mailings that he has done in the past. I can understand that. But I want to assure him that this is well thought out. We may disagree. I do not know that simply saying because you disagree that someone's position it is not well thought out. This is a well-thought-out amendment. It is very clear about what it does.

It says that we no longer can afford the luxury of unlimited responses for mass mailing. How many exemptions should I provide? We are already saying

that if you were to get 5,000 letters, you can respond to those people when you receive those 5,000 letters, and then sometime in the next 6 months you can write them again, all 5,000 of them. Should we make an exception for 10 days after the 6 months so that a third one can go out? Where do we draw the line if we go beyond this? It is a well-thought-out amendment.

Mr. STEVENS. Will the Senator yield on my time?

Mr. MACK. Yes.

Mr. STEVENS. Does this amendment change the 6-month provision?

Mr. MACK. No; it does not. It allows you to mail to people within that 6-month period.

Mr. STEVENS. Does it change section 3210, paragraph 3, subsections A, B, C, D, E, F, G, H, I, all those that determine what can be mailed? This changes what can be mailed with regard to 500 or more letters, or pieces of mail. It says if it is more than 500 pieces of mail, it is governed by the amendment the Senator from Florida has. If it is mail matter between a Member of Congress and his Washington office, what happens?

Mr. MACK. Is it a Government official that is referred to?

Mr. STEVENS. It is mail that would be sent to my office. Suppose I put it in a box and mail more than 500 pieces, what happens?

Mr. MACK. If it is mail sent to your office, you can respond to mail sent to your office, as I have indicated.

Mr. STEVENS. What about mail matter consisting of voter registration information and assistance, mail prepared in a nonpartisan manner, which is more than 500 pieces?

Mr. MACK. If it is mailed, and you are trying to respond to as an official—

Mr. STEVENS. No, the law specifically allows us to mail to our constituents mail matter consisting of voter registration assistance, as long as it is in a nonpartisan manner, without regard to the number; you limit that to 500, right?

Mr. MACK. It is my impression that that would not be limited under our amendment.

Mr. STEVENS. More than 500 pieces of mail with substantial identical content. To me, that is inconsistent with the concept that we can send out voter registration information to whoever we want to send it to, as long as it is in a nonpartisan manner.

I again tell the Senator, his staff has not informed him of what is in the law today.

Mr. MACK. I say to my colleague again that is a good attempt at a defense, but that is not the point here.

The point is that this is legislation that will take control of mass mailings. That is what we are trying to do. We are identifying and limiting the amount that can be done with respect

to mass mailings. It is a reasonable approach. It is, in fact, well thought-out.

With respect to the comment that the Senator made earlier about this 50,000 calendars, if I wanted to mail them, I must assure the Senator I have no intention of taking money out of my office account to buy 50,000 calendars to send through some kind of mass mailings.

The intent, again, is to try to reduce mail costs in the Senate. This is a reasonable approach. I would be hopeful my colleagues will be supportive.

At this time I will yield to my colleague from Oklahoma 5 minutes.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, after listening to the Senator from Alaska, I would tell my colleague and friend from Florida that I am doubtful he is going to support the Senator's amendment. I still think it is a worthy amendment.

I also think it is a good possibility that this may be the only significant campaign reform we will pass this year.

I might also mention that we have passed this amendment in the past, and we passed it in conjunction with campaign reform, basically, expanding the ban on unsolicited mass mailings during an election year. That has passed in the Senate. It has passed as part of the campaign bills. I think most of my colleagues know that.

This would ban it permanently. This is a further extension. This amendment would ban unsolicited mass mailings.

I might mention, or maybe even repeat, that any Senator could respond to any person that wrote them a letter or a postcard. You can do all response mail and you can do followup mail.

So, it would not limit constituent contacts as a result of a contract from a constituent. I believe it would not be limited to constituents. I would think anyone who mailed to you, you could respond to. This amendment says you could not have unsolicited mass mailings and certainly could not have unlimited unsolicited mass mailings.

It would allow unsolicited mailings up to 500 pieces. If Members had a desire to have a meeting with several hundred constituents, they can still mail up to 500.

There still is that caveat. I know some people want to have more. Maybe they will have a suggested amendment to make some changes. But certainly some reform is in order.

Again, I compliment my colleagues, Senator STEVENS, Senator REID, Senator FORD, and others. I remember working on the floor with Pete Wilson, now the Governor of California. We had some amendments and we did make significant reforms. Those amendments have saved millions of dollars. At one time, the fastest, most rapid-growing entitlement in Government was congressional mail, and we stopped that.

We curtailed that. We made significant reforms.

The only thing that is really left out, where we could really save a significant amount of money, would be to limit unsolicited mass mailings in both the House and the Senate. I might mention this amendment, I believe, just applies to the Senate. I personally think it should apply to the House and the Senate.

Maybe if the Senate takes the leadership and makes this happen for the Senate, the House will concur.

That is what we did with disclosure. We had disclosure in the Senate well before they had it in the House, and I think that helped generate some pressure to make it happen in both Houses. That was positive reform.

I think the amendment of the Senator from Florida is positive reform.

So, I congratulate him on a good amendment. It is an amendment that will save money. It is an amendment that would limit—I started to use the word “ban” but it would ban unsolicited mass mailings in excess of 500. I think that would be a positive, significant step in the right direction. I compliment my colleague.

Mr. REID. Mr. President, how much time is remaining?

The PRESIDING OFFICER. Eight minutes and 10 seconds remain.

Mr. REID addressed the Chair.

Mr. STEVENS. I yield to the Senator how much time he wants.

Mr. REID. One minute.

The PRESIDING OFFICER. Let the Chair correct that statement. Under the control of the Senator from Alaska, there are 4 minutes and 4 seconds; under the control of the Senator from Florida, there are 8 minutes and 30 seconds.

Mr. STEVENS. I yield the Senator such time as he wants. I reserve 1 minute for myself.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, there comes a time when we have to do what is best for the body.

I am advised that Senator STEVENS at the appropriate time will move to table the underlying Mack amendment.

Even though I do not mail mass mailings myself, I think the Senate would be well served to table the amendment so that we can move on with this bill.

I would be happy to work with the Senator from Florida, as I have done, to try to resolve what is obviously an impasse. I think it is something that next year we probably should perhaps put in the bill before it gets to the floor.

I say this to my colleagues. We should support the motion to table, especially in light of the fact that David Keating, whom we all know as vice president of the National Taxpayers Union, has stated, “We are happy with

what the Senate has done overall in terms of franking.”

Even though it may not be perfect, it is significant improvement. We have cut mass mailings in the past few years by \$31 million.

THE PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

Mr. STEVENS addressed the Chair.

THE PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. What is the time limit?

THE PRESIDING OFFICER. The Senator from Alaska has 3 minutes.

Mr. STEVENS. How much does the opposition have?

THE PRESIDING OFFICER. The Senator from Florida has 8 minutes.

Who yields time?

Mr. MACK addressed the Chair.

THE PRESIDING OFFICER. The Senator from Florida.

Mr. MACK. Mr. President, I have a few comments to make and, mostly likely, I will not use the 8 minutes remaining. I will make a few comments and reserve my time. I suspect we will hear more from the Senator from Alaska.

Again, I would make this statement. The Senator from Alaska is correct in a number of things that he says in that this legislation or this proposal would, in fact, limit his ability to mass mail over 500.

If in fact there are pilots, if he has a list of pilots from his State, and that list is greater than 500, and he has been used to doing that in the past, he is right. Under this legislation, he would not be able to mail those pilots over 500.

Again, the idea here is very focused. It is reasonable. It, in essence, says that we just ought to do away with the luxury.

We are not taking away the Member's ability to communicate with his constituent. I have gone through a whole series of examples where Members can send mail and notices to their constituents.

I would make one last point at this time, however. I happen to believe that this is probably the only real campaign reform that we are going to see in effect for 1994. There has been a lot of debate on this floor about campaign finance reform and campaign reform, the idea of trying to balance the opportunities for challengers with the advantages with the incumbent. Yes, this is going to take away an ability for a sitting Member of the Senate to use mass mailings for his or her advantage in an election year.

So, I say to my colleagues not only to the point that I made earlier with respect to a way to control spending in this legislative branch appropriations bill, but I would make the claim that probably the only real campaign reform that we are going to see in 1994 is

going to be the limiting of the ability of the Members of the Senate to use mass mailings.

The bill that was passed this year for campaign finance reform I think is going to have a very, very difficult time making its way through the Congress and, if it does, it will probably only affect elections after the 1994 election.

So, if you really want to say something, if you really want to do something about campaign reform, this is the opportunity to do it.

At this time, I yield the floor and reserve the remainder of my time.

Mr. STEVENS. Mr. President, what does this have to do with campaign reform? By law, we cannot mail anything under the frank pertaining to campaigns. What campaign reform is about taking from me the right to mail to more than 500 pilots when Senators from large States can announce town meetings? The Senator cannot be at a town meeting. It can be any town meeting. Send your staff from the State office, send someone from the mobile office. It is a town meeting. They can send out hundreds of thousands in the big States.

Where is the equality in this Senate? It is not right to say you can send out notices of any town meeting, and that is what it says, of a town meeting or a mobile office notice. Who is in the mobile office? The Senator's assistant or someone driving that thing that comes in and takes notes. There is no limitation on that at all.

Mr. MACK. Mr. President, will the Senator yield?

Mr. STEVENS. On the Senator's time, yes.

Mr. MACK. Mr. President, my response would be again, I have not changed the rules of the Senate with respect to what can be mailed now with respect to town meetings.

If the Senator objected to that, it is not because of my amendment. That exists in the existing rules.

Mr. STEVENS. I say to the Senator, I did not have the restrictions before he is putting on me. I have not objected to what goes on in major cities.

If you want to send out notices of town meetings and hold town meetings all over your State, go ahead and do it, but do not put a limit on me. This was the first time we had a limit of this type saying I cannot mail more than 500 letters in my State on the same subject unless people have asked for them.

Now that is the first time.

We have a mass mailing limitation in the existing law. I would call the Senator's attention to that. It pertains to mailings within 60 days prior to the election. That is where the mass mailing limitation came from. I cannot mail to my pilots within 60 days of the election. I have accepted that. As a matter of fact, I authored it.

But I did not object to a notice to send out for these mobile office meetings or these town meetings because, if you have town meetings in these big towns, I understand. Many States have that tradition. Why should I object to it?

I can still mail out to my pilots; I can still mail out to my Native leaders; I can still mail out to people who have a common interest in elections. They are not going to get the report anyway.

What I am saying is—this is a good platform to say it from—I want the Senate to come back to where it was when I came here. When I came here, Senators were equal.

No one said you can only spend so much money for stamps. I got the same amount of money that any other Senator got.

They limit me in terms of how much money I can spend for clerk hires. I accept that. There were other limitations that were reasonable in terms of the amount that any Senator could spend for stamps.

Do you know, Mr. President, we were limited by the number of minutes on the telephone when I first came here? This was because the cost of using a telephone going to Alaska was so much more.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. STEVENS. I will go on later, Mr. President.

As soon as the Senator's time has expired, I will move to table his amendment.

Mr. MACK. Mr. President, at this time, I am prepared to yield back the remainder of my time.

The PRESIDING OFFICER. All time has expired.

Mr. STEVENS. Mr. President, I move to table the amendment of the Senator from Florida, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a second sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Alaska [Mr. STEVENS] to table the amendment of the Senator from Florida [Mr. MACK]. The yeas and nays have been ordered and the clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. BUMPERS], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Vermont [Mr. LEAHY], and the Senator from Arkansas [Mr. PRYOR] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Texas [Mr. GRAMM] is necessarily absent.

The PRESIDING OFFICER (Mr. KERRY). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 48, nays 47, as follows:

[Rollcall Vote No. 211 Leg.]

YEAS—48

Akaka	Gorton	Mitchell
Baucus	Graham	Moseley-Braun
Bond	Harkin	Moynihhan
Breaux	Hatfield	Murkowski
Byrd	Heflin	Murray
Campbell	Inouye	Pell
Cochran	Jeffords	Reid
Conrad	Johnston	Riegle
Daschle	Kassebaum	Rockefeller
DeConcini	Kennedy	Sarbanes
Dodd	Lieberman	Sasser
Dole	Lott	Simon
Domenici	Lugar	Specter
Dorgan	Mathews	Stevens
Durenberger	McConnell	Thurmond
Ford	Mikulski	Wellstone

NAYS—47

Bennett	Exon	Mack
Biden	Faircloth	McCain
Bingaman	Feingold	Metzenbaum
Boren	Feinstein	Nickles
Boxer	Glenn	Nunn
Bradley	Grassley	Packwood
Brown	Gregg	Pressler
Bryan	Hatch	Robb
Burns	Helms	Roth
Chafee	Hutchison	Shelby
Coats	Kempthorne	Simpson
Cohen	Kerrey	Smith
Coverdell	Kerry	Wallop
Craig	Kohl	Warner
D'Amato	Lautenberg	Wofford
Danforth	Levin	

NOT VOTING—5

Bumpers	Hollings	Pryor
Gramm	Leahy	

So the motion to lay on the table the amendment (No. 629) was agreed to.

Mr. REID. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 631

(Purpose: To facilitate a study of health care reform models)

Mr. MACK. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Florida [Mr. MACK], for Mr. STEVENS, proposes an amendment numbered 631.

On page 20, line 25, strike out "\$20,815,000" and insert "\$21,815,000".

Mr. STEVENS. Mr. President, Congress will soon begin a debate on restructuring the health care industry.

We spend about 14 percent of the Nation's total gross national product on health care.

With a system this large, mistakes could cost billions of dollars.

It is not often that the Senate has the opportunity to save billions of dollars by spending \$1 million.

My amendment presents that opportunity.

It would add \$1 million to the Office of Technology Assessment budget for a study of the numbers behind the competing health care proposals.

Accurate data to compare the costs of competing health care proposals could keep us from making mistakes that cost literally billions of dollars.

In response to an inquiry I made for more data on the costs of health care reform, OTA issued a report with a warning that Congress should be "wary of any \* \* \* estimates on \* \* \* health care reform."

OTA pointed out that there has been no systematic review of the numbers behind the different reform proposals.

My amendment cures this deficiency by asking OTA to examine the different economic models, assumptions and data behind the various reform ideas. A final report should be available in the spring.

Today, many of the cost figures on specific proposals have been compiled by those with a financial or political ax to grind in the debate.

This OTA study will be useful in providing an objective evaluation of the real costs behind these ideas.

Mr. President, for the sake of a more informed health care debate, I hope the Senate will adopt this amendment.

Mr. MACK. Mr. President, this is an amendment that was offered earlier, which I objected to, and to which I no longer have an objection. I believe it has been cleared on the other side of the aisle as well.

The PRESIDING OFFICER. Is there further debate?

Mr. STEVENS. I yield back the time.

The PRESIDING OFFICER. The Chair inquires of the Senator from Florida whether he is offering this amendment on behalf of the Senator from Alaska?

Mr. MACK. That is correct.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

So the amendment (No. 631) was agreed to.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, under that unanimous-consent request previously entered, there are a number of amendments that are now ready to be offered, we hope. We have been here since 8 o'clock this morning.

As I indicated, there are some under the unanimous-consent request that are allowed. I ask those Senators to come forward and offer those amendments, if they intend to. If not, I will soon ask for a third reading so we can move this legislation.

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

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

The legislative clerk proceeded to call the roll.

Mr. REID. 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. REID. Mr. President, it is my understanding there are one or two

amendments at the most yet to be offered. This is Friday. We have been here since 8 o'clock this morning. There are Members of the Senate who have engagements outside the city. They have talked to me and others. I think if we do not have somebody over here offering an amendment by quarter to 11, I am going to ask for third reading. It is not fair to the Senate that we stand here wasting time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk call the roll.

The legislative clerk proceeded to call the roll.

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

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

STATEMENT ON LEGISLATIVE BRANCH APPROPRIATIONS

Mr. SASSER. Mr. President, the Senate Budget Committee has examined H.R. 2348, the legislative branch appropriations bill and has found that the bill is under its 602(b) budget authority allocation by \$29 million and under its 602(b) outlay allocation by \$20 million.

I compliment the distinguished manager of the bill, Senator REID, and the distinguished ranking member of the Legislative Branch Subcommittee, Senator MACK on all of their hard work.

Mr. President, I have a table prepared by the Budget Committee which shows the official scoring of the legislative branch appropriations bill and I ask unanimous consent that it be printed in the RECORD at the appropriate point.

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

SENATE BUDGET COMMITTEE SCORING OF H.R. 2348—FISCAL YEAR 1994 LEGISLATIVE BRANCH APPROPRIATIONS—SENATE-REPORTED BILL

(In millions of dollars)

Bill summary	Budget authority	Outlays
Discretionary total:		
New spending in bill .....	2,271	2,065
Outlays from prior years appropriations .....		204
Permanent/advance appropriations .....	0	0
Supplementals .....	0	0
Subtotal, discretionary spending .....	2,271	2,269
Mandatory total .....	92	92
Bill total .....	2,363	2,361
Senate 602(b) allocation .....	2,392	2,381
Difference .....	-29	-20
Discretionary totals above (+) or below (-):		
President's request .....	-371	-322
House—passed bill .....	-78	-60
Senate—reported bill .....		
Senate—passed bill .....		

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

I withhold that for just a moment to inform the Senate that we have been told that the Senator from Colorado [Mr. BROWN] is on his way. He left his

office 3 minutes ago. As the Senate knows, we were going to ask for third reading at 10:45, that hour having arrived. But I am confident that Senator BROWN will be here momentarily.

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. REID. 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. BROWN addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado [Mr. BROWN] is recognized.

ORDER OF PROCEDURE

Mr. BROWN. Mr. President, I ask unanimous consent to proceed as if in morning business and ask that the time I may consume will be subtracted from the time allotted to the amendment that I will be offering shortly.

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

Mr. BROWN. Mr. President, I appreciate the indulgence of the Senators in this regard.

My thought was while we are waiting for the amendment to be delivered to the floor perhaps we could spend a little time on it, therefore shortening the time of debate that would be necessary.

One of the concerns that I have had over the years is the Congress has treated itself differently than it has for the rest of the Federal Government. That does not mean that is not justified. We can make mistakes. But I believe that the process of handling roll-over funds does not fall in the area that merits special consideration or treatment by Congress.

What we have said to virtually most of the other areas of Government is that you will expend your money in a year. If you do not expend it in that year, you will then be subject to a review, reappropriation, reauthorization of those funds. It is simply a way of taking a new look at money that was not spent in the previous year.

Congress over the years has chosen a different course for itself. We earlier this year offered an amendment on an authorization bill that dealt with the problem of committee funds. Some have called them slush funds. I think it fits in some areas to call them that, literally. What has happened is money has been appropriated and authorized, not spent in a year, and not lapsed back to the Treasury, as I think many Members assumed or hoped it would, but simply held in a fund that is not subject to reauthorization or reappropriation. Thus, it can be used for unspecified purposes in that general area.

My own view is that what makes good sense is the same rules we apply to everybody else, simply that we ask that those funds be reauthorized and

reappropriated, rather than held in abeyance and not accounted for separately.

So the amendment I will shortly offer will be one that deals with that and treats us like we treat everybody else. It seems to me that is basic, simple equity and good budget, and also a way to save funds. It is done, also, not out of the blue. It was raised earlier this year and approved by this Chamber—procedures regarding committee funds. So it is one that we have had notice on, and one in which we deal with the rest of the world in this manner, and it is consistency. We ask the Senate to live by the same rules everybody else lives by.

Mr. President, I will offer this amendment shortly and try to expedite the deliberations.

I reserve the remainder of the time I have on the amendment.

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. REID. 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. REID. Mr. President, we have been meeting—Senator MACK, Senator BROWN, and I, and our respective staffs—to try to resolve a problem that deals with unexpended accounts in certain of the legislative branch expenditures that we have.

Now, Senator BROWN, who is a certified public accountant and an attorney, has been looking in some depth at how these funds are handled.

We simply were unable to answer some of the questions he presented. We were able to answer, I think, most of them, but not all of them. Senator MACK and I have agreed, at the urging of Senator BROWN, to take a complete look at legislative branch funds; that is, what do we do if, for example, the Architect has money left over after having let a contract for the west front of the Capitol? How are those moneys accounted for?

I am not going to go into a lot of detail, but I have expressed to Senator MACK personally, as I do publicly, that Senator MACK and I, as the subcommittee, will hold hearings on this matter. We will confer with Senator BROWN. He can help arrange whatever witnesses he feels appropriate. We will arrange witnesses that are appropriate. There will be a transcript of those hearings, so it will be made available to the Senate and the public.

I think it will go a long way to resolve some questions I have and I know Senator MACK has had and, hopefully, will resolve some of the questions that my friend from Colorado has.

I yield to Senator MACK.

Mr. MACK. I thank the Senator from Nevada [Mr. REID].

Mr. President, I express my appreciation to Senator BROWN for raising this issue today. It is an issue that we have discussed in subcommittee and something that we are going to pursue. Frankly, his effort today just means we are going to pursue it that much more rapidly. I appreciate that.

We had many of the similar concerns Senator BROWN has raised. Through the process of those discussions, I have now found out that some of my concerns really are unfounded but, in fact, there are some areas we clearly ought to take a look at and try to make a determination of what is in the best interest of both the taxpayer and the Senate.

Again, I appreciate the Senator's interest in this area and believe we will pursue it with great alacrity.

The PRESIDING OFFICER (Mr. FEINGOLD). The Senator from Nevada.

Mr. REID. Mr. President, I also appreciate the searching inquiry of the Senator from Colorado and the reasonableness of it in this respect.

The amendment that he had proposed—which he, I think has decided not to offer—was one that looked to the future that has this bill on it. I think that is important because I frankly do not think any of us want to get into what practices went on 20 years ago.

So I think the Senator has presented to the Senate something that we need to do, something we probably should have done, and, with his urging, we will do it at the earliest possible date.

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BROWN. Mr. President, I simply want to add my thanks to the committee for their willingness to look into this issue, to hold hearings with witnesses, and explore the potential of a new policy in this area. The additional facts, I believe, will be helpful in framing this policy.

That does not disguise the fact that there may well be disagreements about the policy ultimately adopted, but it does mean that we will develop that policy with far better facts and information as a result of what I know will be an inquiry with integrity, knowing the reputation and the conduct of the distinguished Senator from Nevada and the distinguished Senator from Florida. Their words are good. Their integrity is very high.

I, frankly, think this kind of study will give us a much sounder basis than before.

I might simply mention to those that are not familiar with the issue that I was one of those in the House of Representatives that discussed the matter of whether or not we would add office space on the west front of the Capitol. The House went on record, in a record vote, strongly opposed to the expansion

on the west front of the Capitol. And, as I think many people know, the Congress went ahead and added the west front of the Capitol anyway. It was done partly with reprogram money, which shows that there is a potential for abuse here, as well.

So the issue is not just one of treating ourselves like everyone else is treated. It is one of a policy matter as well.

I think the inquiries, as contemplated by the chairman and ranking member, will be very helpful in this. I look forward to it.

I express my gratitude for what I think is a very sincere effort to bring real controls to this area of spending.

Mrs. HUTCHISON. Mr. President, earlier today I voted in support of the legislative branch appropriations bill. I did so because the bill does contain reductions in Congress' budget. I believe, however, that this legislation does not cut far enough.

Here in Congress, legislative branch appropriations have skyrocketed from \$1.37 billion in 1982 to \$2.25 billion in 1993. There is no justification for this type of runaway spending.

We can do more with less. The size of our Government is staggering. The legislative branch has not only kept up with the overall growth in Government, it has exceeded it by several times in recent years.

In addition to the Capitol Building itself, we have at least eight separate office buildings and over 38,000 employees.

I know from experience that the best way to cut a budget is to make reductions across the board. While serving as Texas State Treasurer, I voluntarily reduced my budget 8 percent. Our dedicated employees had to work a little harder and longer. But we increased investments and collections to a record \$1 billion for Texas taxpayers for the first time in Texas history.

During my campaign I pledged to try to reduce my Senate budget 20 percent and never send out taxpayer-financed mass mailings. I know that it is possible to reduce my office budget without lessening my ability to be a good representative.

I will live up to my promise. I hope that my colleagues will also voluntarily reduce their office spending.

We owe it to the American people to make a sacrifice ourselves. This year's legislative branch appropriations bill is a step in the right direction. We must, however, continue to reduce what we spend here in Congress.

Mr. BYRD. Mr. President, I commend the managers of the bill, Mr. REID, the chairman of the Legislative Branch Subcommittee, and Mr. MACK, the ranking member of the Legislative Branch Subcommittee, for the superb work they have done in shepherding this legislation from the first hearing to markup by the full committee.

I wish to congratulate them and their staff for the splendid cooperation that has been demonstrated by these two Senators and by other Senators on the committee from both sides of the aisle in preparing this legislation to this point.

I wish to underscore the comments of the managers that the bill, as recommended, is below both the 1993 and 1992 enacted levels. This bill is a responsible bill. This bill is worthy of our support. Again, I commend the managers for their excellent work on this legislation, and I urge my colleagues to support it.

Mr. REID. Mr. President, I know of no other amendments to this bill. I would, therefore, ask for third reading.

The PRESIDING OFFICER. Are there further amendments?

If there are no further amendments to be proposed, the question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. Does the Senator yield back all the time?

Mr. REID. Yes, we do.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass? The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. BUMPERS], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Nebraska [Mr. KERREY], the Senator from Vermont [Mr. LEAHY], and the Senator from Arkansas [Mr. PRYOR] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Missouri [Mr. BOND], the Senator from Texas [Mr. GRAMM], and the Senator from South Dakota [Mr. PRESSLER] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote.

The result was announced—yeas 85, nays 7, as follows:

[Rollcall Vote No. 212 Leg.]

YEAS—85

Akaka	Byrd	DeConcini
Baucus	Campbell	Dodd
Bennett	Chafee	Dole
Biden	Coats	Domenici
Bingaman	Cochran	Dorgan
Boren	Cohen	Durenberger
Boxer	Coverdell	Exon
Bradley	Craig	Faircloth
Breaux	D'Amato	Feingold
Bryan	Danforth	Feinstein
Burns	Daschle	Ford

Glenn	Lieberman	Reid
Gorton	Lott	Riegle
Graham	Lugar	Robb
Grassley	Mack	Rockefeller
Gregg	Mathews	Sarbanes
Harkin	McCain	Sasser
Hatch	McConnell	Shelby
Hatfield	Metzenbaum	Simon
Hutchison	Mikulski	Simpson
Inouye	Mitchell	Specter
Jeffords	Moseley-Braun	Stevens
Johnston	Moynihan	Thurmond
Kassebaum	Murkowski	Wallop
Kempthorne	Murray	Warner
Kennedy	Nickles	Wellstone
Kerry	Nunn	Wofford
Lautenberg	Packwood	
Levin	Pell	

## NAYS—7

Brown	Helms	Smith
Conrad	Kohl	
Heflin	Roth	

## NOT VOTING—8

Bond	Hollings	Pressler
Bumpers	Kerrey	Pryor
Gramm	Leahy	

So the bill (H.R. 2348), as amended, was passed.

Mr. REID. Mr. President, I move to reconsider the vote by which the bill, as amended, was passed.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent that the Senate insist on its amendments and request a conference with the House, and that the Chair be authorized to appoint conferees on the part of the Senate.

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

Thereupon, the Presiding Officer [Mr. FEINGOLD] appointed Mr. REID, Ms. MIKULSKI, Mrs. MURRAY, Mr. BYRD, Mr. MACK, Mr. BURNS, and Mr. HATFIELD conferees on the part of the Senate.

Mr. MACK addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. MACK. Mr. President, I would like to express to Senator REID, again, my appreciation for the way he brought me into this process, the way that we were able to work together to put this bill together.

As I said earlier, I think we can do more. I am sure over the next year Senator REID and I will find other ways to do more.

I also would like to thank Keith Kennedy for his work. Being a new member on the committee, it was vital to me to have someone like Keith Kennedy to provide me with the basic information, the basic knowledge to make decisions.

I also would like to thank Larry Harris on my staff who has been a great help to me in helping, again, to make me knowledgeable so that I could, in fact, spend meaningful time with Senator REID in making some of the decisions we had to make.

Again, I thank Senator REID for his help.

I yield the floor.  
Mr. REID addressed the Chair.  
The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I hope that Members of this body realize what Senator MACK and I want, and we hope to obtain, is that there will be no questions about the bill; that it will be an open book. We want the legislative branch of Government understood. We want everybody to understand that there are no gimmicks, no tricky book-keeping measures; that everyone will understand the legislative branch, as it should be. Not only is it the people's body, the people's branch of Government, but we want to make sure that the money that takes care of the legislative branch of Government is something that everyone comprehends and understands.

I also express my appreciation, as I did during my opening statement, to Senator MACK and his staff for being available and being willing to compromise certain difficulties that arose during the early part of the bill, and certainly his experience paid off today.

I also would like to express my special appreciation to the chief clerk of the Subcommittee on Legislative Branch Appropriations, Jerry Bonham, for his weeks and weeks of work getting this bill to the point it is. Jerry and I were both ably assisted by Chuck Turner who has been invaluable on this bill for several months now.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Republican leader.

Mr. DOLE. Mr. President, let me commend the managers of the bill. This is the first appropriations bill. There are real spending cuts in this bill. I want to commend the chairman, the distinguished Senator from Nevada [Mr. REID]. Particularly, I want to thank my colleague from Florida, Senator MACK. This is his first opportunity to manage a bill. This is the first appropriations bill.

As I have indicated, it does come in under budget and it does reflect the hard work of both the Senator from Florida and the Senator from Nevada and members of the committee and members of their staffs. We congratulate them.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

## MORNING BUSINESS

Mr. FORD. Mr. President, I ask unanimous consent that the Senate go into morning business, with Senators allowed to speak for 10 minutes therein, and that the Senator from Hawaii be recognized for a unanimous-consent request.

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

The PRESIDING OFFICER. The Chair recognizes the Senator from Hawaii.

## PRIVILEGE OF THE FLOOR

Mr. AKAKA. Mr. President, I ask unanimous consent that Shane Merz, a congressional fellow in my office with the Sea Grant Program be granted floor privileges to assist me when the Senate is in session on Tuesday, July 27.

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

## PROMOTION OF AIR FORCE COL. CLAUDE M. BOLTON, JR.

Mr. GRASSLEY. Mr. President, I wish to take a few minutes of the Senate's time to clarify my position and express my concerns about the pending promotion of Col. Claude M. Bolton, Jr., to the rank of brigadier general.

I wish to discuss that some more this morning, Mr. President, because I think it is very important to let my colleagues know what I am up to. It is a rather unusual thing when we discuss somebody being promoted from colonel to brigadier general.

My position is this: We should not proceed with Colonel Bolton's promotion until we have all the facts bearing upon his role in the advanced cruise missile, or ACM, procurement disaster. Colonel Bolton was the program manager from September 1989 to September 1992. There are too many unanswered questions and we need more information.

At the end of yesterday's statement, I concluded with this assertion: All the documentary evidence suggests that the ACM program violated the Antideficiency Act, and that Colonel Bolton and other more senior officials further up the chain of command knew this but failed to act on that information in appropriate ways.

Now, Mr. President, what were Mr. Donley, Mr. Beach, and Colonel Bolton supposed to do in order to comply with the law of the land? That is, after all, what public officials are supposed to do. We are all supposed to comply with the law of the land. They should have reported, these individuals should have reported the violation immediately up the chain of command to the Department of Defense Comptroller, and also to the President, as well as to those of us in the Congress.

Under the law, which is 31 U.S.C. 1351, an Antideficiency Act violation must be reported "immediately to the President and Congress" along with what are referred to as all relevant facts and a statement of action taken.

That is Federal statutory law. Under Department of Defense directive 7200.1, which establishes procedures for reporting Antideficiency Act violations, Colonel Bolton had a duty as the "head

of the organizational unit" involved, the ACM program office, to "investigate the circumstances surrounding the violation immediately and report the violation through official channels to the Secretary of the Air Force."

That is a direct quote from the DOD directive 7200.1. Colonel Bolton was required to file a formal written report. This he never did.

Colonel Bolton, I would ask you, please answer the questions in my letter to you of April 29, 1993. What actions did you take to report the violations up the chain of command as required by Department of Defense regulation and law?

Colonel Bolton, if you attempted to report the violation, please provide a list of persons that you contacted. Was Mr. Beach or any of his subordinates among those persons you contacted? What direction or guidance, if any, were you given regarding the violation?

Perhaps Mr. Beach has good reason to keep Colonel Bolton quiet. Is Mr. Beach trying to silence Colonel Bolton because he knows too much, because he told Mr. Beach about the violation?

Mr. President, I think Mr. Beach needs to be questioned about his knowledge of the ACM Antideficiency Act violation.

Mr. President, I submitted questions to Mr. Beach in a letter dated May 14, 1993, but Mr. Beach also refuses to answer these questions. Mr. Beach's fear of the truth helped to generate another nonanswer from the Air Force. This one came from Maj. Gen. Paul E. Stein, director of legislative liaison. The Air Force is engaged, then, as a result of not answering these questions, in a classic stonewalling operation.

At this point, Mr. President, we do not know what Colonel Bolton did or did not do. But one thing remains crystal clear. The violation was never reported as required by law. Mr. Donley, Mr. Beach, and Colonel Bolton never complied with the law. In fact, they showed contempt for the law.

Mr. President, I wish to discuss issues surrounding the reprourement scheme, which is nothing more than a bureaucratic trick designed to conceal this Antideficiency Act violation. Instead of reporting the violation and requesting a deficiency appropriation, as is provided by law and is quite appropriate for this Congress to respond to when money is short for a program, Colonel Bolton, Mr. Beach, Mr. Donley, and others acted in concert to devise a crooked reprourement scheme to cover up the violation.

The reprourement scheme had one purpose and only one purpose, and that was to generate cash outside the law to get around the Antideficiency Act without coming to Congress. The Air Force should have asked Congress for the money. It is as simple as that.

The Air Force attempted to use contracts to supersede statutory law, to

overturn the laws passed by Congress. In the old days, there was a way that the Air Force could simply take care of this, and that would be to go to the M accounts for the money. The M accounts were beyond the purview of Congress. But the M accounts were legal. The M accounts have now been done away with, or they will be done away with very shortly. They are legislatively out of existence, but they are going to be phased out. And that time, I think, is about now to be done with them.

If they had gone to the M account, the problem would have been solved quickly and quietly and improperly. Those days are over now. The doors to the magic vault are about to slam shut forever. If the Air Force needs money, the Air Force must now request it from Congress.

I hope the ACM reprourement scheme is not a prototype for solving funding shortages in a post-M-account era. If it is, then they are still violating the spirit of our enactment doing away with the M accounts. If it is, then of course the taxpayers in this country are in for a rough ride.

To get the money needed to hide the cost overrun and cover up the Antideficiency Act violation, the Air Force systematically destroyed the ACM program. The Air Force officially launched the reprourement operation in April 1992 by decimating the fiscal year 1992 ACM missile production contract. But the mission had to be aborted in midstream, because then Congress pulled the rug right out from under their plan. Congress unexpectedly rescinded \$344 million in fiscal year 1992 ACM missile procurement money. We did that on June 4, 1992, under Public Law 102-298, just as Air Force officials were about to get their hands on that money.

Congress had appropriated \$522 million to buy 120 more ACM missiles in fiscal year 1992, bringing the total ACM buy to 640 missiles. The rescission reduced the total ACM buy back to that 520 original missiles. Since Congress appropriated \$522 million, why was only \$344 million rescinded? What happened to the remaining \$178 million?

Mr. President, that is what we need answers to.

When Congress denied access to the fiscal 1992 money, the Air Force then turned on the program with a vengeance and terminated fiscal year 1990 and fiscal year 1991 production contracts to get the money. Presumably, they got it this time.

As I understand it, three old contracts were terminated, and these are the words in the law, "for convenience of the Government," and then immediately rewarded to the same company but under terms that were most unfavorable to the taxpayers.

The result was predictable and the result was devastating. Missiles were

left in pieces on factory floors for scrap. The Air Force claims that the net additional cost of this reprourement scheme was minimal—\$600,000—somehow just to relabel 120 ACM missiles.

That sounds very fishy. It has a very bad odor. In plain language, it stinks, Mr. President. The DOD IG estimated that the additional costs resulting from the fiscal year 1992 contract termination alone would be \$79.7 million. Mr. President, I think the figure will go much higher. The final price tag could be staggering.

A July 2, 1993, Air Force report indicates that the net cost to the taxpayers could be \$483 million, or close to one-half billion dollars. I will have more to say about this next week. But the full impact, in terms of dollars wasted and wasted materiel, has yet to be determined. But the estimates keep climbing.

I asked the GAO, on June 1, 1993, to conduct a full review of the ACM reprourement scheme and to address all of the unresolved issues.

The President GAO's investigation is ongoing. The GAO has promised to provide the needed information by September 1993.

Mr. President, I request unanimous consent to have my letter to the GAO printed in the RECORD.

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

U.S. SENATE,

Washington, DC, May 14, 1993.

Mr. JOHN W. BEACH,  
Principal Deputy Assistant Secretary for Financial Management, Department of the Air Force, Pentagon, Washington, DC.

DEAR MR. BEACH: I am writing in response to your letter of May 13, 1993, regarding the current disposition of my letters of April 29, 1993, to Mr. E. Ray Smith and Colonel Claude M. Bolton, Jr.

The two above-mentioned letters were directed to Mr. Smith and Colonel Bolton and not to your office. I expect a written, signed response from both officials. Anything short of that is unacceptable.

At the same time, I would like to urge you to proceed with a vigorous and thorough investigation of the Antideficiency Act violation by the Advanced Cruise Missile (ACM) program and fix responsibility as required by law.

Since directing my letter to Mr. Smith, I have come to the realization that his organization falls under the purview of your office. That being the case, I would like to inquire about your knowledge and awareness of a violation of the Antideficiency Act by the ACM program in November 1991 or at any other time.

I have two questions I would like you to answer: At or about the time Mr. Smith signed the attached memoranda, were you aware of any discussion about the need to report a violation of the Antideficiency Act by the ACM program? If so, please provide the names of the persons involved in those discussions or the violation itself, and what direction, if any, was given as a result of those discussions?

A written, signed response to my questions is requested by May 21, 1993.

I would like to remind you that certain financial officers remain pecuniarily liable under the law (31 USC 3528) for illegal or improper payments from accounts entrusted to their care.

I would also like to inform you that during my meeting with Mr. Donley yesterday, he indicated that Colonel Bolton is not solely responsible for the decisions taken to resolve the ACM funding deficiencies in 1991-92. Mr. Donley indicated that there were a number of more senior officials further up the chain of command who bear responsibility for those actions. I asked him to provide that and any other information that might help me reach a final decision in this matter. He agreed to do that.

Your cooperation would be appreciated.

Sincerely,

CHARLES E. GRASSLEY,  
U.S. Senator.

DEPARTMENT OF THE AIR FORCE,  
Washington, DC, November 26, 1991.

Memorandum for SAF/FMBMC.

Subject: Request for Approval To Cite Expired Funds—Action Memorandum.

This office has received the attached request for funding and approval to cite \$71,500,000.00 of FY 87 3020 funds to cover cost overruns associated with the Advanced Cruise Missile program. Based on previous discussions with the 3020 Appropriation Manager, funding of this magnitude is not presently available. However, this requirement needs to be documented and included in the funding strategy discussions being pursued for this and other programs with similar funding problems.

The attached ASD/VCP memo describes the scope and nature of the request for adjustment as well as the information regarding the original contract funding. Please include this action with other unclassified requests for prior year 3020 funding.

E. RAY SMITH,  
Special Programs Office, Deputy for Budget Management and Execution.

DEPARTMENT OF THE AIR FORCE,  
Washington, DC, November 26, 1991.

Memorandum for SAF/FMBMC.

Subject: Request for Approval To Cite Expired Funds—Action Memorandum.

This office has received the attached request for funding and approval to cite \$27,100,000.00 of FY 88 3020 funds to cover cost overruns associated with the Advanced Cruise Missile program. Based on previous discussions with the 3020 Appropriation Manager, funding of this magnitude is not presently available. However, this requirement needs to be documented and included in the funding strategy discussions being pursued for this and other programs with similar funding problems.

The attached ASD/VCP memo describes the scope and nature of the request for adjustment as well as the information regarding the original contract funding. Please include this action with other unclassified requests for prior year 3020 funding.

E. RAY SMITH,  
Special Programs Office, Deputy for Budget Management and Execution.

DEPARTMENT OF THE AIR FORCE,  
Washington, DC, May 24, 1993.

Hon. CHARLES E. GRASSLEY,  
U.S. Senate, Washington, DC.

DEAR SENATOR GRASSLEY: This correspondence further responds to your letter of 29 April to Colonel Claude M. Bolton Jr. and Mr. E. Ray Smith, and to your 14 May letter

to Mr. John W. Beach. As Mr. Beach pointed out in his letter, the Acting Secretary of the Air Force has directed a full review of alleged violations of the Antideficiency Act in the Advanced Cruise Missile program in accordance with the law. As we're sure you will agree, we do not want to jeopardize this ongoing investigation or prejudice its results. In the interest of achieving a fair and complete investigation, we believe the Antideficiency Act review itself should be the sole fact gathering process.

At the conclusion of the official inquiry, we will ensure that your concerns are addressed and responses are provided to your questions. However, until the investigation is concluded we would respectfully seek agreement that Colonel Bolton and Mr. Smith refrain from answering questions on this subject outside of the investigative process. Allowing the investigation to proceed without outside influence is the best method of ascertaining the facts, while protecting the rights of the individuals involved.

Sincerely,

PAUL E. STEIN,  
Major General, USAF,  
Director, Legislative Liaison.

U.S. SENATE,  
Washington, DC, June 1, 1993.

Hon. CHARLES A. BOWSHER,  
Comptroller General, General Accounting Office, Washington, DC.

DEAR MR. BOWSHER: I am writing to request that your report on the Air Force Advanced Cruise Missile (ACM) program, NSIAD-92-154, be updated.

I would like your office to conduct an audit of all ACM production contracts. Was the money spent in accordance with the laws of the land, and what has been provided in return for the money spent? Is all the money accounted for?

In the process of conducting the audit, I would like the following questions answered: How much money was obligated against each ACM production contract, how much was spent, and how much remains unobligated?

How many ACM missiles were placed on contract, and how many of those missiles are operational, and how many operational missiles are defective?

How much did the decision to terminate FY87, FY88, FY90, and FY91 contracts for "convenience" of the government cost the taxpayers? Did the Air Force incur contract termination costs, penalties, or other liabilities as a result of these contract actions?

What happened to the work-in-progress and other inventories following termination of the four production contracts (FY87-88 and FY90-91)? How many missiles remain incomplete? How much was scrapped? Did the government receive credit for scrapped materials? Were follow-on contract prices adjusted accordingly?

How much money was actually shifted from three contracts—FY90-92—to cover cost overruns and a shortage of cash on earlier contracts?

Congress provided \$127.1 million in FY93 procurement funds for "a 450-missile" ACM program. How was that money used? What is the total cost to complete the 450-missile program?

What was the dollar value of the reduction in missile quantities that resulted from these contract actions?

Mr. Bowsheer, your last report on the ACM program seemed to express some apprehension or uneasiness about what was unfolding

in the ACM program in early 1992. Your report contains this statement in two different places: "We are concerned about the potential for cost increases, as well as the legal and programmatic issues that may arise from their actions. We plan to continue to review these matters." (See pages 1 and 5)

Mr. Bowsheer, which legal issues were you concerned about? Were any laws violated? If so, which laws were violated, and who was responsible for violating them?

As you proceed with your audit of ACM production contracts, I request that you coordinate your efforts with those of the Inspector General at the Department of Defense. Mr. Vander Schaaf's effort is focusing on the failure of the Air Force to report and investigate a known violation of the Antideficiency Act and not contract actions, so there should be no duplication or overlap between your review and his on ACM issues.

I ask that this work be completed as soon as possible.

Your cooperation would be appreciated.

Sincerely,

CHARLES E. GRASSLEY,  
U.S. Senator.

GENERAL ACCOUNTING OFFICE,  
Washington, DC, June 3, 1993.

Hon. CHARLES E. GRASSLEY,  
U.S. Senate.

DEAR SENATOR GRASSLEY: We have received your letter dated June 1, 1993, requesting an update of our report on the Air Force Advanced Cruise Missile (ACM) program, NSIAD 92-154.

We have forwarded your letter to our National Security and International Affairs Division. Staff from that Division will be in touch with Charlie Murphy if they have any questions.

Sincerely yours,

RICHARD P. ROSCOE,  
Legislative Advisor.

Mr. GRASSLEY. I yield the floor.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma [Mr. NICKLES] is recognized.

#### THE NOMINATION OF JOYCELYN ELDERS

Mr. NICKLES. Mr. President, I rise this morning to clarify a couple of statements that were made concerning the nomination of Dr. Joycelyn Elders as Surgeon General. Earlier today, I placed an objection for the consideration of the committee to proceed further with the nomination hearing while the Senate was in session. I did that after consulting and talking to Senator KENNEDY, who is chairman of the Labor Committee, last night, basically because I requested additional information, information concerning Dr. Elders which is not yet available to members of the committee and to Members of the Senate that have an interest in this nomination.

Some people have said this is uncharacteristic; we do not usually do this. I will just tell the Senate I have not done it in my Senate career. But I have observed many colleagues who have obstructed nominations. I can remember that of Dr. Koop when I was chairman of the Labor Subcommittee,

when Dr. Koop was eventually confirmed. But he was eventually confirmed after months, I think almost a year, of a grueling confirmation process, after every word he had written and spoken had been analyzed and scrutinized by members of the committee for countless hours—I will find out later how many days—he spent before the committee.

My request of Senator KENNEDY last night was not to postpone the hearing today but to give us an additional day of hearings next week and to give us some documentation that had been requested by members of the committee and by myself.

We have not been given that documentation. In fairness to Senator KENNEDY I do not think he has the documentation in some cases. We do not have a written summary of the FBI report. It is no surprise to Members of this Senate or anyone who reads in the paper that this is a very controversial nominee. It is no surprise to anyone who is current on the issues that a lot of allegations have been made of impropriety.

I have stated on the floor that these questions need to be answered. My colleague from Arkansas, Senator PRYOR, agreed that they need to be answered. They have not been answered yet. Certainly they have not been answered yet in a written report. I understand that two members of the committee, the chairman and ranking member, were briefed orally on one segment of the FBI report. But there are other aspects of the FBI report that are not written. I understand they have had some problems in the White House, and my sympathies go to the White House and to the family of the assistant general counsel for his untimely death. I understand that such a untimely event could cause delays for the White House.

But I also think that we are entitled to receive this information before we proceed forward with this hearing, or at least we are entitled to proceed today but we are entitled to another day of hearing after we have a chance to see the facts as gathered by the FBI. Why have the FBI conduct a report if individuals will not receive written summaries of the reports?

Also, requests have been made for written documentation so we can better understand some of the allegations and, in some cases, admitted impropriety that went on at least within the Elders family. I am talking about nonpayment of taxes of an employee who worked for the Elders family. I think this is a very serious allegation. We do not have any paperwork on it. We have not seen any documentation. I do not think any Senator has seen documentation. We asked for that. We have not received it.

I do not want to make allegations. All I want to see is the documentation. If there are no improprieties, fine. But

nonpayment of taxes is a serious offense. It is not just nonpayment of Social Security taxes, if the reports in the papers are correct; it could also be nonpayment of Federal income taxes, not just 1 year but several years. Again, these questions need to be asked. Documents need to be provided. Evidence needs to be shown so we will find out the real facts. Frankly, that should be found out before the hearings.

Again, I do not have an objection to proceeding on with the hearing, but we need to have this information so pertinent questions can be asked and can be answered before final disposition of the nomination takes place. In other words, we need an additional day of hearings. I hope that will be the case. I think we need to have all of these questions that have been raised resolved.

Just a couple of days ago, it was reported that while Dr. Elders was head of the Arkansas Health Department, the health department knowingly allowed condoms that were defective to be left in the system. They did not notify people who had obtained these condoms that they were potentially defective, that they had an abnormally high defective rate. This is jeopardizing lives of a lot of people in Arkansas. I think that is a serious question. We have asked for some information and an investigation on that. That has not happened yet. Of course, it could not happen yet. This revelation came up in just the last couple of days. We need to have some answers. We need to have some documentation. We need to find out the facts on this information. The FBI has not completed that, or at least they have not responded yet to the committee.

So my point is not to object or delay the confirmation hearing of Dr. Elders. My point is the committee is entitled to the facts.

I do not make any bones about it. I have opposed and am opposing Dr. Elders' nomination because of some of the radical positions she has taken, positions like saying that every teenage girl should have a condom in her purse before she goes on a date. I happen to have a teenage girl in my family. I find that offensive. Or a statement like saying, well, we teach kids what to do in the front seat of a car, now we need to teach them what to do in the back seat. I find that offensive. I am concerned about a nominee who has a condom tree on her desk. I am concerned about the fact that she apparently agreed with the decision not to publicize recalls of defective condoms and that they decided not to notify people to whom they distributed these condoms that they potentially might break and might jeopardize their lives. If they are having sex with someone who is HIV positive, it could cost them their lives. We are not talking about

things that are not significant. We have recalls. We have notification of purchasers when you have a defective seat belt in a car that is 10 years old. We are talking about something that is certainly life and death in this case.

So, again, my point was not to indefinitely delay this nomination hearing. I actually look forward to the nomination hearing. I look forward to questions being raised. But I also think that the members of the committee are entitled to the facts. We are entitled to the FBI report. We are entitled to get some documentation on allegations that have been raised as far as financial improprieties. There was even a lawsuit in Arkansas that charged Dr. Elders with violating the National Banking Act. That lawsuit was settled. What are the terms of the settlement? Did she violate the National Banking Act? We need to know that information. These allegations were the reason the hearing was postponed a week ago.

That FBI report was not available to all Senators last night. It was not available at 11:30. It is not available in summary written form yet. At least it was not earlier today.

So my point is, Mr. President, not to delay, but I do think we are entitled to additional time to get the facts, to get the documentation before we proceed forward.

I am hopeful that the committee, as they begin their deliberations today of Dr. Elders—and there are probably ways to postpone that, I guess, if there was extended discussion on the floor, but that is not my intention—will thoroughly analyze each of these questions and make available the documentation, make available the facts and the FBI reports to all interested Senators, so that we can make good, judicious decisions on this nominee.

I yield the floor.

#### TRIBUTE TO MRS. PAT NIXON

Mr. PRESSLER. Mr. President, today I pay tribute to the life of a remarkable woman—Mrs. Pat Nixon. Those who had the good fortune to know Mrs. Nixon were privileged. Full of grace, poise, and personal warmth, Pat was an exceptional woman. Millions of Americans, including this Senator, mourned her death on June 22, 1993 at the age of 81.

I was among the lucky ones to know her. I first talked in depth with Pat at the engagement announcement and again the wedding of Ed Cox and Tricia Nixon. Space at the White House wedding was limited, but I was lucky enough to have been among the two Harvard Law School friends of Ed who were invited. I enjoyed visiting with Pat Nixon several times over the years and have often marveled at her life of selfless public service.

Our memories of Pat Nixon will endure for many years to come. The family lives of prominent public figures,

like the Nixons, are often much more complicated and certainly less private than the family lives of other people. To her great credit, Mrs. Nixon's gracious personality helped her family to endure the various intrusions of public life with greater ease. I enjoyed knowing Pat Nixon and am certain historical accounts will treat her with the grace and respect she deserves. I do not know how she kept track of everybody, but in the late 1980's I visited former President Nixon and she said hello, recalling our having met. She was a great lady.

#### AN APPEAL TO SAVE SARAJEVO

Mr. DECONCINI. Mr. President, once again I rise to express my utter horror over the appalling U.S. policy with respect to the policy in Bosnia and Herzegovina. Yesterday, Secretary of State Christopher claimed the United States has reached its limit of involvement in Bosnia even though the State Department has conceded that Sarajevo has become a concentration camp. According to press reports, Secretary Christopher has been pressing for limited military action in response to the siege on Sarajevo. However, the Pentagon has apparently responded—and I have seen some of that response—with a proposal tantamount to a Desert Storm type of operation. This, of course, killed any thought of intervening militarily, which makes one wonder if this was not the Pentagon's intention in the first place, particularly after General McPeake has so spoken before the Defense Appropriations Committee that air strikes could be successfully performed with little or no risk to Americans involved therein.

I have never claimed to be a military expert, but, as an elected public official for many years now, I have learned enough about these things to sense when something is not quite right. In the case of Bosnia and Herzegovina, I sense that something is actually very wrong.

Why does the Pentagon respond with only one option to save Sarajevo, and one which is the equivalent of a Normandy invasion. The answer is: It is not the only option, and, in fact, General McPeake among others have courageously presented alternatives to a massive invasion. But while the United States has groped for responses to aggression and genocide in Bosnia and Herzegovina, the official Pentagon response has consistently been to present scenarios that no sane politician would act upon.

Once again I am reminded of the point made by Lady Margaret Thatcher about 1 year ago, when she noted that if a head of state asks the military whether something should be done or not, they will give you all the reasons why not. If you tell them that something needs to be done, define the ob-

jectives for them, and then tell them to work out a plan, then the military will come through.

I am not suggesting that we send in U.S. ground forces unilaterally or anything of the sort. But why can't we suspend any further discussions under the auspices of the Owen-Stoltenberg negotiations until such time that the siege of Sarajevo has ended? Why can't we issue a 72-hour deadline, to begin immediately, for the militants to cease fire, withdraw from their positions in the hills surrounding Sarajevo, and remove their blockades around the city?

Why can't we break any continuing siege of Sarajevo with an aerial bombardment by NATO forces of Serb militant positions in the surrounding hills and the elimination of Serb blockades, as General McPeake has suggested can be done with little difficulty? Our planes are already making overflights in the region to enforce a no-fly zone. I can only imagine what the people of Sarajevo and other besieged towns must feel when they see American fighter planes overhead while they are being slaughtered.

Limited military action, I believe, can be justified on moral and legal grounds. Based on a hearing held by the Helsinki Commission yesterday, which included an excellent statement by Ambassador Paul Warnke that I would also like to insert in the RECORD, I also feel it is in our national interest to seek a firm NATO response to aggression in the Balkans before the conflict spreads throughout the Balkans. The fact that Croat militants have now opportunistically joined the main aggressors—their Serb counterparts—in carving up Bosnia and Herzegovina, demonstrates the increasing reality: That might can make right.

The sad fact is that, when the Clinton administration did have a forceful international response to Serb aggression under consideration, people on the ground noticed a distinct change in Serb behavior. It is unfortunate that U.S. leadership at that time was not sufficiently expressed so as to convince our key allies of the wisdom of pursuing such a course. It is equally disturbing that, when the Security Council considered lifting the arms embargo on Bosnia and Herzegovina, we again took the right position but relinquished our leadership role in obtaining the wider support it needed to make a difference.

Anybody who has seen the excellent film, "Judgement at Nuremberg," will recall that, while those officials who worked within the Nazi regime were guilty for the Holocaust, in a larger sense the entire world was guilty for it in the way Hitler was accommodated and appeased until it was too late. Milosevic differs from Hitler only in the degree to which his murderous minions have the power to threaten all of Europe; their assault on humanity is

otherwise the same. Fortunately, our response to stop Milosevic today need not be of the same level it took to stop Hitler then, despite what the Pentagon claims. But we must stop Milosevic like we eventually stopped Hitler. We must save Sarajevo now. The only alternative is to be guilty of complicity to mass slaughter and genocide.

Mr. President, I ask unanimous consent that a statement by Paul Warnke, testifying before the Helsinki Commission yesterday, and a letter going to the President today from the Commission on Security and Cooperation in Europe be printed in the RECORD.

I thank the Chair.

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

STATEMENT OF PAUL C. WARNKE FOR THE HELSINKI COMMISSION HEARING, JULY 2, 1993

#### Members of the Commission:

You have asked for my views regarding American interests in the post-Cold War Europe and how these interests might be affected if the present Balkan conflict were to spread. You have also asked me to comment on the role the NATO alliance should play in ending the bloodshed in the former Yugoslavia, particularly in Bosnia.

Back in November, 1991, at a meeting in Rome, the NATO foreign ministers gave what I believe to be the proper analysis of these questions. They declared that, with the end of the Soviet threat, the real risks to allied security would arise from "the serious economic, social and political difficulties, including ethnic rivalries and territorial disputes, which are faced by many countries in Central and Eastern Europe." However, when confronted with the actuality of this anticipated post-Cold War threat, NATO has failed to respond with anything other than rhetoric.

Ironically, the NATO defense ministers, meeting in Brussels on May 26 of this year, called for an end to reductions in the military budgets of alliance members, noting that: "A stabilization of defense expenditures, as well as a more effective use of our national and collective resources, are necessary to enable the alliance to respond in a timely and effective way to the challenges of the future." But if NATO refuses to put its muscle where its mouth is, it's hard to see what we are spending our money for and why the alliance should survive. We are now confronted with just the sort of security threat for which NATO action is the best, if not the only, solution.

The Serbian aggression in Bosnia-Herzegovina and, to a lesser extent, Croatian complicity in it, has left NATO inert. The proposals that have been advocated, such as safe havens for the Muslim population, or the partition of Bosnia into ethnic enclaves, are no solution at all and could readily lead to further ethnic purges in an area of Europe characterized by states with a dazzling ethnic mix. Kosovo is an Albanian-populated enclave in Serbia. Macedonia is inhabited by Albanians, Bulgarians, Serbs and other ethnic minorities. Hungarians are dispersed all over what were the Austro-Hungarian and Ottoman empires.

Outside of the former Yugoslavia, in various of the former Soviet republics, people of differing cultural and genetic roots will either learn to live together or will massacre one another for reasons that have nothing to

do with any pragmatic conflicts of interests. The very concept of the ethnic state is inconsistent with any sensible or sustainable world order.

In a recent speech here in Washington, Richard von Weizsacker, President of the Federal Republic of Germany, contrasted what is happening today in former Yugoslavia with the proper concept of a nation in today's world: "Cultural competition in a free society and across open frontiers works as a stimulating and unifying element. As we are sadly observing, it can, when used as an instrument for pretended superiority, exclusiveness and power turn into a cause for separation, hatred and even extermination. Culture guarded, defined and enshrined by national frontiers is a contradiction in terms to the culture we know and cherish: open, alive and international."

Nor is it true that the incalculable human tragedy in Bosnia is the inevitable consequence of ancient hatreds. For generations, Serbs, Croats and Muslims have been able to live together in peace. What we are seeing today is the product of divisive and deceitful propaganda by rapacious leaders bent on enlarging their own spheres of domination regardless of the cost in human lives and misery.

NATO, led as necessary by strong U.S. prodding, must make it clear that murderous thuggery will not be tolerated and will instead be punished. Unless it does so, the alliance is a costly anachronism. It is, in my view, absurd to contend, as some of its members do, that NATO can do nothing because it was not intended to engage in military action "out of area." What used to be Yugoslavia has NATO countries to the east and to the south as well as to the west. If ethnic homogeneity is to be accepted as a prime criterion for statehood, then Europe can never be at peace and western European economic integration will not be sufficient to bring about prosperity and progress. For the western nations, including the United States, the resulting chaos will prevent the development of lucrative markets for our products and our technology.

I can take no comfort in the suggestions that Bosnia is a distant land or that this is a pot-and-kettle war where every one is at fault. We have seen in the past—as when Nazi Germany invaded Czechoslovakia—that such assertions only succeeded in postponing action to stop aggression until the task of doing so had become exponentially more difficult.

It is, regrettably, quite late in the game. With the advantage of hindsight, the international recognition of states seceding from Yugoslavia and premature and should have been preceded by negotiations designed to protect minority rights. Even then, a strong warning by the United States and its western allies against Serbian aggression might have frightened off that country's bully boys at an early stage. I can sympathize with the reluctance to initiate military action that may result in a long-term and even escalating engagement. But if aggression is allowed to go unchecked and unpunished in Europe, then NATO members, including the United States, will find themselves at some point down the line involved in a wider war that might have been stifled in its incipency.

I believe we should call on NATO's military leaders to prepare, and pronounce a program for military intervention including, if necessary, the virtual occupation of Bosnia. Isolated or token military action is unlikely to help and could further endanger the United Nations peacekeeping forces. The more

substantial the NATO military forces are, the less military opposition they will encounter and the greater the chance that political opposition within Serbia and Croatia may lead to more responsible governments. The program should be designed to break the siege of Sarajevo and other Bosnian cities and, if NATO forces meet with Serbian or Croatian resistance, to attack military targets of the aggressors within their own national borders.

The moral imperative is clear. The security threat is real. The time for action is now.

COMMISSION ON SECURITY  
AND COOPERATION IN EUROPE,  
Washington, DC, July 23, 1993.

The PRESIDENT,  
The White House, Washington, DC.

DEAR MR. PRESIDENT: We are writing this open letter to appeal to you to take the immediate action necessary to save the 380,000 residents of Sarajevo from a humanitarian disaster of immense magnitude. We are absolutely appalled by the degree to which the ten Helsinki principles created to guide European affairs are being blatantly violated, and view the current international response which tolerates this as completely untenable.

At present, the Bosnian Serb militants are laying a siege to Sarajevo that could mean the city's doom. Having control over the supply of water, electricity and other basic utility services to the city, they have recently been denying Sarajevo's population these utilities, as well as the delivery of much needed fuel and humanitarian relief by the United Nations. Bosnian Serb leaders are undertaking a major offensive against the city that will inevitably force the Bosnian Government to concede to the three-way division of the republic.

Meanwhile, the lack of additional international donations has caused a further cutback in the relief being distributed to about 50 percent what it was. In effect, the city is currently being strangled to death. Disease is predicted to become widespread due to the lack of sanitation and proper nutrition. Medical supplies have virtually disappeared. All of this is happening at a time when preparations should be underway for the coming winter, which is only a few months away. Recent statements by the UN High Commissioner for Refugees and a World Health Organization team confirm the dire situation confronting the Bosnians and those trying to help them.

We cannot stress strongly enough the urgency of the matter. If major efforts to correct this situation are not taken soon, we could very easily be looking at a human catastrophe beyond even that which has already taken place. The Secretary of State has said there is nothing more that can be done. We disagree. If action is to be taken to save Sarajevo, it will only be at the urging of U.S. leadership.

Among the steps we urge be immediately taken are the following:

1. Suspend any further discussions under the auspices of the Owen-Stoltenberg negotiations until such time that the siege of Sarajevo has ended.
2. Issue a 72-hour deadline, to begin immediately, for the militants to cease fire, withdraw from their positions in the hills surrounding Sarajevo and remove their blockades around the city.
3. Thereafter, break any continuing siege of Sarajevo through a major enhancement of UNPROFOR capabilities to include the aer-

ial bombardment by NATO forces of Serb militant positions in the surrounding hills and the elimination of Serb blockades.

4. Place all of Sarajevo's utilities under UN control.

5. Expel the militant Serbs' liaison from Sarajevo airport, and instruct all UN-supplied relief to refuse to permit militants to take supplies in return for allowing the passage of relief convoys.

6. Replenish the supplies of humanitarian relief through a strong and urgent plea to all potential donor nations, improved efforts to obtain support from private voluntary organizations, a substantial increase in the airlift effort, and a request, as necessary, for additional appropriation from the Congress.

7. Warn directly the Government of Croatia and the forces in Bosnia-Herzegovina under its control or influence to cooperate fully with humanitarian relief efforts as well or face consequences commensurate with the problems they cause.

We believe that, with the effective leadership that you could exert as President of the United States of America, you can get the international community to agree to take these actions, most of which are already authorized if not called for by existing resolutions of the United Nations Security Council. We also believe that, if you explain the need for such action to the American people, you will have their support. Finally, taking real action would create an environment making a final political settlement and the cessation of fighting more easily achieved, and diminish the chances for the spreading of the conflict. Such action is less likely to lead to a "quagmire" than the current course of affairs.

Mr. President, Sarajevo has been under the steady and ruthless bombardment of Serb militants for 15 months. It has been estimated that there have been well over two artillery shells lobbed into Sarajevo for each of the city's more than one-half million original inhabitants, not to mention the steady barrage of sniper fire. The withholding of humanitarian relief, water, electricity and other essentials means the doom of an already desperate and innocent population.

More broadly, just as Sarajevo exemplified the ability of Europeans of various cultures and religions to live together peacefully despite their differences, today it symbolizes the struggle of a civilized world against the forces of hatred, terror and aggression. If, as a result, decisive action is not taken soon to relieve the city from the continuing assault, Sarajevo will also come to symbolize the complete failure of the international community to live up to its commitment regarding the provision of humanitarian relief to those in desperate need, no matter how one may try to deny or hide this fact.

The implications of this are enormous for the Balkan region and potentially the world. Just yesterday, our Commission held a hearing which focused extensively on the potential for this conflict to spread. Today, we firmly conclude that the best way to contain the war is to stop the aggression where it currently stands—Sarajevo. The head of the Serb militant forces in Bosnia and leading candidate for war crimes prosecution, Ratko Mladic, is quoted today as saying: "Things are moving well, according to plan. . . And they will get even better." This, Mr. President, is as ominous a warning as you can get.

UN and other experts on the former Yugoslavia, including some recently returning from there, have said they noted a distinct change in Serb behavior when you had a more forceful international response to their

aggression under active consideration. The United States has generally taken the right positions in supporting the lifting of the arms embargo on the Bosnians and supporting multilateral air strikes on militant Serb positions, but we cannot afford to relinquish our leadership role in getting the wider support these positions need to make a difference. We therefore appeal to you to try to reverse this situation before it is too late.

Sincerely,

DENNIS DECONCINI,  
Chairman.  
STENY H. HOYER,  
Cochairman.

#### POLAND

Mr. ROTH. Mr. President, I come to the floor today to discuss certain critical issues which I believe now are at stake in the Republic of Poland. On May 28 of this year, the government of Ms. Suchoka lost a major vote in the Polish Legislature. That vote was the product of a serious parliamentary dispute over Ms. Suchoka's national budget, which she had very carefully kept within 5 percent of GDP, a level of fiscal responsibility which had won her government the strong backing of the International Monetary Fund.

Unfortunately, a variety of parties combined to vote against her program, despite the fact that any substantive alternation of that program would, in all likelihood, endanger the \$750 million in World Bank funding which is currently destined for Poland.

However, some good may yet come from this unfavorable turn of events. Following the rejection of Ms. Suchoka's budget, President Lech Walesa refused to accept her government's resignation and, instead, called for national parliamentary elections, which are now scheduled to be held on September 19 of this year.

President Walesa may have shown real political acuity in calling for these elections, because they could have a most salutary effect upon the functioning of Polish democracy. Recent legislation passed by the Polish parliament stipulates that, for a party to be represented in the national legislature, it must win at least 5 percent of the votes cast nationwide. Coalitions of parties must win 8 percent in order to be nationally represented. This should greatly improve the efficiency of the national legislature, since it is presumed that the number of represented parties will be reduced from the current 29 to somewhere between 6 and 8. Hopefully, Poland's next prime minister will not, therefore, have to emulate Ms. Suchoka's feat of juggling a coalition of 6 parties in a 29-party legislature.

But, or course, the September election will not prove beneficial if it derails the economic reform process. Ms. Suchoka's economic program has had many critics—though I believe that she enjoys much greater support among the public than in the legislature—

largely because any program of radical economic transformation will, unavoidably, have a temporary negative impact upon segments of the Polish population.

However, it is vital that the Polish voter does not allow these temporary setbacks to obscure his or her view of the really startling economic progress which Poland has been able to make over the last 2 years. Poland is now the first former Communist country to achieve positive economic growth. Last year, gross domestic product grew by 1 percent and it is projected to expand by another 2 percent this year.

Poland now boasts more than 1.5 million registered private businesses, in contrast to 8,000 state owned companies. The Polish Development Bank estimates that 56 percent of the national work force is now employed by private business—as opposed to 10 percent in 1989—and that the private sector now produces half of the national GDP. Almost all retailing, 50 of road transport and even 28 percent of industrial sales are now in private hands.

Clearly, the Polish people have an aptitude for the free market which many of the critics of economic shock therapy suggested that they lacked.

However, the economic indicators which are perhaps the most elevating have nothing to do with the National Government. These indicators suggest that, just as in any healthy, free market democracy, business cycles are beginning to move independently of government policy. Ms. Suchoka's government may have fallen and President Walesa may have called for elections, but neither of these developments has had the negative effect upon the Polish stock market which, normally, might have been expected. Investors retain faith in the economy's future. In May, the exchange had to suspend trading on 11 of its 18 companies because, under Warsaw rules, trading must suspend when buyers outnumber sellers by 5 to 1 and too many people wanted to buy. This latest round of buying comes in a market where share values already have risen by 300 percent since the beginning of the year.

My only fear for Poland's economic future would arise if the current government's economic reform program were derailed or slowed down. If this should happen, I fear that Poland's economy would slip into reverse and the confidence in Poland's future which has been manifested by the World Bank, the IMF, and the Warsaw stock market would be eroded.

Consequently, I would suggest that the Western democracies in general, and the Clinton administration in particular, should make every effort to let the Polish people know that they are sensible both of the courageous steps which they have taken and the enormous progress which they have made along the road to economic reform. In

addition, we believe that even greater progress can be made if they now hold to their course. Certainly, I would ask that the Secretary of State, Mr. Christopher, should not compound the many mistakes of his recent European tour to discuss Bosnia, when he neglected to visit Poland, despite the fact that Poland has forces deployed with the peacekeepers in Bosnia.

I would also suggest that the Clinton administration should not frame its approach to Poland solely in terms of economics. All too often we in the West, because we enjoy a stable security environment, take our safety for granted. Poland, with its tragic modern history can afford no such luxury. All too often, history has demonstrated the willingness of Poland's larger neighbors to attack it, invade it and, on occasion, even absorb it. Any Polish Government owes it to its national electorate to guarantee that this situation will never recur.

Consequently, I would like to take advantage of this occasion to urge President Clinton to pay close attention to the results of Poland's September election. If that election once again brings to power a government dedicated to democracy and the free market, then this Nation should take the lead in pressing for full membership for Poland in the North Atlantic Treaty Organization. For more than 40 years the Western democracies have enjoyed the benefits of mutual security engendered by our cooperative defense effort. I cannot see how, in good conscience, we can continue to deny those benefits to a nation such as Poland, which has thrown off the yoke of dictatorship and has embraced democracy.

Soon all eyes will be on Poland as that nation's electorate determines the fate of the most courageous and, to date, most successful post-cold war economic reform program. Regardless of who comes to power in the aftermath of that election, I sincerely hope that they will continue down the economic path which has been so clearly marked out, a path which, in my opinion, offers Poland its best hope for long-term prosperity.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER (Mrs. BOXER). The Senator from Kentucky is recognized.

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

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

## CLINTON RECONCILIATION BILL IS UNFAIR

Mr. ROTH, Madam President, last Wednesday, I came to the floor to outline the many ways in which the Clinton revenue reconciliation bill is unfair to Americans. I spoke about how America's small businessmen and women are going to be forced to shoulder a disproportionate share of the tax burden. And I explained how that alone is going to cut into employment and economic growth.

Today, I want to explain the second way in which the Clinton program is unfair—how it is unfair for the American family, and particularly to working spouses. This inequity is found in a provision commonly called the marriage penalty, and here is how it works:

Under Clinton's plan, top tax rates will go as high as about 46 percent. Under his plan, a new tax rate of 36 percent kicks in at \$115,000 for single taxpayers, but it is at \$140,000 for a married couple.

So if each spouse earns \$90,000 a year, this couple would be better off living in sin and filing as single taxpayers, so they can pay taxes at the 31-percent tax rate instead of 36 percent on the amount by which their income exceeds \$140,000.

At this salary level, this successful couple would have to pay \$2,000 more every year for staying married. As single taxpayers, this couple would owe combined Federal income taxes of \$46,844, but \$48,844 if they file as a couple—or a higher tax of about 4.3 percent, just for staying married.

I have to say that this Clinton tax proposal is an affront to American women—women who hope to have a successful professional career. It is a strong encouragement to get a divorce if you are a successful, professional woman, married to a successful man. At a time when we have to focus on strengthening the American family, this is the wrong medicine.

But the damage does not stop there. President Clinton's bill also encourages low-income taxpayers to stay single or to get a divorce. Under the Senate bill, those earning less than \$27,000 are entitled to increased benefits under the earned income tax credit [EITC]. This credit could be up to \$2,550 for families with two or more children.

So, if two \$14,000 earners were to get married, or stay married, and they have children, then they will lose their benefits. But, if they stay single, so that one parent claims the children, or they each claim their own children separately, then they will be entitled to these benefits. If two parents earning as little as \$27,000 each have two children, they could save about \$5,000 after taxes by living in sin rather than getting married to each other and disqualifying themselves from the earned income tax credit.

I have a copy of a letter from Treasury Secretary Lloyd Bentsen that an-

swers a question I had on the number of businesses affected by the higher taxes and the extent of the marriage penalty in the tax rates. I will later ask that a copy of that response be included in the RECORD. I have asked the Joint Committee on Taxation to analyze the marriage penalty in the earned income tax credit, and I will provide that information later.

A third way in which the Clinton plan is unfair involves the new tax he proposes on middle-income Social Security recipients. I will give you a quick example. Take an unmarried retiree widow who earns about \$36,000 in income and about \$9,000 in social security benefits. Instead of paying taxes on 50 percent of her benefits, this retiree will have to pay taxes on 85 percent of her benefits. The result is a \$900 increase in taxes, or a 14-percent jump in Federal taxes.

Now, if you compare that to a young successful couple in New York City making \$180,000 with two children, you come up with a very unfair result. That couple will have a tax increase, but it will total about \$325 and will only be a 1-percent increase in Federal taxes.

I recently spoke to a former master sergeant from the military in Delaware. His wife worked most of her life as a teacher, while he served his country. They lived off of his salary, while they banked her salary. Now he tells me they did the wrong thing. If they had known what President Clinton was going to do to their retirement savings after a lifetime of service, they would have spent all their money. At least that way they would have been able to enjoy their Social Security benefits without the new Clinton tax on 85 percent of their benefits.

I ask you, why should anyone save for retirement? And is it fair that President Clinton rely on new taxes on senior Americans in order to pay for the new spending programs he wants to pass?

There are plenty of other unfair proposals in this bill. Higher health insurance taxes, mostly on small businesses, without any corresponding benefits. New excessive pay rules that hit well-educated business executives but not professional athletes or Hollywood entertainers. The denial of ordinary and necessary business expenses, like meals and entertainment costs, that punish restaurants, truckers, traveling salespeople, and others unfairly. Even higher capital gains taxes are proposed, further harming our international competitiveness through a higher cost of capital.

Charities are going to be singled out for their good work, and suffer lower donations as a result of a permanent extension of the so-called PEASE proposal. Americans who have to move because of a job change will be punished at a time when they may be least able to afford it because of the denial of

moving expenses. President Clinton's energy tax will raise taxes on middle Americans after they were promised a tax cut from Candidate Clinton.

High-technology companies are going to suffer because of an arbitrary rule on the tax treatment of their intangible assets—international competitiveness will be sacrificed. Does President Clinton want a nation of hamburger flippers or high-technology engineers?

Well, I could go on and on and on. But you get the idea. This bill does not represent fairness. We can welcome back the tax avoidance schemes that were prevalent in the Carter years, and our revenues will decline.

Let me remind you of what President Kennedy said in 1962 when he proposed to reduce tax rates instead: "It is a paradoxical truth that high tax rates cause low revenues and that the best and the fastest way to get more Government revenue is to bring down the high tax rates on labor and capital."

I hope the Congress will take a lesson from President Kennedy rather than rely on President Clinton, who believes in a very different economic philosophy.

Madam President, I ask unanimous consent that a letter from Secretary of the Treasury Lloyd Bentsen, including a letter of mine to him, be printed in the RECORD.

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

U.S. SENATE,

Washington, DC, February 24, 1993.

HON. LLOYD BENTSEN,  
Secretary of the Treasury,  
Washington, DC.

DEAR MR. SECRETARY: I want to thank you for your testimony before your former committee, the Finance Committee, this morning. I am looking forward to working together with you to develop a thoughtful approach to reducing the deficit, and our continued communication is vital to improving any package considered. I would like to exercise my privilege as a Member of the Finance Committee to add a few more questions for the Hearing Record so that we can make more informed decisions.

The March 1, 1993 edition of Newsweek states that because of the high living costs in some states "extra taxes will disproportionately be paid by residents of the Northeast, Alaska, California, Delaware, Illinois, Maryland and Washington, DC." As Senator Dole pointed out, a lot of this tax increase does not just fall on individuals. It falls on sole proprietors, partnerships, and subchapter S corporations—in short, businesses. I think my state of Delaware is going to suffer disproportionately, and the suffering will be caused by a loss of jobs to all workers. You gave some figures in the Finance Committee, but you excluded wages from your figures. I believe a clearer reflection of the impact on these entities would consider whether income from the business, including wages, has pushed individuals into the higher tax brackets, since these entities are "pass through" taxpayers, and wages together with dividends make up the small businessperson's income. Can you provide me with more information on this? Specifically,

how many individuals, filing with a schedule C (sole proprietors), a schedule F (farmers), or a schedule E (partnerships and subchapter S corporations) will have to pay more in taxes under your income tax rate increases, as a result of income earned through the business, i.e. any kind of business income?

How many jobs do you predict will be lost because of these tax increases under your program? Do you take into account the likelihood that many of these individuals will have less incentive to earn income, and there will be some reduction in taxes paid as a result? If so, how much is that? Finally, I have been told that there is a "marriage penalty" that is increased as a result of the higher tax rates you propose. Would you provide more detail and examples as to what the effect might be on couples, and how advantageous it might be for couples to live together, rather than get married? I'd like to know extreme, as well as less extreme cases.

DEPARTMENT OF THE TREASURY,  
Washington, DC, April 19, 1993.

Hon. WILLIAM V. ROTH, Jr.,  
U.S. Senate, Washington, DC.

DEAR BILL: I very much appreciated being able to describe the Administration's revenue proposals in my recent testimony before the Senate Finance Committee. I am happy to respond to your letter of February 24, which presented six questions you wished to have answered for the record. Response to your questions are enclosed.

Sincerely,

LLOYD M. BENTSEN.

QUESTION 4

Question: How many business men and women will be affected by the increase in top individual income tax rates? Will the proposed rate increase result in the loss of jobs? What sort of "marriage penalty" results from the proposed rate changes?

Answer: Of the 1.2 million taxpayers affected by the new 36 and 39.6 percent rates in

1993, 0.8 million report at least \$1 of income or loss through some form of business (i.e., sole proprietorship, farm proprietorship, partnership or subchapter S corporation). However, not all taxpayers reporting business income or losses are what many think of as a small business man or woman. For example, some taxpayers only report passive income, while others only report losses. When these taxpayers are excluded from the estimates, 0.5 million taxpayers with business income would be affected.

This estimate includes many taxpayers with only small amounts of business income. If only taxpayers whose small business income exceeded their wage income were included in the estimates, only 300,000 taxpayers with business income would pay higher taxes.

Nevertheless, even using the more liberal definition of who might be characterized as a business man or woman, about 300,000 of the 14.5 million sole proprietorships, 600,000 of the 4.8 million partners, 300,000 of the 1.9 million filers reporting S corporation income, and less than 50,000 farmers will pay higher taxes.

The Administration's budget proposal has been designed to increase the number of jobs and employment opportunities for Americans. In looking at the macroeconomic effects, it would be misleading to concentrate solely on the proposal to increase the top tax rates while ignoring the rest of the budget proposal. The Administration believes that in total, its proposal will increase jobs and speed economic growth.

The combined federal income tax of two single persons often differs from the tax they would pay if they marry and file a joint federal income tax return. If marriage increases the tax, the couple is said to incur a "marriage penalty." If marriage lowers the tax, the couple is to receive a "marriage bonus." When one spouse has most of the income, marriage bonuses are common. When spouses have approximately equal incomes, marriage

penalties tend to predominate. Marriage penalties occur because tax brackets for joint filers are not twice as large as for single filers. Similarly, standard deductions are not twice as large as for singles.

In order to show levels of, and changes in, marriage penalties and bonuses which might result from the Administration's proposals, the Office of Tax Analysis has calculated the tax liability for representative examples of couples at different income levels and with different divisions of income. The examples assume that two single persons marry; neither has any dependents. It is further assumed that itemized deductions are equivalent to 18 percent of income, and that taxpayers claim the larger of their itemized deductions or the standard deduction.

Table 1 shows the changes in marriage penalties for different earnings splits at selected income levels. It might be noted that:

The changes in individual income tax rates will raise marriage penalties (or reduce marriage bonuses) significantly for many high income, two-earner taxpayers. However, some high income couples, especially where the second earner earns less than 15 percent of combined earnings, will continue to receive marriage bonuses even after the proposed changes. The increases in marriage penalties stem from the proposed 36 percent and 39.6 percent tax brackets.

Marriage penalties and bonuses will not change for most taxpayers in the middle income range. Where one spouse earns considerably more than the other spouse, marriage bonuses will continue to be common.

There will be reductions in marriage penalties for: Two-earner couples where the lesser-earning spouse earns under 10 percent to 15 percent of combined earnings and who have combined earnings in the \$150,000 to \$250,000 range, and for couples with incomes over approximately \$150,000 where one spouse earns all of the income.

TABLE 1.—INCREASES (+) OR DECREASES (–) IN MARRIAGE PENALTIES FROM CLINTON TAX PROPOSALS, AT 1993 LEVELS

Division of earnings between spouses	Adjusted gross income										
	100 percent and 0 percent	95 percent and 5 percent	90 percent and 10 percent	85 percent and 15 percent	80 percent and 20 percent	75 percent and 25 percent	70 percent and 30 percent	65 percent and 35 percent	60 percent and 40 percent	55 percent and 45 percent	50 percent and 50 percent
\$150,000	-462	-50	0	0	0	0	0	0	0	0	0
\$175,000	-1,250	-879	-507	-135	237	274	275	275	275	275	275
\$200,000	-1,250	-825	-400	25	450	875	1,300	1,337	1,337	1,337	1,337
\$250,000	-1,250	-719	-187	344	875	1,407	1,938	2,469	3,000	3,462	3,462
\$300,000	-1,250	-550	87	725	1,362	2,000	2,637	3,275	3,913	4,550	4,726
\$400,000	-1,250	213	1,674	3,135	4,597	6,059	6,973	7,786	7,786	7,786	7,786
\$500,000	-1,250	578	2,405	4,233	6,060	7,888	9,253	10,018	10,783	10,846	10,846
\$600,000	-1,250	944	3,136	5,330	7,522	9,253	10,171	11,089	12,007	12,925	13,780
\$700,000	-1,250	1,309	3,867	6,426	8,947	10,016	11,089	12,160	13,231	13,780	13,780
\$800,000	-1,250	1,674	4,598	7,522	9,559	10,783	12,007	12,231	13,231	13,780	13,780
\$900,000	-1,250	2,040	5,329	8,619	10,171	11,548	12,925	13,780	13,780	13,780	13,780
\$1,000,000	-1,250	2,405	6,060	9,253	10,783	12,313	13,780	13,780	13,780	13,780	13,780
\$1,500,000	-1,250	4,233	9,253	11,548	13,780	13,780	13,780	13,780	13,780	13,780	13,780
\$2,000,000	-1,250	6,060	10,783	13,780	13,780	13,780	13,780	13,780	13,780	13,780	13,780
\$2,500,000	-1,250	7,888	12,313	13,780	13,780	13,780	13,780	13,780	13,780	13,780	13,780
\$3,000,000	-1,250	9,253	13,780	13,780	13,780	13,780	13,780	13,780	13,780	13,780	13,780
\$4,000,000	-1,250	10,783	13,780	13,780	13,780	13,780	13,780	13,780	13,780	13,780	13,780
\$5,000,000	-1,250	12,313	13,780	13,780	13,780	13,780	13,780	13,780	13,780	13,780	13,780

Source: U.S. Treasury Department, Office of Tax Analysis.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

THE FREEDOM OF ACCESS TO CLINIC ENTRANCES ACT

Mr. DURENBERGER. Madam President, over the last month, Minnesotans have received a forceful reminder that harassment, vandalism, and lack of respect for the rights of individuals are not the exclusive province of either extreme in the ongoing debate over abortion.

All law-abiding citizens—regardless of their personal beliefs on this issue—

deserve to be protected. And all of us—regardless of how we might feel about the issue of abortion, itself—should be willing to find a common way in which that protection can be assured.

That is the message I have been trying to communicate as the Senate considers the Freedom of Access to Clinic Entrances Act introduced by my distinguished colleague, the Senator from Massachusetts [Mr. KENNEDY].

Recent events, in my State and elsewhere, have demonstrated once again that the protections I have been seeking are absolutely necessary for all law-abiding citizens involved with this issue.

We have seen demonstrations, prayer services, and other events in the Twin Cities organized by the pro-life group Operation Rescue.

And, while much of the attention until now has gone to fears that the kind of illegal activity associated with Operation Rescue might be repeated, recent weeks have seen arrests of fringe pro-choice activists engaged in harassment and vandalism directed against law-abiding individuals with whom they disagree.

Perhaps most disturbing, the arrests have included highly offensive harassment of individuals who were doing nothing more than attending church on a Sunday morning.

My point in offering this report on what has been happening in Minnesota is not to suggest that two wrongs make a right, but simply to fortify the fact that I voted to report the bill out. I hope we do take action on it, but I hope we do not do that until we have addressed the major flaw in the legislation which deals with the rights of all individuals to express their first amendment rights.

I am trying to explain again why I believe it is so important that we put aside our personal differences on the issue of abortion and work together to ensure that all citizens—pro-choice, pro-life, in-between, or disinterested—have the right to go about their legitimate business without running the risk of being physically abused by zealots on either side.

Now under our system of federalism—the essential division of public responsibility in our Republic—it has been a generally accepted principle that law enforcement is the province of local government unless a clear national interest is involved.

Over the last couple of years, a number of us in the Senate have become concerned that local law enforcement authorities have not dealt properly with violations of the law—by both sides of the abortion issue—at clinic or pregnancy-related sites. This issue clearly involves the national interest. If a clinic is bombed—if a pro-life protester is beaten—we all lose. Because our survival as a society depends upon our willingness to entrust our differences to a political system based on rights, reason, and democratic respect for the dignity of our fellow citizens.

#### DURENBERGER-KASSEBAUM RESOLUTION

With this in mind, my friend and colleague from Kansas, Senator KASSEBAUM, and I introduced a Senate resolution condemning in no uncertain terms the use of violence to achieve social goals. We particularly sought to condemn violence involving the divisive issue of abortion.

To those of us whose opposition to abortion stems from a belief in the sanctity of life, violence done in the name of preventing abortion is a tragic irony.

Coming as it did from two Senators who have held opposing views on most issues involving abortion, the Durenberger-Kassebaum resolution was intended to send a simple, but powerful message: In our political system, violence is not legitimate avenue for the expression of disagreement.

Even those who do not agree on an issue as fundamental as abortion should be able to find common ground in the effort to eliminate the violence—and the fear of violence—that too often accompanies disagreements on this issue.

#### MY SUPPORT FOR THE CLINIC ENTRANCES ACT

A few weeks ago in the Senate Labor Committee, I voted to report out—favorably—Senator KENNEDY's Freedom of Access to Clinic Entrances Act.

Although I still have some very serious concerns about that bill, particularly involving Federal authorities, my vote in committee was intended to express the unity which exists across the entire political spectrum on the key goal of deterring violence.

#### ABORTION-RELATED VIOLENCE IN MINNESOTA

The Clinic Entrances Act is a response to very strong concerns in my home State. And the introduction of this bill has provoked further debate in Minnesota.

Although we have not experienced the degree of tragedy that occurred in Pensacola, FL, earlier this year, Minnesota has seen its share of violence and harassment.

In the last 6 months, there have been two attempts to blow up an abortion clinic in Robbinsdale, MN, and to damage other facilities. The people who work at these clinics—from doctors to directors to receptionists—have been illegally and repeatedly harassed, both at work and at their homes.

The situation became even more tense in recent weeks, after Operation Rescue announced that it was holding a 12-week training session in the Twin Cities that will run through September 3.

In response, Minnesota Planned Parenthood and local law enforcement agencies have tightened security around the clinics by installing bullet-proof glass and new fencing. Some Minnesota doctors have begun carrying weapons. Local police have spent countless hours training and otherwise preparing for Operation Rescue's arrival. Makeshift expanded jail and court facilities have been readied throughout the metropolitan area.

Individuals who oppose abortion have charged that these preparations are—at best—an unwise and unnecessary expenditure of public funds. They also contend that these preparations could actually provoke unjustified violence

and harassment against pro-life citizens—the vast majority of whom are engaging in legal, peaceful protest against acts which they find morally repugnant.

At a hearing on this bill last month, Joan Appleton, from the Pro-Life Action Ministries in St. Paul, MN, testified as follows:

The only violence I have ever witnessed at an abortion clinic was this past summer at an abortion clinic in the St. Paul-Minneapolis area where there was a large number of pro-abortion demonstrators invited by the director of the clinic. I witnessed elderly pro-lifers being mocked and spat upon by the demonstrators while they were praying. \* \* \* This past summer in Robbinsdale, Minnesota, there were three arrests by the local police department for physical and sexual assaults. All three of these arrests were of abortion advocates.

So both sides point to excesses, and the risk is that it will escalate. Meanwhile, average citizens from around Minnesota are genuinely scared. And the illegal acts of harassment that have occurred over the last week have done little to reassure them.

Minnesotans who are not directly associated with the controversy are concerned—not only for themselves, both for their neighborhoods, and for their children.

That's one reason I feel so strongly that individuals of good will on both sides of this issue must make every possible effort to put their common interest first—and our common interest is to prevent violence.

#### SEVERAL IMPORTANT CHANGES HAVE BEEN MADE TO S. 636

I want to commend Senator KENNEDY for the changes he has made to the Clinic Entrances Act in order to address some of these concerns that I and other members of the Labor Committee had raised about the bill.

While we have not yet achieved all of the changes that I think would really improve this legislation, Senator KENNEDY has come a long way toward meeting my original objections.

The spirit behind those changes is consistent with my sincere hope that we can find common ground despite our disagreements about the larger issues that have dominated the abortion debate.

However, I think I ought to stress once again that the bill is still far from perfect.

Several additional changes should be made. I believe that they will be made. Senator KENNEDY has indicated to me his willingness to address my continuing concerns about the bill.

In particular, he has agreed to consider expanding the bill's protection to protect the first amendment rights of those on both sides of this issue—by making it unlawful to intimidate, harm, or prevent anyone from engaging in lawful speech and peaceful protest at abortion clinics.

I believe that this additional amendment would help to further reduce violence, intimidation, and harassment by

discouraging those on both sides of this issue from harming those with whom they do not agree.

This is a very significant issue to me, and—I am sure—to many other Senators on both sides of the abortion question who believe that the first amendment applies to all Americans. And I want to make it clear that my efforts to address this free-speech concern are not intended, in any way, to impugn the underlying objectives of the legislation. In fact, I believe it is highly consistent with those objectives.

Discussion. Debate. Peaceful protests. That is how we are going to settle the issue of abortion. Not by denying the civil rights of other Americans. And absolutely not by violence.

#### CONCLUSION

Madam President, let us create an environment in which we can work toward a peaceful settlement of this issue. Let us have a clash of ideas—not the breaking of heads and spilling of blood. As one who believes that abortion is the taking of human life, I think that there has already been far too much innocent blood shed in this country.

There is a better way. It is in the spirit of good faith—in an appeal to reason on all sides—that I voted to report S. 636 out of committee, and that I rise today to comment on this bill. I do so with the sincere hope that we can resolve these few remaining obstacles before the bill reaches the Senate floor.

#### THE CALENDAR

Mr. FORD. Madam President, on behalf of the majority leader, I ask unanimous consent that the Senate proceed en bloc to the immediate consideration of Calendar Order Nos. 151, 152, 153, 154, 155, and 156; that the committee amendments, where appropriate, be agreed to; that the joint resolutions be deemed read three times, passed, and the motion to reconsider the passage of these measures laid upon the table, en bloc; that the preambles be agreed to, en bloc; that the title amendment, where appropriate, be agreed to; further, that the consideration of these items appear individually in the RECORD and any statements relative to these calendar items appear at the appropriate place in the RECORD.

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

#### NATIONAL DOWN SYNDROME AWARENESS MONTH

The joint resolution (S.J. Res. 92) to designate both the month of October 1993 and the month of October 1994 as "National Down Syndrome Awareness Month," which had been reported from the Committee on the Judiciary with amendments; as follows:

(The parts of the joint resolution intended to be stricken are shown in boldface brackets and the part of the joint resolution intended to be inserted are shown in italics.)

#### S.J. RES. 92

Whereas advancements in education, research, and public awareness are continuing to improve the quality of life for people with Down syndrome;

Whereas approximately 5,000 children are born with Down syndrome annually in the United States;

Whereas as ignorance, prejudices, myths, and stereotypes regarding Down syndrome can be overcome only through increased awareness and education;

Whereas through the efforts of concerned physicians, teachers, parent groups, and the National Down Syndrome Society, programs are being established to educate the parents of individuals with Down syndrome, to include people with Down syndrome in all school programs, to provide vocational training for individuals with Down syndrome in preparation for entering the work force, and to prepare young adults with Down syndrome for independent living in the community;

Whereas the television medium has greatly augmented such efforts by casting actors with Down syndrome and by offering programming that demonstrates to hundreds of thousands of viewers in a positive and educational manner the everyday, personal, and family effects of living with Down syndrome;

Whereas advancements in research are improving health care and offering a brighter outlook for individuals born with Down syndrome; and

Whereas the many people with Down syndrome who attend regular schools, play on Little League teams, work in corporations and businesses both large and small, and volunteer in the community demonstrate daily the success that people with Down syndrome are able to achieve: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the [months] months of October 1993 [and October 1994 are each] is designated as "National Down Syndrome Awareness Month". The President is authorized and requested to issue [proclamations] a proclamation calling upon the people of the United States to observe [these months] this month with the appropriate ceremonies and activities.*

The amendments were agreed to.

The joint resolution was deemed ordered to be engrossed for a third reading, read the third time, and passed.

The preamble as amended was agreed to.

The title was amended so as to read: "Joint resolution to designate the month of October 1993 as 'National Down Syndrome Awareness Month.'"

#### NATIONAL BREAST CANCER AWARENESS MONTH

The joint resolution (S.J. Res. 95) to designate October 1993 as "National Breast Cancer Awareness Month," was considered, deemed read the third time and passed.

The preamble was agreed to.

The joint resolution and the preamble are as follows:

#### S.J. RES. 95

Whereas breast cancer will strike an estimated 182,000 women and 1,000 men in the United States in 1993;

Whereas the risk of developing breast cancer increases as a woman grows older;

Whereas breast cancer is the second leading cause of cancer death in women, and will kill an estimated 46,000 women and 300 men in 1993;

Whereas the 5-year survival rate for localized breast cancer has risen from 78 percent in the 1940's to over 90 percent today;

Whereas most breast cancers are detected by the woman herself;

Whereas educating both the public and health care providers about the importance of early detection will result in reducing breast cancer mortality;

Whereas appropriate use of screening mammography, in conjunction with clinical examination and breast self-examination, can result in the detection of many breast cancers early in their development and increase the survival rate to nearly 100 percent;

Whereas data from controlled trials clearly demonstrate that deaths from breast cancer are significantly reduced in women who have been screened by mammography;

Whereas many women are reluctant to have screening mammograms for a variety of reasons, such as the cost of testing, lack of information, or fear;

Whereas access to screening mammography is directly related to socioeconomic status;

Whereas increased awareness about the importance of screening mammography will result in the procedure being regularly requested by the patient and recommended by the health care provider; and

Whereas it is projected that more women will use this lifesaving test as it becomes increasingly available and affordable: 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 "National Breast Cancer Awareness Month" and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the month with appropriate programs and activities.*

#### COMMEMORATING THE OREGON TRAIL

The joint resolution (S.J. Res. 97) to commemorate the sesquicentennial of the Oregon Trail, was considered, deemed read the third time and passed.

The preamble was agreed to.

The joint resolution and the preamble are as follows:

#### S.J. RES. 97

Whereas, of all the western trails used by fur traders, gold seekers, missionaries, and emigrants, the Oregon Trail was the most important to the western settlement of this great Nation;

Whereas, in the year 1843, the first major wave of humanity left Independence, Missouri and travelled 2,170 miles in covered wagons across sagebrush, plains, mountains, and rivers to the Willamette Valley in Oregon Territory;

Whereas over 400,000 men, women, and children risked their lives in this greatest migration in American history;

Whereas this Nation was expanded from ocean to ocean, as settlement of the Old Oregon Territory forced Great Britain to relinquish this land to the United States;

Whereas the pioneering spirit of the Oregon Trail emigrants embodies the spirit of the American people;

Whereas Americans have an ever-increasing desire to understand our national heritage;

Whereas, in 1978, Congress enacted the National Trails System Act, designating the Oregon Trail as a national historic trail, in recognition of the vital role it played in our Nation's history; and

Whereas, in 1993, the American people will seek to rekindle the pioneering spirit of the "Great Migration" and an official Oregon Trail sesquicentennial wagon train will journey across the Nation, arriving in Oregon City, Oregon on September 4, 1993: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That September 4, 1993, is hereby designated as "National Oregon Trail Day". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe this day with the appropriate ceremonies and activities.*

#### NATIONAL D.A.R.E. DAY

The joint resolution (S.J. Res. 99) designating September 9, 1993, and April 21, 1994, each as "National D.A.R.E. Day," was considered, deemed read the third time and passed.

The preamble was agreed to.

The joint resolution and the preamble are as follows:

#### S.J. RES. 99

Whereas Drug Abuse Resistance Education (in this joint resolution referred to as "D.A.R.E.") is the largest and most effective drug-use prevention education program in the United States, and is now taught to 25,000,000 youths in grades K-12;

Whereas D.A.R.E. is taught in more than 250,000 classrooms reaching all 50 States, Australia, New Zealand, American Samoa, Canada, Puerto Rico, the Virgin Islands, Costa Rica, Mexico, Brazil, Hungary, and Department of Defense Dependent Schools worldwide;

Whereas the D.A.R.E. core curriculum, developed by the Los Angeles Police Department and the Los Angeles Unified School District, helps prevent substance abuse among school-age children by providing students with accurate information about alcohol and drugs, teaching students decision-making skills, educating students about the consequences of certain behaviors, and building students' self-esteem while teaching them how to resist peer pressure;

Whereas D.A.R.E. provides parents with information and guidance to further the development of their children and reinforce the decisions of their children to lead drug-free lives;

Whereas D.A.R.E. is taught by street-wise veteran police officers with years of direct experience with people whose lives were ruined by substance abuse, giving them unmatched credibility;

Whereas each police officer who teaches D.A.R.E. completes 80 hours of specialized training in areas such as child development, classroom management, teaching techniques and communication skills;

Whereas independent research has found that D.A.R.E. substantially impacts students' attitudes toward substance use, contributes to improved study habits, higher

grades, decreased vandalism and gang activity, and generates greater respect for police officers; and

Whereas 1993 marks the 10th year that D.A.R.E. has provided students with the skills they will need as young adults to resist the temptations of drug abuse: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That September 9, 1993, and April 21, 1994, are each designated as "National D.A.R.E. Day", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe such days with appropriate ceremonies and activities.*

#### COUNTRY MUSIC MONTH

The joint resolution (S.J. Res. 102) designating October 1993 and October 1994 as "Country Music Month," was considered, deemed read the third time and passed.

The preamble was agreed to.

The joint resolution and the preamble are as follows:

#### S.J. RES. 102

Whereas country music derives its roots from the folk songs of our Nation's workers, captures the spirit of our religious hymns, reflects the sorrow and joy of our traditional ballads, and echoes the drive and soulfulness of rhythm and blues;

Whereas country music has played an integral part in our Nation's history, accompanying the growth of our Nation and reflecting the ethnic and cultural diversity of our people;

Whereas country music embodies a spirit of the American people and the deep and genuine feelings individuals experience throughout life;

Whereas the distinctively American refrains of country music have been performed for audiences throughout the world, striking a chord deep within the hearts and souls of fans everywhere; and

Whereas October 1993 and October 1994 mark, respectively, the twenty-ninth and thirtieth annual observances of Country Music Month: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the months of October 1993 and October 1994 are designated as "Country Music Month", and that the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such months with appropriate ceremonies and activities.*

#### HELSINKI HUMAN RIGHTS DAY

The joint resolution (S.J. Res. 111) to designate August 1, 1993, as "Helsinki Human Rights Day," was considered, deemed read the third time and passed.

The preamble was agreed to.

The joint resolution and the preamble are as follows:

#### S.J. RES. 111

Whereas August 1, 1993, is the 18th anniversary of the signing of the Final Act of the Conference on Security and Cooperation in Europe (CSCE) (hereafter referred to as the "Helsinki Accords");

Whereas the participating States have declared that "the protection and promotion of

human rights and fundamental freedoms and the strengthening of democratic institutions continue to be a vital basis for our comprehensive security";

Whereas the participating States have declared that "respect for human rights and fundamental freedoms, including the rights of persons belonging to national minorities, democracy, the rule of law, economic liberty, social justice, and environmental responsibility are our common aims";

Whereas the participating States have acknowledged that "there is still much work to be done in building democratic and pluralistic societies, where diversity is fully protected and respected in practice";

Whereas the war in Bosnia-Herzegovina has resulted in organized, systematic, and premeditated war crimes and genocide and threatens stability and security in Europe;

Whereas growing ethnic tensions, civil unrest, and egregious human rights violations in several of the newly admitted CSCE states, most notably in Tajikistan, are resulting in significant violations of CSCE commitments; and

Whereas the CSCE has contributed to positive developments in Europe by promoting and furthering respect for the human rights and fundamental freedoms of all individuals and groups and provides an appropriate framework for the further development of such rights and freedoms and genuine security and cooperation among the participating States: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. HELSINKI HUMAN RIGHTS DAY.

(a) DESIGNATION.—August 1, 1993, the 18th anniversary of the signing of the Final Act of the Conference on Security and Cooperation in Europe, is designated as "Helsinki Human Rights Day".

(b) PROCLAMATION.—The President is authorized and requested to issue a proclamation reasserting America's commitment to full implementation of the human rights and humanitarian provisions of the Helsinki Accords, urging all signatory States to abide by their obligations under the Helsinki Accords, and encouraging the people of the United States to join the President and Congress in observance of Helsinki Human Rights Day with appropriate programs, ceremonies, and activities.

(c) HUMAN RIGHTS.—The President is requested to convey to all signatories of the Helsinki Accords that respect for human rights and fundamental freedoms continues to be a vital element of further progress in the ongoing Helsinki process; and to develop new proposals to advance the human rights objectives of the Helsinki process, and in so doing to address the major problems that remain.

#### SEC. 2. TRANSMITTAL.

The Secretary of State is directed to transmit copies of this joint resolution to the Ambassadors or representatives to the United of the other 52 Helsinki signatory States.

#### NATIONAL RECOGNITION AND REMEMBRANCE FOR THOSE WHO SERVED IN THE KOREAN WAR

Mr. FORD, Madam President, on behalf of the majority leader, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of Senate Joint Resolution 101, designating the week for the "National Recognition and Remembrance

for Those Who Served in the Korean War;" that the Senate then proceed to its immediate consideration; that the joint resolution be deemed read three times, passed, the preamble agreed to and the motion to reconsider laid upon the table; and that any statements relating thereto appear in the RECORD at the appropriate place.

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

So the joint resolution (S.J. Res. 101) was deemed read three times and passed.

The preamble was agreed to.

The joint resolution, with its preamble, reads as follows:

S.J. RES. 101

Whereas on June 25, 1950, the Communist army of North Korea invaded and attacked South Korea, initiating the Korean War;

Whereas the week of July 25 through July 31, 1993, includes July 27, the 40th anniversary of the cease-fire agreement that ended the active combat of the Korean War;

Whereas the Korean War was brought to an end primarily through the efforts of the United States Armed Forces;

Whereas for the first and only time in history a United Nations command was created, with the United States as the executive agent, to repel this invasion and preserve liberty for the people of the Republic of Korea;

Whereas, in addition to the United States and the Republic of Korea, 20 other member nations provided military contingents to serve under the United Nations banner;

Whereas, after 3 years of active hostilities, the territorial integrity of the Republic of Korea was restored, and the freedom and independence of the people of the Republic of Korea are ensured even to this date;

Whereas over 5,700,000 American servicemen and servicewomen were involved directly or indirectly in the war;

Whereas American casualties during the period of the war were 54,246 dead, of which 33,629 were battle deaths, 103,284 wounded, 8,177 listed as missing or prisoners of war, and 329 prisoners of war are still unaccounted for;

Whereas although the Korean War has been known as America's "Forgotten War", this Nation should never forget the ultimate sacrifice made by those who fought and died in Korea for the noble and just cause of freedom;

Whereas Congress and the President have enacted a law authorizing the establishment of a Korean War Veterans Memorial in Washington, D.C. to recognize and honor the service and sacrifice of those who participated in the Korean War;

Whereas increasing numbers of Korean War veterans are setting aside July 27, the anniversary date of the armistice, as a special day to remember those with whom they served and to honor those who made the supreme sacrifice in a war to preserve the ideals of freedom and independence; and

Whereas on this significant anniversary of the cease-fire which started the longest military armistice in modern history, it is right and appropriate to recognize, honor, and remember the service and sacrifice of those who endured the rigors of combat and the extremes of a hostile climate under the most trying conditions and still prevailed to preserve the independence of a free nation: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in

Congress assembled, That the week of July 25 through July 31, 1993, is designated as the "National Week of Recognition and Remembrance for Those Who Served in the Korean War". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the week and appropriate ceremonies and activities, and to urge the departments and agencies of the United States and interested organizations, groups, and individuals to fly the American flag at half-staff on July 27, 1993, in honor of the Americans who died as a result of their service in Korea,

ORDER FOR RECORD TO REMAIN OPEN UNTIL 2 P.M. TODAY

Mr. FORD. Madam President, on behalf of the majority leader, I ask unanimous consent that the RECORD remain open today until 2 p.m. for the introduction of legislation and statements.

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

AMENDMENTS TO S. 919

Mr. FORD. Madam President, for the information of my colleagues in the Senate, I would like to remind the Senate that under the provisions of rule XXII, Senators will have until 1 p.m. Monday to file first-degree amendments relative to the cloture motion filed with respect to the committee substitute to S. 919. A provision on filing of second-degree amendments will be announced on Monday.

I yield the floor.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Zaroff, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting a nomination and a withdrawal which were referred to the appropriate committee.

The nomination and withdrawal received today are printed at the end of the Senate proceedings.

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-1270. A communication from the Secretary of Transportation, transmitting, a draft of proposed legislation to amend the Hazardous Materials Transportation Act; to the Committee on Commerce, Science and Transportation.

EC-1271. A communication from the Secretary of Transportation, transmitting, pur-

suant to law, a report on compliance with the Marine Plastic Pollution Research and Control Act of 1987; to the Committee on Commerce, Science and Transportation.

EC-1272. A communication from the Secretary of Transportation, transmitting, pursuant to a law, a report on enforcement of the provisions of Annex V of the International Convention for the Prevention of Pollution from Ships; to the Committee on Commerce, Science and Transportation.

EC-1273. A communication from the President and Chief Executive Officer of the Corporation For Public Broadcasting, transmitting, pursuant to law, a report entitled "The Value of Diversity: Public Broadcasting's Services to Minorities and Other Groups"; to the Committee on Commerce, Science and Transportation.

EC-1274. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, a report relative to the Federal Aviation Administration; to the Committee on Commerce, Science and Transportation.

EC-1275. A communication from the Acting Administrator of the Federal Aviation Administration, transmitting, pursuant to law, a report on the Airmen and Aircraft Registry System; to the Committee on Commerce, Science and Transportation.

EC-1276. A communication from the Assistant Secretary for Communications and Information, Department of Commerce, transmitting, a draft of proposed legislation entitled "Telecommunications and Information Infrastructure and Public Broadcasting Facilities Assistance Act of 1993"; to the Committee on Commerce, Science and Transportation.

EC-1277. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report entitled "Foreign Direct Investment in the United States: An Update"; to the Committee on Commerce, Science and Transportation.

EC-1278. A communication from the Secretary of Commerce, transmitting, a draft of proposed legislation entitled "Economic Development Administration Reauthorization Act of 1993"; to the Committee on Environment and Public Works.

EC-1279. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report on management systems for fiscal year 1992; to the Committee on Environment and Public Works.

EC-1280. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled "National Maximum Speed Limit" for fiscal year 1991; to the Committee on Environment and Public Works.

EC-1281. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report on the drug offender license suspension rule; to the Committee on Environment and Public Works.

EC-1282. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report of the financial audit of the principal financial statements of the Internal Revenue Service for fiscal year 1992; to the Committee on Finance.

EC-1283. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report of the financial audit of the principal financial statements of the U.S. Customs Service for fiscal year 1992; to the Committee on Finance.

### 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. PELL:

S. 1281. An original bill to authorize appropriations for the fiscal years 1994 and 1995 for the Department of State, the United States Information Agency, and related agencies, to provide for the consolidation of international broadcasting activities, and for other purposes; from the Committee on Foreign Relations; placed on the calendar.

By Mr. BINGAMAN:

S. 1282. A bill to increase the number of primary health care providers, help assure access to health care in rural and other underserved areas, and increase retention rates among primary health care providers in rural and underserved areas; to the Committee on Labor and Human Resources.

By Mr. HARKIN (for himself, Mr. DURENBERGER, Mr. KENNEDY, Mr. JEFFORDS, Mr. METZENBAUM, Mr. SIMON, Mr. WELLSTONE, and Mr. WOFFORD):

S. 1283. A bill to amend the Technology-Related Assistance for Individuals With Disabilities Act of 1988 to improve the Act, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. HARKIN (for himself, Mr. DURENBERGER, Mr. KENNEDY, Mr. JEFFORDS, Mr. METZENBAUM, Mr. SIMON, Mr. WELLSTONE, and Mr. WOFFORD):

S. 1284. A bill to amend the Developmental Disabilities Assistance Bill of Rights Act to expand or modify certain provisions relating to programs for certain individuals with developmental disabilities, Federal assistance for priority area activities for individuals with developmental disabilities, protection and advocacy of individual rights, university affiliated programs, and projects of national significance, and for other purposes; to the Committee on Labor and Human Resources.

### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. FEINSTEIN:

S. Res. 134. A resolution urging the Government of Kuwait to compensate United States citizens and their families for financial losses incurred as a result of their evacuation during the Iraqi invasion of Kuwait; to the Committee on Foreign Relations.

### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BINGAMAN:

S. 1282. A bill to increase the number of primary health care providers, help assure access to health care in rural and other underserved areas, and increase retention rates among primary health care providers in rural and underserved areas; to the Committee on Labor and Human Resources.

#### GRADUATE REFORM OPPORTUNITIES AND WORKFORCE TRAINING IN HEALTH ACT

Mr. BINGAMAN. Mr. President, as our country moves toward comprehen-

sive reform of our health care system, I believe we need to ask a critical question: Does our Nation have the number and mix of health care providers needed to ensure that all Americans have access to effective and efficient health care? If we cannot answer this question in the affirmative, the viability of any health care reform initiative and, more important, our Nation's health infrastructure, will be at extreme risk.

It should come as no surprise to any of my colleagues that today we cannot answer this question in the affirmative. Today we do not have the health care work force needed to ensure access to health care to all Americans. To secure that work force for the future, I believe we must begin planning immediately, before the larger debate on comprehensive reform begins. For this reason, today I am introducing the Graduate Reform Opportunities and Workforce Training in Health Act [GROWTH]. My legislation has three specific goals:

First, to increase to appropriate levels the number of primary care providers, including physicians, nurse practitioners, nurse midwives, nurses, physician assistants, allied health providers, and all other health care providers;

Second, to assure adequate access to health care in rural and other underserved areas; and

Third, to improve retention rates among primary care providers in rural and underserved areas.

The GROWTH Act will establish new and expanded public health opportunities for primary care in rural and other underserved areas; set limits on the total number of physicians trained under Medicare and, specifically, the number of specialty residency positions funded, and establish a national board to review overall national work force needs and advise the Secretary of Health and Human Services on the ongoing allocation of funds for residency training programs and consortia.

Mr. President, the right number and mix of providers is critical to ensure access to effective and efficient health care. Aggregate supply of physicians, nurses, physician assistants, allied health providers, and other providers; specialty mix; geographic distribution; and cultural diversity of the health care work force are critical elements of the health care infrastructure. Each must be carefully considered in structuring a health care system capable of meeting our Nation's diverse needs.

Under our current system, market forces, accreditation, licensure and certification requirements, and Government reimbursement and regulatory mechanisms have all served to produce a supply and distribution of health care professionals poorly suited to meeting our national health care needs.

The problem is particularly acute in rural States, including my home State

of New Mexico, where the number of primary care doctors continues to decline annually. This is true despite a doubling in the Nation's physician supply over the past three decades. Today, only one-third of all practicing doctors in the United States are in primary care. Even more disturbing, only one-sixth of all medical school graduates are choosing primary care careers. Also, because almost 20 percent of physicians practicing in rural communities are over the age of 65, existing physician shortages are expected to grow worse as these providers retire.

Many Americans are unaware that a significant portion of physician training in this country is supported through Medicare's Graduate Medical Education Program. Currently, funds are distributed to any residency training program accredited by one of 24 specialty-specific residency review committees. No national policy directs that these funds support residency training positions in primary care or limits the number of residency training positions allocated to specialty residency programs.

The results of the lack of Federal attention and policy are that nearly every teaching hospital in this country has expanded its specialty residency programs and that 40 percent of the primary care residencies in this country go unfilled. Why has this occurred? The answer is simple: Specialty training programs generate significantly more income for hospitals than do programs in general internal medicine, general pediatrics, or family and preventive medicine.

In New Mexico, I am pleased to say, we are bucking this trend. Our State's sole medical school and teaching hospital, both at the University of New Mexico in Albuquerque, have strong reputations in primary care. In fact, University Hospital has one of the most extensive primary care residency training programs in the country. A full 30 percent of its residents—compared to the national average of about 17 percent—are in primary care. But one teaching hospital committed to primary care cannot meet the entire Nation's need. It cannot meet the need today, and it certainly cannot meet the Nation's projected future need.

Mr. President, medical schools and teaching hospitals like the University of New Mexico Medical School and University Hospital are the foundation of every health care reform proposal I have seen that advocates universal access to health care. This is because every one of these proposals relies heavily on the use of primary care providers. Strategies for assuring that we have the necessary number of primary care providers make it essential that we greatly expand the number of primary care doctors we train. In my view, public financing of graduate medical education is the most explicit

mechanism we have for achieving this goal. Therefore, I am proposing a plan for allocating at least 50 percent of all Federal graduate medical education funds to primary care training programs. Further, because rural Americans rely on primary care providers for the majority of their health care and because a physician's training location frequently determines his or her practice location, I am advocating that funding for graduate medical education be allocated according to national, State, and regional needs.

More specifically, the Graduate Reform Opportunities and Workforce Training in Health Act [GROWTH] will:

First, Reform Medicare Graduate Medical Education Funding: To refocus Federal health care work force priorities on primary care:

Limit the total number of medical residents whose training is supported with Medicare graduate medical education funds to 110 percent of the graduates of U.S. medical schools for calendar year 1994;

Over 3 years, limit the total number of specialty residency positions supported with Medicare GME funds to 50 percent of the total number of federally funded residency positions;

Provide a higher weight, 1.5, for each resident placed in a rural area for purposes calculating direct medical education payments, as compared to a resident placed in a nonrural setting, 1.0; and

Establish a national average direct medical education payment so that residency training programs are equitably funded.

Second, evaluate and coordinate the health care work force: To accurately assess and monitor our Nation's health care work force needs, this legislation will:

Establish a national board to recommend to the Secretary of HHS those residency training programs and consortia that should receive GME funds; every 3 years, evaluate the need to adjust the limits on the total residency positions and specialty residency positions supported by GME; and monitor and assess current and projected health care work force needs;

Authorize the National Academy of Sciences to prepare a report on the current and project health care work force needs; and

Create a health work force inter-agency task force to review and coordinate all health work force development and training efforts supported by the Federal Government and make recommendations to the Secretaries of HHS and Education concerning vocational education policies and the health care work force.

Third, primary care in rural and other underserved areas: In addition to the priorities established for graduate medical education funding, this legisla-

tion will amend the Public Health Service Act to:

Support training programs in medical schools that recruit students from rural underserved areas and increase rural candidate participation in the National Health Service Corps and other Federal scholarship programs;

Support programs to: Improve rural practitioner training through curricula development and faculty role models; increase numbers of underrepresented minorities in rural health care settings; promote health care infrastructure development in rural settings, including the development of state-of-the-art telecommunications and network systems that will link health care providers with academic health centers; foster State and regional locum tenens programs in rural health settings; and

Support program that: Encourage interdisciplinary team approaches to health care training and practice in rural settings; evaluate the cost-effectiveness of retraining physicians previously trained in oversubscribed specialties; and increase opportunities for nurse practitioners, clinical nurse specialists, and physician assistants in tertiary care centers.

Mr. President, as the Nation sets its sights on a coordinated health care system that assures universal access to care, we must not overlook critical work force issues. As a Senator from New Mexico, I am particularly concerned that we not overlook the impact our decisions will have on rural America. With thoughtful planning, however, I am confident we can develop a national medical education policy that lays the foundation of primary care and assures access to this care in areas traditionally underserved. Such a policy will go a long way toward reducing the high health care costs associated with specialty care and will enhance the health and well-being of Americans everywhere. I urge my colleagues to work with me toward this goal.

By Mr. HARKIN (for himself, Mr. DURENBERGER, Mr. KENNEDY, Mr. JEFFORDS, Mr. METZENBAUM, Mr. SIMON, Mr. WELLSTONE, and Mr. WOFFORD):

S. 1283. A bill to amend the Technology-Related Assistance for Individuals With Disabilities Act of 1988 to improve the act, and for other purposes; to the Committee on Labor and Human Resources.

THE TECHNOLOGY-RELATED ASSISTANCE ACT  
AMENDMENTS OF 1993

Mr. HARKIN. Mr. President, I rise today on behalf of myself, Senators DURENBERGER, KENNEDY, JEFFORDS, METZENBAUM, SIMON, WELLSTONE, and WOFFORD to introduce the Technology-Related Assistance Act Amendments of 1993.

Mr. President, I want to take this opportunity to thank a number of indi-

viduals and groups for their assistance in the development of this bill. First, I want to thank Senator DURENBERGER and his staff. Senator DURENBERGER deserves to be acknowledged for his work to resolve the issues presented during this reauthorization.

We also enjoyed the support and constructive guidance of the staff of the Department of Education. The subcommittee staff and the administration's staff met numerous times over the past months to work out the details of the changes that are being made by the bill.

As we worked on the reauthorization of this legislation, we also had the assistance of many organizations, groups, and individuals. In particular, I want to express my gratitude to the task force on technology of the Consortium for Citizens with Disabilities and the State technology project directors whose thoughtful commentary and ideas have been so helpful.

Title I of the act provides grants to the States for the development and implementation of consumer-responsive comprehensive statewide program of technology-related assistance for individuals of all ages with disabilities. Title II of the act provides funds for a variety of programs of national significance. The discretionary activities authorized under title II include training and public awareness projects, model projects for delivering assistive technology devices and assistive technology services, model research and demonstration projects such as projects to increase the availability or reliability of assistive technology devices, and income-contingent direct loan demonstration projects.

Throughout the reauthorization process, we have worked with the various groups interested in this legislation to incorporate in the bill the knowledge that has been gained from the experiences of the State technology projects that have been developed and implemented since 1989. Dr. William Smith, acting assistant secretary for special education and rehabilitative services, testified before the Subcommittee on Disability Policy regarding the evaluation of the program conducted by the Research Triangle Institute of North Carolina:

A key finding was that the States had not yet succeeded fully in establishing comprehensive, consumer-responsive, statewide systems to provide technology-related assistance to persons with disabilities. However, the report indicated there had been enough progress to suggest that, with additional time and Federal support, the States would be able to make significant progress. \* \* \* The study also found that States have not been focused uniformly on undertaking those systems change activities that hold the most promise of facilitating the implementation of a comprehensive statewide system.

In addition, Dr. Smith testified that the study found a need for improvement in the ability of the programs to

be consumer-responsive and to reach traditionally underserved groups, including those who are elderly, those who reside in rural areas, and those who are not English-speaking.

The subcommittee heard the stories of persons who have been able to access the assistive technology to improve their ability to participate in and contribute more fully to activities in their home, school, and work environments. Rachel Marie Esparza, from Mendota Heights, MN, testified before the Subcommittee using an augmentative communication device:

I am 9 years old and will be in fourth grade at Mendota School next year. I use lots of technology every day. At school I use a computer with a special keyboard. I do all my work on it. At home I use a computer to do my homework and to play games with my friends. I usually drive a powered wheelchair. \* \* \* I have special switches that turn on lights and that help me cook with my Mom. I go places in a van with a lift on it. Without my van, I couldn't go to T-ball or my swimming and horseback riding lessons.

Casey Hayse, from Iowa City, IA, described how the technology project in Iowa has assisted in securing assistive technology devices:

One individual who attended an [Iowa Program for Assistive Technology] training session was directed to investigate different types of technology to assist individuals with visual impairments. This individual discovered an advanced type of lens for eyeglasses which provided less distortion and better vision and depth perception. With help from IPAT, he developed a strategy to access funding for these advanced eyeglasses through the Iowa Department of Vocational Rehabilitation. \* \* \* As a result of his improved vision and depth perception with the new glasses, he was able to acquire a driver's license for the first time at age 26.

Unfortunately, not all individuals with disabilities are able to get the necessary assistive technology. Jennifer Simpson, co-chair of the Consortium for Citizens with Disabilities Task Force on Technology, testified regarding the difficulties she has had in securing assistive technology for her son, Joshua.

\* \* \* Joshua's Individualized Education Plan specifies that he needs an Augmentative Communication Device in order to reach literacy and communication goals and to be able to talk to his pals and teacher at school. This \* \* \* has been written into his IEP for the past four years. So far it has NOT been funded by the school system or by any other public agency. \* \* \* [If we had a tech act program \* \* \*, it is possible that Joshua would have had his Augmentative Communication Device today and he would be the one testifying. Unfortunately, though not silent, he is in essence, silenced because there is no systemic initiative to ensure that this need is being met.

I am especially pleased to sponsor the Technology Act Amendments of 1993 authorizing the continuation of these State projects to bring about changes in the systems that provide access to and funding for assistive technology for persons with disabilities. While the Americans with Disabilities

Act opens the doors of opportunity for people with disabilities, the Technology-Related Assistance Act fulfills the need to improve access to and funding for assistive technology so that these individuals can control their own lives and be fully included in all aspects of our society.

This bill reauthorizes the Technology-Related Assistance for Individuals with Disabilities Act of 1988. There are six basic purposes for this legislation. They were:

To ensure the Federal support necessary to allow the States to successfully complete the systemic change process begun under the Technology-Related Assistance Act of 1988;

To clarify that the focus of the State projects should be on systemic change and advocacy activities;

To promote systemic change through individual advocacy by ensuring that individuals with disabilities have access to protection and advocacy services to secure their rights to assistive technology devices and assistive technology services;

To emphasize the importance of consumer involvement in all aspects of the program;

To increase the accountability of the program in the development and implementation of consumer-responsive comprehensive statewide programs of technology-related assistance;

To authorize the necessary technical assistance on a national level to the State projects and to individuals with disabilities and other interested parties; and

To provide a basis for improved information systems and data collection on assistive technology through the development of a national classification system.

The changes made to the purpose section of the Act are illustrative of the changes made throughout the act by this bill. The bill amends the purposes section to specify that the purpose of the act is to provide assistance to the States to support systemic change and advocacy activities designed to develop and implement a consumer-responsive comprehensive Statewide program of technology-related assistance for individuals of all ages with disabilities. The bill reorders the current purposes to emphasize the importance of several of the purposes related to systemic change, consumer responsiveness, interagency coordination, advocacy, and transition of assistive technology between service settings. The reordering of the purposes clarifies that the primary purpose of the projects is to increase the availability of, funding for, access to, and provision of assistive technology devices and assistive technology services.

Following are the amended purposes and policy of the Technology-Related Assistance Act:

Section (2)(b)(1). PURPOSES.—To provide financial assistance to the States to support

systemic change and advocacy activities designed to assist each State in developing and implementing a consumer-responsive comprehensive statewide program of technology-related assistance, for individuals of all ages who are individuals with disabilities, that is designed to—

(A) increase the availability of, funding for, access to, and provision of assistive technology devices and assistive technology services for individuals with disabilities;

(B) increase the active involvement of individuals with disabilities, and the parents, family members, guardians, advocates, and authorized representatives of individuals with disabilities in the planning, development, implementation and evaluation of such a program;

(C) increase the involvement, of individuals with disabilities and, if appropriate, the parents, family members, guardians, advocates, or authorized representatives of individuals with disabilities, in decisions related to the provision of assistive technology devices and assistive technology services;

(D) increase and promote interagency coordination among State agencies, and between State agencies and private entities, that are involved in carrying out activities under section 101, particularly providing assistive technology devices and assistive technology services, that accomplish a purpose described in another subparagraph of this paragraph;

(E)(i) increase the awareness of laws, regulations, policies, practices, procedures, and organizational structures, that facilitate the availability or provision of assistive technology devices and assistive technology services; and

(ii) facilitate the change of laws, regulations, policies, practices, procedures, and organizational structures, that impede the availability or provision of assistive technology devices or assistive technology services;

(F) increase the probability that individuals of all ages who are individuals with disabilities will, to the extent appropriate, be able to secure and maintain possession of assistive technology devices as such individuals make the transition between services offered by human service agencies or between settings of daily living;

(G) enhance the skills and competencies of individuals involved in providing assistive technology devices and assistive technology services;

(H) increase awareness and knowledge of the efficacy of assistive technology devices, and assistive technology services, among—

(i) individuals with disabilities;

(ii) the parents, family members, guardians, advocates, or authorized representatives of individuals with disabilities;

(iii) individuals who work for public agencies, or private entities (including insurers), that have contact with individuals with disabilities;

(iv) educators and related services personnel;

(v) employers; and

(vi) other appropriate individuals and entities;

(I) increase the capacity of public and private entities to provide and pay for assistive technology devices and assistive technology services, on a statewide basis for individuals of all ages who are individuals with disabilities; and

(J) increase the awareness of the needs of individuals with disabilities for assistive technology devices and assistive technology services.

Section 2(c). POLICY.—It is the policy of the United States that all programs, projects, and activities receiving assistance under this Act shall be carried out in a manner consistent with the principles of—

- (1) respect for individual dignity, personal responsibility, self-determination, and pursuit of meaningful careers, based on informed choice, of individuals with disabilities;
- (2) respect for the privacy, rights, and equal access (including the use of accessible formats), of the individuals;
- (3) inclusion, integration, and full participation of the individuals;
- (4) support for the involvement of a parent, a family member, a guardian, an advocate, or an authorized representative if an individual with a disability requests, desires, or needs such support; and
- (5) support for individual and systemic advocacy and community involvement."

By Mr. HARKIN (for himself, Mr. DURENBERGER, Mr. KENNEDY, Mr. JEFFORDS, Mr. METZENBAUM, Mr. SIMON, Mr. WELLSTONE, and Mr. WOFFORD):

S. 1284. A bill to amend the Developmental Disabilities Assistance and Bill of Rights Act to expand or modify certain provisions relating to programs for certain individuals with developmental disabilities, Federal assistance for priority area activities for individuals with developmental disabilities, protection and advocacy of individual rights, university affiliated programs, and projects of national significance, and for other purposes; to the Committee on Labor and Human Resources.

THE DEVELOPMENTAL DISABILITIES ASSISTANCE AND BILL OF RIGHTS ACT AMENDMENTS OF 1993

Mr. HARKIN. Mr. President, I rise today on behalf of myself, and Senators DURENBERGER, KENNEDY, JEFFORDS, METZENBAUM, SIMON, WELLSTONE, and WOFFORD to introduce the Developmental Disabilities Assistance and Bill of Rights Act Amendments of 1993.

I want to acknowledge Senator DURENBERGER, the ranking member of the Subcommittee on Disability Policy, for his wisdom and counsel during this process. He and his staff have worked long and hard on this bill and they deserve credit for their commitment to the consensus building process. I would also like to thank Senator KENNEDY, the Chair of the Committee on Labor and Human Resources, and Senator KASSEBAUM, the ranking member of the full committee for their support. In addition, we enjoyed input from a number of our distinguished colleagues here in the Senate from both sides of the aisle.

As we worked on the reauthorization of this legislation, we had the assistance of many organizations, groups, and individuals. In particular, I want to express my gratitude to the developmental disabilities task force of the Consortium for Citizens with Disabilities. This task force is made up of 21 organizations with members across the

country. Their thoughtful comments and ideas have been so helpful in this process.

We worked with the various groups to develop a consensus bill that would incorporate current principles about people with disabilities. In his testimony on behalf of the Consortium for Citizens with Disabilities before the Subcommittee on Disability Policy, Steve Eidelman, of the Joseph P. Kennedy, Jr. Foundation described these current principles:

With the passage of the landmark Americans with Disabilities Act, we, as a nation, affirm the rights of all Americans to live independent, productive lives. The reauthorization bill builds on these principles of inclusion and self-determination.

The Developmental Disabilities Assistance and Bill of Rights Act is a systems change, capacity building, and advocacy act. This legislation was first passed in 1970, and was most recently reauthorized in 1990.

The act has four components: The basic State grant program, carried out through the State developmental disabilities councils; protection and advocacy systems; university affiliated programs; and projects of national significance. I am pleased to sponsor the Developmental Disabilities Assistance and Bill of Rights Act Amendments of 1993 which reaffirms the thrust of the four components of the act.

The subcommittee heard the stories of individuals who have benefited from programs authorized under this bill. Debra Turner lived in an institution from age 4 to age 33; 4 years ago she moved from the institution into the community. She receives community services and support provided through a special program of the university affiliated program, Kennedy Kreiger Institute at Johns Hopkins University. Ms. Turner was accompanied by her roommate, and the team leader at the university affiliated program, Ms. Nancy Weisenmiller. Ms. Weisenmiller summarized the changes in Ms. Turner's life since moving to community. "\*\*\* Debra has been afforded the opportunity to move from locked buildings, no decisionmaking power, and no choices, to an individual living in a townhouse, taking GED classes, voting in the last Presidential election, and attending church every Sunday, which is her favorite thing to do." Ms. Turner talked about her life and showed slides of her townhouse, her church, and a restaurant where she used to work. She also showed slides of herself dusting her elephant collection, studying for her GED, and relaxing in a hot tub. Ms. Turner said that what she likes the most about living in the community is: "Just being able to go out for breakfast or lunch on your own."

Ms. Sue Swenson of Minneapolis, MN, also testified before the subcommittee. She is the mother of three sons, including Charlie who has severe disabilities.

Ms. Swenson and her family experienced what many families experience when they have a child with severe disabilities.

We listened to all the pity and the platitudes, which only seemed to make things worse. We struggled. We couldn't find anybody willing to care for a baby with disabilities, so one of us had to be home all the time. As time went on and Charlie got bigger, we avoided taking our boys out, even to the park, because we couldn't cope with all of the prayers, pity, stares, and outright hostility we encountered. We worked very hard on therapies, silently hoping that Charlie would "get better" so we could go back to the real world.

In her testimony, Ms. Swenson described a program developed by the Minnesota Developmental Disabilities Planning Council that has had a tremendous impact on her family's life. The program is an intensive training program called Partners in Policy-making, which is now offered by State developmental disabilities councils or university affiliated programs in 20 States.

We learned the history of the disability rights movement \*\*\* about independent living, supported employment, and family support. \*\*\* We learned about personal futures planning \*\*\* what Congress was working on. They told us about the ADA. They helped sharpen our vision of living in a world with no restrictive environments. They challenged us to find our own path, our own beliefs, our own commitments. \*\*\* We learned that we are the most reliable experts about what our kids needed, and about what we needed if we had a disability ourselves. \*\*\* I don't remember how it happened but slowly I became aware that I was no longer working on fixing Charlie so my family could "go back" into the real world: Now I was working on changing the attitudes of all those ordinary people, so they would see the value of communities which include people with disabilities and all people. I was working to help my friends and neighbors see that we all live in one world.

The findings, purpose and policy section of the bill is updated to reflect the recent developments in the field and is consistent with other Federal disability policy. The overall purpose of the act is to assure that individuals with developmental disabilities and their families have access to services, supports and other assistance and opportunities which promote independence, productivity, integration and inclusion into the community. The findings include a provision that "disability is a natural part of the human experience and in no way diminishes the right of individuals to live independently, enjoy self-determination, make choices, contribute to society, and experience full inclusion and integration in the economic, political, social, cultural, and educational mainstream of American Society," and that the Nation's goals include "providing individuals with developmental disabilities with the opportunities and support to make informed choices and decisions; live in homes and communities where

they can exercise their full rights and responsibilities as citizens; pursue meaningful and productive lives; contribute to their family, community, State and Nation; have interdependent friendships and relationships with others; and achieve full integration and inclusion in society." The policy includes recognition of the decisionmaking roles played by individuals and their families; recognition, support and encouragement for competencies, capabilities and personal goals; respect for individual dignity, personal preferences, and cultural differences; and community acceptance and support.

The bill maintains and strengthens the independence of the State developmental disabilities councils—under the basic State grant program—to carry out systemic change, capacity building and advocacy activities which assist in developing a comprehensive system of services, supports, and other assistance for individuals with developmental disabilities and their families. Provisions are included to clarify issues regarding council membership, rotation of members, council vacancies and appointments. The bill requires State developmental disabilities councils to coordinate activities with other State councils, committees, and programs concerned with individuals with disabilities, and to report systems change activities which affect people with disabilities other than developmental disabilities. The bill authorizes to be appropriated for the basic State grant program \$77,400,000 for fiscal year 1994, and such sums for fiscal years 1995 and 1996.

The bill adds clarifying provisions regarding the role of protection and advocacy systems in each State to protect the legal and human rights of individuals with developmental disabilities. The bill provides for the opportunity for consumer groups to provide comments on the system as part of a Federal review, and the addition of an advisory council for protection and advocacy systems that are in State agencies. The bill creates a process for establishing an American Indian Consortium to provide a system of protection and advocacy to American Indians who live on Indian lands. Finally, the bill includes a provision that authorizes a 2-percent set-aside for technical assistance to protection and advocacy systems, when appropriations increase to \$24,500,000. The bill authorizes to be appropriated for protection and advocacy systems \$29,000,000 for fiscal year 1994 and such sums for fiscal years 1995 and 1996.

The bill strengthens and maintains the part of the legislation concerning university affiliated programs [UAP's] by providing for an updated description of the core activities of a UAP: Preparation of personnel, community services which includes community training and technical assistance and which

may include direct services, and dissemination of information. The bill provides an additional topic area—the Americans with Disabilities Act—for UAP training projects. The bill provides for grants periods of up to 5 years for core awards and for training projects. Finally, the priorities for expansion of the network of university affiliated programs are provided as follows: The addition of two new UAP's in States which are unserved by a UAP; funding training projects in every eligible UAP; increasing the training project awards to UAP's from \$90,000 and \$100,000; increasing the core award from \$200,000 to \$250,000; and expanding UAP training into underserved States and regions. The bill authorizes one line item for all grants authorized under this section to be appropriated \$21,000,000 for fiscal year 1994 and such sums for fiscal years 1995 and 1996.

Finally, the bill authorizes the Secretary to make grants to, or enter into contracts with, public or nonprofit private entities for projects of national significance relating to individuals with developmental disabilities and their families to support ongoing data collection efforts, provide technical assistance, assist States in developing information and referral and service coordination systems, educate policymakers, pursue Federal interagency initiatives, and increasing the participation of individuals from minority groups in the programs authorized under this act. In addition, the bill requires a study of the expansion of part B to people with disabilities other than developmental disabilities. Authorized projects include a study of State developmental disabilities councils that are currently using an expanded definition, a study by up to five councils that are considering an expansion of the definition, and a national project to analyze the experiences of the councils and provide recommendations regarding expansion of the definition. The bill authorizes to be appropriated \$4,000,000 for fiscal year 1994 and such sums for 1995 and 1996.

#### ADDITIONAL COSPONSORS

S. 364

At the request of Mrs. FEINSTEIN, the name of the Senator from Oklahoma [Mr. BOREN] was added as a cosponsor of S. 364, a bill to amend the Internal Revenue Code of 1986 to modify the involuntary conversion rules for certain disaster-related conversions.

S. 802

At the request of Mr. LAUTENBERG, the name of the Senator from Ohio [Mr. METZENBAUM] was added as a cosponsor of S. 802, a bill to require the President to seek to obtain host nation payment of most or all of the overseas basing costs for forces of the Armed Forces of the United States in such nation, to limit the use of funds for paying overseas basing costs for United States forces, and for other purposes.

S. 948

At the request of Mr. DASCHLE, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of S. 948, a bill to amend the Internal Revenue Code of 1986 to provide special rules for certain gratuitous transfers of employer securities for the benefit of employees.

S. 988

At the request of Mr. DASCHLE, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 988, a bill to amend the Internal Revenue Code of 1986 to clarify that conservation expenditures by electric and gas utilities are deductible for the year in which paid or incurred.

S. 1037

At the request of Mrs. MURRAY, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 1037, a bill to amend the Civil Rights Act of 1991 with respect to the application of such Act.

S. 1231

At the request of Mr. MOYNIHAN, the names of the Senator from West Virginia [Mr. ROCKEFELLER], and the Senator from Oregon [Mr. PACKWOOD] were added as cosponsors of S. 1231, a bill to provide for simplified collection of employment taxes on domestic services, and for other purposes.

#### SENATE JOINT RESOLUTION 41

At the request of Mr. SIMON, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of Senate Joint Resolution 41, a joint resolution proposing an amendment to the Constitution of the United States to require a balanced budget.

#### SENATE JOINT RESOLUTION 50

At the request of Mr. SPECTER, the name of the Senator from Kansas [Mrs. KASSEBAUM] was added as a cosponsor of Senate Joint Resolution 50, a joint resolution to designate the weeks of September 19, 1993, through September 25, 1993, and of September 18, 1994, through September 24, 1994, as "National Rehabilitation Week."

#### SENATE JOINT RESOLUTION 91

At the request of Mr. SPECTER, the names of the Senator from Louisiana [Mr. BREAU], and the Senator from Illinois [Mr. SIMON] were added as cosponsors of Senate Joint Resolution 91, a joint resolution designating October 1993 and October 1994 as "National Domestic Violence Awareness Month."

#### SENATE CONCURRENT RESOLUTION 26

At the request of Mr. SIMON, the names of the Senator from Kentucky [Mr. FORD], and the Senator from South Dakota [Mr. PRESSLER] were added as cosponsors of Senate Concurrent Resolution 26, a concurrent resolution urging the President to redirect United States foreign assistance policies and spending priorities toward promoting sustainable development, which reduces global hunger and poverty, protects the environment, and promotes democracy.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. PELL, from the Committee on Foreign Relations, without amendment:

S. 1281. An original bill to authorize appropriations for the fiscal years 1994 and 1995 for the Department of State, the United States Information Agency, and related agencies, to provide for the consolidation of international broadcasting activities, and for other purposes (Rept. No. 103-107).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, without amendment:

H.R. 236. A bill to establish the Snake River Birds of Prey National Conservation Area in the State of Idaho, and for other purposes (Rept. No. 103-108).

## SENATE RESOLUTION 134—RELATIVE TO THE GOVERNMENT OF KUWAIT

Mrs. FEINSTEIN submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 134

Urging the Government of Kuwait to compensate United States citizens and their families for financial losses incurred as a result of their evacuation during the Iraqi invasion of Kuwait.

Whereas during the Iraqi invasion of Kuwait in August 1990, the United States Government evacuated numerous families within a 48-hour period;

Whereas many of these families consisted of one or more American citizens and their immediate relatives;

Whereas the urgent nature of the evacuation process forced these families to leave personal property and assets in Kuwait;

Whereas since the liberation of Kuwait, the Government of Kuwait has not permitted these families to return to Kuwait to settle their financial accounts;

Whereas many of these families have not been compensated for contractual and business obligations that existed before the invasion of Kuwait;

Whereas the Government of Kuwait has acknowledged that it is "well aware of the indispensable contributions made by many of the foreign workers who resided in Kuwait before August 2, 1990"; and

Whereas these families are at present residing in several States throughout the United States and are being supported through public assistance programs and loans from the United States Government: Now, therefore, be it

*Resolved*, That it is the sense of the Senate that the President should encourage the Government of Kuwait to compensate the American citizens and their families which were evacuated from Kuwait during the Iraqi invasion of August 1990, in accordance with the applicable contractual, business, and financial obligations of the Government of Kuwait or of its citizens, as the case may be.

Mrs. FEINSTEIN. Mr. President, I rise today to discuss an unfortunate situation which has lingered since the end of the Persian Gulf war. During the Iraqi invasion of Kuwait, the United States Government airlifted families

from Kuwait within 48 hours' notice, thus not allowing these individuals significant time to secure their personal property or assets. Many of these individuals were well-respected doctors, businessmen, professors, and engineers. In addition, of those evacuated, one or more members of the family were American citizens.

However, since leaving Kuwait, these families have been unable to retrieve their personal assets remaining in Kuwait.

Let me first give a little background on the situation. Upon their arrival in the United States, these individuals were granted temporary parole status until December 31, 1991. However, as many of these individuals were Palestinians with travel documents in Kuwait and not full citizens, they did not have a country in which to return. Consequently, President Bush issued a Presidential Executive order that extended their temporary status and work authorization in the United States until January 1996.

On July 15, 1992, 17 Senators sent a letter to the Ambassador of Kuwait requesting the Kuwaiti Government to help these repatriated families receive their "just compensation for the loss of real and personal property." In turn, the Kuwaiti Embassy pledged to "look into the very issues you have respectfully addressed." Yet, no positive action has been taken by the Kuwaiti Government.

There are currently some 500 repatriated families in the United States, with roughly 100 of them residing in California. Without their assets, and the strained economic environment in the United States, many of these individuals are unemployed and have been forced to use public assistance to survive. This situation has caused needless hardship on all of these families, and has placed an avoidable burden on our limited public resources.

As a Senator from a State that contributed many men and women to the cause of liberating Kuwait from the tyranny of Saddam Hussein, I urge the Kuwaiti Government to resolve each and every one of these families cases. I also hope the President shares this same sentiment. To this end I am introducing a sense of the Senate resolution urging the President to encourage the Government of Kuwait to compensate with the American citizens and their families that were evacuated from Kuwait during the Iraqi invasion of August 1990, in accordance with the applicable contractual, business, and financial obligations of the Government of Kuwait or of its citizens.

## AMENDMENTS SUBMITTED

## CONGRESSIONAL OPERATIONS APPROPRIATIONS ACT, 1994 LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1994

## HATFIELD AMENDMENT NO. 626

Mr. REID (for Mr. HATFIELD) proposed an amendment to the bill (H.R. 2348) making appropriations for the legislative branch for the fiscal year ending September 30, 1994, and for other purposes, as follows:

On page 27, line 19, strike "\$201,231,000" and insert "\$202,304,595".

The amendment adds \$1,073,595 to the salaries and expenses appropriation for the Library of Congress to restore funding for the American Memory Project (\$1,018,595) and administrative support for the Librarian emeritus (\$55,000).

## STEVENS AMENDMENT NO. 627

Mr. REID (for Mr. STEVENS) proposed an amendment to the bill (H.R. 2348), supra, as follows:

On page 2 after line 2 insert the following:

MILEAGE AND EXPENSES ALLOWANCES  
MILEAGE OF THE VICE PRESIDENT AND SENATORS

For mileage of the Vice President and Senators of the United States, \$60,000.

On page 48, strike lines 1 through 9, and insert the following:

SEC. 310. (a) Section 17 of the Act entitled "An Act making Appropriations for sundry Civil Expenses of the Government for the Year ending June thirtieth, eighteen hundred and sixty-seven, and for other purposes", approved July 28, 1866 (2 U.S.C. 43), is amended by inserting after "mileage" the first place it appears the following: "for each Senator".

(b) The first section of the Legislative Branch Appropriations Act, 1936 (2 U.S.C. 43a), under the heading "SENATE", and the subheading "SALARIES AND MILEAGE OF SENATORS", is amended by striking "Senators, Members of the House of Representatives, and Delegates in Congress" and inserting "Senators".

(c) The amendments made by subsections (a) and (b) shall take effect on October 1, 1993.

## BURNS AMENDMENT NO. 628

Mr. REID (for Mr. BURNS) proposed an amendment to the bill (H.R. 2348), supra, as follows:

On page 50 insert the following:

SEC. 318. (a)(1) None of the funds appropriated or made available from any source for any fiscal year may be obligated or expended by any entity of the executive branch for the procurement or production of any printing or duplicating (including forms), unless such printing or duplicating is requisitioned through the Government Printing Office.

(2) Paragraph (a)(1) does not apply to (A) individual printing or duplicating orders costing not more than \$1,000, if the work is not of a continuing or repetitive nature, and, as certified by the Public Printer, cannot be provided more economically by open, competitive procurement through the Government Printing Office, (B) printing for the

Central Intelligence Agency, the Defense Intelligence Agency, the National Security Agency, or specifically classified material of the Department of Defense, or (C) printing from other sources that is specifically authorized by law. The Secretary may waive the limitations of Subsection (a) for military operational requirements and provided further that the Secretary shall notify the Joint Committee on Printing within (7) seven days.

(3) As is used in this subsection, the terms "printing" or "duplicating" include the processes of: composition; platemaking; wet and dry offset; letterpress; gravure; flexography; ink jet; electrostatic or other copying; laser or variable imaging; silk screen processes; production of an image on paper or other substrate by any means or equipment; binding; microfilm; or the end items of such processes.

#### MACK (AND KOHL) AMENDMENT NO. 629

Mr. MACK (for himself and Mr. KOHL) proposed an amendment to the bill (H.R. 2348), supra, as follows:

On page 7, between lines 15 and 16, insert the following:

SEC. 4. (a) This section shall apply to mailings by Senators, Senators-elect, and offices of the Senate made during fiscal year 1994 and each fiscal year thereafter in addition to any other law relating to the use of the franking privilege.

(b) For the purposes of this paragraph—

(1) the term "mass mailing"—

(A) means, with respect to a session of Congress, a mailing of 500 or more newsletters or other pieces of mail with substantially identical content (whether such mail is deposited singly or in bulk, or at the same time or different times), but

(B) does not include a mailing—

(i) of matter in direct response to communication from a person to whom the matter is mailed (to the extent of 2 such mailings) that—

(I) is the case of an initial response, is mailed at any time; or

(II) in the case of a followup response, is mailed not later than 180 days after the date of receipt of the communication;

(ii) to other members of Congress or to a Federal, State, or local government official;

(iii) of a news release to the communications media;

(iv) of a town meeting or mobile office notice; or

(v) of a Federal publication or other item that is provided by the Senate to all Senators or made available by the Senate for purchase by all Senators from official funds specifically for distribution.

(c) A Senator, Senator-elect, or office of the Senate may not mail a mass mailing under the frank.

(d) As soon as practicable after the close of each quarter of a fiscal year, the chairman of the Committee on Rules and Administration of the Senate shall cause to be printed in the Congressional Record—

(1) the dollar amount of the allocation of official mail costs made to each Senator, Senator-elect, and office of the Senate for the fiscal year;

(2) the dollar amount of official mail costs that were incurred by each Senator, Senator-elect, and Senate office during that quarter; and

(3) the balance of the allocation for official mailing costs that remain available to each Senator, Senator-elect, and Senate office.

(e)(1) In connection with their fiscal 1995 budget presentations to the Committee on Appropriations of the Senate, the Secretary of the Senate and the Sergeant at Arms and Doorkeeper of the Senate shall submit a report that describes—

(A) the best available and most recent information relating to the amount of expenditures made from each Senate office account for official mail activities during fiscal year 1994 as of the date of the budget presentation;

(B) the best available and most recent information relating to the amount of expenditures made from each Senate office account for official mail activities during fiscal year 1993 as of the date that is one year earlier than the date referred to in subparagraph (A); and

(C) the amount of any difference between the amounts described in subparagraphs (A) and (B) that is attributable to the operation of subsection (c).

(2) As used in this subsection, the term "official mail activities" includes the cost of producing, processing, and mailing of official mail.

(f)(1) On and after the date of enactment of this Act and during fiscal year 1994 and each fiscal year thereafter, no member, officer, or employee of the Senate may use any appropriated funds or any equipment or other resources that are paid for with appropriated funds for the purpose of procuring, gaining access to, or using a mailing list of any kind (including a voter registration list) that is produced by any public or private entity except a mailing list described in paragraph (2).

(2)(A) A mailing list is described in this paragraph if it is—

(i) a postal patron list or update as provided by the United States Postal Service to be used for town meeting and mobile office notices;

(ii) a list of members of the communications media;

(iii) a list of Federal, State, or local government officials; or

(iv) a list of fewer than 500 persons identifiable as having an interest in a legislative topic that is different from any legislative topic identified as a subject of interest of persons named in any list previously procured, accessed, or used by a person (or by another member of the office of which the person so procuring, accessing, or using is a member) and used for the purpose of making a mailing with official funds during a fiscal year.

(B) For the purpose of subparagraph (A)(iv), a legislative topic may be considered to be different from another legislative topic only if any mailing for which it is intended to be used (and for which it is in fact used) has a content that is not substantially identical (within the meaning of subsection (b)(1)(A)) to the content of any other mailing made by the office previously during the fiscal year.

#### STEVENS AMENDMENT NO. 630

Mr. STEVENS proposed an amendment to amendment No. 629 proposed by Mr. MACK to the bill (H.R. 2348), supra, as follows:

On page 3, line 6, add the following new paragraph:

"(vi) of information pertaining to official business of the Senate to residents of towns and villages with populations under 1,000 and without a daily newspaper published within 50 miles."

#### STEVENS AMENDMENT NO. 631

Mr. MACK (for Mr. STEVENS) proposed an amendment to the bill, (H.R. 2348), supra, as follows:

On page 20, line 25, strike out "\$20,815,000:" and insert "\$21,815,000:".

#### NOTICES OF HEARINGS

##### SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT

Mr. LEVIN. Mr. President, I would like to announce that the Subcommittee on Oversight of Government Management, Committee on Governmental Affairs, will hold a hearing on Friday, July 30, 1993, at 9:30 a.m., on "Off-loading: The Multimillion-Dollar Loophole in Government Contracting." The hearing will be held in room 342 of the Dirksen Senate Office Building.

##### AUTHORITY FOR COMMITTEES TO MEET

###### COMMITTEE ON ARMED SERVICES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet in executive session on Friday, July 23, 1993, at 9 a.m., to mark up a Department of Defense Authorization Act for Fiscal Year 1994.

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 Friday, July 23, 1993, at 10 a.m. to hold a nomination hearing on David Aaron, to be the U.S. Representative to the Organization for Economic Cooperation and Development.

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

###### COMMITTEE ON THE JUDICIARY

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Friday, July 23, 1993, at 10 a.m. to hold a hearing on the nomination of Ruth Bader Ginsburg to be Associate Justice of the Supreme Court of the United States.

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

#### ADDITIONAL STATEMENTS

##### REGARDING STUDENT LOANS

• Mr. DECONCINI. Mr. President, among the issues we are negotiating as part of the budget reconciliation conference are direct Government lending and student loan reform. Last month the Senate passed legislation that would substantially change and improve the existing higher education loan program while at the same time testing a new concept—direct lending.

This side-by-side comparison will give us the information needed to eventually determine how the Student Loan Program can best be fashioned to benefit the students, schools, and taxpayers. I hope the conferees from the other Chamber will concur with the Senate's position.

Certainly, a number of financial aid officials at universities and colleges throughout Arizona support a pilot program. Among those who have written or cosigned letters to me urging a thorough evaluation of direct Government lending on a reasonable scale are officers at the University of Arizona in Tucson, the American Graduate School of International Management-Thunderbird Campus in Glendale, Embry-Riddle Aeronautical University in Prescott, Scottsdale Community College, Grand Canyon University in Phoenix, Prescott College, Northern Arizona University in Flagstaff, and Western International University in Phoenix.

Recently, an Arizona newspaper chain carried an article on the \$15 billion Student Loan Program, quoting financial aid experts from these schools and other institutions, expressing serious reservations about a full-scale direct lending program. I would like to share that article with my colleagues and ask that it be printed at this point in the RECORD.

The article follows:

#### THE \$15 BILLION STUDENT LOAN FLAP

(By Bob Reilly)

President Clinton's plan to overhaul the \$15 billion federally insured student-loan program will put colleges and trade schools in the banking business, possibly increasing their financial risks and expenses, say some financial aid officers in Arizona.

Some schools, particularly those with relatively small enrollments, said they may have to raise tuition to cover added administrative costs, such as picking up the tab for any bad loans they make.

Post-secondary students in Arizona borrow about \$300 million annually, according to Southwest Student Services Corp., a non-profit state-designated agency that originates, services and buys student loans from other lenders.

Nationally, students borrowed more than \$10 billion in 1992, a figure expected to climb to \$23 billion by 1998.

The Clinton plan calls for the colleges to originate and process loans and screen eligibility of borrowers and then pass on the paperwork to the Department of Education, which will issue checks directly to students. The plan theoretically gives billions of dollars to the federal government by cutting out middlemen such as banks.

The White House said the extra billions generated for the U.S. Treasury would be used to finance the administration's public-service-for-education program.

But the proposal will place an added burden on thousands of schools nationwide.

"It will definitely increase our workload," said Catherine King-Todd, financial aid officer for the American Graduate School of International Management in Glendale. "I would have to purchase additional (computer) software and hardware and add two more staff positions."

King-Todd is concerned the federal government won't have enough money to compensate the schools for their added expenses.

"The government is always looking for ways to trim the budget, and administrative costs is one of the first areas where they look," she said.

Ted Malone, financial aid officer at Grand Canyon University in Phoenix, said that even if a suggestion that the federal government provide schools with \$10 per loan is adopted, it won't be enough money.

"With all the extra work, our cost per loan should increase by \$60," a 100 percent increase, he said.

A study released in May by the accounting firm of KPMG Peat Marwick found that both the Congressional Budget Office and Government Accounting Office assumed that under a direct-lending approach, much of the administrative tasks now done by private lenders would be given to the schools with no government compensation.

King-Todd and Malone are also concerned that if the schools approve a bad loan they may be held liable for it.

The processing requirements of banks are strict, and if they aren't properly met the government can refuse to repay on a defaulted loan, said Eric Harris, a vice president in charge of student loans for Bank One of Arizona. He said the government may also refuse to pay schools if the loan isn't processed correctly.

Susan Conner, a vice president for USA Group, an Indianapolis based student-loan guarantor organization with a regional office in Chandler, agreed. "The risks to the schools are a serious problem that hasn't been addressed," she said, adding that the student loan guarantee agencies also have to assume the cost of defaults if they fail to abide by government guidelines.

Arizona State University doesn't expect its administrative cost to pinch the budget, particularly if the government provides \$10 subsidy for each loan. The university would support direct lending if the students benefit and if the debt collection system is improved, said Shannon Goodman, assistant director of the student loan program.

But Goodman admitted there are "a lot of blanks to be filled in," and that the university could change its position in the future.

Questions also surround the defaulted loans of students attending proprietary trade school specializing in such occupations as cosmetology, welding and truck driving.

The federal direct lending plan mentions a "shared risk" arrangement with the states but the specifics haven't yet to be spelled out, said Paul Barberini, executive vice president of Mesa-based Southwest Student Services Corp. It's possible the states would have to share part of the cost of defaults, he added.

Students attending proprietary schools have the highest default rates among all post-secondary borrowers because they often quit before completing the training program or fail to land a job in the chosen occupation.

The direct lending program hasn't yet addressed the issue of defaults, which amounted to \$2.9 billion last year, said John Works, an analyst with the New York investment firm of Keefe, Bruyette & Woods.

Other concerns expressed by financial aid experts about the direct lending plan now before Congress.

Doubt about the U.S. Education Department's ability to run the student-loan program more efficiently than the private sector because it has been criticized for its

slowness in recognizing fly-by-night trade schools that are only interested in collecting government guaranteed tuition payments.

"In theory I like the concept of direct lending," Malone said. "But it's hard for me to view the federal government as running an efficient program."

If student loan checks arrive late from the government, who is responsible for giving students money to cover such costs as tuition and living expenses?

"I wonder if we will have to provide the 'float,'" Malone said.

The direct-lending program will increase the \$4 trillion national debt between \$65 billion to \$100 billion just to get it off the ground, according to a report by the CBO.

The Internal Revenue Service, which will collect the loan payments, publicly testified it is ill-prepared for the job and that it will take several years to gear up.

"The IRS is not known for simplicity or for a customer-oriented approach," such as processing requests for loan deferments and forbearances, noted the USA Group.

Direct lending has supporters in Congress.

"The plan would make it easier for students to pay the loans back, by pegging payments to their incomes," Sen. Paul Simon, D-Ill, told *The Chronicle of Higher Education*. "Student loans would remain an entitlement, but they would be an entitlement to students, not banks."

Proponents also claim the government can borrow money more cheaply than the private sector and part of the savings would be passed on to students by reducing costs, such as loan origination fees that can amount to 6 percent of the loan.

The GAO estimates the government will pocket \$3.2 billion over five years.

Congress is expected to decide by September whether the direct lending program will be phased in over four years beginning in 1994 or whether to first conduct a pilot program beginning next year.

#### PROGRAMS ALLOW BORROWERS TO MORTGAGE FUTURE

It's possible for students to borrow more than \$138,000 for their undergraduate and graduate education—about \$30,000 more than the median price of a new home in the Valley—by combining funds from three federal loan programs.

The need-based Perkins Loan, which charges 5 percent interest, is funded by the government and is distributed by the college.

Undergraduates may borrow up to \$3,000 a year, and graduate students may borrow \$5,000 a year. Payments begin nine months after the student graduates, withdraws from school, or attends classes less than half time. Students may take up to 10 years to repay the loan.

The Stafford Loans are made through commercial lenders and distributed by the school. Some Stafford Loans are based on need, others are not. The loan has a variable interest rate capped at 9 percent.

For Stafford Loans not based on need, the interest accrues while the student is in school. Interest on need-based loans does not accrue until the student starts repaying.

Undergraduates may borrow up to \$2,625 for the first year, up to \$3,500 for the second year, and top out at \$5,000 in each of the final two years or until the bachelor's degree is earned. The limit is \$23,000.

Graduate and professional school students may borrow \$8,500 a year with a limit of \$65,000.

The PLUS-SLS Loans are non-need based and made through a commercial lender. The

interest rate can't exceed 10 percent for the PLUS Loan or 11 percent for the SLS Loan.

The parent (PLUS Loan) may borrow up to the entire cost of an education minus any financial aid the student receives.

The student (SLS Loans) may borrow up to \$4,000 for each of the first two years of college and \$5,000 for the remainder of the undergraduate program. The maximum limit is \$23,000 per student.

Graduate students may borrow up to \$10,000 a year with a limit of \$73,000.

Repayment begins as soon as the loan is received. The lender may reduce payments while the borrower is attending school.

Students can consolidate loans after finishing their education and take up to 30 years to repay.\*

#### TRIBUTE TO HELEN COUPE, SCITUATE, RI

• Mr. CHAFEE. Mr. President, it is with great satisfaction that I rise today to pay tribute to Mrs. Helen Coupe of Scituate, RI. Mrs. Coupe, a broker-associate at the RE/MAX Metro real estate sales office in Warwick, RI, since 1988, was recently inducted into the "RE/MAX Hall of Fame."

Membership in the "RE/MAX Hall of Fame" recognizes substantial accomplishment based on volume of sales produced during an associate's RE/MAX career. To date, only 835 of the 32,311 RE/MAX agents in North America have earned this prestigious honor. All RE/MAX associates are full-time professionals who average 10 years of experience in the industry.

Mrs. Coupe has been a member of the "100 Percent Club," which recognizes annual sales volume, and has also been the top producing RE/MAX agent in all of Rhode Island, for each of the past 4 years. During the same 4-year period, she earned recognition as one of the top three producing RE/MAX agents in the entire New England region, and attained the No. 1 position during 2 of those 4 years. In addition, she has received top sales honors from the Greater Providence Board of Realtors for the past 4 years, consistently having production in excess of \$5,000,000 annually.

In the words of Kathleen K. Sisinger, regional director of RE/MAX of New England, "Helen's success is an indication of her professionalism and perseverance. She has consistently provided superior service to her clients during the 6 years she has been in this industry." As we in Congress explore ways to revitalize America's economy, I think it is incumbent upon us to recognize individuals whose entrepreneurial spirit and hard work are the foundation of America's prosperity.

I ask my colleagues in the Senate to join with me and all Rhode Islanders in commending Mrs. Coupe for her unrelenting devotion to her company, clients, and family.\*

#### THE RESCUE OF THE DANISH JEWS

• Mr. SIMON. Mr. President, today I rise to commend "Thanks to Scandina-

via" and the many other sponsors of celebrations to commemorate the 50th anniversary of the rescue of the Danish Jews. Despite the Nazi reign of terror in the Holocaust, courageous acts of rescue were performed. Those acts of humanity and bravery, out of commitment to decency and democratic ideals by the Scandinavian countries, is particularly laudable. I have maintained an active interest in the rescue of the Danish Jews since participating in an international conference, "Thanks to Scandinavia" at my alma mater, Dana College, in April 1990.

Additionally, I served as honorary cochairman of the 50th Anniversary "Thanks to Scandinavia" Committee. The Jewish community came together to honor these remarkable humanitarian acts in Chicago on June 16 and 17, 1993. There was an interreligious symposium at North Park College and Theological Seminary, and a community commemoration at Anshe Emet Synagogue. At the commemoration, Mette Shayne, a member of Chicago's Jewish community spoke about the rescue of herself and her family from Denmark during the Holocaust. I ask unanimous consent that the text of the speech by Mette Shayne on June 17, 1993, be printed in the RECORD so that more Americans may gain new insights into the more noble aspects of humanity during challenging times.

The speech follows:

#### RESCUE OF THE DANISH JEWS (By Mette Shayne)

I would like first to make it clear that this is the first time I have ever talked about my experience during the war in public, I had recently promised my children to put my remembrances in writing, so this was the push I needed to do so. Fewer and fewer people are still around to tell the story and I do feel it so important to stress how many people put their lives on the line to save us and the many instances we were shown of human love. I am somewhat in awe of telling this story in front of Mr. Frode Jakobsen who was among the first to help Jews long before those in Denmark needed help. And he was one of many who risked their lives for us.

For background information, Denmark was invaded by the Germans on April 9, 1940 and the country was run over in no time. There was no resistance as the Danish army was in no position to fight such a superior force. Denmark was to be a model protectorate, and because the Germans needed the Danish food supplies, the German authorities did not want to antagonize the population too much, and therefore also did not crack down on the Jewish population until the end of September 1943. I remember seeing the German planes coming in over Denmark on April 9, 1940. In the beginning there was little resistance, then it slowly grew, and from August 1943 the Danish underground movement became very active. Except for being daring and wearing the Royal Air Force colors and having to go to the basement when there were air raids, having curfew and seeing our parents socialize with the neighbors by climbing on special ladders my father had made over the fences between the gardens at night, the war did not touch our daily life as children very much. My family had been in

Denmark for many generations, and was we thought totally integrated into the society. As a matter of fact, I learned recently that one of the first Jews who settled in Copenhagen in the second half of the 17th century was an ancestor of mine.

Rereading my father's description of these years, I see that his life was certainly very much affected by the German presence. As president of a company, like the General Electric of Denmark, he was under pressure from the Germans to produce for them. He even had a very indecent offer of being saved as a Jew if he would spy. He often went to the Foreign Ministry to confer and as rumors of what was going on in Germany circulated, he was constantly assured that there would be no action against the Danish Jews.

Until September 26, 1943. My first memories of these days were of our parents telling us, my older brother and me, that we would not be sleeping at home that night, but at our neighbors, and explaining to us that this was because we were Jewish and what that meant. This was the first time that I at the age of 8, almost 9, learned that I was Jewish.

The 29th of September was my father's birthday, and I remember my parents' closest friends coming and talking worriedly, trying to eat some dinner with us, and my father having to leave and come back. We were for the second time told to sleep at our neighbor's and this time we had each packed a small suitcase and the next day we left Copenhagen.

We left by train, accompanied part of the way by friends, to the Southern part of the country where a friend of my uncle's thought he would have a possibility of a boat for us to Sweden. More boat trips continued through the rest of the war for resistance people who had to get out of the country.

Here I would like to emphasize that although these days stand very clearly and frighteningly in my memory, and though the years have come back to me in nightmares, and still sometimes do, what we experienced was nothing compared to those who were caught by the Germans and sent to concentration camps; so I do not feel it is proper to dwell on the difficulties we experienced. However, I do like to call attention to the wonderful people who helped us along the way, who saved our lives by putting their own in danger. First my uncle's friend, his home was later blown up by the Germans for his participation in the resistance. My father's business representative in the small town we arrived in, who took us in for some hours, the farmer and his wife who had the four of us, my aunt and uncle and their two children overnight on a busy hunting weekend, and the many others whose lives we endangered. The taxi drivers, whom we hoped we could trust, the couple who on their bikes went to pick up my cousins who would have a hard time walking the 7 kilometers from town to the water's edge where we lay at night hoping for the sound of a boat, and, of course, the fishermen who took us across.

This place of departure had been chosen because it would be out of the most obvious crossing areas, but then it also was quite far from Sweden. It was on the farm, during the annual start of the hunt lunch, that the news on the radio for the first time told of the Danish Jews being rounded up. My mother had all along refused to believe it was necessary to leave. Now she knew there was no alternative. After the night on the farm we were told there may be a boat again the next night, and we found transportation to some woods, where maybe a boat would show up

during the night. After a long wait, the grownups broke a window in a deserted children's camp and we were installed on the springs of the bare beds, our parents covered us with their coats and they shivered through the night. No sign of a boat, and the next morning we returned to the closest city, and were installed in a hotel for a couple of hours. My uncle's friend arrived announcing he had bought a boat, and my father would have to sail it. My mother rejected it flatly. My father had no idea how to sail a boat, and my mother felt it would be certain death. Then somebody showed up saying they had a boat for the night, and we should be a certain place, 7 kilometers from town at a certain time. I remember walking down the country road with our suitcases. It must have looked very suspicious, although we did not walk together. We walked two in two with maybe half a mile between us. We still were not a very normal sight on a country road in the middle of the afternoon. My brother, my mother and I hid on a beach in some bushes while my father was entrusted with the money which had been collected from those who had, covering for those who did not. When it got dark we were able to get together and wait in the drizzle until finally we heard a boat motor, and within two minutes we and people who seemed to come out of nowhere climbed in the boat and we were on the way. It was here we learned that somebody had informed on us and the hotel had been raided two hours after we left.

The night became very stormy. Of the 24 people on board the boat made for four, almost everyone was very seasick. During the night air raids lit the sky indicating we were dangerously close to Germany and we began to wonder if the fisherman had lost their way. At one point we were pursued by a German patrol boat, and one can only speculate on how we got away. Did they know and let us go? Were they bored? Or were they really not able to catch up, which is hard to believe? When day broke and land was sighted it was with some trepidation we got closer, not being too sure where we were. Although we then saw the Swedish flag, German ships were in the harbor in Ystad on the Southern coast of Sweden, and we were guided around them by the Swedish coastguard.

After the Danish heroes, who unselfishly raised their lives to help us, came the welcome in Sweden. This little town did not receive a great number of refugees, and I believe we were the first. I remember my brother who had been on deck all night, weakened from being soaked and cold, being green in the face, and my mother pouring brandy from a flask she had along down his throat. Then he passed out, and when he came to, he had to have a Swedish soldier help him unzip his pants. My brother remembers a family lowering down apples from their windows as we were waiting outside the police station for papers, while I remember my father right away taking our disgusting clothes from the night's illness to a cleaner. When he went to pick them up, the tailor would not take money and had filled our pockets with candy. And now my friend Maj. Britt Bronstein will tell about the reception on the Swedish side of the sound.

After one and a half years as refugees in Sweden we returned to Denmark in May of 1945. Among the remarkable things that happened in Denmark was the care friends took of our belongings. We came home to a house which had been well guarded. My father had at the last minute transferred his considerable wine cellar to a friend's house. The friend was very upset that one bottle of

brandy was missing. My father could not believe he was really apologizing for this. My father was part of the Danish brigade which was formed in Sweden and which started moving back immediately after the capitulation on the eve of May 4, 1945. He himself crossed on the fifth, a true chocolate soldier, his pockets stuffed with chocolate, which had not been seen in Denmark for five years, and which he happily handed out as he drove along. My mother and I followed a few weeks later, while my brother had to stay a few weeks longer in Sweden to finish his exams which eventually would permit him not to lose a school year at home.

Arriving back in Denmark at the most beautiful time of the year there with the beech trees just having opened their leaves, I remember seeing my grandfather crying as the train brought us from Helsingore to Copenhagen, but the biggest surprise was the huge crowds of people welcoming us home at the station in Copenhagen. I remember huge signs by groups trying to look for somebody specific, one of them was my cousin's classmates welcoming him home.

Our home was in nearly perfect order, having been watched over by friends. One panel of the garage door had been knocked out by a German bayonet, and a bayonet had tried to open a fake drawer in my father's desk, but except for that and a couple of address books, nothing was missing. Our friends had used the home on and off to hide people who had to flee, but apart from that, everything was the way we left it. I remember my surprise at opening my closets in my room and seeing the things I owned which I had not remembered at all.

I have never either in Denmark or Sweden encountered anti-Semitism. That is not to say it does not exist, but in my life in Denmark, it never touched me, nor in Sweden where it is said to be so much stronger. Danish Jews have much to be thankful for. Some organizations have done much to publicize what happened in Denmark, and for the most part it was a very happy tale. Besides the organization Thanks to Scandinavia, we had the experience here in Chicago when our oldest son was born at Michael Reese hospital, that the doctor came to my husband and instead of telling that he had a wonderful boy he said: Do you know what Michael Reese has done to thank the Danes for rescuing the Jews? The hospital had collected money to establish a fund to thank the hospital in Denmark which hid a great number of Jews until transportation to Sweden had been arranged for them. This fund has enabled a number of Danish doctors to spend a year at Michael Reese for an extraordinary research opportunity.

Last year I had the wonderful experience to visit Israel for the first time. At Yad Vashem where you are numbed by revisiting the horrors of the Holocaust, the story of the Danish rescue is like a fairy tale. As you exit the hall of remembrance, columns tell the number of Jews who perished in each country. Denmark is the only country with a number I believe is under 10. As a group of Danish tourists were standing in front of a replica of one of the boats used for sailing boats to Sweden, I could not help myself but to say to them: "This place must make you proud to be Danish."\*

(At the request of Mr. MITCHELL, the following statement was ordered to be printed in the RECORD at this point:)

#### EXPLANATION OF ABSENCE

\* Mr. LEAHY. I will be absent from the Senate today because a member of my

family is undergoing surgery at a hospital in New York City.\*

#### THE TENSIONS BEHIND THE VIOLENCE IN EGYPT

● Mr. SIMON. Mr. President, recently, I had a chance to read an article by Dr. Mamoun Fandy, which appeared in the Middle East Policy magazine.

It gives additional background on the situation in Egypt.

I, frankly, am not familiar enough with the situation there to know whether the conclusions in his article are accurate.

I do not for a moment suggest that the United States should hesitate to continue to support President Mubarak, who has shown great courage.

But in Egypt and other places around the globe—as well as in the United States—we have to deal with the problems of poverty. The underclass problem that we have in the United States is clearly a magnified problem in Egypt; and in both countries, we ought to be dealing with it more effectively.

I ask to insert Dr. Fandy's article into the RECORD at this point.

The article follows:

#### THE TENSIONS BEHIND THE VIOLENCE IN EGYPT (By Mamoun Fandy)

In spite of the recent government crackdown that resulted in the killing of ten and the arrest of thousands of members of Egypt's various Islamic groups, they seem determined not to give in. Most recently, these groups struck back by planting a crude bomb in one of Cairo's most popular cafes, killing four people and injuring more than 30 others, half of them tourists. This suggests that the struggle between President Hosni Mubarak's regime and the Islamists is not over and that getting tough with these groups may be counterproductive. What is puzzling is that in spite of the Egyptian government's relentless attempt to convince the public that these groups are terrorists who act at the behest of the Iranians and Sudanese, very few Egyptians seem to care. In this essay, I will attempt to explain the context of the current violence in Egypt as a way of shedding light on the basic question concerning why the Egyptian public does not come to the aid of the government in denouncing what could be labeled as flagrant violations of people's right to live in peace. In this effort, I will attempt to steer away from the dominant stereotypes in the Western mode of analysis which focuses on epithets and clichés.<sup>1</sup> The Islamic impulse in the Middle East in general and Egypt in particular is far too complex to be dealt with in such dismissive terms.

I grew up in a poor village in upper Egypt and am of the first generation of peasant-farmers' sons to benefit from Nasser's educational reforms. I went to university with many of the Islamic movement's leaders. They see themselves as part of a power struggle between the corrupt semi-Western Turkish Egyptians (i.e., the remnant of Turkish rule) and those who consider themselves to be natives of real Egyptians. I am not suggesting that what is happening in Egypt is a conflict over power and property

<sup>1</sup> Footnotes at end of article.

only and denying its religious aspects. Yet if one looks at whom the Islamic groups target and whom they ignore, it becomes clear that the movement is not merely religious.

Consider, for instance, that while the Islamists criticize the government for being un-Islamic, the deviation of those in government from orthodox Islam is far less than that of the Sufis and the villagers. The Sufis emphasize the *Haqia* (spirit) of Islam rather than its *Sharia* (letter). Some of the Sufis claim that the letter and the rituals of Islam are there to facilitate one's contact with God: the moment this contact is established, a person becomes one with God, and the means that established this connection are no longer necessary.<sup>2</sup> This is a heresy according to traditional Islamic theology, yet the Islamists ignore the Sufis and their practices. Nor are the Sufis a minor group. It is estimated that the Sufi order has six million members.<sup>3</sup> That is, the Sufi membership is larger than that of any active political party in the country. If the Islamists were truly motivated by Islamic "fundamentalism," these "heretics" would surely be among their first targets.

Furthermore, the Islamists do not seem to have any quarrel with the mixture of paganism, Christianity and Islam prevailing throughout the rural areas. Local celebrations still fall on Pharaonic holidays, and people celebrate them in the same way the ancient Egyptians did thousands of years ago. For example, during the fifteen-day Sidi Abu Al-Hajaj festival in Luxor, a festival in which thousands of Egyptians honor the Muslim saint Abu Al-Hajaj, the local people still carry the sun boats from the Karnak temple to the temple of Luxor, where the saint's shrine is located. In fact, one of my high-school classmates, who later became the emir (head) of one of the Islamic groups at the school of engineering at Assiut University, still takes his 65-year-old mother to the festival. While her son preaches that there is no mediation between people and God, the mother clings to the shrine and kisses the walls, asking Abu Al-Hajaj to intervene with God to speed her recovery from arthritis. The mother's practice is against everything that the son supposedly believes.

This by no means happens only in Luxor; similar festivals are held for Sidi Al-Farahali in Assiut, Sidi Al-Hussein in Cairo and Sidi Abu Al-Abbas in Alexandria, to mention just a few. What is more telling is that the Islamists have never objected to the festival of Al-Azra (the Virgin Mary) in Cairo or the festival of Mar Jirjis Al-Ruzaiki in a small village near the southern town of Armant, in which both Christians and Muslims honor the same pre-Islamic saints.<sup>4</sup>

Childless Egyptian women, in addition, still pray to fertility goddesses in the Pharaonic temples. Furthermore, in the language of the Egyptian people, blasphemy seems commonplace. In fact in Egyptian proverbs God is capricious, a being whom you do not trust and who is prejudiced in favor of the rich. Take the Egyptian proverb *Nass Ataha min Bazabizu wa Nass Ataha min Wara Tizu* (God gives some people from the nipples and others from the behind, i.e., God gives some people milk and others manure), or *Yidi Alhalik lili bela widan* (God gives earrings to those without ears). What is astonishing is that God in the first proverb is conceptualized as a female; in the second God is bestowing women's jewelry. (Were these sayings originally about one of the Pharaonic goddesses?) Representing God as a female in a patriarchal culture is perhaps as blasphemous and challenging to orthodox

Muslims as Rushdie's novel. Yet there is no single report of the Islamists objecting to these "un-Islamic" practices of the common folk. The difference is that these are the indigenous customs of the poor and powerless, whereas the practices of the government are part of the corrupt, pseudo-Westernized upper classes' monopoly of political and economic power.

Since Islamism is a social and political force, one can only understand it by looking at the social and political forces that produced it.

#### DISPARITY BETWEEN VISION AND ACTUALITY

First, Nasser's revolution allowed the sons of farmers to go to free public schools but denied them access to social and economic power. This produced a new generation of educated men and women who differ sharply from their illiterate, parochial parents. In this new generation fundamentalism took hold. The fundamentalists are not the violent fanatics many Westerners imagine. Instead, they are highly motivated, intelligent people. I knew many of them. During my years as a student at Assiut University, I listened to people like Najih Ibrahim and Asim Abdul Majid, the leaders of the Islamic movement, speak about corruption and favoritism. Ibrahim was at the top of his class in the school of medicine; Abdul Majid was his counterpart in engineering. In 1981, I heard both Ibrahim and Abdul Majid were implicated in the Sadat assassination.

However, the issue that originally concerned Ibrahim and Abdul Majid was that university professors, who were from the old aristocracy and often Christians, did not allow the peasants' sons to join the university faculty. As a student I personally heard numerous stories of top students from working-class backgrounds being denied government support in obtaining graduate degrees while mediocre students with the right social backgrounds were chosen instead. This is but one source of the Islamists' anger.

The class prejudice and favoritism that operates at the provincial universities become even worse obstacles when the young graduates try to find employment in Cairo. For the educated rural poor, Cairo appears at first like a modern city in which people can advance themselves according to their merits. Yet this facade of modernity and meritocracy is only a veneer covering a decaying feudal structure. For these sons of peasants who have no connections, it is very difficult to penetrate the Cairo old-boy network. Family connections not only exist in the universities but also constitute an important factor in promotion in high positions in government. Mustapha Ameen, Egypt's most prominent columnist, narrates a story that precisely illustrates the point: "A highly educated Egyptian came to me distressed and defeated, cursing the times that put people who had no conscience and no honor into positions of honor. He told me that after spending 17 years in the West to receive the highest degrees, he came home to apply for an advertised government position. \* \* \* When he went for the interview, the only questions he was asked were who are you, who is your father, who is your uncle, who are your in-laws, and do you have relatives in high government positions. \* \* \* Nobody asked him about his experience, his degrees, or the foreign languages he spoke. All these things were not important. What was important was who his father and his uncles were. Their names and positions were the only degrees a person needed to qualify for the job. Of course, he did not get the job because his father is a minor clerk. \* \* \* He wanted to

complain about his injustice, but unfortunately, those to whom he went to complain asked him the same questions: who is your father, who is your uncle, and do you know people in high government positions."<sup>5</sup>

This network begins at the highest level of the Egyptian government. It is widely known in Egypt that the government is controlled by Mubarak's in-laws. The Islamists are automatically cast as outlaws. Thus, the Islamists' emphasis on brotherhood is a mirror image of the family-centered Egyptian power elite.

People from working-class backgrounds who were raised in the belief that Nasser had reformed Egyptian society became bitter when they realized that Nasser's revolution did not change the old order. One of the Islamists told me, "You do not have to look very far. Look at the political parties. The Wafd is headed by Fouad Siraj Eddin, the very person Nasser revolted against." The man continued to say, "What is funny is that Khaled Mohei Eddin, the head of the socialist party and Nasser's comrade, is another feudal lord and a pasha. It is a joke."<sup>6</sup> What this man was essentially referring to is the fact that both the opposition and the government are part of the same class. Not only Islamists see this class split in Egyptian society. Westerners do too. An American journalist once said, "Nasser's revolution is like the revolving restaurant at the top of the Cairo tower. It spun around once and then stopped forever."

What further enrages and disheartens the educated poor is that even the so-called "leftists" are fighting over issues that interest Western liberals much more than they do the Egyptian poor. It is as if even these upper-class leftists need to prove to Westerners that they are civilized by taking up fashionable Western causes. One such cause is the struggle against the traditional Islamic practice of women covering their hair in public. And indeed it might be annoying to Westernized Egyptian women to feel pressured to adopt this custom to avoid harassment. But when one considers that millions of Egyptian peasants die of bilharzia, despite the fact that it is treatable in its early stages, and that Egypt's infant mortality rate is so high that virtually every peasant woman has lost at least one child, the feminists' priorities seem somewhat misplaced.

#### COPING WITH LIFE IN CAIRO

"Those who leave their homes should bear misery as well as insults," quoted a university graduate from Qena, a southern province, who came looking for a job in Cairo accompanied by his family, four brothers and an elderly mother. They are living in a one-bedroom apartment in Al-Zawaia Al-Hamra, the same area in which the assassins of Egyptian author Farug Fauda used to live. The proverb quoted, along with many others, seems to be this family's way of coping with their new life of misery and insults. Yet the man did not seem to express fatalism as much as anger.

All newly educated Egyptians must cope with the unjust division of wealth and the arrogant sense of entitlement among the upper class. While the old families live the life of the developed world in areas like Zamalik and Masr AlGidida, millions of Cairenes live as squatters in the city's cemeteries or in slums like Ain Shams and Al-Zawia Al-Hamra. Although the appalling disparity of incomes between those who have connections and those who do not is outrageous, poor but educated Egyptians are equally outraged by the patronizing attitude of the upper classes. Sonya Ram's novel *Antiquity Street* epitomizes the contemptuous

attitude common among the upper class. For instance, the author, daughter of a pasha (feudal lord), seems appalled that the sons of farmers are no longer servants. She writes, "In these hard times, when the lack of servants was the primary concern of every self-respecting Egyptian housewife, when Nasser had stuffed the heads of the common folks with all kinds of ideas, and the slogan *Ira raasak ya akhi*—raise up your head, brother—was painted on every wall, when the sons of cooks could be seen sitting next to the sons of former pashas in the now tuition-free universities, no one wanted to be a servant anymore."<sup>7</sup>

The contempt for the sons of the fallaheen (farmers) is an unquestioned, legitimate discourse among even the most sensitive Cairenes. As a *saaidi* (southerner) from Komeldaba, a small village 10 miles north of Luxor, I experienced these insults firsthand. When I graduated from college in 1981, I went to Cairo to take a test to be licensed as a tour guide. After I passed the written exam, I stood in line waiting for the personal interviews in which the candidate would be examined for style and etiquette. I went in and greeted my interviewer in *Saaidi Arabic* (the social equivalent of a hillbilly accent in the States). Her initial response was, "I hope you do not speak English the same way. Southerner, aren't you?" I said from a village on the west bank of the Nile across from Luxor. "Experience in selling scarabs to tourists does not qualify you to be a guide," she said. That was the end of my exam. No license for me.

Despite the poverty and the insults, villagers still pour into Cairo. The government obsession with Cairo and its neglect of the provinces leaves the people with little choice. Indeed, the way government services are distributed entrenches the superiority of those living in Cairo over those who live anywhere else in the country. Although the Egyptian government insists that its domain encompasses the area between Aswan in the south and Alexandria in the north, the cultural and economic focus of the government is the city of Cairo. The discrepancy between the cultural and economic boundaries of Egypt and its geographical and political boundaries is both a reality and a consciousness. Consider, for instance, that most Egyptians call Cairo *Misr* (the word *misr* literally means Egypt). Indeed Cairo is a country of its own; it has 14 million people (twice the population of Saudi Arabia, 14 times the population of Kuwait and about five times the population of Libya). It is in *Misr* (Cairo) where the government spends its money, builds its factories and institutes new programs. The rest of the country is economically and culturally neglected. One example epitomizes the situation: Until 1980, we did not have electricity or running water in my upper Egyptian village; the nearest first-aid unit was 10 miles away. If your only means of transportation is donkeyback, 10 miles is not a short distance. Northern towns were not any better off than the southern ones. Therefore, if anyone from the southern or northern parts of Egypt, but especially the poverty-stricken south, wants to better himself economically, he has to travel to Cairo, a foreign land for those who live outside it. The Islamic movements gain new members through the centripetal force that brings so many millions of these newly educated, desperate rural people to the capital.

#### THE ISLAMISTS' JOURNEY WITHIN THE SYSTEM

Despite their desperation and the Cairo government's blatant policies of exclusion and prejudice, the Islamists have been prag-

matic and patient. At first, they attempted to work within the political system. With the emergence of *Wafd* as a political party, the Islamists joined hands with their leader, Fouad Siraj Eddin, a former pasha turned nationalist. The Islamists' marriage with the *Wafd* did not last long. It ended two years later. The reason for the Islamists' inability to work within the *Wafd* ranks is that the social background of the Islamists differs sharply from those of the *Wafdis*. While the *Wafdis* represent old money and landed aristocracy, the Islamists represent a stratum of Egyptian society that emerged from Nasser's reforms and free education programs. They are the sons of the peasants who worked the land for the old *Wafdis*.

After their split with the *Wafd*, the Islamists joined the *Amal*, a political party led by Ibrahim Shoukri, a former aristocrat who gave his land to the poor after the Nasser revolution in 1952. Shoukri's charitable action had made him attractive to many Egyptians of socialist or idealistic Islamic orientations. In fact, some of the *Amal* cadres could be both Marxist and Islamist at the same time without feeling any contradiction. Adel Hussein, the party theorist, is a case in point. Hussein gained his reputation among Egyptian intellectuals because of his commitment to Marxism and analysis of the local problems. Yet, in the early eighties, Hussein became an Islamist. For Hussein and many others, the transition from Marxism to Islamism was not all that difficult. In fact, Hussein's agenda did not change significantly. In his articles in *Al-Shaab*, his party's newspaper, he tackles the same issues: poverty, the underclass and government corruption. It appears that it is easier for a Marxist to become an Islamist than it is for a Sufi to become an Islamist. For one thing the Sufis are apolitical, whereas both the Islamists and Marxists are very politically active.

In 1987, the Islamists entered the parliamentary elections as part of the *Amal* ticket, though the elections were rigged in favor of Hosni Mubarak's *Al-Hizb Al-Watani* (Nationalist party) to give the government a clear majority (348 seats out of a total of 448 seats), the Islamist won 60 seats, while the *Wafd* acquired only 35.<sup>8</sup> During their stay in the parliament, the Islamists worked hard to convince the government to change the biased election laws. Other political parties like *Al-Wafd* and *Al-Ahrar* also called for election reform. They failed.

As a result, in the elections of 1990 virtually all the effective political parties in Egypt boycotted the process, leaving the government opposed by the communist-dominated fringe party *Al-Tagamoua* and the independents. Since *Al-Tagamoua* won two seats in that election, the government could claim to have a democracy, while in fact the major opposition parties were excluded. Hence, the political journey of the Islamists and their hope to work within the system to get their share of power seemed to have reached a dead end. This disenfranchisement is a primary reason for their anger. Currently, the government has established laws that prevent the Islamists from enjoying the control they used to have in professional associations such as the Egyptian Bar Association and the Association of Egyptian Engineers. These were the only places where free elections were held. Now they are under the control of the government. The members of these civic associations protested the power grab and organized a sit-in in front of the parliament on the day the offending laws were approved.

#### ANGER OVER POLITICS OF EXCLUSION

The anger of the excluded Egyptian poor takes various forms. Traditional people in the rural areas have long accepted their fate and tried somehow to ignore the government and further their own personal interests whenever they could. Farmers like my father, for example, get highly subsidized fertilizers and seeds for their crops provided that they sell the entire crop to the government. However, they sell only one-tenth of the crop to the government and the rest on the black market, where prices are ten times the amount of government offers. This is also true in cities, where people consider government property lawful spoils. Although Egyptians are quite honest concerning the property of individuals, government property from street lights to railway ties disappears as fast as it is replaced. Yet open rebellion has erupted only when the poor's very sustenance was at stake, as in the 1977 bread riots.

The Islamists do not share the fatalistic disaffection of the traditional Egyptian poor however. Their education has given them higher aspirations, as has their more rigorous religious training. The discrepancy between what they feel they are entitled to and what the government has given them is the source of their frustration. Unlike the farmers and uneducated urban poor, the Islamists are idealists. In addition to the complex web of social obstacles that the Islamists face, they are not even permitted to express their frustration. "If the Islamists were permitted to express their objections in ink, they would not resort to bullets," says Professor Badran of Assiut University.<sup>9</sup> Indeed, the three major papers in the country are owned by the government. Even the opposition papers are subject to censorship since they must use government-owned printing houses and are subject to government licensing.

Under these conditions, the motto "Islam is the solution" has appeared on every street corner in Cairo. While no one claims that there is some magic in Islam that will solve the economic crises, nevertheless Islam is a way of making new rules for society, namely that honesty and hard work rather than family connections should determine social advancement. And in the name of egalitarian Islam, the young graduates are waging war in Cairo against the old rules.

In the absence of an "honorable image," these groups have in Islam both the honorable identity and an alternative set of rules to restructure the unjust practices of the old feudal system. Islam also guarantees these people freedom of expression in at least one forum, the mosque. No one can object to their Islamic discourse without risking being called an atheist and risking death as a result.

#### EXTERNAL FACTORS

External factors also fuel Islamism. The fact that the Islamists often escape Cairo to work in the Gulf states, especially Saudi Arabia, has given Egyptian fundamentalism a more violent tone. I have seen Egyptians coming back from Saudi Arabia carrying with them free books of Hanbali literature, which includes the writings of Muhammad bin Abdul Wahhab and Ibn Taimiya. The Hanbali interpretation, especially Wahhabism, is very different from traditional Egyptian Islam. The Islamists' idea of *takfeer wa kital* (accusing people of being heretical and consequently licensing their killing), the essence of the ideology of the *Takfeer wal Hijra* group, comes from the Hanbali school, and is specifically Wahhabi. Thus Saudi Arabia's state fundamentalism

has made Egyptian anti-government fundamentalism violent. The Takfeer notion became intense during the eighties, when many of the Islamists at Assiut University went to Al-Ummra (pilgrimage) in Saudi Arabia at the expense of the Saudi government. They returned with both money and books.

The Saudi role in encouraging Islamism is no secret in Egypt. Nadia Farrah, an Egyptian Copt who teaches economics at the American University in Cairo and the author of a recent book of Muslim and Coptic relations, explains the Saudi support of the Islamists as a way of preventing the emergence of another Nasser in Egypt. In a recent interview, Farrah says, "The Saudis were providing financing for the Islamic laws, for scholarship to students, for writers to write, for intellectuals to be 'Islamic' thinkers. Saudi Arabia has always been very, very interested in preventing another Nasser from coming to power in Egypt. \* \* \* so they're always pouring money into Egypt to prevent something like that from happening again."<sup>10</sup>

Although Saudi money and Wahhabi books contributed to the power of the Islamic movement, the return of the indoctrinated Muslim Brothers who had fled to Saudi Arabia during Nasser's year spurred an ideology of violence. It was Sadat who made the agreement with the Saudi to allow the Muslim Brothers to return.<sup>11</sup> Sadat estimated that nourishing an Islamic ideology would help to build his prestige, always lower than Nasser's among Egyptians, and help undermine Nasserist tendencies in the society. The convergence of Sadat's vision and that of the Saudis to undermine the power of the Nasserists created the tremendous upsurge in Islamism.

Egypt's internal violence is aggravated by the linkage of Mubarak's campaign against the Islamic groups to "the international assault on Islam." Many in Egypt view the Egyptian government as acting on behalf of the Western powers. This view has been further complicated by recent events like the Serbian genocide against the Muslims in Bosnia, the Hindu eradication of the Ayodja mosque and the Israeli expulsion of 415 Palestinians. Many ordinary Egyptians view Mubarak's crackdown on the Islamic group as part of this general trend, one reason why the government policies of mass arrests of Islamists have had little public support.

#### CONCLUSION

The government's violent measures are counterproductive in yet another respect. The imprisonment and torture of Islamists has personalized the struggle. In fact, Egyptians who knew Khalid Al-Islamboli, Sadat's assassin, claim that Al-Islamboli was more motivated by avenging the torture and death of his brother at the hands of Sadat's secret police than by any ideological fervor. Revenge assassinations are likely to be the norm in Egypt in the days ahead, especially after the brutal government campaign against Islamists in the south (Saeed) where revenge killing is an accepted custom. Currently, according to international human rights organizations, there are 8,000 political prisoners in Egypt, the majority of whom are Islamic fundamentalists.

Once again, in the wake of the assassination of prominent Egyptian author Faruq Fauda, the deaths of more than 30 people in Assiut and tens in Cairo, the Mubarak government has enacted its long-contemplated anti-terrorist laws. Such laws cannot work in the current situation in Egypt. Egyptian columnist Mahmoud Al-Saddani says bluntly, "It is extremely difficult for the millions

of hungry, diseased and homeless Egyptians to join with the government in its fight against 'terrorism.' For those who are suffering, terrorism is the only way out of their misery. \* \* \* People who are drowning do not fear getting wet."<sup>12</sup> Other Egyptian authors I interviewed, such as Hussein Abdul Raziq, the editor of the weekly Al-Yassar, were suspicious of the government's motives. "The government wants to use this incident to have a free hand in arresting whoever does not agree with its policies," Mr. Abdul Raziq says. Indeed, these laws, added to the fact that Egypt has been governed by emergency laws since the assassination of President Sadat, probably will add fuel to the Islamists' anger. Further, because these measures will limit the freedom of the people, they may make many Egyptians side with the Islamists. It is unfortunate that the last 30 years have not seemed to alert the Egyptian government to the fact that mass arrests are not the solution to the Islamist violence. The solution lies somewhere else.

Unless the Egyptian government undertakes a serious reform program that focuses on (1) widening the spectrum of political participation to include the Islamists; (2) repealing the repressive 11-year-old emergency laws and (3) working toward more equitable distribution of goods and services not only between the rich and the poor but also between Misr and the peripheral provinces, political violence in Egypt is likely to increase dramatically. Unfortunately Mubarak's government shows no sign of taking these steps. Although Mubarak's second term is up in October, his party apparachiks who dominate the Egyptian parliament are currently advocating a Saudi-style Biaa (allegiance) to Mubarak instead of holding actual elections. Many in Egypt are worried about the government's lack of comprehension of the increasing anger of those excluded from power. "These days," as one Egyptian journalist put it, "the atmosphere looks like it did before Sadat was assassinated."<sup>13</sup>

Many Egyptians are unhappy about these unhealthy signs that threaten the basic fabric of Egyptian society. Unlike their government, the Egyptians do not see brutal force and the continuation of the same groups in power as the solution. Their solution is one of compromise. This becomes apparent if one looks at the way many Egyptians read the recent resignation of Abdul Haleem Abughazala, one of Mubarak's chief advisers and a very popular former minister of defense. One popular reading of this resignation was that Abughazala has been frustrated by Mubarak's unwillingness to open up the system and by the government's violent response to the Islamists. This, they believed, was why Abughazala has disassociated himself from a discredited regime. Although Abughazala has left Egypt, the scenario that is very popular in Egypt now is that when the regime collapses, the army will take over. The ideal candidate for the presidency would then be Abughazala. Those who argue for this scenario claim that Abughazala could accommodate all interests, since he is both pro-American and a religious man (his wife, for instance, wears Islamic dress) who can accommodate the Islamists. Others argue the Abughazala is also prepared to take a moderate Islamic leader as his prime minister. The point is not whether or not this scenario is likely to happen, rather, it reflects the desires and wishes of many Egyptian who are growing increasingly uncomfortable with watching their country going through a period of social and cultural decay that may eventually lead to disastrous civil strife.

#### FOOTNOTES

<sup>1</sup> Here I refer to clichés such as dar al-Islam/dar al-harb (the house of Islam/the house of war) division; the Islamists are driven by a desire to build a community like that built by the prophet in Madina and so on. These clichés dominate the writings of the Israeli lobby of American researchers (i.e., those of Daniel Pipes, Bernard Lewis and most studies manufactured at the Washington Institute for Near East Policy).

<sup>2</sup> These views are based on my conversations with Sheikh Ahmed Al-Khorma, the head of the Sufi order in Qena province in Upper Egypt.

<sup>3</sup> Shahida Al-Baz, "Said Uwais; Ashiq Misr Al-Mufakir," Al-Ahram, June 19, 1992, p. 12

<sup>4</sup> For more on this festival, see Tawfiq Hanna, "Mar Jirkis: Qaria min Al-Saaid," Ibd., June 1992, pp. 150-56.

<sup>5</sup> Mustapha Ameen, "Fikra, Asharq Al-Awast, no. 5014, August 20, 1992, p. 3.

<sup>6</sup> Field notes.

<sup>7</sup> Sonya Rami, Antiquity Street (New York: Farrar Straus Giroux, 1992), p. 28.

<sup>8</sup> Tom Porteous, "Now They Have a Louder Voice" Middle East International, April 17, 1987, p. 9.

<sup>9</sup> From a telephone interview conducted on June 15, 1992.

<sup>10</sup> Nadia Farrah in Kaven Dwyer, Arab Voices: The Human Rights Debate in the Middle East (Berkeley: University of California Press, 1991), p. 67.

<sup>11</sup> Ibid., p. 67.

<sup>12</sup> Mahmoud Al-Saddani, "Al-harb Al-Ihla wal Am Rambo," Asharq Al-Awsat, June 24, 1992, p. 14.

<sup>13</sup> See Mamoun Fandy, "The Tension behind the Violence in Egypt," The Christian Science Monitor, December 2, 1992, p. 18.

#### THE CLINTON PR SMOKESCREEN

Mr. DOLE, Madam President, after ignoring Republicans during the entire budget process, the White House now cannot stop talking about Republican efforts to cut spending. That is right, the Republican alternative has become a centerpiece of the latest White House public relations blitz to sell its own terrible tax package. You must be asking, why so much attention on the Republican plan, when the budget conference is nothing but an all-Democrat taxathon?

The answer is easy. It is the oldest public relations gimmick in the book—when you want to shift the focus from your own terrible product, simply divert attention elsewhere, even if it means slamming a plan that is dead and gone. It is a smokescreen to obscure the biggest tax increase ever, because they know the closer anyone looks at the Clinton plan, the closer it comes to defeat.

On Tuesday, I could barely believe my ears when President Clinton said Congressional Republicans "Don't have the guts to stand up to the tough decisions." On Wednesday, Vice President GORE chimed in, saying Republicans "don't have the guts to face up to the tough decisions." Well, when it comes to raising taxes, we cannot compete with the White House—they win that contest hands down. They get the blue ribbon. They get all the ribbons. But when it comes to restraining Government spending, Republicans have the guts to make the cuts. It did not fit their public relations strategy to pay much attention then, but whether the White House likes it or not, Republicans offered the biggest package of

spending cuts in history, a responsible alternative that—unlike the Clinton plan—sent the deficit heading downward every year.

The President, the Vice President, and various other administration officials on the front line of the new White House PR blitz are trying to convince taxpayers that the Clinton tax increase is good because the Republican alternative contains what they call \$50 billion in "unspecified spending cuts." What they will not tell you is that the Republican plan includes every single spending cut the President proposes—and more.

What they do not tell you is that the Republican plan includes every single spending cut the President proposed, every one on that chart of 200 somebody had here a few weeks ago, and we do it by limiting the growth of entitlement programs.

We also try to address the root cause of the deficit, and we believe that is very important.

By limiting growth in entitlement programs, the Republican plan addresses the root cause of the deficit, while the Clinton program ignores it. That is why after all the taxes have been collected, the deficit shoots up again after 1997.

And while administration officials criticize the deficit reduction total of the Republican alternative, they do not tell you that the republican plan leaves a smaller deficit at the end of 5 years—and heading down—while the President's own charts reveal a disturbing fact—a bigger deficit that starts to shoot back up.

And when they talk about "reversing 12 years of fiscal irresponsibility," just remember this—in 1985, when Senate Republicans pushed through a huge package of spending cuts that capped entitlement programs and terminated outdated Federal programs, only one Democrat voted with us—and it was not the current Vice President, nor any other member of this administration. That's right, when it was gut-check time, then-Senator GORE had a historic opportunity to change the way Government does business, to back up rhetoric with a real vote, and he was nowhere to be found.

While the White House is busy telling you how fair their plan is, how most of it hits people who make "over \$200,000," how it only "soaks the rich," they will never tell you how the Clinton tax increase on social security benefits will really sock retirees on a fixed income. Take a retired couple with \$40,000 of pension income and \$12,000 of social security benefits. That couple will pay a whopping \$1,200 more in income taxes, not counting the hit they'll take from increased energy taxes and higher consumer prices. And while the President says his tax plan will cost no more than \$50 per year for the average working family that was

originally promised a tax cut, the Associated Press reports that the Congressional Budget Office estimated a higher price tag—for a family earning \$45,000, the Senate bill will cost them \$122, and the House bill more than twice that, \$270. That's real money, and it will probably be worse by the time the Democrats are finished.

And of course, the biggest myth about the Clinton plan is that it cuts 1 dollar in spending for every dollar in tax increases. But when you blow away the smoke, blow away the double counting of President Bush's spending cuts, blow away the user fees and interest savings counted as spending cuts, you get a tax heavy package that raises taxes more than \$2.00 for every \$1.00 cut, hardly the kind of change the American people are demanding.

So we appreciate the White House's new interest in talking about the Republican alternative. But no matter how much they try to divert the American people's attention, the public relations gimmick will not work. The American people can spot a tax increase a mile away, especially when they see President Clinton and Vice President GORE smiling from atop Mount Taxmore. Its a job killing, economy-busting tax plan that is the last thing working and earning Americans need, or deserves.

I would say again, as I said before, if for some reason, some good reason, whatever reason, the President's plan does not survive, you will find a number of Republicans willing to sit down with the President of the United States and with Democrats—as we have done in the past, I might add—with Republicans and Democrats to work on meaningful deficit reduction. That offer has been made to the President weeks and weeks and weeks ago. It has been made orally; it has been made in writing. I just suggest he will find a number of responsible Republicans, hopefully, working with a number of very responsible Democrats, trying to put together a better package for the American people.

I must say, as I have said before, everything seems to be blamed on the last 12 years. Everything has gone to pot the last 12 years because we have had Republican Presidents. I keep saying to myself, I wonder who controlled Congress all that time: Did the Republicans control Congress? Certainly not. The Democrats have controlled the House of Representatives for 40 years. And they controlled it every one of the 12 years of President Reagan and President Bush. And they controlled the U.S. Senate 6 of those 12 years.

So I just suggest, when you talk about the past 12 years, do not leave out the Congress because the President of the United States cannot spend one dime that the Congress does not approve. If the Democrats controlled the Congress and Republicans controlled

the White House, it may be there is a little blame to be pointed each way. I just remind the President which party has been in control and which party has had the opportunity.

I can recall a very tough vote we had here about 2 o'clock in 1985, when we cut spending and did a lot of things—froze COLA's, terminated programs, cut farm programs—did a lot of things that people said were politically unwise to do. Maybe they were correct, because we lost a number of seats the next year.

One Democrat, the late Ed Zorinsky, stood up and voted for us. The Vice President was here at the time, but he voted the other way. So there was a real vote there. We wanted to make a difference, to cut spending and reduce the deficit. We had the package in 1985.

It passed by a vote of 50 to 49, very much like the circumstances in which President Clinton's package passed by a vote of 50 to 49. Two Senators were in the hospital, or out with illness. The Vice President, then Vice President Bush, had to fly back from Phoenix, AZ, to break the tie. We had to bring one Senator in from the hospital late that night—now Governor of California, then Senator Pete Wilson—to make the tie 49 to 49. It was a very dramatic vote, just as the one we had 3 weeks ago was.

It just seems to me there are a lot of things we could say about anybody's plan, but everybody knows the Democrats control the White House; they control the House; they control the Senate. It is theirs. There is no excuse, no excuse. They cannot blame Republicans. We are on the outside looking in. We are hardly even invited to go to conferences, and we understand that. We are not complaining about that. That is the way the system works.

But I must say, it is a pretty lame excuse to say where is the Republican plan? We had a Republican plan. Nobody paid any attention to it. Now they say the Republican plan does not do enough.

It seems to me we ought to be focusing on the plan before the American people. We ought to talk about Social Security tax increases. We ought to be talking about the gas tax increases. We ought to talk about the user fees. We ought to be talking about the fact that 40 percent of the American people pay 90 percent of the Federal income taxes.

We are going to jack up all their taxes. We are going to make them retroactive to March 1—not when the bill passes, not August; it is going to be March 1. So you are already paying higher taxes. Many Americans do not know that, but they will find it out next April.

So there are a number of reasons I believe the President's plan should be defeated. But again, I suggest if it is defeated, that is not the end of the world or the end of his Presidency. It

means we can sit down together in a bipartisan way, if the President wishes to do that, and see what happens.

Let me emphasize, most important is the hit on small business. Four percent of America's 21 million small businesses create 70 percent of the jobs. They are going to get hit with a marginal tax rate of 44 percent, while big corporations are going to get off with a 35-percent tax rate. And it is not fair. They are the small businessmen and businesswomen across America creating jobs. They are going to take the big hit. That is why we think we have an obligation to report that to the American people.

I know that my colleagues on the other side are very nervous about this. They have to go out and defend it. It is not always easy. I have had some of that duty, too. The American people can spot a tax a mile away, particularly when they see it coming and coming and coming and they know that after this big tax bill, we will probably have health care, which is more taxes for businessmen and businesswomen. It seems to me we have lost our direction, and we hope that it can be recovered. We will be willing to help recover that direction in a bipartisan way if the present package is defeated.

As far as I know, the only other speaker on this side of the aisle is the distinguished Senator from New Mexico.

Mr. SARBANES addressed the Chair. The PRESIDING OFFICER. The Senator from Maryland.

#### THE PRESIDENT'S DEFICIT REDUCTION PACKAGE

Mr. SARBANES. Madam President, we listen to this propaganda day in and day out. They are trying to befuddle the American people so they do not know what to think.

The Wall Street Journal on Tuesday of this week had an article. Listen to this headline: "Foes of Clinton's Tax-Boost Proposals Mislead Public and Firms on the Small Business Aspects."

We have these crocodile tears shed here about small business. The fact of the matter is that the Clinton program will affect only about 4 percent of small businesses. Those are the very prosperous. Those with very large incomes will pay a little more. The Clinton program will require additional taxes on the people at the top end of the income scale, people making over \$200,000 a year. Yes they will pay some additional taxes.

But my Republican friends act as if there is going to be a huge tax imposed across the broad mass of the American people. Nothing could be further from the truth.

Listen to this article. They had a conference, apparently, in which a small business owner appeared and made a strong statement against Presi-

dent Clinton's proposed tax increase on how it would impact on her small business. They then analyzed her small business, and it turned out that her tax rate would not go up at all—not at all—on her business. In fact, there are provisions in the Clinton program addressed to small business that might, in fact, help her.

A lot of small businesses will get a reduction in their taxes. Only a small percentage will have any increase. The Treasury says 4.3 percent. That is what they said to Senator ROTH in the letter that they sent back to him, which he put in the RECORD.

Then the Republicans say, "We want to make deeper spending cuts." What they are doing with the cuts they propose to the extent they specify them—and they did not specify them—they were going to have a general entitlement cap which is used to disguise radical cuts. It is very clear that those cuts, if carried through, if actually imposed, would cut deeply into programs for the elderly, particularly health care for the elderly.

Let us be very clear about who is going to pay these taxes. Seventy-five percent of the additional revenues raised by taxes would fall on people at the very top of the income scale, the top 2 or 3 percent in the country.

It is then said, "These people pay a large percentage of the Federal taxes as it is." The reason they pick up a large percentage of the Federal taxes is because they have a very large percentage of the income and, in fact, throughout the 1980's, their percentage of the income rose at a tremendous rate. They paid a little more in taxes, but they had a huge jump in income, and because the tax rates were cut so drastically, they had a huge increase in after-tax income.

It seems to me the President's plan is fair. When we are trying to address the deficit problem, wealthy individuals ought to make some contribution in order to try to do that.

The Clinton plan is the largest deficit reduction plan in the Nation's history. It tries to do it in a balanced way. It does not seek, as my colleagues on the other side seek to do, to protect the wealthy at the expense of middle-income Americans. In fact, the Washington Post said about the Republican proposal:

The signature of Reaganism was an enormous tax cut for the rich. The Republicans were trying to preserve that at the expense of the rest of the society.

What President Clinton has said is, we have to have a balanced program. We are going to cut spending in a very substantial way. That is more than half of the deficit reduction package. And we are going to raise some revenues, and the two put together are going to give us the biggest deficit reduction package in our history at about \$500 billion over the next 5 years.

Some have been enunciated on the floor but, nevertheless, in order to try to get this fiscal house in order, that is what we are seeking to do.

The alternative proposal would leave out from trying to do any part of the deficit reduction the very people who benefited so enormously from the economic policies of the 1980's. In fact, under the Clinton plan, the share of additional tax burden by income group, 78.8 percent of it will be by the people at \$200,000 and over. The only burden that will fall on middle-income people is what is done on the energy tax. In the Senate, that was 4.3 cents a gallon on the gasoline tax, which works out at about \$50 a year for most families, depending on the amount of travel.

So Clinton has a balanced program. Working people, middle-income people, are going to make a sacrifice because many of these spending cuts will impinge on the very programs that have been designed to be of some assistance to them.

The people at the very top end of the income scale who do not use those programs, who have incomes that transcend those programs—we are talking now about people with incomes over \$200,000 a year—will make their contribution to the deficit reduction program through the increase in income tax rates. The combination of these spending cuts and the additional revenues will give us a balanced package to give us the largest deficit reduction in our history.

So it is very important to understand exactly what has happened here. There is a tremendous amount of misinformation being spread around. People are being scared, they are being made apprehensive, they are being made anxious. That is certainly the case with what has been done in terms of trying to scare the small business community, although now they are beginning to see through all of this and beginning to understand it.

Let me just quote from this article:

The Treasury does not dispute the fact that well-off small business owners will pay higher income taxes just as will well-off bankers and well-off Exxon corporate executives. But only about 4 percent of those taxpayers who report some business income on their tax returns, and that includes partners in law firms and investment banks as well as owners of small companies, make sufficient money to be hit by the higher tax rates.

Now, I do not mind if we have the debate on what the facts are. If the other side wants to say we do not want to tax the people making more than \$200,000 a year, we do not think they ought to make a contribution to this deficit reduction program, then let them say so. But do not come out and try to throw up this smoke and fog that in fact the taxes are going to hit people in a way that they will not hit.

In the end, it comes back to what is a fair and balanced package. I think what the President has put together

meets that test. I very much hope the conference will reach a reasonable accommodation between the Senate and House versions and that it will be enacted into law before the Congress adjourns for the August recess.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

Mr. DOMENICI. Madam President, it is my understanding that I have 10 minutes to speak; is that correct?

The PRESIDING OFFICER. The Senator is correct.

#### RETROACTIVE TAX INCREASES

Mr. DOMENICI. Madam President, first, let me talk about what has happened so far in the conference to reduce the deficit. The one thing we know for sure is that we have increased the taxes. It is almost as if it is easier to tax the American people than it is to cut a Federal program. We agreed to \$195 billion in new taxes and \$5 billion in cuts.

Now, that is not bad enough. But this should tell some Americans as taxpayers what we really think about them, what those who are putting this reconciliation bill together really think about them. Not only for some Americans will the tax go from 31 percent to as high as 44 to 45 but, believe it or not, you already owe new taxes for the year 1993.

It used to be that you knew what you owed; as you worked and earned money, you figured out what you owed the Government based on the tax rates. Well, a new version of the idea of March is upon us because now the taxes are retroactive to March 15. I would put that before any group of Americans—moderate income, poor people, rich people—and ask them is it fair to tax the American people retroactive to March of this year in order to pick up enough revenue to say you have a major deficit reduction package.

Frankly, I do not think we ought to do that. I do not believe we ought to say to the American people come next April 15, and you think you have paid your taxes, you are going to get a nice, whopping, new bill from the Government because we put you in a new bracket and we said you are going to owe that in the year that you are already paying taxes and that you assumed your Government had the decency to tell you what you owed.

That is my first point. My second point is that much is said of facts. Well, perhaps we will just have to get the facts out on the whole package of tax and tax and tax. We will have to do that over again next week. We will bring our charts down. We will try very hard to make some new ones, Madam President, make them a little exciting.

Some of the charts are kind of wearing out; they have been used so many times. But every time we speak, if there is going to be a batch of charts, we will just have to bring out some new ones. It might make your job more pleasant, Madam President.

Having said that, let me talk about the irony of today. Over there in the House, somewhere in the Chambers, in the back rooms, staffers are busily calculating how they can raise \$250 billion to \$300 billion in new taxes. The committees have stopped the open business now. They have made a few decisions. Now the staffs are all busily working: How can we raise some more taxes to get this deficit down.

On the floor of the Senate, we have just set aside a bill which we are coming back to on Tuesday that says we have a new idea for America.

No, I am sorry, we have an old idea for America but now we want the Government to pay for the old idea. We want to pay volunteers to do community work, and we call it a national service corps. The President says while I am busy taxing you to get the deficit down, I wish to spend \$10.8 billion on this new program.

Mr. FORD. Will the Senator yield?

Mr. DOMENICI. In a moment. Now, frankly, Madam President, I do not think we have yet been given a better opportunity to tell the American people that we have living proof this is another year and another period of tax and spend, because here we have a new program. We are not eliminating a single program in the Federal inventory of programs but here is a new one coming along. I think the taxpayers should just feel exhilarated; they are getting clobbered with a new tax, all in the name of deficit reduction. It is going to apply backward to them so they are each going to pay it this year, not even know they owe it, and then at the same time here on the Senate floor, led principally by a request of our President, we are going to put into law a \$10.8 billion program.

Now I would be pleased to yield for a question.

Mr. FORD. Madam President, the question is that the agreement yesterday on the reduction of this bill was \$1.2 billion. It is not \$10.8 billion. And the two sides had the agreement. Whether the Senator likes the bill or not is one thing, but the \$10.8 billion is not correct. It was \$1.2 and it was reduced from a 5-year to 3-year limitation and the Senator from Kansas, who was ranking on that, I believe offered the amendment that was accepted.

Mr. DOMENICI. If that is the case, I will have the statement stricken from the record, but I do not believe that is the case yet. It may be the case that people are talking about it, saying we might do it, but it has not been done.

Mr. FORD. They have not passed the bill.

Mr. DOMENICI. The bill before us is in response to the President's request, and it is right on target. It has the President's \$389 million in for the first year, and then it nice and graciously, so we will not quite understand the costs, says "and thereafter such costs as may be needed."

But I take the President at his word. He thinks it is something we really ought to do, and it is \$10.8 billion that he requested. If it is \$5 billion, what I am telling the American people today, it makes sense; if it is \$3 billion, it makes sense; if it is \$10.8 billion, it makes real sense that it is tax and spend when we have not told the American people we will not cut programs for the new one we are going to add.

But I will tell you, the American people can rest assured that taxes will be imposed long before any cuts will be taken. In fact, the plan that is pending before the Congress to be finalized has about 80 percent of the cuts coming in the last 2 years of this 5-year plan. But do not forget, taxpayers, this \$250 to \$300 billion in new taxes is not coming in the fourth or fifth or sixth year. In fact, we are so excited about it that we are putting it in right now and making it work backward. That is how much we want to increase taxes for the American people.

Every time I say "we," I really should not because obviously some people might forget and think this Senator is for that. Might I say that is what the President wants and Democratic Senators and Representatives want. Put them on now, cut later. In essence, my position on all of this is very simple. We should cut spending first. And if in fact we do that well enough to convince the American we are serious, then we should look to other sources of deficit reduction.

I believe we have the cart before the horse in a very big, big way, to the extent that we will tax the American people almost \$300 billion—that is the cart—and the horse is walking along behind, and we are going to cut things but we will do that mostly 3 years from now and 4 years from now. And there is no great record up here of doing in the third, fourth, and fifth year what we will tell the American people we are going to do in the first and second year.

I am grateful this morning, as that conference is about a week old, that we can have sort of a stopover point, sort of a watch-your-wallet day, and maybe we ought to do this every day and remind the American people in some kind of a watch what is happening to them. This might be an interesting way to do it. This is just sort of an abbreviated watch-your-wallet, but in a sense it is very important because the entire reconciliation bill thus far that has been agreed upon is taxes while they are having a very, very difficult time agreeing on deficit cuts.

Now, I have just confirmed—I was right, I say to my distinguished friend. Senator KASSEBAUM has not accepted the so-called Durenberger amendment.

Mr. FORD. May I read the record to my friend.

Mr. DOMENICI. The Senator can read it. If Senator KASSEBAUM accepted it, I retract my statement, but I do not think she has.

Mr. FORD. Let me get us both straight here. I will at least report on what I had. Mr. KENNEDY asked to be recognized after Senator D'AMATO of New York. And he said:

I wish to point out for the record in the President's budget the national service program was put at \$10.8 billion. That is not this bill.

That is the one before the Senate that the Senator referred to.

That is not the bill that was reported out of the committee. The bill reported out of the committee, according to CBO, is at \$1.2 billion for 3 years, \$2 billion for 5 years. We are prepared to accept a 3-year authorization so I think it is important that the record be recognized.

And so I wanted to be sure that I was right in listening, that instead of being the \$10.8 in the budget it is \$1.2 for 3 years and \$2 billion for 5 years. That is somewhat different than the \$10.8 billion the Senator from New Mexico was quoting.

The PRESIDING OFFICER. The time of the Senator from New Mexico has expired.

Mr. DOMENICI. Madam President, I have not seen an amendment that really has \$1.2 or \$2 billion in it. I do not want to waste any time talking about how they arrived at the number.

Mr. SARBANES addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Madam President, I want to make one point. I want to be very clear.

The American people, which the Senator from New Mexico is constantly referring to in terms of experiencing a tax burden, are the top 2 percent of the income scale that are going to pay 80 percent of the taxes under the Clinton program. That is the American people we are talking about.

What the Senator is saying is: Let us make even deeper cuts, first in health and education and other programs that vitally affect working and middle-income people who are making a sacrifice to achieve this deficit-reduction program. He is saying: Well, let us hit them even harder at first, and not do any of these taxes. So the top 2 percent, the people with incomes above \$200,000, walk away scot-free from having to make any contribution to deficit reduction. This is what it amounts to. That is what the proposal was from the other side. Let us not get a contribution out of the people who are really benefited the most.

I respect them for being at the top of the income scale. But I do think they ought to help out in this deficit-reduction effort. He is constantly saying the American people on the taxes. The Clinton taxes are essential; 80 percent of them are people at above \$200,000 a year.

So I just want to make that point. I think it is very important.

Mr. DOMENICI. Let me say that I lost 30 seconds.

We ought to get the record straight. It is not \$200,000 income. It is \$115,000, for starters. That is one thing that is wrong.

Second, we talk about taxing people who are wealthy and we forget that in the process we are taxing the people that create jobs. Eighty percent of the jobs in this country are from the small businesses that are going to get taxed by this. And who is going to get hurt? The American people, the working people.

Mr. SARBANES. Four percent of the small businesses will pay additional taxes. The Senator from New Mexico has terrified the small business community into thinking they are going to pay taxes. The Treasury has stated that only 4.3 percent of small businesses will pay additional. A lot of small businesses will pay less taxes.

Mr. DOMENICI. I do not know about any tax reduction.

#### A TRIBUTE TO NELSON LUPE, SR.

Mr. DECONCINI. Mr. President, my State of Arizona and the White Mountain Apache Tribe have lost a great leader and his family a wise and kind patriarch. Nelson Lupe, Sr., passed away on July 19 at the Indian Health Service Hospital in White River. He was 84 years of age.

Mr. Lupe served as chairman of the White Mountain Apache Tribe from 1950 through 1954, a time when the tribe was emerging as an economic force. He was a true visionary among his people, a leader who was the driving force behind tribal economic development. He was the guiding spirit behind the development of the White Mountain Apache Tribe's Fort Apache Timber Co. and the tribe's recreation enterprises such as Hawley Lake, which have provided many jobs for his people and wonderful recreational experiences for Arizona's campers, hunters, and fishermen. He was a member of the original board of directors of the Fort Apache Timber Co. and was regarded as an important and positive force on the board.

Mr. Lupe was also interested in the education of Apache young people and personally encouraged many to pursue a college education. And though he was very much a man knowledgeable of such things as current business practices, he was also a man who, as an old friend of his said, " \* \* \* stressed Apache values." He always said, "If

you get up early, you get strong. If you get up early you see the wild animals—the bear, the elk, the deer. If you get up late, all you see are the horses, dogs, and rabbits."

Mr. President, if there is an ultimate tribute to Nelson Lupe, Sr., it is to call him a true Apache leader, a man who had a deep concern for his people and their futures, as well as a deep and abiding love for his own family. He leaves behind his wife, Eva, and 14 children, including the current White Mountain Apache tribal chairman, Ronnie Lupe, 43 grandchildren, 49 great-grandchildren, and 5 great-great-grandchildren.

Mr. President, I know the many, many people in Arizona who were privileged to know and work with Nelson Lupe, Sr., are saddened by his passing, but I also know our State and our people, Apache and non-Apache alike, are better because of his work and his dedication.

My sympathy goes out to his wonderful family and the great people of the White Mountain Apache Tribe.

#### IRRESPONSIBLE CONGRESS? HERE'S TODAY'S BOX SCORE

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

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

The fiscal irresponsibility of Congress has created a Federal debt which stood at \$4,336,608,558,720.53 as of the close of business on Wednesday, July 21. Averaged out, every man, woman, and child in America owes a share of this massive debt, and that per capita share is \$16,883.23.

#### ORDERS FOR MONDAY, JULY 26, 1993

Mr. FORD. Madam President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 a.m., Monday, July 26; 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; and that the Senate then immediately proceed to H.R. 2493, the agriculture appropriations bill, as provided for under a previous unanimous-consent agreement.

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

RECESS UNTIL MONDAY, JULY 26, 1993, AT 10 A.M.

Mr. FORD. Madam President, I ask unanimous consent that the Senate now stand in recess based on a previous order.

There being no objection, the Senate, at 1:03 p.m., recessed until Monday, July 26, 1993, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate July 23, 1993:

DEPARTMENT OF STATE

WALTER F. MONDALE, OF MINNESOTA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO JAPAN.

WITHDRAWAL

Executive message transmitted by the President to the Senate on July 23,

1993, withdrawing from further Senate consideration the following nomination:

IN THE AIR FORCE

THE U.S. AIR FORCE OFFICER NAMED HEREIN FOR APPOINTMENT IN THE U.S. AIR FORCE IN THE GRADE OF MAJOR GENERAL, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 629(A):

To be major general

BRIG. GEN. JOHN H. NAUSEE

Table listing names and states of various individuals, likely related to the nominations or withdrawals.

Table listing names and states of various individuals, likely related to the nominations or withdrawals.

Textual content on the right side of the page, possibly a continuation of the report or a separate document.

MR. TAYLOR of Missouri changed his vote from "aye" to "nay" on the nomination of Mr. Monda...

Table listing names and states of individuals, possibly related to the vote changes mentioned in the text.

MR. TAYLOR of Missouri changed his vote from "aye" to "nay" on the nomination of Mr. Monda...

Footnote or explanatory text at the bottom of the page regarding the voting process.