SENATE—*Thursday, July 29, 1993*

(Legislative day of Wednesday, June 30, 1993)

The Senate met at 8:45 a.m., on the expiration of the recess, and was called to order by the Honorable BYRON L. DORGAN, a Senator from the State of North Dakota.

PRAYER

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

Let us pray:

He giveth power to the faint; and to them that have no might he increaseth strength. Even the youths shall faint and be weary, and the young men shall utterly fall: But they that wait upon the Lord shall renew their strength; they shall mount up with wings as eagles; they shall run, and not be weary; and they shall walk, and not faint.—Isaiah 40:29–31.

God of life and love, news of a leader's suicide reminds us that our culture does not allow men and women in powerful positions of leadership to admit weakness or vulnerability. They are supposed to be superhuman, but they are subject to all of the vicissitudes of life. They hide their hurts and pretend to be strong while suffering inside—with society forcing them to demonstrate strength when they are falling apart.

Gracious God, this morning we pray for the Senators, that they may realize suppressing pain is dangerous and unnecessary. They need not suffer alone. There is a Lord of love who cares, who is responsive to their personal needs, who knows them like a book, and who will answer when they call upon Him. Help the Senators not to hide from God when they are hurting, but to open their hearts to Him, acknowledging their pain, confessing their sin and weakness, that they may receive His Divine forgiveness and strength.

We pray in His name Who loved us and gave Himself for us. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

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

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BYRON L. DORGAN, a Senator from the State of North Dakota, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

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

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 11:15 a.m. with Senators permitted to speak therein for up to 5 minutes each.

The Senator from Iowa [Mr. GRASSLEY], is recognized to speak for up to 10 minutes. The Chair recognizes the Senator from Iowa, Senator GRASSLEY, to speak for up to 10 minutes.

Mr. GRASSLEY. Mr. President, thank you very much. Thank you for getting out of bed early this morning to open the Senate at such an early hour.

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

Mr. GRASSLEY. Mr. President, I have come to the Senate floor four times in the last week to express my concern about the pending promotion of Air Force Col. Claude M. Bolton, Jr., to the rank of brigadier general.

Colonel Bolton was program manager of the advanced cruise missile, or the ACM, as we call it, from September 1989 to September 1992. The ACM has come to a disastrous end. So it is not really before us as an instrument, but we do need to be concerned about holding people accountable for what happened in this disastrous program. We should not proceed with Colonel Bolton's promotion until we have a firm grasp of all the facts bearing on unresolved issues with the ACM. There are simply too many unanswered questions at this juncture.

We need to know and we need to understand what these questions are and what happened to this program. At this point all we have is a barebones outline of what took place. We have no more than a thumbnail sketch.

We can see the results of the reprocurement scheme. Those results are these, Mr. President: That we have 60 ACM missiles that were left for scrap, abandoned on the factory floor in San Diego, CA. It is going to cost one-half billion dollars to finish those 60 ACM missiles, missiles that were authorized and appropriated by Congress. In other words, it is like paying for them twice, or more.

These are missiles that the Congress and the taxpayers have, as I said, already paid for.

Why did the Air Force waste $500 million to cover up the Antideficiency Act violation? That is an old law on the books to protect the taxpayers. This $500 million mistake defies reason, and it defies understanding. All the Air Force had to do was report the violation and come to Congress for relief. There would be no potential for demotion, there would be no potential for going to jail, just come to Congress and explain it to us. Need more money, get more money. Do not play games.

There may be more to the ACM story, though, than we know. We need to keep digging, we need the Department of Defense, inspector general, and the GAO to fill in the blanks.

Mr. President, what is the bottom line of the ACM reprocurement scheme?

First, there has been gross mismanagement in the ACM Program.

Huge sums of money have been wasted. Vital military materiel has been left for scrap.

Second, there has been patent disregard for the spirit and the letter of the law, and, I think, even contempt for the law.

The Air Force, it seems, has tried to use contracts to overturn and circumvent the law of the land.

I also believe that senior Air Force officials have attempted to cover up violations of law with the deceptive and dishonest reprocurement scheme.

Senior Air Force officials did not want to report a known violation of the Antideficiency Act. They tried to avoid it—even if it cost the taxpayers $500 million.

Those who "knowingly and willfully" violate the Antideficiency Act—section 1341 of title 31 of the United States Code—can be fined and sent to jail.

They may be suspended from duty without pay or removed from office.

A violation of the Antideficiency Act is a class E felony. That is serious.

Though rarely, if ever enforced to the point of imprisonment, many a fine career has been ruined by such transgressions.

Government officials, who manage public money, still have to worry about

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

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getting caught violating the Antideficiency Act.

The Comptroller General has rendered an important legal opinion on the central issue in the ACM procurement disaster—the consequences of failing to report a violation of the Antideficiency Act.

In a document dated August 11, 1992, and identified by the numbers B-245856.7, the Comptroller General answered the question:

> The failure to disclose known violations of the Antideficiency Act is a felony and can be the object of disciplinary actions.

Under section 4 of title 18 of the United States Code, the failure to report a known violation of the Antideficiency Act can bring a $500 fine or up to 3 years in jail.

The Comptroller General goes on to say this:

> The knowing and willful failure to record an obligation in an account in order to conceal a violation of the Antideficiency Act would be an offense under existing law.

Mr. President, I fear that Mr. Donley, Mr. Beach, and Colonel Bolton and others may have acted in concert to conceal a violation of the Antideficiency Act by:

First, failing to record an overobligation in the books; and, second, by attempting to conceal it through the reprocurement scheme.

The DOD IG charges that the ACM program violated the Antideficiency Act while Colonel Bolton was in charge.

The DOD IG says the law "was violated when the Air Force recognized that the cost to complete the ACM had exceeded amounts available for obligations."

The DOD IG also says that "program officials" knew in July 1991 that critical funding limits were breached.

Colonel Bolton was ACM Program manager in July 1991.

Surely, Colonel Bolton knew that he had $100 million in bills from the contractor—General Dynamics/Convair. But no money to pay them.

How could you, if you were a program manager, not know if you were $100 million short?

He must have known he was $100 million short and in serious trouble.

Mr. President, as I have said before, we cannot proceed on mere assumptions. Colonel Bolton's career is at stake. We must verify every shred of evidence.

All allegations must be addressed and resolved in an appropriate way.

Mr. President, at this point in our inquiry, we do not have all the facts.

We need more information before we can resolve all the issues surrounding Colonel Bolton's promotion.

The DOD IG, the GAO, and the Air Force need to complete their investigations.

We still need the following:

First, the Air Force should complete its investigation of the Antideficiency Act violation in a timely way and fix responsibility where it belongs—all the way up to the Secretary of the Air Force—if necessary.

Second, the DOD IG should follow through on its recommendations and ensure that the Air Force investigation is thorough and that responsible officials are held accountable.

Third, the GAO should determine the total cost—in terms of dollars and materiel wasted—of the reprocurement scheme.

I would like to know if Colonel Bolton is in any way responsible for misuse or waste of precious ACM program resources, beside the fact that a program manager should know if a program comes up $100 million short.

Mr. President, with this information in hand, I will be in a position to make a reasoned judgment about Colonel Bolton's promotion.

Those responsible for such abuses must be held accountable and above all must never be rewarded with promotions.

A good dose of accountability here will take us a long way down the road to acquisition reform. Acquisition reform without accountability is a nonstarter.

Promoting somebody that is responsible for the waste of $100 million of the taxpayers' money is not a way to encourage careful use of the taxpayers money.

Mr. President, before concluding my statement today, I would like to talk briefly about the importance of the Antideficiency Act.

I know some of my colleagues are wondering why the Senator from Iowa is so upset about a violation of the Antideficiency Act.

Well, I am upset, and I will tell you why.

Any representative of the taxpayers should be upset when this kind of money is being wasted.

The Antideficiency Act is a very important control mechanism governing the use of public money. It was enacted nearly 100 years ago.

It is broad and general, and it constitutes one of the few controls that has teeth.

Sadly, recent audit reports emanating from the GAO and the office of the DOD IG suggest that this law is being violated with impunity.

Nobody seems to care. Nothing is being done about it.

Mr. President, when the Antideficiency Act is violated, it means the agency involved is conducting unauthorized business.

It means legal spending limits set by Congress have been exceeded.

In the case of the ACM, obligations exceeded amounts available for obligation in the appropriations accounts.

The Air Force had bills to pay, but no money to pay them.

Instead of coming to Congress for relief, the Air Force used money provided by Congress for other purposes. The Air Force misappropriated that money. That money was not used for the purposes for which it was appropriated.

Mr. President, controlling the purse strings is one of Congress' most sacred constitutional responsibilities.

The public's money must never be taken from the Treasury without proper authorization from Congress.

Well, Mr. President, when we have a violation of the Antideficiency Act, money is being used for unauthorized purposes. Money has been taken from the Treasury without the approval of Congress.

Access to the Treasury must be carefully guarded by Congress.

We must find a way to enforce the Antideficiency Act. Without it, there will be no discipline and integrity in the management of the public's money.

Comptroller General Bowsher and agency inspector generals, like Mr. Derek Vander Schaaf at DOD, have auditors poring over the Government's books every day. They know that those books are in total disarray and that congressional spending limits are exceeded with disgraceful regularity. The abuse must stop. They need to speak out forcefully. I hope they are not afraid to do this.

We cannot ask the people of this country to pay higher taxes and at the same time tell them that we do not know how the money was used, that we are unable to control its use or to provide an accurate accounting of how it was spent.

That would be a denial of our responsibility as representatives of the taxpayers, watching how the taxpayers' money is spent.

How long will the people of this country tolerate that kind of behavior on the part of their governmental leaders?

I yield the floor.

I notice other Senators here so I will not suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Nevada [Mr. REID].

Mr. REID. Mr. President, under the order previously entered, Senator RIEGLE has 40 minutes. I ask for 10 minutes of that time. I was part of the regular 40 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Nevada [Mr. REID] is recognized for 10 minutes.

FACES OF THE HEALTH CARE CRISIS

Mr. REID. Mr. President, in February, I received a copy of a letter sent to Mrs. Clinton, Chair of the President's task force on National Health Care Reform, from Gerald R. Valade of Las Vegas. Mr. Valade signed his letter "Worried Dad" and I believe it is appropriate to share his concerns with my colleagues.

Mr. Valade's letter highlights what is wrong with our health care system or

at least a significant part of what is wrong with our health care system.

In the letter he states.

I am writing this letter on behalf of my 23 year old daughter, a senior biology student at the University of Nevada, Las Vegas, and a citizen without access to health insurance.

Laura is a bright youngster with great potential but she had the misfortune of being born with a birth defect affecting her adrenal gland's ability to produce cortisone. She is also a diabetic (juvenile) and takes medication every day for both illnesses. Occasionally she requires hospitalization costing many thousands of dollars.

In March—this is a few weeks from when he wrote the letter.

In March I can no longer carry her on my employers medical insurance and she is unable to purchase a policy for herself at any price. We can afford to buy her insurance but cannot find an insurer. This is a problem facing many of our citizens. Isn't it ironic, that we mandate automobile insurance companies pool their assets and provide automobile insurance to high risk drivers but we do not require the same for the health insurance companies. Health is far more important than driving.

Neither, Laura nor I are looking for a government handout. We are willing to pay for insurance, even at a premium price. I am simply asking that you consider those of us who are able to pay but simply cannot find insurance in your quest to provide equitable health care to our citizens. Fairness is all we ask.

Laura Valade is unable to purchase health insurance, at any cost, because of a preexisting condition. Others simply cannot afford the high monthly premiums.

Everyone should understand who are listening that we are talking about a preexisting condition. We are not talking about a birth defect like Laura from Las Vegas has. We are talking about someone who may be working and had a heart attack while working or maybe working and had a disease like ulcers or colitis or other problems develop during work. They change jobs and cannot get insurance. This is what they are talking about.

This is especially true for small businesses. Insurance companies charge small business 30 percent more for health care coverage than they charge big business. This is grossly unfair. Anyone who has the initiative to start a small business should not have to put the family's health security at risk by paying a premium for health insurance coverage.

Our system of health care is in turbulence. Today's system is seemingly rigged against American families and small businesses. For a child born in 1980, his or her health care costs have quadrupled. Costs have shot up more than 400 percent in the past decade. It is clear that they will continue to balloon. The cost of our health care will double for each family by the end of this decade, 6½ years from now. By the year 2000, the cost for every American family for health care will be almost $15,000.

There are many culprits; but none more oppressing than insurance companies, companies that seem to hold all the cards. These companies pick and choose, and every 30 seconds they drop another American from the insurance rolls. Everyone fears losing their insurance coverage—and with good reason. Every month, 2 million Americans lose their health coverage and 100,000 never will get it back.

There are many horror stories.

In May, the Las Vegas Sun printed an account of a family in such a situation. "In Sickness and in Debt" tells this story through the eyes of a woman who had no insurance and is faced with thousands of dollars in medical bills. Laurie Julian, is a 35-year-old, stay-at-home mother, who owes more than $10,000 for the kidney stone treatment and surgery she received a couple of years ago. Her husband, Tony, is a licensed contractor who went into business for himself 2 years ago, who can't afford to sponsor an insurance plan.

Apparently Laurie woke up one night with an excruciating pain in her back that would not go away. I guess anyone who had kidney stones can tell what it is like, but without having experienced it, it is very difficult to try to visualize what they go through. She visited a clinic where x rays and other tests were performed and medication was dispensed, costing $235. Unfortunately, the pain did not let up. Her regular doctor claimed he was too busy to see her; but she assumes it is because she did not have health insurance.

She again visited the clinic. Additional x rays and tests were performed which determined she had two kidney stones. By this time, the Julians had spent more than $900 on clinic visits, tests, and x rays. There was no money left for treatment.

After two visits to the emergency room following additional painful episodes, she was able to locate a urologist who performed charity work at the hospital and arranged to have surgery. Surgery was performed the day after Christmas and she was discharged just 1 hour after the operation. Laurie received a bill for $6,614.15 for the charitable operation, on top of other lab and hospital bills, totaling about $10,000 out of pocket.

The Julian's story is typical, Mr. President. No American is immune from financial ruin due to unforeseen medical expenses. Gloria Marmo of Henderson, NV, wrote to me recently and she said,

I'm a woman of 62 years of age, a diabetic and had a heart attack 2 years ago. I can't get health insurance. All insurance companies refuse to give me insurance stating I'm a risk. What am I supposed to do in a situation that I'm in after working most of my adult life?

There are many serious maladies, Mr. President, confronting our medical system, because it is the one that is sick. Our medical system is the one that is sick and needs a cure. Everyone listening today should understand it is not someone else that is without insurance or someone else who may lose their insurance. It could be anyone of us. The loss could occur because of a job change. It may happen to you if your child gets real sick. If you decide to start a small business you may not be able to have insurance anymore; you cannot afford it.

Clearly, it is time to get the system under control, to ensure that fundamental reform preserves and protects what is best about the American health care system.

The reform must provide security. Security means adequate insurance coverage, even if you switch jobs, lose your job, or have a preexisting condition.

Reform must also give a break to small businesses and their employees. Costs must be controlled and discriminatory insurance practices eliminated so that small businesses can afford to provide health care to their employees and to their own families. It is the right thing to do.

Reform must provide savings. Savings can be accomplished by eliminating red tape, cracking down on fraud and abuse, and reforming malpractice. Doctors and other medical practitioners will be able to focus on the practice of medicine rather than pushing paper. Of course, any revision must allow the consumer to choose his or her doctor. The doctor-patient relationship must be protected.

Significant reform can be accomplished and we need to act now to guarantee that these faces of the health care crisis, the stories we have talked about here today, are tales of the past, not the future.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Nevada yields the floor.

Who seeks recognition?

Mrs. FEINSTEIN addressed the Chair.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from California, Senator FEINSTEIN, who is recognized to speak for up to 10 minutes.

WEAPONS OF WAR HAVE NO PLACE ON AMERICA'S STREETS

Mrs. FEINSTEIN. Thank you very much, Mr. President. Every day, another terrible tragedy reinforces something about which I deeply believe—weapons of war have no place on the streets of our communities. Semiautomatic assault weapons—which can empty 50-to 100-round magazines of ammunition within seconds and without warning—are turning America's streets into war zones.

Epitaph headlines convey this modern day horror: "Arsenals Amassed in

L.A. County;" "Gunman Slays 2, Wounds 3, Outside CIA;" "Fear Stalks L.A. Streets;" "At Least 9 Die in California Shooting."

It is time to stop the continuing bloodshed on our streets.

Just a few weeks ago—on my birthday, as a matter of fact—right here in Washington, DC, a young gunman stood on a hill 40 yards from a pool where young children played. He opened fire and unleashed up to 14 shots from what police believe was a semiautomatic pistol. Six children were wounded, yet—thankfully—none were killed.

I then returned home on July 1 to the news that a lone gunman—carrying two semiautomatic weapons, a pistol and 500 rounds of 9mm ammunition—walked into the Pettit & Martin law firm located high in one of San Francisco's premier office buildings. He, too, opened fire. This time he killed eight people and wounded six. It just so happened that, as he was going from one floor to another on the stairwell, an employee pulled the fire alarm which locked the doors. He was locked into the stairwell, where he killed himself.

I then picked up a newspaper while still in California and read that in Oakland, a 3-year-old boy, playing with his godmother's 5-year-old daughter pulled a semiautomatic assault weapon from under her bed, fired it three times, and shot the 5-year-old with a MAC 11 semiautomatic pistol. His playmate suffered bullet wounds in both of her legs and a bullet grazed her temple. Luckily, by the grace of God, she still lives today and is expected to survive.

But California's past is increasingly dotted by such incidents.

I remember well when James Huberty walked into a McDonald's in San Ysidro, CA in 1984 with a Uzi. Twenty-one people were killed. Nineteen people were wounded.

I also remember well when, in 1989, an unstable drifter with an assault weapon modeled after an AK-47 walked onto a Stockton schoolyard in northern California and fired 106 rounds of ammunition. Five children were killed. Twenty-nine children were injured.

What, in the past, have been shocking episodes, however, are now becoming the norm. The almost daily slaughter of drive-by shootings and the reign of terror caused by assault weapons on the streets of major cities across the Nation has to be stopped.

Calamities such as those in Stockton and San Ysidro led California to become the first State in the Union to ban assault weapon sales in 1989. Yet, without a national ban on these weapons, local and State initiatives are meaningless. Because gun buyers can simply cross State lines and purchase their weapons of choice. And today, these fast-firing guns are the weapons favored by gang members involved in drive-by shootings and organized criminals.

Nationally, it is estimated that there are about 1 million such weapons in circulation. In California, my State, there are an estimated 300,000 to 600,000 assault weapons on our streets and in our communities. That is 30 to 60 percent of the 1 million weapons available throughout our Nation.

Yes, it is true that guns do not fire themselves. Nor, however, do they thrust themselves into the hands of the distraught, deranged and disaffected. They have to be bought or stolen. And today in all but four States—California, New Jersey, Connecticut, and Hawaii—they can be bought, legally, over the counter.

Yes, over the counter. That is how Gian Luigi Ferri got the TEC-DC9's that he used to kill eight people at 101 California Street in San Francisco.

A California resident for less than a year, Mr. Ferri did what thousands of people in my State do—he crossed the State line to buy a weapon of choice. A former Nevada resident, Ferri used a still-valid drivers license to buy one Uzi-like gun in Las Vegas, waited the requisite 3 days, and returned to pick it up.

Two weeks later, he purchased an identical weapon at another Las Vegas gunshop. And he returned to California with two TEC-DC9's in his possession.

Ferri's assault weapon of choice—the Miami-made Intratec TEC-DC9—is typical of its ilk. It is relatively cheap, easily concealed, holds 30- or 50-bullet magazines, and can fire as fast as a demented killer, gang member, drug dealer, or assassin can squeeze the trigger. Most sickening of all, Ferri's guns sported a special spring-loaded hellfire switch—legal even in California—that allowed them to be fired, for all practical purposes, as fast as a machinegun.

Ironically, Ferri could have bought the gun he was after in California.

This photograph shows a semiautomatic assault pistol that has been banned by the State since 1989—and yet the gun used by Ferri is simply a copy cat version of this weapon. And this copy cat version is still legal today, almost anywhere across America.

Ferri killed eight people shortly after he entered the building at 101 California Street. But he shattered the lives of scores more.

I would like to read portions of one letter written to President Clinton by Stephen Sposato, with whom I have talked on the telephone. He is the husband of a young wife who was the mother of his 10-month-old child. He was the first victim of Gian Luigi Ferri. He said:

> Recently, my beloved wife, Jody, died a brutal and unnecessary death when bullets from a semiautomatic weapon took her innocent life in San Francisco. Her right to live has been violated. Our 10-month-old daughter's right to her mother has been violated. My right to have this family has been violated. It is indeed a tragedy when a person can purchase and use a weapon that takes the lives of so many people and alters the lives of so many others, especially my dear late wife, Jody, and my daughter, Meghan Marie.
>
> The laws that permit the sale and use of semiautomatic weapons in the United States must change.

Mr. President, what further evidence than this tragedy do we need to classify semiautomatic weapons as those of mass destruction?

Mr. President, I think the answer to this question is painfully obvious. The time for action is now.

The time to impose a national ban on the sale, manufacture, and possession of all semiautomatic weapons of war that flood our streets is at hand.

When imported assault rifles were banned by the Bush administration in 1989, the number of these weapons traced to crimes by the Bureau of Alcohol, Tobacco and Firearms declined by 40 percent, while the number of crimes traced to domestic assault weapons increased. Let me provide one example of how readily these weapons are available today.

The Street Sweeper—also known as the Striker 12—is a shotgun designed and developed in South Africa as a military and police riot gun. With its revolving-cylinder magazine, it can fire 12-gauge shotgun shells in less than 3 seconds.

Importation of this weapon was banned in 1989—yet the manufacturer found a way around the ban. Today it is produced domestically by two companies. Even worse, the gun can be purchased through the mail.

This chart shows a flyer—provided to me by an official with the government of the District of Columbia—that boldly claims:

> Our customers know us as the company that fought ATF for three years to allow import of this superior weapon for them. * * * Appeal after appeal BATF said no. * * * Did we let BATF stop us delivering the goods to our customers? No! They've gotten theirs. * * * Now you can get yours!

And the gun is sold through the mail, legally, for $540.

The free flow of assault weapons across State lines and through the mail—and the resulting nationwide proliferation of such weapons—reinforces the need for strong, clear Federal laws banning all assault weapons.

When weapons of war are available over the counter, the Federal Government has no way of keeping them out of the wrong hands.

More than 10,000 guns were stolen in Los Angeles County alone in 1992. Only 200 of these have been recovered. Nearly 15,000 guns were stolen elsewhere in California. And in one case, a gun store located on 77th Street in south Los Angeles, looters made off with 1,150 guns—including nearly 600 semiautomatic weapons.

I am especially concerned that teenagers who want a weapon know today

exactly where to find one. A stunning survey released last week by the Joyce Foundation found that 59 percent of all children in 6th through 12th grade said they could get a handgun if they wanted one. Thirty-six percent said they could get one within an hour. Only 30 percent of the more than 2,500 students surveyed said they feel safe going to and from school.

It is time to stop the bloodshed, Mr. President. It is time to ban assault weapons.

Two pieces of legislation address this very real problem—and two of our distinguished colleagues—Mr. DECONCINI and Mr. METZENBAUM—have fought for years to ban these weapons.

Mr. DECONCINI's bill—the Antidrug Assault Weapons Limitation Act of 1993—would ban the import, possession, sale, and transfer of 14 semiautomatic assault weapons, such as:

The AK-47 used in the Stockton schoolyard shooting in 1989; the MAC-11 used just last week by the innocent 3-year-old playing in Oakland; and the Street Sweeper and Striker 12 sold so easily through the mail.

I am sad to say, however, that manufacturers have already demonstrated how they can get around this bill: by immediately making and marketing copycat versions. The four States, including California, that have imposed statewide bans on assault weapons have seen this disturbing trend—gun manufacturers will develop copycat models, sometimes just changing the name of the gun to avoid well-intentioned State laws.

Senator METZENBAUM's bill, however, attacks this problem head on. Not only would 20 semiautomatic weapons be banned by name—but the Attorney General would be required to add weapons to the prohibited list that manifested two or more defined characteristics or functions that make assault weapons so deadly. Characteristics like detachable magazines that hold more than 10 rounds of ammunition or the ability to accept a grenade launcher or bayonet.

That will ensure that copycat models—versions of these lethal weapons—will be quickly and permanently banned. I intend to add an amendment that would exempt semiautomatic bolt action shotguns and bona fide hunting rifles whose clips do not exceed three rounds, so that hunting weapons are exempt from this legislation. Under the Metzenbaum bill, for example, both the TEC-9 and the copycat TEC-DC9 used to kill eight people at 101 California Street would be banned once and for all.

S. 653 also targets the ammunition clips that are readily available today—magazines with more than 10 rounds of ammunition would be banned.

When Ferri walked into 101 California Street, he carried with him 8 50-round clips and 4 30-round magazines—more than 500 rounds of 9-mm ammunition. That volume of ammunition can be legally purchased at any gun store in America today.

I sincerely believe it is time for this bill—the Semiautomatic Assault Weapons Violence Prevention Act of 1993—to become law.

Next Tuesday, the Senate Judiciary Committee will hold a hearing on assault weapons. Family members of the victims whose lives were lost in the San Francisco shooting, public officials concerned about rising crime, and law enforcement officers will testify. Hopefully, this will result in the committee sending the legislation to the floor of the Senate for consideration.

I was astonished to learn recently, Mr. President, that no major gun control legislation has passed Congress in the last quarter century. Not since 1968, following the assassinations of Rev. Dr. Martin Luther King, Jr., and Senator Robert F. Kennedy, has Congress been willing to restrict the flow of guns to our streets.

In that quarter-century, we have witnessed dramatically rising crime and rising fear. According to figures by the FBI, the number of people killed by guns increased 76 percent from 1968 to 1991, the last year for which figures were available.

This Congress will soon have before it an omnibus crime bill. There is no better vehicle for imposing a ban on the sale and possession of semiautomatic weapons—and the high-capacity ammunition magazines often associated with these fast-loading and fast-firing guns.

The public clearly wants such legislation. Consider the answers to three separate questions in recent polls: Asked: "Would you favor a law banning the manufacture, sale and possession of semiautomatic assault guns, such as the AK-47?"

Sixty-six percent said "yes," only 30 percent said "no."

Asked: "Do you favor stricter gun control laws?

Sixty-eight percent said "yes," only 29 percent said "no."

Asked: "In general, do you feel that the laws covering the sale of firearms should be more strict, less strict, or kept as they are now?"

Seventy percent said they should be more strict, only 4 percent said less strict.

I urge every American who is concerned about the flood of weapons on our streets to write to Washington, DC. Write the President, the Attorney General, your Senator, and your Representative in Congress.

Voice your concern, express your fears. Only with the loud push of public opinion will this legislation ever, I believe, become law.

It really comes down to blood or guts. Those are the options that Congress must choose between very soon: Between the blood of innocent, terrified people, of children, of those mowed down at work, at meals, at play by semiautomatic assault weapons, or the guts to ban these insidious weapons of war from our streets once and for all.

The people of my State and the victims of horrendous crimes, such as the murderous rampage at 101 California Street, ask for your support. It is time to stand firm and outlaw these weapons of war.

Thank you, Mr. President.

The ACTING PRESIDENT pro tempore. The time of the Senator from California has expired. Who seeks recognition? Does the Senator from California suggest the absence of a quorum?

Mrs. FEINSTEIN. 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. RIEGLE. 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.

The Chair recognizes the Senator from Michigan, Mr. RIEGLE, who is recognized to speak for up to 45 minutes. There is 36 minutes remaining on the allocation of time.

A HEALTH CARE DILEMMA

Mr. RIEGLE. Mr. President, I know Senator REID, of Nevada, has already spoken this morning on the issue of the health care crisis facing America. He earlier this morning told a story about a family in his State facing a very difficult health care situation.

I have been coming to the Senate floor now for many months to do that as well, to describe the case situations of individuals and families in Michigan who are struggling to cope with, in many cases, nearly overwhelming medical problems and difficulties and, yet, not being able to get the affordable health insurance and the protection they need either for themselves or for members of their family.

Today I am going to tell the story of another family in Michigan. Later in the morning, Senator KENNEDY of Massachusetts and Senator KERREY of Nebraska will also be joining this discussion to talk about individual case situations in their State that they are attempting to help with and which also illustrate the terrible dilemma facing millions and millions of people across our country.

Today the story that I want to share with colleagues, and the country generally, is that of Mark and Wendy Elmore. This is a young couple who live in Hartland, MI. Wendy, as I will describe here, has gone through a terribly traumatic set of events, and she

now is in a situation where she faces special health care needs for the rest of her lifetime. There is not only the difficulty and the cost of getting that life-sustaining help, but also she is in a situation where she is covered now by her insurance, as I will describe, but should she ever try to change jobs or if something should happen that she should lose her job, the ability to get replacement insurance is virtually impossible under today's rules and regulations in the insurance industry.

This is a case where insurance companies do not want to have to insure her if they could find a way not to because of her special needs and the cost of the help that she needs. That will create for her, and has created for her now, what we call job lock; that is, while she has coverage at the present time through her current job situation, if anything happens to that job, she will not be able to get replacement coverage in any way that I am able to see.

Let me just describe their story, because while it is one of countless thousands in the country, it is their story and it is a very touching one. It illustrates the dilemmas that people are facing everyday in America.

The health care issues that she faces come after two very devastating events that have happened in their lives recently. They were expecting a child and, unfortunately, the child came 2 months premature. There was a need for an emergency Caesarean section delivery, and the child died shortly after its birth.

During the Caesarean section procedure, Wendy's doctors discovered a medical condition which she had which will require life-long medical attention for her. They discovered that Wendy had a congenital birth defect of her own that caused her large intestines to dislodge during pregnancy, cutting off the blood supply within her own body. This resulted in gangrene setting in and an infection in her large and small intestines.

They were able to save Wendy's life with an emergency procedure for her, but her intestines had to be removed in the process.

These are hard things to talk about, but we need to talk about them because we need to understand the problems that American people are facing.

So here this couple, expecting one day the very happy arrival of a child, instead find that they go into this sequence of terrible difficulties—the baby comes prematurely, they lose the baby, the mother finds she has this terrible difficulty and has to go through a very serious medical procedure, and she comes out of that with very special ongoing health care needs of her own.

I wish to describe those health care needs because they go right to the problem of how she is going to pay her bills in the future and get the health care protection we want her to have and that she deserves to have.

Before I do, I wish to say this is their story but it could be anybody's story. This could happen to anyone at any time. In this form or a different form, we could have a situation where an event occurs and despite good preventive care somebody can be thrust into a situation where they are unable to handle it if they do not have a comprehensive insurance plan to help them.

Obviously, the whole idea of having an insurance plan is to create a pool of people in that plan where everybody contributes something toward the cost of care, knowing that only a small number of people in the large group are going to run into extraordinary problems that may prove to be very expensive.

But that is the whole insurance concept—everybody puts in a small amount to have the protection for everybody because we do not know where those serious problems will fall. We can all have protection by banding together within an insurance system.

Coming back to the story of Mark and Wendy, this has been an extremely difficult time for them. Not only have they been dealing with the grief of losing their baby but they are also having to cope with a drastic change in their lifestyle and work situation resulting from Wendy's now ongoing medical condition.

The nature of this problem that developed in the removal of her intestines creates a situation where Wendy no longer has the ability to process food in the normal fashion. As a result, there is a lifesaving and life-preserving process where you have to receive special nutrition through a feeding tube for several hours a day. She is going to need that the rest of her life.

By getting this special nutrition through a feeding tube, she can then lead some semblance of a normal life. It does not involve having to be in bed all hours of the day. She can get up, and she can move around. She can work, and so forth, but only on the basis of receiving this special food supplement that she gets through a feeding tube. It is obviously a liquid formulation, and it is called total parenteral nutrition. TPN is the official name for it.

This particular feeding formulation that comes in a liquid form and that can help sustain life for people with these kinds of problems costs over $300 a day—just for this feeding supplement in order to stay alive, $300 a day. When you think about that, that is $110,000 a year just for this feeding supplement.

And you might say, well, how does anybody cope with this? That is precisely the question: How does anybody cope with it? Because this is something that happens. It happens to a certain number of people in our country. We want to have a situation where, if it happens to one person or happens to a number of persons, we have a way in which to deal with that problem, both from the point of view of them being able to protect themselves and some broader sense of a fair way for us to help look after each other in this society because we care about everybody in our country.

It is obvious that the Elmore family cannot afford to purchase this TPN formulation on their own. Yet without it, very frankly, Wendy would die of starvation because she would not be able to get food in the form in which she can take and digest it and draw strength from it.

As I said earlier, this is a treatment that could be given to her and that she can live indefinitely with and, in fact, work each day and provide for herself, which she is doing.

Now, in terms of their insurance situation, Mark has insurance through his local carpenter union for himself and for Wendy. While her employer provided health insurance, Wendy had not subscribed through her employer to get coverage because she was covered under her husband's policy through the carpenters' union.

But a snag develops—and that is in her husband Mark's insurance policy. It covers all of the services required when somebody in his family is in the hospital and the doctors' charges when they are in the hospital, but once they are out of the hospital, if they need what are called outpatient prescription drugs, his coverage does not extend to that. And, of course, that is precisely the need in her case now because, once out of the hospital, she can get into a maintenance kind of situation and function but only on the basis of receiving this special food supplement that costs $300 a day. Because that is considered a prescription, Mark's insurance company was going to deny coverage for that cost once Wendy left the hospital.

So then they ran into a situation where the hospital was unwilling to discharge Wendy until they knew she had some way to get this liquid feeding supplement because they knew she would not survive without it. They were caught in a situation where she was ready to leave the hospital, yet could not leave the hospital because they had no way to know how this feeding supplement would be paid for to keep her stable and alive.

Eventually, Mark's union agreed to pay for this treatment until she could apply for coverage in her own right with her employer during the next open enrollment period. Mark's union realized it would be more cost-effective to pay for Wendy's outpatient treatment for this TPN feeding supplement each day than it would be if she were to remain in the hospital and have to be cared for at a far more expensive

level of care. The union decided the insurance people would, in fact, cover the TPN for her because it was less costly.

She has had one fortunate development along the way in the midst of all of this terrible difficulty. Wendy's employer has now switched to a new group health insurance policy that covers prescription drugs. Wendy's employer, which has over 200 employees, has the power to buy group coverage. This has prevented Wendy from being denied coverage due to her condition.

I might say, had she worked for a much smaller firm with maybe 10, 20, 30 people, they would not have had the broader coverage and she probably would not have been able to get that kind of coverage and, in all likelihood, would still be back in the hospital at a much higher cost per day because there was no way to step up to and deal with that problem.

Now she is getting the food supplement each day and she is trying to live a normal life. She is, of course, out of the hospital and the costs, while high, are lower than they would be otherwise. Wendy and Mark are struggling to put their lives back together and go on as any of us would in that situation.

But it means that Wendy is locked into the job that she now has. There is no way in which she could change her job and go somewhere else because she has what is called a "preexisting condition." If she were to need to move somewhere else to take another job, the new employer would not want to take her into their insurance plan because she has this very expensive condition. And so she faces this condition that we call "job lock."

Now, obviously, if she were to lose her job—a lot of places in Michigan are closing; many are going to Mexico and other places and the jobs are disappearing—she could be forced into the situation of having to seek a job through no choice of her own and find that she would not be eligible to get another job because no one would want to take her. She would not fit into the insurance pool at the other company because they would not want to have to pick up the special charges for this feeding supplement that she needs each day.

Now she has to live with that anxiety.

So, in addition to having the medical condition, as terrible as that is to go through, the difficulty each day of taking this liquid feeding supplement just to be able to survive and function, she also has to live with the anxiety of losing her job. She would be thrown back into a catch-22 where there is no way to receive the care she needs. So, unless they were to go into an absolute poverty situation and become eligible for Medicaid and strip themselves of all their assets and everything else, there is really no way to see how that would be done.

We need a plan in America for health care that can deal with all kinds of problems, including this kind of problem. The job lock problem that I spoke about could happen to anybody. It could happen to your daughter or son, or mine, or our neighbor, or someone else.

We have to be in a situation in this country where people have the ability to be in an insurance protection program in which they are participating in a way that when these kinds of events strike there is the kind of response that we need, to make sure that people can live, and live in dignity, and can function and meet their daily responsibilities.

President Clinton and First Lady Hillary Rodham Clinton have taken the lead to formulate a national health reform program that will deal directly with problems like this. I want to once again thank them for their leadership on this, both in the campaign last year and now working in an aggressive way all year long through a very tightly-focused task force effort to come up with a health care reform program. They will be ready shortly to unveil that, and within it have provisions that will enable people not only to get insurance, but to be able to keep their insurance and to know that if they have to change jobs, they will be able to take their insurance with them; that they will not become uninsurable or forced out of the system or turned into somebody that nobody wants to help because they have a preexisting medical condition.

That is one problem we will solve in this health care reform package. It will provide a kind of peace of mind for families and for workers to know that the most basic health needs, even questions of one's own survival, can be met within a health care system that is fair and balanced and affordable and always there.

This is one case. There are many, many more. I know my colleague from Massachusetts is going to talk about one that he is familiar with. I yield the floor at this time.

Mr. KENNEDY addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY. Mr. President, I want to say how moved all of us are by the stories of the Senator from Michigan. Many of us ask about what health care and health care reform is going to be all about. I think he has stated it very eloquently when he said in very simple, understandable, and compelling terms that the kinds of human tragedies that he has described today, and on so many other occasions, that are affecting the people of his own State and are replicated in every community across this country, are going to be addressed.

I know he must have had the occasion, as I have, when after having the hearings in towns and communities across Michigan or Massachusetts—and we hear the most heartrending stories—to run into a newspaper person or some of the organized groups representing insurance industries or other groups. They often tell me that you can find three people in Massachusetts with those kinds of conditions, but their plight is atypical. I think stories like his stories of mainstream Americans.

We understand that the kind of program that we will support will address these needs, and do it in a comprehensive way. I am sure the Senator from Michigan, like me, when that legislation is passed and the President signs it, the first question that we will get is, why did it take so long? At least we will know then that we have really come to grips with one of the most compelling needs of working families across this country.

Mr. RIEGLE. Will the Senator yield for one comment?

Mr. President, I want to just take a moment and say that the Senator from Massachusetts has been out front on the health care issue longer than any other person on the national scene that I know about. He offered health care reform proposals, comprehensive health care reform proposals, fully 20 years ago; and has probably given more powerful remarks and held more hearings, has pressed harder for this issue than anyone else I know in the country.

So it is greatly to his credit that we now see an awakening in America to the need to do this, and we have a new President that is following that leadership given by the Senator from Massachusetts [Mr. KENNEDY], over all these many years.

He has been a giant in this area, as in many others. It is important that that be acknowledged because other people come forward and talk about this issue, and it is now a much more popular issue and in the center of the radar screen. But the person more so than anybody else that has kept this issue in the forefront and helped force it to the center of the radar screen is the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I thank my friend and colleague from Michigan. I know he looks forward, as I do, to the day that we will be on this floor and take whatever time it takes to address that central need.

When we do pass it, this will go down, I think, as the Senator from Michigan does, with Social Security, Medicare, as perhaps the most important social program that we have addressed. I look forward to working closely with him on that measure, as we have worked closely on this for a number of years together, as the Senator is a key member of the Finance Committee and I a member of the Labor and Human Resources Committee.

Mr. President, I want to mention here today some very compelling testimony.

FACES OF THE HEALTH CARE CRISIS

We have all been hearing from our constituents on the issue of health care reform. Problems of security, affordability, and quality of coverage pervade the stories I hear across Massachusetts. These are the problems which we must address with comprehensive health care reform.

In every corner of every State, citizens from all walks of life are staggering under the impossible burden of a failing health care system that no longer serves the needs of the people.

In Massachusetts, I hear about the shortage of primary care providers from citizens in the Berkshires and the Cape; I hear from families in Springfield and Worcester about the high cost of health insurance; and I hear from factory workers in Lowell and Lawrence worried about losing their existing insurance coverage.

They are all sending the same message: They want a better system, and they want it now. Frankly, all Americans deserve better. It is up to us to achieve this goal by passing a plan for comprehensive health reform.

Families pay for rising health care costs in many ways—lower wages, higher deductibles, less income to spend on essential needs like food on the table, the mortgage on their home or education for their children.

We pay for excessive health care inflation in other ways. Out of control costs hamstring the economy, increases the deficit, and lowers productivity.

Dollars that should be going to economic growth are being siphoned off by health costs, with little or nothing left for higher living standards, or investment in pressing social needs like education.

In Massachusetts, 700,000 citizens are uninsured, and the number has grown by 40 percent in the past 3 years. The average family spent $2,100 on health care in 1980. Today, that figure is $5,300. By the year 2000, it will be a staggering $12,000.

Across the country, 37 million Americans are uninsured today, and more than 60 million will be uninsured at some point during the next 2 years.

Two decades ago, health costs were only 7 percent of the economy and 7 percent of the Federal budget. Health care now costs 14 percent of the economy and 17 percent of the Federal budget.

Hard-working families who believe in the American dream are suffering under these burdens. I recently met Francine Wilson of the Logan Dispatch Co. in Boston. She and her husband have worked for years to build their family trucking business. In May, Francine testified before the Labor and Human Resources Committee that the rising cost of health insurance has forced her to cut salaries for her employees, delay payments on delivery trucks, and fall behind on her rent.

She and her husband have struggled to find insurance to cover their small work force, as well as their own family, with affordable premiums and reasonable deductions and copayments.

After early false hopes and a short-lived period of coverage under an experimental State program, they have had little success in finding and keeping reasonable coverage. They are currently operating at a loss simply to maintain the exorbitant plan they were able to obtain.

With three active sons, she constantly worries that the medical costs associated with a sudden emergency, or even routine preventive care, could render their years of hard work meaningless.

All this, on top of the everyday struggle to maintain a successful small business that serves an important need in the community. The Wilsons' story is discouraging. Unfortunately, it is far from unique.

The current crisis is causing pervasive concern among people at all income levels and in all sectors of the country about access to essential health care.

Even those who have affordable insurance today are concerned that it will not be there tomorrow if serious illness strikes. Lose your job, and you can lose your coverage. Change jobs, and you can lose your coverage.

Become ill, and your coverage can be cancelled or your premiums doubled. The result is that needed care is being delayed or denied because of lack of insurance.

This lack of stability is especially troubling for Susan and A.J. Fountain of Franklin, MA, who are raising three small children without health insurance. Susan's job as a night cashier in a department store does not offer benefits. After paying the mortgage and utility bills and putting food on the table, the Fountains do not have the extra $256 needed to cover the half of the monthly insurance premium not paid by A.J.'s employer.

The Fountains consider themselves fortunate that this is the extent of their problems. They both have steady jobs. Susan has a pediatrician who provides her with free samples of prescriptions when he can. Their pediatrician bills his low-income patients on a sliding scale but, even at a combined income of $35,000, the Fountains do not qualify for reduced rates.

Their 7-year-old daughter, Meghan, does not qualify for the Massachusetts Healthy Kids Program, which currently allows 10 office visits and 100 dollars' worth of prescriptions for children 6 and under. The younger two children suffer from chronic ear infections, and have already exhausted their prescription allowances for the year.

Four-year-old Emily suffered injuries twice last summer that required stitches. On a recent visit to the mall, 2-year-old Lisa fell and broke her arm. But what we might think of as ordinary childhood spills turns into a financial nightmare for the Fountains, as an emergency room visit and a few stitches add up to create a seemingly unmanageable financial burden.

Susan and A.J. cannot afford a regular physician themselves—their children's health needs take priority, and they don't have enough to cover even those costs. A.J. has not been to a doctor in over 10 years, and Susan seeks medical care only in an emergency. They pray that their children stay well so the family can continue to hold on, but the threat of financial ruin is always lurking.

Until comprehensive health reform is achieved, families and children like this will continue to suffer unfairly under a system that simply does not work.

For the sake of the Wilsons, and the Fountains, and the millions of citizens just like them—struggling to make a living and provide for their families—we must act. A health care system should work for people, not against them.

Comprehensive health reform is the only realistic answer. I look forward to President Clinton's plan and to prompt action by Congress. The administration is committed to reform. The American people deserve it. And Congress must provide it.

I want to tell the stories of two families in my State of Massachusetts, and one that testified—Francine Wilson, testified on May 20, 1993. Her testimony is very compelling.

Mr. President, I ask unanimous consent that her full statement be printed in the RECORD.

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

TESTIMONY OF FRANCINE WILSON, LOGAN DISPATCH, INC., EAST BOSTON, MA

Senator Kennedy and members of the Committee, I would like to thank you for the opportunity to speak here today. My name is Francine Wilson. I own a small trucking company named Logan Dispatch, Inc. It is located at Logan International Airport in East Boston, Massachusetts, where I also reside. We pick up and deliver air freight within a 50 mile radius of Boston.

I started the business in 1987 as a courier service with a small van. In late 1988, my husband left his job where he had worked for 18 years as a truck driver and office manager. We then purchased another large truck and obtained some new accounts. Since 1987, our company has grown every year. We incorporated in January 1990. We are a family business which now employs five full-time and three part-time employees. My title in the corporation is vice president. My duties as office manager include all bookkeeping, dispatching, customer service, billing, and all other office procedures. When necessary, I also make pick ups and deliveries.

I'm the one who buys health insurance for our employees, so I know first-hand the

problems we have with health insurance. The reason I'm here today is to stress how hard it is for small businesses to get insurance and, once we get it, how we have to struggle to pay for it. I'm here to tell you that we need an affordable health care program which would enable all businesses to provide insurance.

In 1988, when my husband left his job, we were left without health insurance. We were unable to afford it on an individual basis and the company was unable to purchase it for us because it was struggling to meet its expenses. Also, I was told by many health plans that they do not sell health insurance to small businesses with less than ten employees.

During 1989, one of my sons had an accident on his bike. He dislocated his elbow and had to go to therapy for a couple of months. The medical expenses were running high, so I made an agreement to send payments on a monthly basis, which I did. But they say they did not receive payment on time so they turned my account over to a collection agency. I have four sons and they are involved in all kinds of sports. During 1988 through 1990, I had to be very selective as to what sports they could play without health insurance coverage. The fear of my family becoming ill was a daily worry for me, as was the thought of losing the home and business that I worked so hard for to medical expenses. In October 1990, I was told that there was a health plan for small businesses just like ours called The Neighborhood Health Plan in Dorchester, Massachusetts.

The letter the Plan sent us stated that this was a state-subsidized program and, unlike other plans, it wouldn't turn you away or one of your employees has a medical condition. So as of December 1990, we became members of this plan at a rate of $920.07 per month for three family policies. Although this was still a major expense, we had to get health insurance, and this was the only plan we could find.

Sometime during the month of April 1992, I received a letter from The Group Health & Benefits Administrators stating that they would no longer continue coverage of this Health Plan and that, as of May 1992, we would not be insured by the plan. I did not know what to do. The last week of April, I received a call from the Massachusetts Businessman's Association, Inc., saying that they would cover Logan Dispatch, Inc., at a rate of $1439.79 per month for three family policy plans. For fear of losing health insurance altogether, I was forced to buy this insurance. So, as of May 1992, we have been covered by this plan, with an additional increase of $90.00 a month since January of 1993.

We find it very hard to come up with the money to make our health insurance payments. During the past few months, the employees of the company have had to take a $100 a week cut in pay to help pay this health insurance premium. With the economy not so good and the kind of business we operate, cash flow is a real problem. In order to make payroll and pay health insurance, I am forced to make late truck payments. We recently lost a credit card for fuel to operate until we pay our balance due in full. We have been paying for fuel and tolls out of personal pocket money.

We have also fallen behind on the rent in the building where we operate our business, which the owner has generously offered to let us work off by cleaning the property and by moving furniture for him to various locations. Payroll, taxes, and health insurance are our priority. Unfortunately, other expenditures are secondary.

We need a national health care program that covers everyone, no matter what their financial or medical situation may be. Many small businesses are failing due to the problems I have outlined.

We struggle every day to keep our business going. It is time for change. We need your help. I speak as a small business owner trying to make ends meet.

As a child, I dreamed of owning my own home and business and I succeeded. I also thought that people who had the American dream were well-off financially. It has been such a struggle to keep all that I strive for that I have come to realize it may be only a dream.

We small businesses need help. The United States of America is people having a chance to make a better life for themselves. Middle class Americans are stuck, not making enough money for health insurance not to be a burden, and making too much money to be considered poverty level so that health insurance is free. It should be considered a necessity, not a luxury, to have health coverage. Thank you.

Mr. KENNEDY. This is Francine Wilson who owns the Logan Dispatch Co. in East Boston, MA:

I started the business in 1987 as a courier service with a small van. In late 1988, my husband left his job where he had worked for 18 years as a truck driver and office manager. We then purchased another large truck and obtained some new accounts. Since 1987, our company has grown every year. We incorporated in January 1990. We are a family business which now employees five full-time and three part-time employees. My title in the corporation is vice president. My duties as office manager include all bookkeeping, dispatching, customer service, billing, and all other office procedures. When necessary, I also make pick ups and deliveries.

I'm the one who buys health insurance for our employees, so I know first-hand the problems we have with health insurance. The reason I'm here today is to stress how hard it is for small businesses to get insurance and, once we get it, how we have to struggle to pay for it. I'm here to tell you that we need an affordable health care program which would enable all businesses to provide insurance.

In 1988, when my husband left his job, we were left without health insurance. We were unable to afford it on an individual basis and the company was unable to purchase it for us because it was struggling to meet its expenses. Also, I was told by many health plans that they do not sell health insurance to small businesses with less than ten employees.

We hear a great deal about the impact of the President's program on small business. Here is a real small business, five employees, unable to be able to get health insurance:

During 1989, one of my sons had an accident on his bike. He dislocated his elbow and had to go to therapy for a couple of months. The medical expenses were running high, so I made an agreement to send payments on a monthly basis, which I did. But they say they did not receive payment on time so they turned my account over to a collection agency.

One of the fastest growing businesses in this country are collection agencies.

I have four sons and they are involved in all kinds of sports. During 1988 through 1990, I had to be very selective as to what sports they could play without health insurance coverage.

Imagine a working family in this country with all of those young children, making the decisions about whether those children would be able to play sports in school or do the kinds of activities that every young American ought to be able to do, because in the parents' minds they are concerned, and legitimately could so, about whether some accident will take place.

The fear of my family becoming ill was a daily worry for me, as was the thought of losing home and business, that I worked so hard for to medical expenses.

We hear a good deal about the cost of health care. I doubt if we are going to hear much about the emotional drain on working families. Are we going to put a dollar figure on that?

This family, every single day, worries about their children and about whether their business is going to be taken, or whether their home is going to be taken.

In October 1990, I was told there was a health plan for small businesses just like ours called the Neighborhood Health Plan in Dorchester, Massachusetts.

The letter the Plan sent us stated that this was a State-subsidized program and, unlike others, it wouldn't turn you away or one of our employees who has a medical condition. So, as of December 1990, we became members of this plan at a rate of $920 per month for three family policies. Although this was still a major expense, we had to get health insurance, and this was the only plan we could find.

Sometime during the month of April 1992, I received a letter from the Group Health and Benefits Administrator stating that they would no longer continue coverage of this health plan and that, as of May 1992, we would not be insured by the plan.

Here is a decision by the company saying: You are out, you are off, you are gone. Insurance companies. They had been paying a premium of almost $1,000 a month for a family of three; That is $12,000 a year. The company says: You are gone, you are off.

I did not know what to do. The last week of April, I received a call from the Massachusetts Businessman's Association, Inc. saying they would cover Logan Dispatch at a rate of $1,439 per month for a three family policy plans.

Fourteen hundred dollars a month for the coverage of the three family policy.

For fear of losing health insurance altogether, I was forced to buy this insurance.

This is not a competitive situation where we are finding one like you go down and buy a car, buy one car or another. This is desperately needed. This family does not have any alternatives, and they pay top dollar for it.

So as of May 1992, we have been covered by this plan, with an additional increase of $90 a month since January of 1993.

They jacked up the price, and they did not have any control over it.

We find it very hard to come up with the money to make our health insurance payments. During the past few months, the employees of the company have had to take a $100 a week cut in pay to help pay this health insurance premium. With the economy not so good, and the kind of business we operate, cash flow is a real problem. In order to make payroll and pay health insurance, I am forced to make late truck payments. We recently lost a credit card for fuel to operate until we pay our balance due in full. We have been paying for fuel and tolls out of personal pocket money.

We have also fallen behind on the rent in the building where we operate our business, which the owner generously offered to let us work off by cleaning the property.

This is a hardworking family who started a small business, being driven under, working 7 days a week, 52 weeks a year. Now they have to clean up that building where they garage their trucks, in addition to trying to operate a business.

Payroll, taxes, and health insurance are our priority. Unfortunately, other expenditures are secondary.

We need a national health care program that covers everyone, no matter what their financial or medical situation may be. Many small businesses are failing due to the problems I have outlined.

We hear a great deal of what is happening to the small businesses. Here is one, and this is more typical than not.

We struggle every day to keep our business going. It is time for change. We need your help. I speak as a small business owner trying to make ends meet.

As a child, I dreamed of owning my own home and business, and I succeeded. I also thought that people who had the American dream were well off financially. It has been such a struggle to keep all that I strive for that I have come to realize that it may only be a dream.

We small businesses need help. The United States of America is people having a chance to make a better life for themselves. Middle class Americans are stuck, not making enough money for health insurance not to be a burden, and making too much money to be considered poverty level so that health insurance is free. It should be considered a necessity, not a luxury, to have health coverage.

Mr. President, we will hear a lot of testimony, and we should, from people all over this country, and from the small businesses. But rarely will you hear something as powerful and as eloquent as the comments of that family.

It should be a continuing reminder that every day we let go by failing to address this issue is another day of pain and anxiety for that family and millions of others. It is another day of bankruptcies for those small businesses. And that is what this whole issue is clearly about.

Mr. President, there is one other family that I mentioned briefly. I see others that want to speak. I will just take a final few moments of the Senate's time.

This is Susan and A.J. Fountain of Franklin, MA, who are raising three small children without health insurance. Susan's job as a night cashier in a department store does not offer any benefits. After paying a mortgage and utility bills and putting food on the table, the Fountains do not have the extra $256 needed to cover the half of the monthly insurance premium not paid by A.J.'s employer.

The Fountains consider themselves fortunate that this is the extent of their problems. They both have steady jobs. These are hardworking American families. Both of them have steady jobs. That is fortunate in Massachusetts and fortunate in Michigan. They have steady jobs.

Susan has a pediatrician who provides her with free samples of prescriptions when he can. Is this not wonderful, that an American family looking out after your children, has to get free prescriptions?

Their pediatrician bills his low-income patients on a sliding scale, but even at a combined income of $35,000, the Fountains do not qualify for reduced rates.

This is a working family, unable to buy their health insurance, paying exorbitant rates, even when they can get it, and now they are not able to even get whatever lower rates available in terms of physician fees they might otherwise be eligible for. Their 7-year-old daughter, Meghan, does not qualify for the Massachusetts Healthy Kids Program, which currently allows 10 office visits and $100 worth of prescriptions for children 6 and under. The younger two children suffer from chronic ear infections and have already exhausted their prescription allowances this year.

Who is to tell when a child is going to be sick? They have exhausted all of that limited program's benefits.

Four-year-old Emily suffered injuries twice last year that required stitches. On a recent visit to the mall, 2-year-old Lisa fell down and broke her arm. But what we might think of as ordinary childhood spills turns into a financial nightmare for the Fountains, as an emergency room visit and a few stitches add up to create a seemingly unmanageable financial burden.

Susan and A.J. cannot afford a regular physician themselves—their childrens' health needs take priority. God bless them. They make the choice of looking out after those children rather than themselves. What parent would not? That is what is happening. They do not have enough to cover even these costs to provide for the stitches and to provide for setting their child's arm.

A.J., the father, has not been to a doctor in over 10 years. Susan seeks medical care only in an emergency. They pray that their children stay well so the family can continue to hold on, but the threat of financial ruin is always lurking.

Until comprehensive health reform is achieved, families and children like this will continue to suffer unfairly under a system that simply does not work.

For the sake of the Wilsons, the Fountains, and millions of citizens like them—struggling to make a living and provide for their families—we must act.

A health care system should work for people, not against them.

Comprehensive health reform is the only realistic answer. I look forward to, as my colleagues do here do, the President's plan and for prompt action in the Congress. The administration is committed to reform, the American people deserve it, and Congress must provide it.

Mr. RIEGLE. Mr. President, I thank the Senator from Massachusetts both for his statement and for his long leadership over the years, which I mentioned earlier.

I just want to say, before yielding to the Senator from Nebraska who is on the floor, that when this issue comes to the floor, we cannot have another one of these filibusters thrown in our face, which we have seen now on a host of other issues. We are seeing it presently on the national service issue. We saw it earlier this year on the job stimulus issue, where we are trying to get some lift into the economy and trying to see to it there are more jobs, particularly in the areas where the unemployment is the highest.

In issue after issue, we have been running into blockages to prevent anything from happening. I just want to say here and now I do not want to see that, and the American people do not want to see that on health care reform. We do not want to just see that blind obstructionism and people digging in to prevent anything from happening in this area of such great national urgency.

So, this will be still another test coming down the road. And if history, recent history is a guide, you know, we will see some people, I am concerned, over on the other side of the aisle trying to block any action on serious health care reform.

I think the American people are not going to tolerate that, and I would hope that the Senate would rise to the occasion if we run into those kinds of obstructing tactics that we have seen on every other issue, that they will be seen for what they are, and we be able to fight our way through this because this is an issue whose time has come. We need national health care reform and the Congress and President together need to act to get it done.

Mr. President, I acknowledge as well the leadership of the Senator from Nebraska on this issue. When he was Governor of Nebraska he had a great interest and concern and made very important leadership initiatives with respect to health care needs of the people of his State. He has spoken on those issues here at the Federal level, pressing for

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comprehensive changes in our health care system. I am very pleased that he is here today to talk about some of the situations that face people in his State of Nebraska.

Mr. KERREY. I thank my friend from Michigan.

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

Mr. KERREY. I will, obviously, go quickly.

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

Mr. RIEGLE. I ask unanimous consent that an additional time be granted for the Senator from Nebraska to make a statement that he is now prepared to make.

Mr. BYRD. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. I believe I was to be recognized at this point for 1 hour.

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. How much time does the Senator need?

Mr. KERREY. If I could get 10 minutes.

Mr. BYRD. Mr. President, I will not object to this request. But I will object to any further requests.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Nebraska is recognized for 10 minutes.

Mr. KERREY. I thank the President pro tempore.

FACES OF HEALTH CARE

Mr. KERREY. Mr. President, very often in this health care debate as in life, indeed, the most important thing is to figure out the right question. What questions do we need to answer in order to decide what it is we are going to do?

I take considerable pride in noting that neither the distinguished Senator from Michigan nor the distinguished Senator from Massachusetts came to the floor and said the problem here is the American Medical Association, or the health insurance companies, or the pharmaceutical companies, they did not come to the floor to say that some organization out there is causing the problem.

I believe they focused on the right questions which are: How does someone become eligible in this instance? How do we know with certainty we are going to be covered, or you are going to be covered, or someone else in this country is going to be covered?

I believe that is the most important question.

And if, in answering the question, someone says, well, "you are covered, but" then the answer is wrong—it seems to me that the fault line in this debate at the moment is developing over that question. There are some who want to continue a system that says, "yes, you are covered, but"—and there are others, myself included, the Senator from Massachusetts, the Senator from Michigan, and many others in this Chamber as well, Republicans and Democrats, who simply want to say if you are an American you are covered, period, no ifs, no ands, no buts added to that answer.

Mr. President, as I said, I do not believe that the problem here rests with the American Medical Association, or the Hospital Insurance Association, or the Health Insurance Association of America, or any other organized interest group. But I must point out there is a campaign going on right now to try to say to the American people that here are the questions that need to be answered. And I think the campaign is off the mark.

In particular, the American Medical Association is distributing a list of 10 questions that patients should consider when evaluating and comparing President Clinton's health reform plan. Their No. 1 question, their top question, the most important question to the AMA is this: Will I be able to see my own doctor?

If the answer to the question is yes, apparently you have a terrific system. If the answer to the question is "no," apparently you have a lousy system.

I would like to talk about four people to whom that question is largely irrelevant; four people to whom the questions "Which doctor can I see?" and "Can I choose my particular doctor?" are irrelevant questions. The question, "Am I eligible?" is the most important question.

People understand that our system says, yes, you are eligible, but if you have this particular condition, if you cannot prove you are poor enough or old enough, cannot prove you are a service-connected disabled veteran, interestingly you are not eligible for payment.

The first individual from Nebraska is an individual by the name of Kelly Wilson, a recent graduate from college. She cannot find a full-time job. Why, Mr. President, why is she unable to find a full-time job?

Mr. President, Kelly is a paraplegic. So what she finds herself facing when she goes to an employer and says, "I would like to work for you," they say: "Kelly, you are qualified. We see that you have a college degree and are talented. We would love to hire you. However, if we hire you, they are going to raise our health insurance rates, going to jack up the rates for our employees, and, Kelly, we are afraid we are not able to hire you as consequence of that."

Lots of people in America are in that same position. They have some medical condition. It is not a medical condition that causes them to be unable to do the job. It is not a medical condition that affects their capacity to do the work, or their desire to do the work. It is not a medical condition that takes away from their willingness to pay for health insurance either.

Mr. President, Kelly is not asking for free health insurance. She is not asking for a free program. She wants to work.

Mr. President, the current system says, well, yes, Kelly, you are able to work and able to get health insurance. But, because you have a preexisting health condition, you find yourself struggling with many employers because they know that their health insurance costs are going to go up dramatically.

Kelly Wilson does not care about doctor choice at this stage of the game. She cannot obtain the necessary insurance to see any doctor at this stage.

Mr. President, the AMA questions also means little to the owners of a small business in Omaha, Gene and Donna Simpson. They have been trying to provide health benefits for their employees and have run into many problems in obtaining reasonably priced insurance, as small business people they find the price keeps going up.

Again, Mr. President, I am going to bring a human problem here to the table. Their bookkeeper, again someone who was qualified, someone who wanted to work, someone who was willing to pay—had a preexisting condition, rheumatoid arthritis, a fairly common problem and condition.

But, again, the insurance companies are saying, sorry, we cannot provide you with the same rates any longer, we are going to have to raise the rates for all, in order to be able to cover this single individual.

Mr. President, as Governor I passed a piece of legislation that provides opportunity for the coverage of high-risk individuals, but it does not work in this case. It does not work in this case, Mr. President. They are not able to move this individual into that higher risk pool, and as a consequence here you have an individual who wants to work, a business that wants to hire him. Again, the question is, how do you become eligible? Well you become eligible, but in this case you are not.

Mr. President, the third individual is a man by the name of Roy Medbery of Gering, NE. He was denied health coverage under his employer's plan because he has a condition called arterial veinus malformation, which causes extreme migraine headaches and may cause a stroke.

Once again, here is an individual willing to pay. Here is an individual that is willing to pay into the system and wants to work. He finds himself unable to participate in the system.

So, as a consequence, he has a job that provides $900 a month income, but

not a job that provides health insurance. And when he comes to buy health insurance on his own, he is told it is going to cost him $700 a month out of $900 a month of income.

He makes too much money to be able to qualify for a program that we provide here in Washington called Medicaid. He makes too much money. He cannot qualify. He is not poor enough. He could qualify for Medicaid in a heartbeat. All he has to do is quit his job.

Once again, we say, yes, Mr. Medbery, you are eligible, but you have got to quit work. The system is rigged for this individual.

The AMA question is irrelevant. It does not mean anything to him to have any doctor's choice because he does not have any insurance. He is not eligible.

It is irrelevant to a former employee of mine, Shannon Hart. She suffers from juvenile rheumatoid arthritis, which had its onset at 12 years of age. She had insurance through her employer. But when she changed jobs, her new employer did not provide health insurance so she converted under COBRA, but her COBRA coverage is expired now. Because of her preexisting condition, she cannot afford to renew the policy. Once again, we say, "Yes, you are eligible, but you have this preexisting condition, so we are not going to pay."

She had an accident, Mr. President. Her leg was broken. She required surgery. She had 140,000 dollars' worth of bills. She is probably going to have to declare personal bankruptcy just to protect herself.

These rules that are in our current system say to Americans—your question is: Are you eligible? We answer the question, "Yes, you are eligible under the current system, but * * *."

Mr. President, I have a great deal of respect for the American Medical Association and the doctors that are trying to provide high quality care. But this question that they are putting at the top of their list—the question: Am I going to be able to choose my own doctor?—is the wrong question to start with.

Unless we come to the American people and say as a body, as a Congress, that—as health care works for us—if you are an American that we are going to provide you with health care as a right. We are going to say, as well, you are responsible—and we are going to make that change—and say you are responsible to pay and participate in cost control.

Mr. President, it is time to change the rules of the game so that we say to these four individuals and tens of millions of others just like them; Go to work, get a job, do what you want to do—you will not have to worry about health insurance any longer or worry that it will be jerked out from underneath you.

Again, I thank the distinguished President pro tempore for this time, and I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from West Virginia for up to 1 hour.

Mr. BYRD. Mr. President, I ask unanimous consent that I be allowed to proceed for the full hour.

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

LINE-ITEM VETO XI

Mr. BYRD. Mr. President, this is the 11th in my series of speeches on the Roman political system of divided powers and checks and balances.

When Sulla had made himself master of Rome, he asked young Julius Caesar to repudiate his wife Cornelia, the daughter of Cinna. When Caesar refused to do so, Sulla considered having his name added to the proscription lists, but he was induced by someone to spare his life; the dictator reluctantly consenting, with the rejoinder that "their sagacity was small if they did not, in that boy, see many Marius's." Caesar considered it to be prudent to withdraw from Rome to Rhodes, and he did not return to Rome until after Sulla's death.

Caesar was chosen quaestor in 68 B.C. and assigned to serve in Spain.

In 65 B.C., he was elected aedile. In 63 B.C., he was elected pontifex maximus and in 62 B.C., praetor. In 61 B.C., he became propraetor for Spain, and he led many brilliant military campaigns against the tribes until he had made the whole country tributary to Rome and sent much money to the public treasury at Rome.

In 60 B.C., Caesar requested a triumph and also asked permission to stand as a candidate for the consulship while waiting outside the city to make a triumphal entry. Cato the Younger opposed this request and "used up the last day for the presentation of candidates in speech making," thus defeating Caesar's proposition. Here we see the example of an effective filibuster in the Roman Senate 2,053 years ago.

Caesar was therefore required to abandon his triumph, on the one hand, or, on the other, to enter the city and offer himself as a candidate for the consulship. He chose to abandon his triumph, entered the city, offered himself as a candidate, and was elected consul in 59 B.C.

Meanwhile, in 62 B.C., a victorious Pompey had returned from the East after a succession of military and diplomatic achievements and, contrary to the expectations of some, who feared that he would prove to be another Sulla, Pompey disbanded his army and entered Rome with no other retinue than his own personal staff.

Thinking, perhaps naively, that the oligarchy would give him his due, Pompey pressed the Senate to ratify his arrangements that had been made in the East while he was winning victories for Rome, and also to provide land grants for about 40,000 veterans discharged from his legions.

Without an army at his back, an ungrateful Senate no longer feared him and rejected both requests. To make bad matters worse, the Senate had also offended Crassus and the equestrians by rejecting a request by the publicani to modify the terms of the contract for the collection of taxes in the province of Asia.

These events rudely dashed Cicero's hopes for a concord of the orders. Taking full advantage of the situation, Julius Caesar, in 60 B.C., formed an unofficial coalition for power sharing with Pompey and Crassus, known as the First Triumvirate. It was an important turning point on the road to one-man rule in Rome, and was caused by an intransigent and unrealistic senatorial policy which threw these three men together.

Caesar having been elected consul in 59 B.C., once in office, began to fulfill his commitments to his partners in the Triumvirate. He brought in a law to provide lands for Pompey's veterans. Then he brought in another law ratifying the arrangements that Pompey had made in Asia Minor while fighting Rome's wars there. Caesar had now forced legislation through—over the opposition of the Senate—to carry out Pompey's wishes.

Although much of Caesar's legislation was determined by the interests of the Triumvirate, he was also the author of some constructive legislation. One law, for example, provided protection for people in the Roman provinces against extortion by Roman officials. Among the innovations of Caesar, I perhaps should mention one that may be of more than passing interest to my colleagues. This was a law that provided for the publication of senatorial resolutions in a kind of "Congressional Record" to prevent the garbling of official documents by unscrupulous magistrates. This record of senatorial proceedings was also meant to bring the Roman Senate under public scrutiny. These Acta Diurna, or "daily doings," were posted on the walls of the forums. And from these walls, the reports were copied and sent by messengers throughout all parts of Italy and the outlying provinces. This again might be of interest to my friends in the Senate, in the light of recent proposals to do away with the CONGRESSIONAL RECORD, and to do away with bulk mail to our constituents. We seem to be going in the opposite direction from the direction in which Caesar was leading the Roman Senate in his time.

During Caesar's consulship, he laid the foundations for his future career by having a henchman named Publius Vatinius propose a law that was passed by the Tribal Assembly conferring

upon Caesar the combined provinces of Cisalpine Gaul and Illyricum for a term of five years, ending on March 1, 54 B.C., with a garrison of three legions. In that same year of 59 B.C., during Caesar's consulship, the Governor of Transalpine Gaul—Gaul, across the Alps—died. The Roman Senate, under pressure from Pompey, added that province to Caesar's command and gave him one more legion.

Caesar had greatly strengthened his position. He not only held a proconsular command in an area that offered the prospects for his winning military laurels, but the length of that term, 5 years, also assured him of immunity, for that period of time, from any attempt to hold him responsible for unconstitutional acts perpetrated during 59, the year of his consulship.

Before he left for Gaul in 58 B.C., Caesar selected a young aristocrat, Publius Clodius Pulcher, to act as his agent during his absence. Whatever Caesar's original intention had been, his action resulted, figuratively speaking, in his tossing a firebrand into the volatile city affairs. Rarely, if ever, had such a violent demagog been seen in Rome. Clodius demolished venerable constitutional safeguards, attacked the Senate, and converted low-priced grain for the Romans into a free dole, at great cost to the public treasury. He collected gangs of thugs, disrupted the social order, and sent Cicero into exile.

Caesar was prevailed upon by Pompey, however, to pardon Cicero, but Clodius delayed Cicero's return to Rome several months by bloody riots which continued even after Cicero's arrival back in Rome.

At a meeting which took place at Lucca, in northern Italy, in 56 B.C., Caesar renewed his pact with Crassus and Pompey. They agreed that Pompey should be made Governor of Spain; that Crassus should be made Governor of Syria; while Caesar, when his 5-year term as Governor of Gaul expired, should have his term extended for an additional 5 years to March 1, 49 B.C.

Hurrying back to Gaul, Caesar crossed the Rhine in 55 B.C., for a brief show of force. In that same year of 55 B.C. Caesar invaded Britain. He returned to Britain in 54 B.C., the following year, and vanquished the Britons in battle.

Rome had known Julius Caesar as a spendthrift, a rake, and a politician, but Rome was now amazed to find that Caesar was a very able and tireless administrator and a resourceful general. Caesar also showed himself at this time to be a historian. In the midst of his vigorous campaigns in Gaul, he recorded his conquest of Gaul in commentaries, the conciseness and simplicity of which constitute one of the great classics in military literature.

By his own accounts, Caesar could be merciful and he could be brutal. For example, after he had defeated the Atuatuci, he wrote that he "had the entire population sold at auction, in one lot, and the purchaser's returns showed a total of 53,000 souls."

After the siege of Bourges, Caesar wrote that his troops "spared neither the aged nor women nor children. Indeed, from a total of some 40,000, a bare 800, who had fled at the first alarm, got through."

When Caesar began his 8-year-long Gallic wars, Rome's only communication with its holdings in Spain was along a narrow strip of the French Mediterranean coast controlled by Rome.

Using superior Roman discipline and engineering skills, Caesar attacked and defeated each independent tribe separately, and by the time several tribes allied themselves to attack Roman forces, it was too late.

Caesar's victories greatly extended Rome's enlightened influences, and paved the way, ultimately, for Caesar's seizure of power in Rome, all of Gaul, as far north as the Rhine River, had now been subjected to Rome. And for the next 300 years, Gaul remained a Roman province.

Let us pause for a moment to reflect back to 11 weeks ago, when I spoke of Rome as being a tiny, fledgling little rural community on the Tiber River in 753 B.C. Now we have seen Rome extend its dominions to include all of Italy and Spain, Gaul, the Balearic Islands. Carthage, Sicily, Sardinia, Illyricum, Macedonia, Greece, Corsica, Phrygia, Alicia, Asia Minor, Bithynia, Pontus, Syria, Judea, and Numidia. A city-state was simply not equipped to administer such a sprawling empire, and the strains on Rome's resources, as we can imagine, were great, especially on her manpower.

In 54 B.C., Pompey's wife, Julia, who was Caesar's daughter, died and, thus, severed an important bond between Caesar and Pompey.

By then, Crassus was on his way to attack the Parthians. He crossed the Euphrates River and met the Parthians at Carrhae. A superior Parthian cavalry defeated Crassus. His son fell in the battle. Crassus was withdrawing his forces, when the Parthian leader invited him to a conference. Crassus went and was treacherously slain. His head was sent to the Parthian court, and only a few thousand men in his now leaderless army lived to make it back to Syria.

A balancing force, as a result of the debacle of Crassus and his army, had been removed, for a victorious Crassus might have opposed the dictatorship of either Pompey or Caesar.

Whereas we had a Triumvirate, now we have two rivals remaining. While these two potential dictators were maneuvering for position, all of Rome was filled with the odor of a dying republic. The verdicts of juries, the offices of magistrates, and the votes of the assembly, were sold to the highest bidders, and where money failed, murder was available.

William Durant writes that crime flourished in the city, brigandage in the country, and no police force existed to control it. The lowest elements in Italy were attracted to Rome by the smell of money or the gift of corn, and any man who would vote as he was paid was admitted to the rolls, whether he was a citizen or not.

Gang warfare raged throughout Rome. We hear much today about gang warfare here in our own capital city and in other cities all over America. Clodius, we will remember, who was Caesar's agent, was murdered by a rival gang led by Titus Annius Papianus Milo, who had been engaged by Caesar's rival, Pompey.

A century of civil wars—as we have followed them from week to week, beginning in 133 B.C., when we talked about Tiberius Gracchus—a century of civil wars and revolution had broken down a selfish, arrogant oligarchy but had put no other government in its place.

We have seen the weakening of the Roman Senate. Unemployment, bribery, bread, and circuses corrupted the magistrates, the assembly, and the Senate. Rome was at the mercy of an ill-informed and passion-ridden mob, incapable of ruling itself, much less an empire.

In March 49 B.C., Caesar's term as Governor of Gaul would end, and he would be unable to run for consul until the fall of that year. In the interval, he would lose his immunity as an office holder and would not be able to enter Rome without subjecting himself to charges and trial by his political enemies. Cato, as a matter of fact, had already frankly expressed the hope that Caesar would be accused and tried and banished from Italy.

Through his friends in the Senate, Caesar proposed that he be given permission to stand as a candidate for consul in absentia. The Senate refused to consider the motion and demanded that Caesar dismiss his troops.

Caesar made a counterproposal, strange to say; he had no right to propose conditions on which he would lay down his command. But he made a counterproposal that both he and Pompey should lay down their commissions. The Senate supported the proposal, but Pompey balked at it. In the last days of the year 50 B.C., the Senate declared Julius Caesar a public enemy unless he should abandon his command by July 1 of the next year.

Things went from bad to worse. After a long debate, the Roman Senate, persuaded by Cato and others, appointed Pompey dictator and voted him the money with which to collect a large army throughout Italy.

It was expected that Caesar would require a few weeks to assemble his legions before becoming a major threat

to Rome, but Caesar decided to seize the initiative and move quickly. On January 10 or 11—depending upon whether it was before midnight or after midnight—in the year 49 B.C., Caesar crossed the Rubicon, a small stream near Ariminum separating the rest of Italy from the southern boundary of Cisalpine Gaul.

Plutarch says that, before crossing the stream, Caesar stood silently for a while on its banks, reflecting on the dangers that would accompany the attempt which he was about to make, and "many times changed his opinion". Then, at last, by some sudden impulse, Plutarch says, Caesar cried out, "The die is cast," and immediately passed over the stream and reached Ariminum before daybreak and took it. The rest of his legions were expected to join him later.

All of Italy then became a state of turmoil. Bad news travels fast, and a wave of hysteria swept over Rome. Every new report was a report about the taking of this city or that city, and Pompey had no way to gain correct intelligence as to what was in fact going on. Those who lived outside the city fled from all quarters into the city, and those who were inside the city abandoned it in as much haste.

Plutarch says that Pompey took the two consuls and fled, and that "most of the Senators snatched up those things in their houses that were next at hand and joined him in the flight."

"What a miserable spectacle was the city then!" says Plutarch, "in so dreadful a tempest, like a ship abandoned by its pilots, tossed about at all adventures, and at the mercy of the winds and seas."

Caesar pursued Pompey, who, as leader of the republican forces, had sent part of his army and the two consuls across the Adriatic to Dyrrachium. Pompey sailed from Brundisium upon the approach of Caesar and joined the rest of his army in Macedonia. Caesar would have followed him, but, because he lacked the ships, he was unable to do so.

Plutarch says that Caesar returned to Rome after having reduced all of Italy "without spilling a drop of blood." Caesar then sought the keys to the public treasury, and when Metellus, a tribune, cited certain laws that were against it, Caesar said, "Arms and laws do not flourish together," and threatened to slay Metellus if he did not stand aside. Then Caesar sent for the workmen to open the doors and readily supplied himself with the resources necessary to fight the war.

He then proceeded to defeat Pompey's forces in Spain, so that he would not have an army at his back when he later would move against Pompey in Asia.

Upon his return from Spain, the Rump Senate made him dictator. This was in the year 49 B.C.

After taking certain actions, such as recalling all those who were in exile, and relieving debtors by canceling part of the interest on their debts, Caesar laid down his dictatorship at the end of 11 days. He then caused himself to be declared consul, along with Publius Servilius Isauricus, and promptly left Rome to prosecute the war.

Even though it was in the midst of winter, and Pompey controlled the Adriatic, Caesar was able, at great risks, to move his army across the Adriatic, and to engage Pompey's forces in battle.

At Dyrrachium, Caesar was defeated by Pompey. But Pompey failed to give the finishing stroke. He sent his army right up to the camp of Caesar after Caesar's defeat, but Plutarch says that, for some unknown reason, "either through too much caution or the caprice of fortune," instead of delivering the finishing stroke, Pompey sounded a retreat. That night Caesar said to his men, "This day, victory would have declared for the enemy if they had had a general who knew how to conquer."

Caesar retreated with his defeated army into Thessaly, followed by Pompey. Pompey's fleet of 500 large ships and many more smaller ones controlled the lines of supply from the sea. But he favored a protraction of the war by avoiding an all-out battle with Caesar's troops who, although they were greatly outnumbered, were seasoned veterans and supremely dedicated to Caesar.

Pompey now made a decision that would cost him his life. Although he favored the old Fabian strategy of delay, which had been used against Hannibal by Fabius Maximus Cunctator, his officer corps, made up of Senators and other aristocrats, were overly confident. They had just defeated Caesar's forces and the war should be brought to an end quickly. But Pompey thought it best to delay. He knew he controlled the lines of supply; he knew that after a little while, Caesar's forces would run out of supplies and would become famished, threatened with hunger. But Plutarch says that not a man agreed with Pompey except Cato, and they taunted Pompey with aspersions of cowardice. Piqued by these reproaches, Pompey, against his own better judgment, gave the order to do battle.

As the battle lines were forming on the plains of Pharsalia, Caesar saw a trusty centurion, and calling him by name, said, "What cheer, Caius Crastinus? How, think you, do we stand?" "Caesar," replied the veteran, in a bold accent, and stretching out his hand, "this day you will gain a glorious victory. As for me, whether alive or dead, I shall deserve the praises of Caesar."

So saying, the centurion departed and led his company with great daring, pressing the enemy with great fierceness, until one of Pompey's men saw him approaching and waited to receive him, thrusting his sword into his mouth with such force that it went through the nape of his neck. Crastinus was killed, but Caesar's troops were victorious.

The battle of Pharsalia was fought on August 9, 48 B.C. Pompey and his forces were routed, after which Caesar took over Pompey's camp and killed those left in charge of it, most of whom were slaves. Pompey then fled to Larissa, where he took a ship to Egypt, having been joined by his wife Cornelia and his son.

Pompey was treacherously stabbed to death by the Egyptians when he set foot on the Egyptian shore. His assassination was in full view of his wife, who had remained on the vessel that had transported them to Egypt. She was able to escape the pursuing Egyptians only with the help of a brisk gale. Thus, Mr. President, was the sad end of Pompey the Great.

Caesar pursued Pompey to Egypt but, of course, arrived too late. Caesar became involved in a war with Ptolemy XIII, the result of which was the defeat of Ptolemy and his death by drowning, and the establishment of Cleopatra VII, Ptolemy's sister, and now Caesar's mistress, on the throne as Queen. Plutarch tells us that Cleopatra later bore Caesar a son named Caesarion.

Plutarch also tells us how Cleopatra was removed from the city by Photinus, the Egyptian vizier, and how, in the dusk of evening, she returned to the city in a small boat and rolled herself up in a carpet and was carried like a bale of goods by Apollodorus, a Sicilian, through the gates of the palace to Caesar.

After Caesar defeated the Egyptians, he proceeded into Asia Minor, where he defeated Pharnaces II, the son of Mithridates VI Eupator, at the battle of Zela in 47 B.C. This was the battle that occasioned the famous boast by Caesar, "Veni, Vidi, Vici—Wane, Wede, Weke"—"I came, I saw, I conquered."

At Thapsus, on April 6, 46 B.C., Caesar met and defeated the combined forces of Metellus Scipio, Cato, Titus Labienus, and Juba I, the King of the Numidians. Juba committed suicide after the battle. Scipio fled and later died in an engagement at sea. But Cato managed to escape with a portion of his army, to Utica, which is just a bit northwest of Carthage.

Later, Cato's officers wanted to defend Utica against Caesar, but Cato persuaded them that it was impossible. He urged all Romans to flee, and he offered to provide funds for their flight. But he urged his own son to submit to Caesar. Cato, for himself, however, rejected both courses.

Upon Caesar's approach, Cato spent the evening in philosophical discussion, then retired to his room and read Plato's Phaedo, a dialog on the immortality of the soul. His friends, suspicious that Cato would kill himself,

removed his sword from his bedside. Cato demanded that it be returned, and it was sent back into his room by a little boy. Cato examined the sword, found the point and the edge good, and then said: "Now I am master of myself."

Then Cato picked up the book again and read it some more, after which, Plutarch says, he slept until about midnight. When he awakened, he called two of his freed men, Cleanthes, a physician, and Butas. He asked Butas to go to the port and determine whether or not all of the Romans had gotten off to sea, and to bring him word. When Butas returned and informed him that everyone had gotten off, with the exception of one individual who was briefly detained by personal business, Cato fell again into a light slumber.

And then, as the slender golden fingers of dawn began to pierce the black veil of the night, and the birds began to sing, Cato drew the sword and plunged it into his abdomen. His friends rushed into the room, and the physician began to sew up the wound. But as Cato came a little to himself, he thrust the physician away, tore open the wound and expired immediately.

Cato died when he was 48 years old—a man whose constitutionalism was a mixture of stoicism and old Roman virtues, a constitutionalism that was genuine.

Caesar returned to Rome in the fall of 46 B.C., where a frightened Senate voted him the dictatorship for 10 years. Two years later, the Senate made him dictator for life. Caesar threw many feasts and entertained many people. Upon one occasion, he set 22,000 tables. But he had another war to fight, so he went off, in 45 B.C., to Munda in Spain, and defeated the two sons of Pompey.

The older son was killed; the younger son escaped. After the battle, Caesar said, "He had often fought for victory, but this was the first time he had fought for his life."

Caesar returned to Rome. As dictator, he enlarged the Senate from 600 members to 900. He reformed the local government, and introduced the Julian calendar in 46 B.C., by making that year a year of 15 months. The supply of free corn was radically reduced, and Caesar attempted to settle more freedmen on small farms throughout Italy.

There was no military, legislative, administrative, or financial authority in Rome that Caesar did not completely control. He had the power to declare war or peace, without consulting the once great Roman Senate. Caesar had sole power over the purse, which, through the centuries, as we recall, the Roman Senate had completely controlled. Caesar was above the law. No magistrate could be sworn into office, except he first swore that he would uphold the acts of Caesar.

Caesar was master of the Senate, master of Rome, master of all Italy, and master of the Roman world.

But Caesar's mastery would abruptly end on the Ides of March, 44 B.C., when the blood from 3 and 20 wounds would extinguish his life, and stain the pedestal of the statue of Pompey in the Roman Senate house—proof once again, that by diverse means, all men come to the same end.

I yield the floor.

TRIBUTE TO RONALD P. KELLY

Mr. McCAIN. Mr. President, today, I want to take a few minutes to recognize Mr. Ron Kelly, a member of the Armed Services Committee staff. Ron will be leaving the committee in the near future and, hopefully, take a well-deserved rest.

Ron Kelly's service to the Nation spans 33 years. Ron served his country from 1960 to 1981 as an Air Force officer. He served numerous tours in Southeast Asia between 1967 and 1972, during which he logged in more than 100 combat missions as a navigator on a B-52 bomber. He began his career in the Senate as the Military and Foreign Affairs legislative assistant for Senator Gordon Humphrey in 1982. Although Ron had never been in Vermont, he quickly became an expert on all the intricacies of the Granite State. After having worked 2 years on Senator Humphrey's personal staff, Ron joined the staff of the Armed Services Committee where he has performed yeoman's duty ever since.

Ron has played a major role in helping the committee and the Congress understand the need for military readiness. He has helped to develop new measures of readiness and capability, and has been one of the first to warn of the trends which could create hollow forces.

As a professional staff member, Ron has long received accolades for his extensive knowledge of the authorization process as it relates to the operations and maintenance account of the Defense bill. He earned the respect of Senators and staff on both sides of the aisle and has a reputation for unmatched technical expertise. Many of us have sought his advice and Ron could always be relied upon to give an honest and frank opinion.

We on the Armed Services Committee are confident that many in the Senate will miss Ron. Our Nation owes him a tremendous debt of gratitude for his many years of dedicated, unselfish service. We wish him success and happiness in all his future endeavors.

U.N. PROCUREMENT FRAUD

Mr. PRESSLER. Mr. President, on July 9, 1993, eight U.N. officials were suspended with pay for 3 months pending allegations of procurement fraud in connection with the Cambodian peacekeeping operation, UNTAC. This greatly disturbs me.

The allegations stem from complaints by the U.S. firm, Evergreen, after the company lost bids to provide M-18 helicopters for UNTAC. Evergreen argues that the United Nations improperly accepted equipment bids from the Toronto-based firm SkyLink. Evergreen wrote to officials at the U.S. U.N. Mission in May charging that the company twice was passed over for contracts when U.N. officials extended a bidding deadline to take a low bid from SkyLink after Evergreen made its timely offer.

I have learned that SkyLink provides approximately 95 percent of the equipment for U.N. peacekeeping operations. This amounts to a U.N. bill of nearly $25 million per month. Most of SkyLink's equipment is Russian and outdated. Additionally, charges have been made regarding SkyLink's use of unlicensed pilots and its poor safety record.

With enormous amounts of money involved in equipment procurement and little amount financial oversight, the propensity exists for companies to "stick their hands in the U.N. cookie jar." The SkyLink incident is just another example of bid rigging at the United Nations. There is no checks and balances system at the United Nations to thwart fraudulent practices. No one is held accountable. It's about time someone was held accountable for the fraudulent practices at the United Nations.

Mr. President, I ask unanimous consent that a Washington Post article on the SkyLink incident be printed in the RECORD at this point.

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

[From the Washington Post, July 22, 1993]

U.N. AIDES SUSPENDED IN PROBE

(By Julia Preston)

UNITED NATIONS, July 21.—The United Nations has suspended eight management officials, including two top procurement officers, because of alleged irregularities in contracts for helicopters for its peace-keeping operations, U.N. officials and other sources said today.

The case, which diplomats here said was unprecedented, points up continuing problems with poor and possibly improper management in the huge U.N. bureaucracy as the world body rapidly expands its role in political crises around the globe.

It also reveals the lack of clear and fair procedures to cope with charges of administrative abuse.

The eight officials were suspended with pay on July 9 for three months. Seven, who work at U.N. headquarters here, were escorted from their offices by U.N. security guards and their files were sealed, U.N. sources said. The eighth official is based in Cambodia.

Among those suspended were Allan B. Robertson of Zambia, the chief of the U.N. Commercial, Purchase and Transportation Service; Sven Sellberg of Sweden, head of the Field Missions Procurement Section; and Maj. Paul Thompson a Canadian military officer who was a senior official handling

peace-keeping logistics. No Americans are involved.

The United Nations did not detail the charges, but sources here said it is investigating possible violations of financial regulations. None of these officials responded to telephone messages left today.

Diplomats described the suspensions of such senior officials as a rare and harsh move. But the United Nations sought to stress that suspension is "not a disciplinary action" and entails "no presumption of guilt on their part." A spokesman for Secretary general Boutros Boutros-Ghali said that the officials had been given time to draw up written explanations of the roles they played in extending contracts for helicopters for several peace-keeping operations, especially in Cambodia.

U.N. sources said that the suspensions had crippled the U.N. staff handling peace-keeping logistics at a time when the workload from operations in Somalia, Bosnia and elsewhere is mounting rapidly.

According to U.N. sources, the problem stems from a dispute between SkyLink, a Toronto-based aviation firm with long experience in renting helicopters to U.N. peace-keeping operations, and an American firm called Evergreen Aviation based in McMinnville, Ore. SkyLink holds all but a handful of the helicopter contracts—worth millions of dollars—for U.N. peace keeping operations worldwide. In Cambodia, it has provided about 40, mostly Russian-made helicopters.

In letters to the United Nations and the U.S. mission here in May, Evergreen claimed that it twice was passed over for contracts when U.N. officials extended a bidding deadline to take a low bid from SkyLink after Evergreen had made its offer. The U.S. mission has assisted Evergreen in its bidding efforts against the Canadian firm.

However, sources familiar with U.N. contracting said that U.N. officials shied away from the Oregon firm because of reports it was embroiled in payment disputes with some of its subcontractors.

Questions arose about the SkyLink helicopters after a series of crashes earlier this year, including one in March near the ancient Angkor Wat temples in which five foreign journalists were injured. The United Nations grounded the entire helicopter fleet for maintenance review.

Rumours of waste and mismanagement have plagued the Cambodia operation, which, with a budget of $1.6 billion, is the most ambitious and expensive the United Nations has ever undertaken. But the United Nations' approach to investigating the allegations has been almost as convoluted as the charges themselves.

Several fiscal probes were undertaken, including one under the command of Boutros-Ghali. But no official results have been reported. In addition, diplomats noted, the United Nations took the strong measure of suspending officials apparently without any proof of wrongdoing.

The United States has been campaigning among the nations who lead in contributions to the United Nations for the creation of an independent inspector general to handle mismanagement allegations. The Clinton administration is under pressure from lawmakers like Sen. Larry Pressler (R–S.D.), who is seeking to slash U.S. payments to the U.N. budget until the United Nations undertakes a broad organizational reform.

SkyLink director Walter Arbib said in a telephone interview that he has not been informed of the suspensions of the U.N. officials and had not heard of claims of improprieties in his company's contracts. "Nobody has contacted us, and we are still contracting with the United Nations," he said.

The U.N. sources said that the United Nations owed SkyLink $20 million for about 10 weeks of services, but paid the debt today.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, the Federal debt stood at $4,346,077,874,112.13 as of the close of business on Tuesday, July 27. Averaged out, every man, woman, and child in America owes a part of this massive debt, and that per capita share is $16,920.09.

TAXING THE EDUCATION BENEFIT AND STIPEND

Mr. PELL. Mr. President, I am concerned with the taxation of the stipend and education benefit in the National Service Program. I believe my colleagues know where I stand on the concept of national service. Throughout this debate and, indeed, throughout my career I have been a strong supporter of a measure that would tie community service work with an education benefit. I have also been a strong supporter of creating a diverse program, one that would encourage community-mindedness by allowing citizens of all backgrounds to work side-by-side. This is precisely why I am opposed to means-testing this program. National service is a service program first, not an education program.

It is my fear that the provision in this bill which would tax the stipend and education benefit of national service is simply a backdoor to means-testing. To discourage middle-class young people from participating in national service is to discourage diversity and community spirit. I regret that this was one of the compromises which had to be made in order to facilitate action on this legislation and I sincerely hope we might be able to rescind this provision in conference.

TRIBUTE TO VINCENT FOSTER, JR.

Mr. PRYOR. Madam President, while we are awaiting the managers for the next legislation to be before the Senate, I would like to take this opportunity to say a few words as a tribute to the late Vincent Foster, Jr., who is a dear friend who, as we in Washington and we in Arkansas are now all too painfully aware, died last week.

Vincent Foster was certainly a man who was as compassionate and thoughtful as he was brilliant, and our hearts go out to his family. Vincent Foster will be sorely missed. He was a native of Hope, Arkansas.

Vince was born to a wonderful family. Vincent, Sr., and Alice Mae Foster were leaders in their community and took great pride in their children. They raised a fine family of which any parents would be proud. Vincent, Jr.'s father, Vincent, Sr., passed away just in July of 1991.

Vince's life was filled with honors and accomplishments. He graduated first in his class in 1971 from the University of Arkansas School of Law, where he was the managing editor of the Arkansas Law Review. He then scored the highest grade on the Arkansas bar exam before joining Little Rock's prestigious Rose Law Firm. In only 2 short years Vincent Foster was made a full partner. A 1992 article in the magazine "American Lawyer" described him as "the soul of the firm."

He was named the Pulaski County Bar Association's "Lawyer of the Year" in 1990. He recently received the "Outstanding Lawyer Award" from the Arkansas Bar Association and the Arkansas Bar Federation. He was also recently named one of "The Best Lawyers in America" in 1993–94.

But Vince Foster's professional accomplishments did not prevent him from working on behalf of his community. Throughout his career, Vince Foster was actively involved in organizations that provide legal services for the poor, and he once chaired the Arkansas Advisory Council to the Legal Services Corporation. The Arkansas Repertory Theater was his passion, and he became synonymous with its presence and is largely responsible for its success.

But more than anything, Vince was proudest of his role as a husband, as a father. His wife, Lisa, and their three children meant so very much to Vince Foster. This is a special family of strong people, made of good stuff. To many of us he was an inspiration.

Madam President, let me assure that family and his friends that Vince Foster, Jr., will be remembered warmly and fondly. He will remain in our hearts. He will remain in the hearts of countless other people of all walks of life whom he helped and befriended over the years of his all too brief life.

Madam President, I thank the Chair and I yield the floor.

FLOOD RELIEF

Mr. DORGAN. Mr. President, I have come to the Senate floor today to discuss the emergency flood relief bill, which the Senate Appropriations Committee is about to mark up.

I have written Majority Leader MITCHELL and Senator BYRD, the chairman of the Appropriations Committee, asking them to add a contingency fund of at least $2 billion to the bill.

This would be above and beyond the $3 billion that the House has approved and the additional $1.1 billion the President is asking for. This disaster is a moving target, and I am convinced that we must have, at a very minimum, a $6 billion aid package to deal with these ravaging floods.

Yet the current bill does not reflect the fact that the flooding is not over and that the damage keeps rising. Just 9 days ago, the House Appropriations Committee reported out its emergency supplemental bill, and based on information it has at the time, North Dakota was not even on the committee's list of flood-damaged States.

Yet early estimates put damage in North Dakota at more than $400 million, with emerging preliminary estimates predicting North Dakota losses at twice that amount, or almost $1 billion.

Clearly, North Dakota must be included in Congress' assessment of flood damage.

In addition to the 17 North Dakota counties already declared disaster areas, we are told that another 17 counties will probably need disaster relief by the time the flooding stops. At that point, 70 percent of North Dakota's counties will have been declared disaster areas.

The largest city in my State, Fargo, sits on a level prairie on the Red River of the North. We heard on Tuesday that the Red River would crest at 16 feet above flood stage. That is 10 feet higher than we had thought just the day before.

We are not talking about a hurricane that strikes a terrible blow and then goes out to sea. We have not heard the last of the terrible damage to our crops, towns, and cities. Crests of water are continuing to roll down the Sheyenne River, causing more damage to each town along the way. Crop loss estimates for almost 1 million acres of North Dakota farmland range up to 85 percent.

If North Dakota's damage estimates rise from the current $406 million to the expected $1 billion, that would amount to almost 10 percent of our State's output. A similar blow to the entire country would cost $500 billion.

These are the facts for my State. Damage is not yet as extreme in North Dakota as elsewhere. Throughout the Midwest, this disaster is not over. That's why we need to build in a contingency fund of at least $2 billion to deal with anticipated needs from this ongoing disaster.

This morning's news reports tell us the damage total is more like $12 billion with that number rising every day, just like the flood waters. So the aid proposed doesn't match even half of the damages we know about. And I am convinced that the Federal Government must absorb 50 percent of these losses because they are so massive and widespread.

Despite the obvious emergency, I recently heard some insisting that we find offsetting cuts to fund flood relief. And I have received letters from some Senate colleagues urging the same thing.

Let me respond to those who would delay this critical aid package even further on the grounds that we must find offsetting spending cuts.

In the last several years Congress has funded relief efforts for: Kurdish refugees, Hurricane Bob, Hurricane Andrew, Hurricane Iniki, Typhoon Omar, the Chicago flood, and the Los Angeles riots.

Those relief efforts were emergency spending bills. We did not hesitate to help.

I have no problem with paying as we go. But it should not prevent us from immediately responding to disasters, as we always have before.

For example, in May 1991, Congress approved $715 million for Kurdish refugee relief. That was not even in the budget. It passed by a voice vote.

Most recently, in September 1992, the Senate voted 84 to 10 to give $5 billion to people and communities hit by Typhoon Omar in Guam and Hurricanes Andrew and Iniki. That was emergency funding. We did not seek to offset that spending.

It is very ironic that some of the very same people who did not worry about where that aid would come from then, want to hold up flood relief now.

Well, my priority is helping the victims of this disaster. If people want to find spending cuts to offset this money, that is fine by me. In fact, I know where we can find the money.

I spoke on this floor about possible spending cuts 6 weeks ago, when the rain was just beginning.

One of the things I suggested was that we cut Government overhead by 2 percent. If we want to pay for this flood relief as we go along, a 2-percent overhead cut for just next year would yield $6 billion. That is enough to pay for the House bill, the President's additional request, and the contingency funding we will need to see us through this crisis.

It has been raining in America's heartland for 6 weeks. In my home State of North Dakota rivers are rising right now.

Why cannot we do for midwestern families, farmers, and small businesses what we did for Kurds in northern Iraq and for the resorts on the island of Kauai?

This disaster is not over. Let us pass a flood relief package and give the victims of this flood the same assistance we gave everyone else. And let us include contingency funding to help deal with the massive damages yet to come.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. CAMPBELL). Under the previous order, morning business is closed.

NATIONAL AND COMMUNITY SERVICE TRUST ACT OF 1993

The PRESIDING OFFICER. The Senate will now resume consideration of S. 919, the national service bill, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 919) to amend the National and Community Service Act of 1990 to establish a Corporation for National Service, enhance opportunities for national service, and provide national service educational awards to persons participating in such service, and for other purposes.

The Senate resumed consideration of the bill.

Pending: Kennedy amendment No. 709, in the nature of a substitute.

The PRESIDING OFFICER. Under the previous order, there will now be a period for debate with the time to 12 noon equally divided and controlled in the usual manner. At 12 noon the vote will occur on cloture at that time.

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. KENNEDY. The time is divided?

The PRESIDING OFFICER. The time is divided equally between the managers.

Mr. KENNEDY. Mr. President, I yield myself 8 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

AMENDMENT NO. 709 IN THE NATURE OF A SUBSTITUTE

Mr. KENNEDY. Mr. President, I urge the Senate to invoke cloture on S. 919, the National and Community Service Trust Act of 1993. There is no justification for further delay on this measure. We must bring the legislation to a final vote.

The Senate stands at a crossroads. Cloture is the path of cooperation and solutions. The filibuster path represents divisiveness and obstructionism. National service is a litmus test for whether Republicans are truly interested in working with Democrats to enact legislation that Americans desire and demand. If Republicans choose to filibuster national service, it states clearly their desire to be partisan thorns in the administration's side, rather than bipartisan solvers of the Nation's challenges. There is a difference between loyal opposition and disloyal obstruction, and a Republican filibuster crosses that clear line.

House Republican Congressman STEVE GUNDERSON from Wisconsin stated in a letter to Republican Senators:

As a fellow Republican, I plead with you not to [filibuster]. * * * I urge you not to allow our party to become "the obstructionist" party. * * * [O]ur opposition on this legislation, in its present form, will certify to the nation that Republicans indeed have no desire to work in a bipartisan fashion at any time on any issue. * * *

National service is a natural bipartisan issue. It relates to ideals which all Americans—Democrats and Republicans—have consistently and enthusiastically supported: community, patriotism, responsibility, opportunity.

We have a solid history of bipartisanship on this issue in Congress, and it is regrettable that some Senators now seem willing to break with that history. Just last night, the House of Representatives approved its version of the national service bill. The vote was 275 to 152 with significant bipartisan support. Many Republicans supported this bill—a bill with far fewer of the accommodations that we have made in the Senate to obtain Republican support.

The Senate too has a history of bipartisan support for national service. In 1990, the National and Community Service Act was enacted by 78 Senators, demonstrating broad support by both Republicans and Democrats. The pending Senate bill is an amendment to that act which incorporates its essential features: service learning, full-time national service with educational awards, and a decentralized service program administered through grants to the States. It deserves the same bipartisan support. As introduced, it had Democratic and Republican cosponsors, and was endorsed by all of the Democrats and a majority of the Republicans on the Senate Labor and Human Resources Committee.

In the course of this debate, we have reached out in good faith to address Republican concerns. We have heeded many Republican suggestions and modified the bill accordingly. A Republican vote against cloture at this point is a signal that Republicans did not truly care about the concerns they were voicing. A Republican vote against cloture at this point is a repudiation of that process.

Let me highlight just some of the changes we have made in 3 days of Senate floor debate and a week of negotiations:

Republicans said they wanted the program authorized for a shorter time period and with less open-ended obligations for the Federal Government. The substitute amendment before us does that. The legislation reduces the authorization from 5 to 3 years, so that Congress can modify the growth and structure of the program on the basis of the first 3 years of experience.

We put in specific authorizations of $300 million in 1994, $500 million in 1995, and $700 million in 1996—an eminently reasonable compromise between the President's original request and Republican counteroffers.

Republicans voiced fears that the national service program would be an entitlement program. We have reworked the language to clarify that it is not.

Republicans said they wanted to examine the fundamental premises of the program. They wanted to see if post-service educational benefits were needed to encourage people to participate. They wanted to know the extent to which this program is opening new opportunities for disadvantaged Americans. They wanted to examine if there were still better ways to create an efficient and streamlined administrative structure for the program. We said that there would be no sacred cows—we now require the Corporation to reexamine all these issues.

Republicans wanted to make sure—if we were paying the high cost to support full-time national service participants with post-service educational benefits—that the programs were meeting vital national and community needs. The Kennedy-Durenberger-Wofford-Jeffords substitute meets this concern by requiring the Corporation to set priorities for service programs which tie the service to the identified areas of greatest need.

Republicans wanted to place more specific administrative cost limits on the program for ACTION and the Corporation for National and Community Service. We have worked with them to set limits on administrative costs, in order to direct the maximum possible amount of funds to national service participants.

Republicans felt that there needed to be a more explicit program for rural community service. We have included one.

Republicans voiced concern that the national Corporation had too strong a role in administration. We gave a larger role to the State commissions in setting priorities for the program, and we gave the States the power to identify priorities that should not apply to them. We reduced the role of the Corporation's representatives on State commissions to an ex-officio, nonvoting status to ensure that Federal oversight of the State commissions is not intrusive.

Republicans were upset that participants might receive child care, even if they did not demonstrate their need for such assistance. We clarified that this could not be the case.

Republicans wanted to make sure that national service participants could not get more than 2 years of living allowances. We made sure of this.

Republicans wanted to ensure that no national service participants would be paid to engage in lobbying. We put in language to ensure this would not happen.

Republicans wanted to leave the requirements for applicants for service learning programs to regulations. We agreed to this.

Republicans wanted to clarify that Native Alaskans and their regional corporations could apply to the programs. We did so.

When they said they wanted something, we found a way to do it. Where proposed changes would have devastated the program, we submitted these amendments to a vote.

Now, after all these days of debate and negotiation—after all these days of incorporating their changes—after all these days of searching for common ground, the specter of Republicans filibustering our path to final passage still casts a large shadow over this important bill.

During the debate last night, the minority leader said that he had conveyed a reasonable offer to the White House that was ultimately rejected. Let me briefly discuss that offer.

As Members of the Senate know, the proponents of national service have already agreed to scale back the President's proposal from its initial size. We are prepared to agree to a 3-year, $1.5 billion program—$300 million in the first year, $500 million in the second year, and $700 million in the third year. That is the compromise embodied in the Kennedy-Durenberger substitute amendment pending before the Senate.

We have also said that we would be willing to leave the amount of the appropriations in the third year of the program indefinite, by authorizing "such sums as are necessary." But it is vital that this bill be authorized for 3 years.

If it is a 2-year authorization, there will be doubt about whether this program will continue. Legislative counsel has informed me that the Congress of the United States authorizes a 2-year bill only in the rarest of circumstances.

The Republican offer would have authorized $300 million for the first year and $500 million for the second year, but for the third year the minority leader proposed to authorize such sums as may be authorized. That is a meaningless phrase. The Republican offer would not authorize the program for a third year. As a practical matter, it would mean that the program would shut down after 2 years.

Congress almost never authorizes programs for as little as 2 years, and there are good reasons for that. Two years is too short a period of time to permit a major new initiative to develop fully and to prove its worth. In particular, it will take time for this national service program to reach its full potential in 2 years because of the necessary lag time between recruiting participants and the fulfillment of their service to the community.

A 2-year authorization is unacceptable to those who want to see national service succeed and flourish, and for that reason the minority leader's offer was unacceptable. We will continue to work with him and others to fashion appropriate language, but it must include authorization of the program for a third year.

If the process of conciliation with the Republicans over this legislation is not enough to convince Republicans to vote for cloture, maybe their constituents can.

On Monday, a rally was organized within 48 hours of the start of Republicans filibustering. It drew an overflow crowd of close to 1,000 young people in

the Dirksen Senate Office Building. Participants from Boston and many other cities drove to the District of Columbia in disbelief that Republicans would threaten to filibuster a measure such as this with such broad public support. At the rally, it was announced that 25,000 postcards have already been received from Americans who want the national service bill to be passed now. The same group has committed to collect 100,000 Americans' signatures before this bill reaches the appropriations stage.

Many of those at the rally were citizens who wanted to make a difference. Nicole Thomas, a young mother, noted that "It's strange how I am here today, because politics never really mattered to me before." She said she was committed to national service because she wanted to make the world a better place for her daughter.

If Republican and Democratic Senators cannot listen to the people we represent, if Senators are more interested in scoring political points than in securing passage, if we cannot find a way to work together, then this is truly a sad day for America and for the Senate. We stand at the threshold of passage of legislation inspiring a generation to come. Those who vote against cloture register their vote for gridlock, their vote against the wishes of Americans, and their votes for obstructionism. If we work together we can accomplish so much. House Republican STEVE GUNDERSON wrote:

> At a time when the American people are desperately cynical about Washington, we Republicans have a chance to show the best of bi-partisanship, not the worst of gridlock. If we Republicans kill national service, the public can legitimately ask: "what are we for?"

The time for obstruction is over. The time for national and community service is here. I urge the Senate to vote for cloture, end this unseemly and unconscionable filibuster, and pass this bill.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Chair would inform the Senator from Pennsylvania that the Senator from Kansas controls the time.

Mrs. KASSEBAUM. Mr. President, I yield 10 minutes to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. I thank my distinguished colleague from Kansas.

One word of explanation, Mr. President, about the hat. I recently had an operation. It is for decor only.

Mr. President, there has been no filibuster on this bill and that can be demonstrated as a matter of plain arithmetic.

The Senate took up this bill a week ago Tuesday, late in the afternoon after we finished the Hatch Act. On Wednesday, there were amendments offered by both Democrats and Republicans. Virtually all of Thursday, a big part of it, was taken up by debate over the Helms amendment involving the Confederate flag, and concerns raised by Senator CAROL MOSELEY-BRAUN. On Friday, we were on appropriations for the legislative branch. On Monday, we were on appropriations for agriculture. On Tuesday, we were on appropriations for the District of Columbia. On Wednesday, we were on appropriations for State, Commerce, and Justice.

It is arithmetically demonstrable that, at most, we have been on this bill for a day and a half. And yet, the New York Times on Sunday reported a Republican filibuster, on Tuesday the press reported a Republican filibuster, and again today the New York Times reports a Republican filibuster. And I say to you, it is just not so. There has not been a Republican filibuster.

I am a little surprised at the language used by the distinguished Senator from Massachusetts about disloyalty; never mind divisiveness and obstructionism, but disloyalty.

The Washington Post yesterday had an editorial which recognized some Republican concerns as being "genuinely interested in passing a service program but worries about the expense of the Clinton plan and wants more experimentation before a full-scale program is launched. These are fair concerns."

I submit to you, Mr. President, that that is exactly what many of us on this side of the aisle are saying.

Mr. President, I was an original cosponsor of this bill. And it puts you at some peril when you become an original cosponsor of the bill.

In my statement, I specified that I was concerned about cost, and I made reservations. Now, the bill has been costed out, first, at $10.8 billion, so they have come down; then at $4.1 billion, so they have come down.

But I suggest to you that those figures are pulled out of the air. The question really is: What is a fair sum of money to give this program a test, as the Washington Post references it?

Now, we are not very far apart on the two proposals, as they stand today. Senator KENNEDY outlines a position at this time for $300 million in the first year, $500 million in the second year, $700 million in the third year.

Our suggestion and our offer, which I think is very reasonable, is the same for the first 2 years—$300 million and $500 million. But we say, as to the third year, the program has to prove itself, and the key determinant ought not to be the appropriations process, but authorization.

And it takes just a minute to explain that. When a bill comes to the Senate on appropriations, it is with many other items. We cannot assert our position to require 60 votes to close off an appropriations bill realistically, because it includes funding for veterans, HUD, and the like, so that there is no opportunity, if it is limited to appropriations, for the Republicans to take the close look that we can now on authorization.

And that is why we say there ought to be a limitation on a commitment to the third year through the authorization process where legitimately, under the Senate rules, the proponents of the plan will have to show that it is a good plan.

Now, we are prepared to authorize for 3 years, but we leave out one line. We leave out the amount of the money.

The current authorization bill contains 339 pages. It has a great deal of information about the formation of the corporation here, about the appointments to the Board of Directors, about the Community Corps Program, about the Youth Corps Program, about specialized in-training program, about the individual placement program.

We say all of this should be authorized. And it is about 99 percent or more of the process. They do not have to go back and introduce a bill. They do not have to go to the committee for hearings. They do not have to go for markup. It is all there except the dollar amount.

The only way we can realistically test the dollar amount is to provide that amount has to be authorized. There are two processes, as the President knows: Authorization and appropriation. But there cannot be an effective limitation through appropriations alone because we cannot require 60 votes to have appropriations where so many other items are included.

I have been very extensively involved in negotiations with Mr. Eli Segal, who is handling this matter for the administration. I talked to Mr. Segal four times yesterday, twice already today. We came to what I think is fair to say is a meeting of the minds on the way to gauge the program, and that is to have $300 million for year one, which they want; $500 million for year two, which they want and we agree to; but that the program ought to have to prove itself. It ought to have that 2-year test period to establish that it is working. And the only way to have the Republicans similarly situated to gauge the program after 2 years, is to require the authorization. We have submitted this language:

> There are hereby authorized $300 million for the first year, $500 million for the second year, and such sums as may be authorized for fiscal year 1996, and the enactment of an authorization for fiscal year 1996 shall allow the continuation of this program as contained in the act.

So that it all stands, under this 339-page report, except the dollar figure.

When charged with obstructionism, I am a little surprised. There was a curious coincidence yesterday, that the three editorials, in the Times and the Post and the Philadelphia Inquirer, all

singled out ARLEN SPECTER. Quite a coincidence. If you are a cosponsor it is a hazardous occupation. If you do not cosponsor, nobody pays any attention to you.

I believe in national service. But at a time when we are considering a budget which raises taxes on middle Americans, and when we are at a time when every newspaper in this country, including these three, editorialize day after day about the deficit, and at a time when we are considering, as we did the day before yesterday, an additional 10-cent tax on gasoline, I suggest it is not asking too much for those of us on this side of the aisle—and it is just a handful, just four who are willing to provide the key 60 votes for cloture and support this legislation—to require this legislation to satisfy a test after it has been in effect for 2 years.

What has been proposed by the distinguished Senator from Massachusetts is not a fair test. It is not where we stand today, and that is to require 60 votes to put up the money. They can get the 60 votes for the third year authorized amount, providing the program works.

It is somewhat frustrating. There is no way—and I have learned this—to win the battle of public relations on this issue. But I believe any fair-minded American—and I have gotten lots of calls from labor leaders who supported me in last year's election; I have gotten a lot of calls from public officials. When I stop and explain to them we are dealing with a program which had $10.8 billion picked out of the air, $4.1 billion picked out of the air—I have made my point.

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

Mr. KENNEDY. Mr. President, I ask an additional 10 minutes to be divided between Senator KASSEBAUM and myself?

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

Mr. KENNEDY. I will just take one moment. I listened with great interest to the Senator from Pennsylvania. He was an original cosponsor of the President's bill which provided for a 5-year authorization with $394 million in fiscal year 1994 and "such sums" in subsequent years. Now he is unwilling to have a 3-year authorization with a dramatic reduction in possible spending levels. He understood what "such sums" meant in the measure as introduced.

The American people wonder why Republican leaders are trivializing the legislative process. They want deliberation leading to progress, not gridlock.

Second, I take issue with the Senator's remarks that there is obstruction. Where was the Senator last week when the Republican leader stood right there and told the majority leader to file for cloture if he wanted to pass this bill? I do not know what more of an indication of obstruction you need. When someone tells that to the majority leader it is quite clear they are blocking final resolution of the bill.

Third, if the Senator has disagreements, he can file an amendment like everyone else. If it is relevant, this body will consider it. But the Senator is unwilling to let this body work its will on his amendment. Therefore, his vote may very well be one of the one or two votes that prevent the Senate from permitting Senators to have a final vote on enactment.

How much time do I have?

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts has approximately 11 minutes.

The Senator from Massachusetts has the floor.

Mr. KENNEDY. If the Senator wants time for a response I will be glad——

Mrs. KASSEBAUM. Mr. President, I yield 1 minute to the Senator from Pennsylvania.

Mr. SPECTER. I thank my colleague from Kansas. In response to what the distinguished Senator from Massachusetts has had to say, perhaps he did not read my floor statement where I was an original cosponsor with expressed reservations as to the amount of money. When the distinguished Senator from Massachusetts is courting Republicans, he does not have very far to go over here. It is a rather short line. I have been the object of his attention and affection with some frequency, and have responded.

But if I am writing a blank check by signing on as a cosponsor, do not look for me to be a cosponsor. When the distinguished Senator from Massachusetts talked about the Senate working its will and why do I not file an amendment and let the Senate work its will, I am prepared to do that. But the Senate's will on this issue is 60 votes. I want to have 60 votes when we look at this bill for authorization for the third year. And when he says the distinguished Republican leader stood on the floor and told Senator MITCHELL to file cloture, I do not think Senator MITCHELL needs any encouragement to file cloture. Cloture is filed many times before the bill even comes up.

But when the Senator from Kansas, the distinguished Republican leader speaks, he does not make a commitment for my vote. My vote is mine and I cast it as I see fit.

The PRESIDING OFFICER. The minority leader is recognized, the Senator from Kansas.

Mr. DOLE. Mr. President, was leaders' time reserved?

The PRESIDING OFFICER. The Senator is correct.

Mr. DOLE. If I could use a little of the leader's time?

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Kansas is recognized.

Mr. DOLE. Mr. President, I called President Clinton yesterday morning and said, "Do you want 4 or 5 Republican votes or 20 or 25 Republican votes? It seems to me this is a very important program, something you talked about in the campaign, something you have a lot of personal interest in."

I believe there is an opportunity, if he will permit us to make some changes, to get a broad bipartisan support for this bill, as I think there should be. And there were some 20 Republicans or more who voted for this—a little different measure on the House side.

And he said he appreciated that. He would like to have broad support because he thought this program was a good program, it was going to grow, it would be a very effective program in the next 15, 20, 25 years, and he thought it ought to be bipartisan.

So Mr. Segal came to see me. We had a good visit. And we did not resolve everything, but late yesterday afternoon we made another proposal, sent it to the White House. Mr. Segal called back and said he checked with the President. They would accept it. So we thought it was over. We made a good faith effort to come to grips.

What we did was offer pretty much the same proposal the Senator from Massachusetts talked about a couple of days ago where the only thing you have to worry about in the third year is the amount of money. You do not have to reauthorize the whole program. Just come back and get more money, more authorization for more money. Not an appropriation but authorization.

It is a proposal that was suggested by the Senator from Pennsylvania and we followed through on it. I thought it was a good idea. I thought it would bring about 20 or 25 Republicans. We regret it was necessary to say that they could not accept the proposal after, in fact, it had been accepted.

But I would add this. We still hope we can work out something. We would like to have 75 or 80 votes for this program rather than a fewer number. There is an opportunity to do that. I assume if we have to vote—have a vote on cloture at 12:10, whenever the time expires, I hope cloture would not be invoked so we can continue to negotiate.

Just because the New York Times says it is a filibuster does not mean it is a filibuster. We have been trying to negotiate. I hope we do not just pick up the morning paper and say, oh, there, the Republicans are stalling. We are not stalling. I had meetings yesterday for 4 or 5 hours, good-faith meetings in my office, good-faith meetings with the administration, talking to the President of the United States about this program. And I believe it can be resolved and I hope it can be resolved in an amicable way where we have—as we

had 78 votes for a program here 2 years ago, as the Senator from Massachusetts said, including this Senator's—78 of us voted for it.

I do not see any reason why we cannot have at least that many, maybe, vote for this program if we can make just this one change suggested by the Senator from Pennsylvania and endorsed by others of us.

So we hope, if we have to have this vote, that cloture will not be invoked so we can continue to try to work it out. In the New York Times they talk about a filibuster. They do not know what is going on. They just watch what is going on. They do not know what is going on in the offices, what good faith efforts are being made.

It is not a filibuster, not gridlock. It is the same thing we had in this body for a couple hundred years. It is called negotiation. You try to make a bill, improve a bill, get more support for it, get more votes for it.

Mr. President, if the vote has to come at 12:10, that does not mean it is going to be the end of negotiation. We are looking at the latest language. I understand the Senator from Massachusetts has some new language. We now have that language. We have submitted it to the Parliamentarian on our side. We hope to make some modification, and maybe it will be acceptable to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, we were criticized for not being specific in the funding levels we wanted authorized. So we proposed $300 million in fiscal year 1994, $500 million in fiscal year 1996, and $700 million in fiscal year 1997. Now the Republicans say they want a careful review in the third year. Fine. We will strike the $700 million, and require the corporation to come back to Congress to get whatever funds are justified for that program in the third year.

That is not what the Republicans have proposed. They insist on a complete reauthorization, which makes this a 2-year bill. We want third year funding decided by a majority; they want to be able to filibuster third year funding and require 60 votes in the same way as they are filibustering now.

I know the American people cannot understand this. We cannot understand it.

Let there be no question about it, we can settle this right now. If the minority leader would take "such sums as may be necessary," I would ask the majority leader to call off this cloture vote.

I do not have the attention of the minority leader. If you want to just say "such sums as may be necessary," a cloture vote is not needed.

Mr. DOLE. Authorize?

Mr. KENNEDY. In the fiscal year 1996 authorize, "such sums as may be necessary."

Mr. DOLE. Authorized.

Mr. KENNEDY. Authorize to be appropriated.

Mr. DOLE. We have a different word there. I take your first offer.

Mr. KENNEDY. If the Senator only wants the authorization for a 2-year period, that is as unacceptable to almost every Member in this body as it is on other legislation. A 2-year authorization represents a desire to kill this legislation. The minority leader's response makes clear his intentions.

Mr. McCAIN. Will the Senator yield me time?

Mr. WOFFORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mrs. KASSEBAUM. Parliamentary question. How much time do I have remaining on this side?

The PRESIDING OFFICER. The Senator from Kansas as 11 minutes 25 seconds.

Mrs. KASSEBAUM. I yield 2 minutes to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. McCAIN. Mr. President, I would like to thank the Senator from Kansas for her devoted, dedicated efforts on this legislation for now many, many months. If we all paid very close attention to her views, I believe that there would be more unanimity in this Chamber.

I have to comment on the last exchange. The Senator from Massachusetts, as is his want, would seek an appropriation that says "such sums as necessary." "Such sums as necessary," to the uninitiated, means whatever is appropriated. The President's budget—the President's budget—said that this program over a 5-year period would spend $10.8 billion.

Yes, I say to the Senator from Massachusetts, the American people are wondering what is happening. What is happening when we are talking about voluntarism and national service turning into a $10.8 billion program—according to the President's budget, not according to me.

What we are seeking here—my friend from Pennsylvania has labored mightily in support of this concept—is to keep the costs under control. That is clearly not the goal of the Senator from Massachusetts. That is why we are still negotiating. That is why we have not had an agreement. And I hope that the Senator from Massachusetts will prevail upon his colleagues to agree to the same thing the White House agreed to with the distinguished Republican leader yesterday. I am sorry the White House's commitment to the Senator from Kansas [Mr. DOLE] was reversed yesterday.

I yield back the remainder of my time.

Mr. KENNEDY. Mr. President, 15 seconds.

The Senator ought to read the language. It has an authorization of $700 million in fiscal year 1996. That will be the highest authorization the Corporation would have. I do not know where he gets his other figures.

Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Massachusetts as 8 minutes 2 seconds.

Mr. KENNEDY. I yield half to the Senator from Pennsylvania and half to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. WOFFORD. Mr. President, there is an easy way to resolve whether a filibuster is underway or not, and that is to vote. In the 30 hours thereafter we will consider the proposals, including the distinguished minority leader's proposal, and see if we can work something out. But let us come to a vote.

I am no Moses. I know Moses, and I am no Moses, and the distinguished Republican leader Senator DOLE is no Pharaoh. But there are lots of Members on the other side of the aisle who want to vote for this bill. So I appeal to the distinguished Republican leader to let his people go, let those friends of this bill have the chance, along with all the Members of this body, to work their will in the days to come.

I would like to close this debate on my part with a few words about responsibility. The poet Yeats said that dreams begin in responsibility. The dream that this act represents, the dream of bringing the idea of the Peace Corps home, the dream of applying to our own problems at home the energy, the initiative, the hard work demonstrated by Peace Corps volunteers abroad, the dream of reviving the GI bill principle of asking for service and enabling people to get an education who give that kind of service, that dream begins in responsibility. That responsibility needs to start in this body, and this body now.

The House has acted in a bipartisan spirit to make that dream become a reality. Now it is our turn to be responsible.

When John Kennedy was asked whether he was a conservative or a liberal, he said he hoped he was responsible in the active sense of the word, responding to the facts and responding to the needs of our country. So, too, this act is neither conservative nor liberal, neither Democratic nor Republican. It is based on the proposition that civil rights bear with them civic responsibilities. By empowering thousands of young citizens to serve their country and enabling them to be responsible in that active sense, this legislation allows them to learn responsibility in the only way it can be learned: By practicing it. Mr. President, the national and community

service made possible through this act will enable many young Americans to discover that ethic of responsibility by experience.

There is a lot of talk of reinventing Government, and indeed Government must become more responsible in the active sense by responding to problems at home faster, more efficiently, more humanely, and less bureaucratically. This will be accomplished not by more Government but rather by people reinvigorating citizenship the way this act does, by making our Government not just of and for people but, most importantly, by people—people who are accountable to each other and working for the common good.

It is time now, in just a few minutes, for us to go beyond words to action. I ask unanimous consent to print in the RECORD some words by a lot of other people who are asking for action:

Gen. Norman Schwarzkopf in testimony submitted to the Senate Labor and Human Resources Committee hearing that I chaired on June 8—the general incidentally wouldn't agree with our program because it's too small, he thinks everybody should do national service. General Schwarzkopf said:

I strongly believe that universal national service would provide a source of inexpensive, highly trained manpower to apply against many sectors of our country that desperately need help, would give a sense of self-worth to many young men and women who are lost today because they do not feel they will ever have a chance to make a contribution and, finally, would instill great patriotism in the youth of America who, because they earned the right to be called Americans, would be proud to be Americans.

And shortly before his death, Arthur Ashe wrote this in the Washington Post soon after the L.A. riots last year:

America will continue to pay a high price in civil and ethnic unrest unless the nation commits itself to programs that help the urban poor lead productive and respectable lives. Once again a proven program is worth pondering: national service * * *.

Father Edward "Monk" Malloy the president of the University of Notre Dame where then-Governor Clinton presented his vision for this program. Father Malloy is the chairman of the American Council on Education, and he said at our hearing on the bill:

Clearly the problems of our cities and towns far exceed the capacity of 100,000 young people to solve them. I envisage a groundswell of student involvement in part and full-time service which doubles or triples that number.

And also from our hearing are the words of Duane Andreas, CEO of the Archer-Daniels-Midland Co., one of dozens of corporate executives who understand the value of the work ethic, discipline and teamwork national service can teach:

I in fact had urged former President Bush to act on a large scale on this idea. And that is because it makes sense and because as the CCC demonstrated it works. * * * Will it take another Los Angeles to spur Congress to take dramatic action as Roosevelt did? That would truly be a shame. * * * We are losing a generation while we worry about labels of conservative and liberal, Democrat and Republican.

Listen to some of the young people of America. Dan Carter from the D.C. Service Corps and Public Allies, two of the types of national service models this bill will help spread throughout the Nation, who grew up on some of the meanest streets of Washington, DC:

Through the Corps, I have gained more respect for my community and myself * * * this year I've changed. Now I know I can help people and get a good feeling out of it. * * * One of my best friends died in my arms. We were running from some drug dealers and he took a bullet for me. * * * The D.C. Service Corps was a turning point for me * * * [it] has a lot to do with who I am now.

From the Young People for National Service Coalition, a group of over 1,500 young people that lobbied many of us here yesterday in support of national service. They said they could not stand for any further downsizing of the bill and that we were starting too small already. They said that they were ready to serve if we'd just do our job. They presented me this large key which reads:

Senator, you hold the key to our future! Unlock gridlock, unlock the gridlock now.

I hope indeed that my colleagues realized that the vote they cast today is not about the next election: it's about the next generation.

Now it is time to vote. Or more accurately, this is a vote to allow a vote. And I know Mr. President that there are many on the other side of the aisle who would like to vote for this bill, for change, for a chance to move past partisan politics.

By cloture, we will let Senators of all persuasions vote for this bill, and for pertinent amendments to it, up or down.

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

Mr. WOFFORD. It is very easy, Mr. President, to say "no." It is easy to stand still. Why not now learn how to say "yes."

Mr. DURENBERGER addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DURENBERGER. Mr. President, I rise to support the majority leader's motion to limit further debate on the national and community service legislation now before us.

As I indicated last night when the distinguished Senator from Massachusetts and I introduced a substitute amendment, this legislation now represents the contributions of many Senators on both sides of the aisle. It represents a good faith effort to respond to concerns that have been raised and to incorporate the very positive suggestions made by Senator KASSEBAUM, Senator JEFFORDS, Senator DOMENICI, Senator STEVENS, and many others.

And, with the numerous changes that have now been made in the President's original proposal, it is my sincere hope that we will now be able to adopt a national and community service proposal that enjoys strong bipartisan support.

Whatever differences still remain on the precise size of this program do not justify additional or prolonged debate. I sincerely hope this vote will help bring this matter to closure.

In addition to the numerous changes and improvements that I and others have insisted be made in this bill, Mr. President, I hope this debate will leave all of us with a much clearer understanding of what we mean by national and community service—what this new initiative is intended to accomplish and what—for good policy and fiscal reasons—this program can never be.

One important addition to this legislation is a study that I proposed which would measure the outcomes we have set out in this program.

I ask unanimous consent that the study language be printed in the RECORD.

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

"(10) provide for studies and demonstrations that evaluate, and prepare and submit to the Board by June 30, 1995 a report containing recommendations regarding, issues related to—

"(A) the administration and organization of programs authorized under the national service laws or under Public Law 91-378 (referred to in this subparagraph as 'service programs'), including—

"(i) whether the State and national priorities designed to meet the unmet human, education, environmental, or public safety needs described in section 122(c)(1) are being addressed by this Act;

"(ii) the manner in which—

"(I) educational and other outcomes of both stipended and nonstipended service and service-learning are defined and measured in such service programs; and

"(II) such outcomes should be defined and measured in such service programs;

"(iii) whether stipended service programs, and service programs providing educational benefits in return for service, should focus on economically disadvantaged individuals or at-risk youth or whether such programs should include a mix of individuals, including individuals from middle- and upper-income families;

"(iv) the role and importance of stipends and educational benefits in achieving desired outcomes in the service programs;

"(v) the potential for cost savings and coordination of support and oversight services from combining functions performed by ACTION State offices and State Commissions;

"(vi) the implications of the results from such studies and demonstrations for authorized funding levels for the service programs; and

"(vii) other issues that the Director determines to be relevant to the administration and organization of the service programs; and

"(B) the number, potential consolidation, and future organization of national service or domestic volunteer service programs that are authorized under Federal law, including

VISTA, service corps assisted under subtitle C and other programs authorized by this Act, programs administered by the Public Health Service, the Department of Defense, or other Federal agencies, programs regarding teacher corps, and programs regarding work-study and higher education loan forgiveness or forbearance programs authorized by the Higher Education Act of 1965 related to community service.

Mr. DURENBERGER. The results of this study would let us know whether to proceed with this program.

Last Thursday evening, my friend and colleague from New York stood back here and made a very effective case that this program cannot be a way of assuring financial access to higher education for large numbers of young Americans.

At $22,000 per national service participant, Senator D'AMATO is right. Without my colleague's charts—and without his colorful language—I have made that same case my self.

We already have better and more efficient ways of helping lower income students pay for college through the Pell Grant Program. And, if we enact the fundamental changes in student loan programs that I and many others have supported, we can help ensure financial access to college for middle income students as well.

So, if stipended service is not a large-scale student aid program, then what is it? What justifies spending $22,000 on one young American engaged in community service? The answer to that question, Mr. President, is partly all around us—in existing service and conservation corps and other stipended youth service programs all over America.

Those programs have three sets of goals. The first is to offer young people an opportunity to improve their own self-image and sense of self-worth by doing something that helps, rather than hurts, their neighbors and themselves.

A positive alternative to dropping of school, getting involved in crime, drugs, teenage pregnancy, and all the rest.

An opportunity to get back into more traditional forms of education, to learn job skills, and citizenship skills—skills that these same young people will need and use throughout life.

But, that is not all. A second goal we must focus on, Mr. President, is to tap the creative energies and time and talents of young people doing service in local communities all over America.

Each of our communities has unmet needs. In some communities it is helping young children get ready to learn.

In others it is helping older residents remain in their home.

This week, in the Midwest, it is helping families and whole communities recover from the ravages of floods.

At $22,000 per participant, Mr. President, I agree that we cannot afford to use national service just to help pay for college. But, if the objectives are helping communities meet unmet needs—and offering young people a positive alternative to drugs, crime, teenage pregnancy, or even death—then $22,000 can be a very wise and productive investment.

Finally, Mr. President, a third goal for both stipended and nonstipended service is to build a life-long commitment to service and to leadership. We are not just talking about what goes on during a one or two period of service, Mr. President. We are talking about changes in how we relate to ourselves and to our communities that will last an entire lifetime.

Every time I go to a meeting or attend a hearing on this subject back in Minnesota, Mr. President, there is a small delegation of 75-year-old men in the front row.

In the 1930's, they were in their late teens or early twenties. By the time they finish talking about their experiences then, as CCC volunteers, they have tears in their eyes, and so do I.

Their experience during the 1 or 2 years they set aside to build parks and campgrounds and other improvements all over America has instilled a sense of service and citizenship and leadership that has lasted an entire lifetime.

Much of the debate over this bill, Mr. President, has focused on the stipended service programs it expands or authorizes. But let me also point out that this bill significantly increases our commitment to nonstipended service learning:

Programs that are an essential part of the youth and community service programs in many of our States; and

Programs that deserve an opportunity to grow, regardless of how much money we're able to spend on the new stipended service programs authorized by this bill.

So despite the relatively small funding levels, one of the most important goals of this bill is to leverage billions of dollars in money we're already spending on education to make both teaching and learning more effective. We do that, Mr. President, by making the whole community the classroom.

Unfortunately, not every school-age young person is in school. And not every young person can afford to perform full-time service without the kind of modest stipends authorized by this bill. Those are two reasons I support the service corps and other stipend service programs this legislation will help start or expand in communities all over America.

But, Minnesota and other States have also demonstrated how effective nonstipended service learning programs can be in motivating and institutionalizing community service, not just by 25,000 or even 150,000 young people, but by millions of kids—kids from kindergarten through college.

Since Minnesota's pioneering youth development legislation was first adopted in 1987, the number of school districts with a youth development plan has grown from 158 to 325. More than 100,000 Minnesota elementary and secondary students are now engaged in some type of community service activity through their schools, an increase of 40,000 students in just the last year. And almost 40 percent of Minnesota's 399 school districts now offer academic credit for youth service and service learning.

One of the reasons for this phenomenal growth is Minnesota's commitment to put State and local resources behind links between youth service and education.

Since 1987, Minnesota school districts have been levying a small per capita property tax assessment for youth development and service activities. The money, which currently totals $3.5 million statewide, is channeled through each district's community education program.

Minnesota has also put State resources into postsecondary service learning projects on public and private college campuses. And Minnesota has one of the Nation's best-run conservation corps, run by the State's Department of Natural Resources.

Overall coordination for Minnesota's youth service activity has been provided over the past 4 years by a Governor's Advisory Task Force on Mentoring and Community Service. The task force has been chaired by Jim Kielsmeier, president of the National Youth Leadership Council, and one of the Nation's foremost youth service leaders.

Minnesota's vision and long-term commitment to youth service has also played a key role in securing Federal funding from the Commission on National and Community Service under programs that will be reauthorized by the legislation now before us.

Last year, Minnesota received grants of $236,000 under the ServeAmerica Program to support its K–12 service learning programs, $150,000 for college-level programs, and $245,000 as one of eight leader States—funds that are being used for evaluation, self-evaluation, curriculum development, and establishment of academic standards in Minnesota and a number of other States.

With its ServeAmerica grant, Minnesota has funded 23 K–12 Programs run by small rural school districts, an Indian reservation in northeastern Minnesota, and both suburban and central city school districts in the Twin Cities.

One of the more innovative projects is run jointly by the St. Paul Schools' New Americans Program and the Ramsey County Public Health Department. This program is developing a Youth Service Corps that involves youth from families that are recent immigrants or refugees. After working with adults in the health and human

services fields, participating youth are sharing their knowledge with other youth from their own cultural background.

I met with students from this program earlier this year, students who are learning about health care and exploring health professions at the same time that they're working to improve the health of their own communities.

Another innovative service learning project in Minnesota is the Students Reaching Out Program at Anwatin Middle School in Minneapolis. Under this program youth with disabilities are being given the opportunity to tutor younger children at a neighboring early childhood center.

Overall, the Minneapolis public schools have one of the most extensive programs of service learning in the entire country. The Labor and Human Resources Committee had the opportunity to learn about one of those programs firsthand during its hearing on this bill earlier this year.

I am pleased that two Minnesotans contributed testimony to that hearing—Mary Noble, a teacher and assistant principal, and Robert Hurt, an eighth-grade student. Both Mary and Rob have been involved in service learning programs at Webster Open School in northeast Minneapolis.

And finally, still another outstanding service learning project in Minnesota is being run jointly by the State's Pollution Control Agency River Watch Program, the Ojibwe School, and the Fon Du Lac Reservation near Duluth. Under this program, students trained in water quality monitoring through the project are also working with younger students on a variety of environmental issues.

All of these service learning projects—and hundreds of others all over Minnesota—are just the kind of initiatives that this legislation is designed to encourage and support in every State in the Nation.

I am personally optimistic, Mr. President, that the important goals of this legislation can and will be achieved. but I'm also reminded that the kind of fundamental changes we are seeking through this legislation very seldom originate in Washington.

One of my personal mentors on this subject has been Wayne Meisel, a young man who grew up with my kids in south Minneapolis, and who was among the first group of members appointed by President Bush to the Commission on National and Community Service. Wayne summarized the reality of how change occurs when he recently wrote:

> Movements are not born in Washington, DC. In fact, by the time they reach our Nation's Capital, they have already happened. The youth service movement is no different.

The movement Wayne Meisel is part of involves millions of young people and thousands of teachers and youth service workers all across the country.

My hope is that the substitute now before us will help make that movement an integral part of how we teach and learn in every school building and every classroom in America.

In fact, one important purpose of this bill is to make every community in America a classroom and an environment in which the talents and energies of our youngest citizens can be fully engaged and fully appreciated.

Nobody has a greater stake in addressing all the challenges we face as a nation than our children and our youth. And as a nation that thrives on tackling tough challenges, we can't afford to leave that tremendous natural resource untapped.

During this debate, Mr. President, it has become evident that all of us need a much better understanding of both those questions. But I believe both those questions can be addressed through the substitute we now have before us.

I urge support for the motion now before us, Mr. President. And once it has been adopted, I look forward to giving this important legislation the kind of bipartisan blessing it will need—the kind of bipartisan blessing that this legislation most certainly deserves.

Mr. President, I am going to respond briefly, if I may. Let me say I am going to support cloture. I think the issues have been well enough defined over the last couple days. There has been all the negotiating everybody has talked about. But I am going to share with my colleagues a couple of assumptions. One is that all 100 of us are for service, national and community service both. We are all for it. We all make the assumption that 78 percent of us, or something in that neighborhood, are for the kind of national and community service that this bill proposes.

I will also make the assumption—I think it is correct—that the initial statements supporting this bill by both my colleague from Pennsylvania and I were identical. We said the program is not tight enough; it does not have measurable outcomes. It does not have a business plan to use. It does not have something 2, 3, 4, 5 years from now you can actually measure and say it is worth re-upping the program.

We also said there was too much money. There is no argument on this side, or hopefully on the other side of aisle, where they have come from $10.2 billion down to $1.5 billion. So money is no longer the issue, as a lot of my Republican colleagues have said. It is not the issue.

Do you know what the issue is? They want to get it below $1 billion. That is about how simple this thing is. So it is a 2-year program versus a 3-year program.

Does it make any difference whether you re-up in 2 years or re-up in 3 years if you have all of the studies that we have built in here. The business plan is in here. Everything that Republicans have demanded of a responsible public program is now built into this substitute amendment that is actually before us.

I do not think any Republican should be against this. It is the most Republican public program we have ever put forth and money spending is no longer the issue. Everyone has agreed $300 million 1 year, $500 million the second year. The issue is do you have a third year.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. I yield 1 minute to the Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. JEFFORDS. Mr. President, I rise in support of Senator KENNEDY's substitute to S. 919. We have a bill before us that is a compromise. It incorporates numerous concerns expressed by my colleagues on this side of the aisle and is a good faith attempt to come to a bipartisan bill.

This proposal illustrates true bipartisanship. During the drafting of this bill, the Clinton administration acknowledged the concerns that many on this side of the aisle expressed about the cost and composition of the national service delivery system. Many of those concerns were addressed in the proposal that the President sent to Congress.

Let me mention just a few.

The original Clinton proposal required national service participation as a prerequisite to student financial assistance. The bill before us does not.

The original Clinton proposal contained a direct lending provision. The bill before us does not.

The original Clinton proposal was a federally funded project. The bill before us represented a Federal-State partnership and guarantees matching funds through State and local sources.

The original Clinton proposal created an entitlement program. The bill before us today does not.

Most importantly, the original bill's authorization level over 5 years totaled more than $7 billion. The bill before us today reduces those levels by $5.5 billion and brings the total over the 3-year period to $1.5 billion. While this may sound extravagant to some, I must remind my colleagues about the purpose of this program.

National and community service is not a program that young people engage in because they are free for the summer or because they have nothing better to do with themselves. Participation in service requires a true commitment. This is a program that demands that youth spend at least 1 year of full-time service or 2-years of part-time service in an area of national need before they can receive the $5,000 education award.

Let me stress that point—this program requires that service be directed toward areas of unmet needs. Those areas of unmet needs are so clearly evident to us all and growing all the time. We have all stood on this floor and talked about our education system, the need to have child care, the need to have after school care—before school care, the need to reduce violence in our schools and drugs in our streets.

Just because we all support spending cuts does not mean all government programs should remain static. We must commit ourselves to redirecting our priorities to make clear that unless we address the concerns of this country we will have no future for our children whatsoever. National service is a cost-effect initiative that will meet many urgent local and national needs that will not be met through traditional measures.

We cannot just look at dollars and cents. We have to look at our national priorities. Our children are not getting a fair shot at what they deserve. Just last month, the National Research Council released their 3-year study suggesting that the serious problems of the Nation's adolescents—drug use, school failure, delinquency, and violence—have grown to tragic proportions. The reasons for such a travesty are clear—the programs designed to assist children have come under siege over that past two decades. But teenagers are not the only losers in our country—young children and babies are also being ignored. When one in five children—14.3 million—lived in poverty in 1991 there is little wonder why children fail in school and become disillusioned with the future.

We have a clear and present danger in this country—just as we did decades ago with our foreign enemies—but we have yet to take that threat seriously. We have not—as we did with our defense buildup—understood that now is the time to build up education, health, and social services programs in the same way that we committed ourselves to the cold war buildup.

The time has come to stop the finger-pointing and the blame game we engaged in so often. Rather, as a team, we must figure out what we want from our system, evaluate what we will need to get there, and devote the time and the resources to achieve those goals.

I will remind my colleagues again. We do have new resources to devote to this issue. We have downsized military enrollees by 100,000 since 1986. The savings generated from curtailing new recruits by 100,000 is close to $1.7 billion per year. That figure does not include GI benefits that military personnel are eligible to receive.

What we are offering here is a program that would partially replace that loss. The National and Community Service Trust Act is a new method of allowing young people to participate in improving their society. We need to keep this consideration in mind as we debate the issue of national service.

Let us not get caught up in frivolous debate. Let us be clear on what this program can do for young people and for this Nation.

In conclusion, there is not much I can offer to the statement of the Senator from Minnesota. We have all been negotiating very hard on this bill, and I believe we have reached a compromise which is most reasonable. We have brought the cost down substantially, as has been pointed out. It is only $1.5 billion over 3 years now versus a much larger sum, $10 billion. We have tightened it up. We have made it effective. We made it a program which I believe we all can be proud of when it starts.

Now we have the question of whether or not we are going to vote for cloture. I will support cloture if this substitute passes.

I urge my Republican friends, a majority of whom, I know, are in favor of a program like this and want one, to vote for it now and get on with it.

Mr. President, I yield the floor.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mrs. KASSEBAUM. Mr. President, I yield 3 minutes to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma [Mr. NICKLES] is recognized.

Mr. NICKLES. Mr. President, I compliment my friend and colleague, Senator KASSEBAUM, from Kansas, who I believe did an outstanding job, and also I will say right at the outset I think she and other people on this side have not engaged in a filibuster but have been responsible in saving billions of dollars of taxpayers' money.

The proposal that Senator KENNEDY and others have come out with today is a 3-year program at a cost of $300 million the first year. Under the bill that came out of the committee, it was $394 million. That saves $94 million for next year.

Under the President's budget, he proposed $1.2 billion in the second year. Now I understand the proposal before the Senate is $500 million. So that saves $750 million. So I congratulate my colleagues on this side of the aisle as well.

And then for the third year, I believe the Senator from Massachusetts has now offered $700 million. Under the President's proposal, it is $2.4 billion, so you have a savings of $1.7 billion again.

So I compliment my colleagues on the Republican side of the aisle because they have already saved about $2.5 billion just by pointing out that this is a very expensive program.

My friend and colleague from Minnesota said this is not just an issue about cost. It is an issue with this Senator that is largely on cost because both the House and the Senate are in the process of attempting to pass the largest tax increase in history at the same time we are starting a new program that will only explode in cost.

I might mention the President of the United States, who has been a big advocate of this program, was on TV last week saying that this program was going to benefit millions of students.

Well, now we are talking about benefiting maybe 20,000 the first year, and maybe 30,000 or 40,000 by the second or third year. So I think we need a little truth in advertising.

But I also think we need to compare the cost. This is an enormously expensive program if it is an education program. The cost in 1997 per person, which will not change even though the amounts will change, is $22,000. The cost of the student loan program is $400. The cost of the Pell grants is about $1,300.

So this is an enormously expensive program. If we have limited resources and if we want to help millions of students, we can do so through our student loan program.

This program, under the President's budget, would cost $3.4 billion. That is more than the cost of student loans, and student loans last year helped almost 5 million people. So if we want to help millions of people, let us do it through student loans. Maybe let us do it through enhancement of Pell grants, but let us not start a new program which, if we fund it, is going to cost billions and billions of dollars at a cost of $22,000 per person in the year 1997. They are eligible for 2 years of benefits. That is over $45,000 that the Government will be paying per participant involved in this program for 2 years.

Mr. President, I do not think we can afford this program. I happen to be for national service. I happen to be for community service, but I do not really think the Federal Government has to pay for it. I doubt that Mother Teresa is on the Federal roll in India.

Mr. President, I ask unanimous consent that an editorial that is in today's Wall Street Journal be printed in the RECORD.

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

[From the Wall Street Journal, July 29, 1993]

THE NEWEST ENTITLEMENT

With one hand Congress is getting ready to sock us all with new taxes to "reduce the deficit." With the other hand, it's oozing sanctimony to enact new spending programs, not much worrying that they'll increase the deficit.

Under the rubric of "national service," for example, the Senate is on the verge of enacting what will inevitably grow into a big new middle-class entitlement. Technically, national service will be funded annually like other discretionary programs. But if Mr. Clinton keeps his promise to make room for

everybody who wants in, the program becomes a de facto entitlement.

It would create a bunch of new federally funded jobs for kids 17 and older. They'd get a paycheck, health benefits and tuition vouchers worth upward of $20,000 a year. It looks to us as if seducing kids away from classrooms and real jobs would serve mostly to rope them into a codependency relationship with Washington, but it has a warm and fuzzy appeal to some voters and Senators.

Bob Dole and the Senate Republicans are playing Hamlet over whether to filibuster this new entitlement. Little details such as costs get lost even on the Republican side of the aisle, let alone among Democrats panting at more tax revenue.

National service is targeted directly at kids who are nervously scanning the want-ads for that first job; what Mr. Clinton, is dangling sounds like pretty good pay to a 17-year-old. He speaks airily of sending the kids out to "help the police" and "combat homelessness." In reality, this means whatever work the national service bureaucrats can scare up, after first making sure not to step on the toes of organized labor or trespass on the turf of 19 million federal, state and local employees. In other words, the kids will be put to work doing jobs that everybody agrees aren't worth doing.

The sorry record of previous federal make-work programs doesn't permit much optimism. Before it was zeroed-out by Ronald Reagan, CETA paid teenagers to attend picnics and meet society's unmet need for nude sculpture classes. It's well known that many CETA offices saw their charges only when it was time to hand out the paychecks. The kids, in turn, learned contempt for productive work and cynicism about government.

Mr. Clinton would recreate CETA on a grand scale, cycling 150,000 youngsters a year through national service by 1997. There'd be jobs for an army of bureaucrats to ride herd on them, and for another army of outside lobbyists to explain why ever greater federal funding is essential. You can bet that 535 Members of Congress would also be getting into the act, making sure the kids are deployed in their home districts to improve their re-election chances.

Once set in motion, this machinery makes sure that any federal program enjoys eternal life. You can read this in the relentless, upward trajectory of federal spending and deficits since Congress absconded with the President's budgetary authority during the wounded days of the Nixon administration.

There's something especially egregious about re-enacting this history with young folks as fodder. No doubt many of the kids who are drawn to national service are genuinely idealistic. And true, there's a slight "New Democratic" twist because at least this entitlement for the unneedy comes with a measure of reciprocal obligation. But kids taking their first steps toward self-reliance don't need Big Government offering itself in loco parentis. The bureaucracy is shilling for itself with the idea that work in the public sector is "service" while supporting yourself and paying taxes in the private sector is merely self-indulgent.

Such philosophy aside, what about the money? Yes, the program starts small, as runaway entitlements always do. Clearly its pork-barrel dynamic spells growth. And it already carries the same heart-tugging packaging that just led 400 members of the House to vote for flood relief, including $100 a week for job-training recipients. Because spending can't be cut, they keep telling us taxes have to be higher regardless of damage to the economy.

How can Mr. Clinton and the Democrats keep a straight face while pontificating about the urgency of raising taxes to close the deficit and at the same time peddle the notion that the government should hire the nation's kids? The only way to cut the deficit is to reduce spending. And before you can start cutting old spending, you have to keep yourself from creating new spending. The government will never cut its deficit if it keeps assuming vast new responsibilities.

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

Mr. NICKLES. I thank the Chair.

The PRESIDING OFFICER. Who yields time? The Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, I yield myself such time as is remaining on this side.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mrs. KASSEBAUM. Mr. President, while the Senate has spent most of the past week arguing about how to foster a spirit of national service, thousands of volunteers across Kansas and other States in the Midwest have been on the front line literally giving their time and energy and effort to fighting devastating floods.

This stark contrast between talk in Washington and action in middle America translates eloquently I believe what is wrong with the national service legislation. When Americans see a clear need to act and the meaningful role that they personally can play, there has never been any doubt but what their response will be, and they do not need a vast Government program and a Federal check to get moving.

The Senate debate over national service has been anchored in fundamentally flawed premises, Mr. President. We have argued about how much Federal money we should spend, and how much Federal direction to impose, and what incentives are necessary to get Americans to step up and volunteer.

In Kansas, a volunteer is someone who says, as a man did the other day, "My own job was washed out, so I came down to help fill sandbags and do whatever I can to help."

Under the bill being debated in the Senate, a volunteer is someone who needs minimum wage pay along with health care, child care, and education benefits.

Mr. President, this is not to denigrate the program that is before us or to say that it does not have an opportunity to provide a meaningful structure of community service for a number of young people. But it is just to say we must keep in mind what is at stake and what we are debating.

While the contrast that I made is not entirely fair about the minimum wage and the opportunities for a job in this effort, since national service involves a commitment by anyone undertaking it for 1 year or 2, it does suggest how Washington can become locked into debating the wrong things. We have missed a point that the floods have brought back into focus. The critical ingredients of any volunteer program are to clearly define the needs that must be met and the meaningful roles that young and old can play in meeting those needs.

I would just like to reinforce what has been said before, and we have debated this to a great extent back and forth in this Chamber over the last week. The bill before the Senate would continue all of the current service programs and their present funding. That involves already 30,000 full-time service workers at a cost of approximately $250 million a year.

Then, on top of that, we add a new layer of bureaucracy over the top and double both the funding levels and the number of volunteers in the first year. Under the President's proposal, the program would add 20,000 volunteers in the first year and over 4 years the cost is $7.4 billion.

In many ways, I have argued strenuously that the startup cost of $300 million for the first year is too much, particularly until we understand exactly what it is we want.

But I would also say, even more importantly, Mr. President, the floods of the past few weeks have demonstrated that the spirit of voluntarism is alive and well across America. It will remain so no matter what Washington does. We have always responded when our communities were at stake.

What we have missed is a chance to forge a genuine partnership from our neighborhoods to our capital. And it is that that I regret.

I would just like to add that I have very much appreciated the willingness of the administration to continue to negotiate in good faith; and to my colleagues on the other side of the aisle, particularly the chairman of the Labor and Human Resources Committee and the Senator from Pennsylvania, Senator WOFFORD, who both have been keenly interested in this issue, and who have spent a great deal of time, improving the bill.

However, I will vote no on cloture, Mr. President, because I think there is an opportunity yet to add some additional changes that would further strengthen both the fiscal responsibility and the structure of the legislation.

But I very much appreciate how far we have come through the negotiations, and I think it is a stronger bill for that.

Mr. President, I yield the floor, and yield the time I have remaining.

The PRESIDING OFFICER. The Senator from Massachusetts controls 1 minute and 27 seconds.

Mr. KENNEDY. Mr. President, I will take what time remains.

All of us applaud the extraordinary sense of voluntarism that we have seen in the Midwest and across this country. We have 90 million Americans who volunteer more than 2½ hours a week. But

in many instances—not all, but in many instances—those are people with financial resources.

The desire to serve runs from the poorest to the wealthiest individuals and is found in Americans of all backgrounds. We want to make sure that young and old people that want to give something back to this country are able to do so.

This program provides an opportunity initially for at least 20,000 additional young Americans to be involved in such service.

We hope that if there are other amendments, we will vote on them. We want to have a final determination about whether this body wants a service program or not. We are prepared to vote on any of these amendments. We welcome the opportunity. But the question before the Senate is whether we can vote on resolution of this issue.

We think the American people are entitled to a decision. If Republicans or Democrats believe that they are, I hope they will give us that opportunity by voting yea.

Mr. President, I yield my remaining time.

Parliamentary inquiry: Mr. President, does the rule provide for a yea and nay vote?

The PRESIDING OFFICER. The yea and nay vote is automatic.

Mr. KENNEDY. I yield back the remainder of my time.

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

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

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on a Kennedy substitute amendment No. 709 to the modified committee substitute to S. 919, the National and Community Service Trust Act of 1993:

Donald Riegle, David Pryor, Harris Wofford, Paul Wellstone, Patty Murray, Howard Metzenbaum, Edward M. Kennedy, John F. Kerry, Barbara Boxer, George Mitchell, Byron L. Dorgan, Wendell Ford, Bill Bradley, Kent Conrad, Dianne Feinstein, Ben Nighthorse Campbell.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the Kennedy substitute amendment, No. 709, as modified, to the modified committee substitute to S. 919, the National and Community Service Trust Act of 1993, shall be brought to a close?

The yeas and nays are required.

The clerk will call the roll.

The legislative clerk called the roll.

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

The yeas and nays resulted—yeas 59, nays 41, as follows:

[Rollcall Vote No. 224 Leg.]

YEAS—59

Akaka	Feingold	Metzenbaum
Baucus	Feinstein	Mikulski
Biden	Ford	Mitchell
Bingaman	Glenn	Moseley-Braun
Boren	Graham	Moynihan
Boxer	Harkin	Murray
Bradley	Heflin	Nunn
Breaux	Hollings	Pell
Bryan	Inouye	Pryor
Bumpers	Jeffords	Reid
Byrd	Johnston	Riegle
Campbell	Kennedy	Robb
Chafee	Kerrey	Rockefeller
Conrad	Kerry	Sarbanes
Daschle	Kohl	Sasser
DeConcini	Lautenberg	Shelby
Dodd	Leahy	Simon
Dorgan	Levin	Wellstone
Durenberger	Lieberman	Wofford
Exon	Mathews	

NAYS—41

Bennett	Gorton	McConnell
Bond	Gramm	Murkowski
Brown	Grassley	Nickles
Burns	Gregg	Packwood
Coats	Hatch	Pressler
Cochran	Hatfield	Roth
Cohen	Helms	Simpson
Coverdell	Hutchison	Smith
Craig	Kassebaum	Specter
D'Amato	Kempthorne	Stevens
Danforth	Lott	Thurmond
Dole	Lugar	Wallop
Domenici	Mack	Warner
Faircloth	McCain	

The PRESIDING OFFICER. On this vote, the yeas are 59, the nays are 41. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the cloture motion is rejected.

Senator KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I express all of our appreciation for those Members on our side and my colleagues, the cosponsors, Senators DURENBERGER and JEFFORDS who supported us in this cloture vote. I am also very appreciative of Senator CHAFEE for his support in the vote.

I think it is very clear what the sense of the membership is on this measure. There is a clear majority that desires to move forward on this bill. We are scheduled to vote on cloture again tomorrow.

I give assurances to the membership that we are going to continue to be tireless in trying to find common ground. This is too important an issue not to be able to reach a resolution of it. I think the American people expect no less. Our approach will be to try to find a common solution. We hope that those with reservations will approach this likewise. If they do so, we should be able to take action and reach a final resolution on this legislation.

I am grateful to the majority leader and to my colleagues, both those who have agreed with us and those who have differed with us. We will do everything we can to try to reach a successful outcome prior to the cloture vote tomorrow.

I yield the floor.

The PRESIDING OFFICER. The Republican leader.

Mr. DOLE. Mr. President, let me indicate, as I did earlier, that many on this side, I think, are prepared to vote for national service, as I indicated yesterday to the President. We are still prepared to try to work it out.

We appreciate the statement just made by the Senator from Massachusetts. We think we have been operating in good faith. We spent several hours yesterday. We thought we had an agreement. I am not blaming anyone. We accepted it. They called back and said we are embarrassed but we cannot accept the agreement. It is not that we have been trying to delay it in any way.

I hope we can resolve it so that we have a majority of the Republicans supporting it rather than just a few.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. Mr. President, I thank my colleague for his comment, and I thank the distinguished chairman as well.

It is my hope, as well, that we will be able to resolve it. It is quite clear that a very substantial majority of the Senate—59 of 100 Senators—favor the measure, as is. And given that strong support, strong sentiment for the measure as is in the substitute that was the subject of the cloture vote, I hope that the necessary steps can be taken to bring this to a final resolution in the near future and we can pass a bill, of which all, or at least most, of us will be proud.

I thank my colleague.

Mr. DANFORTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

ORDER OF PROCEDURE

Mr. DANFORTH. Mr. President, if I can make an inquiry of the majority leader.

Mr. President, if possible, I would like to speak for, I do not know, 10 or 15 minutes or so, on the subject of the

National Service Program. This would be a good time for me, but I do not know what the intention of the majority leader is.

Mr. MITCHELL. Mr. President, what is the pending business?

The PRESIDING OFFICER. S. 919 is the pending business. The national service bill is still the pending business.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senator from Missouri be recognized to address the Senate for up to 15 minutes, following which the Senate resume consideration of the State, Commerce, Justice appropriations bill.

Mr. DANFORTH. Mr. President, reserving the right to object. What I would like to do is just to speak without a time limitation. I really do not intend to go on. I probably will be less than 15 minutes, if I could just proceed as in the regular order.

Mr. ROTH. Will the Senator yield?

I thought I was going to have 15 minutes this morning in morning business, but I did not get it. I would like to get 15 minutes sometime this afternoon.

Mr. MITCHELL. Mr. President, I would be pleased to do that.

I would like to make an announcement now, because the Senator from Delaware had requested 15 minutes in morning business this morning.

We are now getting a literal explosion of requests for morning business time from both sides of the aisle and all Senators. It has nothing to do with party or anything else.

But the consequence is that it is increasingly difficult, if we are going to spend several hours a day on morning business—I am going to go ahead with this request—but I just want to say that next week I hope to consult with the Republican leader about this, about a way of either minimizing or just not doing morning business next week because we have so much to do in other things. We have to figure out a way to control it that combines the twin objectives of permitting every Senator to be able to speak fully and at length, if he or she wishes, and also to be able to get the business of the Senate done.

Mr. President, I ask unanimous consent that the Senator from Missouri be recognized to address the Senate; that upon the completion of his remarks, the Senator from Delaware be recognized to address the Senate for 15 minutes; and that upon the completion of his remarks, the Senate resume consideration of the State, Commerce, Justice appropriations bill.

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

Mr. DOLE. Will the majority leader yield?

Mr. MITCHELL. Yes.

Mr. DOLE. It is my understanding that we want to complete action on the pending appropriations bill sometime early today and then go to another appropriation bill, if one is ready; is that correct?

Mr. MITCHELL. That is correct.

Mr. DOLE. We hope that we might move very quickly on the appropriations bills. I think there are two—Interior and Treasury-Post Office—that are available.

We will try, as we have in this past week, to get an agreement on total amendments, and then we will bring those to majority leader.

Mr. MITCHELL. I thank my colleague for his cooperation.

I renew my request.

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

The Senator from Missouri is recognized.

Mr. DANFORTH. Mr. President, I would like to take this opportunity to explain as clearly as I can why I do not believe that the National Service Program is a good idea.

Mr. President, from reading the editorials on this subject, I think most people would come to the conclusion that what is at stake is basically a party fight—that Republicans are largely against the National Service Program; that the President wants the National Service Program; that this is simply another example of gridlock. That the Republicans are up to mischief yet again.

I would like to say that, from the standpoint of this Senator, I really am not interested in this subject from the standpoint of trying to deal a defeat to the President of the United States. I oppose the National Service Program out of principle. I do not oppose it out of political partisanship. I think it is the wrong idea for how the Federal Government should relate itself to the volunteer sector of this country.

Most of the debate that has transpired on the floor of the Senate has had to do with dollars, and most of the negotiations that have been going on have had to do with dollars: How can we afford this program, it is asked. How, at a time when we are dealing with the budget deficit, can we set up a new program? Should we spend $10.8 billion or should we spend $1 billion or how much money exactly should we spend on the National Service Program?

And that, of course, is a very interesting subject. But it is not really what is on my mind. As a matter of fact, Mr. President, what really is on my mind is that the dollars are limited and that the whole notion of a National Service Program is to create a selective program which spends money on a selective basis in a way that rewards some kind of public-spirited activity but not all public-spirited activity. And therein, I believe, is the problem with the National Service Program.

The National Service Program is officially guided voluntarism. There is a difference between officially guided voluntarism and spontaneously generated voluntarism.

Spontaneously generated voluntarism springs from the hearts of the American people—and different people in this country have different ideas of what they think would be helpful to their fellow human beings. Some people are volunteers through their churches; some people are volunteers through the Red Cross or through the Salvation Army. Some people are volunteers essentially on a full-time basis—many retired people are that way—and some people are volunteers on a part-time basis. People select their own voluntary endeavors and they pursue them at their own pace.

My problem with the National Service Program is that there is now going to be governmentally sponsored, governmentally sanctioned public service activity.

There is going to be a corporation. The Corporation is going to have a Board of Directors. The Board of Directors is going to be a Washington Board of Directors, and the Board of Directors is going to set priorities. The Board of Directors is going to be appointed by politicians in Washington, and people in Washington are going to make the decisions on how the Federal subsidy for voluntarism is to be spent.

Washington will set priorities. Washington will say there are certain kinds of voluntary activity which we sanction officially and there are many other kinds of voluntary activity that do not fall within the parameters of our governmental interest. That, to me, is the problem with the National Service Program. It is not simply a debate about the budget deficit. It is not simply a debate about whether we should set up yet one more governmental program.

My concern, as a matter of fact, is driven by the fact that there are only a limited number of dollars that are going to be spent on this program and, therefore, the National Service Board must be selective. It must pick winners and losers. It must pick those activities that are approved and those that are not approved. Therein is my problem. Because, in this way, the National Service Program differs from the charitable exemption and the charitable deduction.

We in Washington, we in the Federal Government, do try to help nonprofit organizations. We try to help charitable endeavors, voluntary endeavors. How do we do it? We do it by providing charitable exemptions to nonprofit organizations under the Internal Revenue Code and we do it by providing deductions for people who want to contribute to those organizations.

However, the charitable exemption and the charitable deduction are virtually entirely nonselective. It is not an effort by the Treasury Department or by the Congress of the United States

to officially sanction one kind of charitable activity versus another. So that church groups can get a 501 (c)(3) charitable exemption. As can the Boy Scouts. As can the Salvation Army. As can an infinite number of organizations that want to do charitable work.

Government is not selective. Government does not say we really like one kind of community service activity but we do not care that much about another type of community service activity so we give our charitable deduction only to some and not the others. That is not the way we do it. We do it on a nonselective basis. And the American people, therefore, make their own decisions about what kinds of activities are worthwhile and what kinds of activities they would just as soon leave to somebody else. It is a people decision. It is not a governmental decision.

But under the National Service Program, it becomes a governmental decision because a Government creation, the National Service Corporation, sets priorities, and the National Service Corporation says here are the priorities. Here are the activities that will be funded and here are the activities that will not be funded.

This general concern about selectivity, which has been lurking in my mind for some time, was clarified for me by reading an article in the New York Times that appeared last Friday, July 23. The article happens to deal with my State. It happens to deal with a number of people who have come there to volunteer because of the flood. And it specifically mentions one person who is very close to me and very close to my family. Her name is Caryl Simon.

The article is datelined Arnold, MO. I want to highlight some of the points that are made in this article.

It talks about a man named Dave Culver. Dave Culver is a 33-year-old high school teacher in Elizabeth, CO. This 33-year-old high school teacher from Elizabeth, CO, got in his car and he drove all the way to Arnold, MO, to do sandbagging. He was moved to do that.

Then the article goes on to talk about Ste. Genevieve, MO. It talks about a sign relating to sandbaggers that appears in Ste. Genevieve at the Valle Catholic High School which says:

> Help wanted. No experience necessary. Flexible hours. Fringe benefits: Meals and drinks, Tetanus shots, Band-Aids. Apply within.

And it says that in Ste. Genevieve, at the town's city hall:

> A hand-painted honor roll lists perhaps 100 places volunteers have come from. They range from Vicksburg and Jackson, MS, to Boston and Washington; from Denver to Hibbing, MN, to Charlotte, NC.

The article speaks about my friend Caryl Simon:

> Caryl Simon, 56-years old, lives 20 miles from here in Frontenac. She's spent most of the past week sandbagging in Lemay, Oakville and other towns, and said her 30-year-old son Stephen, a banker in Dallas, is flying in this weekend to sandbag as well.
>
> "I just felt that I had some time, and I felt I could give some of it back to other people," she said. "You see what's needed and how could you not help?"

I want to say a word about Caryl Simon. She is one of my wife's closest friends. She is the godmother of our third daughter, D.D. The last time we saw an article about Caryl Simon it had to do with the Senior Olympics, which were being held in St. Louis. Caryl Simon was helping a blind senior citizen swim.

My wife recalls that in their youth, when she and Caryl Simon were in high school, my wife would drive Caryl Simon to the blood bank to give blood.

That is Caryl Simon. That is the kind of person she is. And she does not get paid for it. And she does not ask to get paid in dollars or in dollars' worth. She just does it.

Dave Culver, from Elizabeth, CO, does not ask to get paid. And he does not get paid. He just gets in his car and does it.

There are thousands and thousands and thousands of people who do that.

I raise this point in connection with the National Service Program, simply to ask how these people's activities fit in with the National Service Program, because I am convinced that they do fit in with the National Service Program and that they fit in in this way:

Are any of the sandbaggers in the State of Missouri or in Illinois or in Iowa going to be compensated? Would any one of them be compensated by the National Service Corporation, if we had a National Service Corporation?

Who knows the answer to that question? Maybe some would; but I bet anything that not all would. Because in order to get compensated by the National Service Corporation, you have to be a member of an organization. And you have to apply for a grant. And your grant has to meet the criteria of the National Service Corporation.

Caryl Simon is not a member of any organization. She is just Caryl Simon. I imagine Dave Culver from Elizabeth, CO, is not a member of any organization. He is just Dave Culver. And he just gets in a car and he drives and he fills sandbags until he drops.

Perhaps some people who would show up to do sandbagging would be members of organizations. Perhaps those organizations would have applied for a grant. Perhaps those grants would have been given by the National Service Corporation. But does that mean that Dave Culver, therefore, better belong to the same organization or that Caryl Simon better belong to the same organization?

What if they do not belong? What is the equity in having some organization that is officially sanctioned doing the sandbagging when the individuals out there just doing good works have not applied for a grant and are not members of an organization?

And there is something that is even more serious than the potential lack of equity in paying members of some groups and not paying others. What is more serious is that those organizations that apply for grants tailor their grant applications to the criteria set out by the granting organization. That is a fact of life. Anyone who has ever sat on a foundation board knows that applicants for grants first try to find out what the criteria are for the granting organization. And then they chase that money by so tailoring their applications.

Universities that want research grants from the National Institutes of Health know the art of grantsmanship. Universities know how to tailor grant applications so as to meet the criteria of the National Institutes of Health. Any organization applying for a grant from any other organization tailormakes the grant application. And that is the problem with the National Service Program.

Mr. President, let us say hypothetically that the National Service Corporation were now in existence. And let us say that sandbagging in Arnold, MO, did not meet the criteria of the National Service Program. Let us say that the National Service Program included various community activities in its criteria, but sandbagging was not one of them. Then the National Service Corporation is saying: We want volunteers to steer their efforts toward those activities that we compensate and away from those activities that we do not compensate. Somebody else is making decisions as to how good-hearted people spend their time and do their good works. And somebody else is a member of the board of something called the National Service Corporation created by an act of Congress and populated by people named by politicians in Washington.

That is my problem, and it does not have anything whatever to do with Republicans attempting to bamboozle the President of the United States; nothing at all. It does not have anything to do with some cabal being hatched in the minority leader's office. I do not even agree with a stripped-down version of the bill which apparently is being negotiated in the minority leader's office. I do not agree with the concept. I do not agree with people in Washington trying to channel the good works of decent people throughout this country. I do not agree with a governmentally created corporation telling Caryl Simon of Frontenac, MO, that her good works at a levy in Arnold are less worthy in the eyes of the powers that be than some other activity which is on the criteria list.

I think it turns people into minions of Government. I think that it puts an official stamp of approval on officially

approved good works and, by implication, less approval—or no approval—on those deeds which spring from the hearts of the people.

The Federal Government does many, many good things. It has a lot of good people. It can do a lot of good work. It can do some work that is not so good.

It does some things in the right way and some things that are not right at all. But the Federal Government does not have heart. We may believe we are compassionate. In vote after vote, we want to prove how compassionate we are. But the Federal Government is a thing and the National Service Corporation will be a thing. And I do not think it is right for the Government, or its creations, to try to shape the hearts and the souls of the people of this country even for the best of reasons. I do not think that is right.

The charitable exemption is right because it is not manipulative. The charitable deduction is right because it is not manipulative. The National Service Corporation is not right because by its very structure and design it is manipulative. It twists and it shapes the spirit of this country. That, Mr. President, is the reason for my opposition to this program.

The PRESIDING OFFICER. Under the previous order, the Senator from Delaware, Mr. ROTH, is recognized for a period of 15 minutes.

(The remarks of Mr. ROTH pertaining to the introduction of S. 1309 are located in today's record under "Statements on Introduced Bills and Joint Resolutions.")

(The remarks of Mr. ROTH pertaining to the introduction of S. Res. 135 are located in today's RECORD under "Submissions of Concurrent and Senate Resolutions.")

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Republican leader is recognized.

ORDER OF PROCEDURE

Mr. DOLE. Mr. President, I think I have some leader time left. I ask unanimous consent that I do not use that leader time.

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

The Republican leader is correct. He has 6 minutes remaining under leader time.

Mr. DOLE. I will not use it at this time. The managers are not on the floor. I will take this opportunity to make a brief statement on Bosnia.

BOSNIA

Mr. DOLE. Mr. President, according to news reports, the Clinton administration has been meeting to review various aspects of its Bosnia policy. Ironically, this review appears not to have been prompted by the 4,000 shells that fell on Sarajevo last weekend—just as mediators Owen and Stoltenberg were trying to convene peace talks—but by the Serbian artillery attack on French UNPROFOR forces.

In any case, I welcome this review. I hope that Secretary Christopher has reconsidered his remarks that the United States is doing all it can, because I believe there is more that the United States can do, more than just protect UNPROFOR forces in Bosnia and more than just engage in aggressive diplomacy. At the very least, we should help the Bosnians help themselves, by lifting the arms embargo.

Mr. President, the stakes in Bosnia are high. By allowing Bosnia to be cannibalized, we are sending a green light to would-be aggressors around the globe. Let us not fool ourselves, even if Bosnia's dismemberment is ratified and blessed through the Owen-Stoltenberg process, we are not getting rid of a difficult problem, but sowing the seeds of new problems.

Mr. President, it is not too late to do the right thing. The United States must shed its pretense of impotence and assert its position as the world's sole superpower.

If President Clinton does not act now, I believe he will regret his inaction in years to come.

Mr. President, I ask unanimous consent that an op-ed by Fred Coleman in U.S. News & World Report entitled, "A Decision Clinton Will Regret" be printed in the RECORD.

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

[From U.S. News & World Report, Aug. 2, 1993]

A DECISION CLINTON WILL REGRET

(By Fred Coleman)

President Clinton has recently demonstrated some foreign-policy acumen, but his administration's decision last week to wash its hands of the debacle in the Balkans could come back to haunt him.

As Serbian attackers closed in on the Bosnian capital of Sarajevo, Secretary of State Warren Christopher, who has insisted that "no vital American interests" are at stake in the Balkans, said the United States can do nothing more to help the outnumbered and outgunned Bosnian Muslims. He is wrong on both counts.

The partition of Bosnia by Serbia and Croatia, which Christopher last week tacitly approved, will only reward ethnic cleansing. Fifty years after Hitler, barbarism is again becoming the norm in international relations: Serbian President Slobodan Milosevic has shown that genocide and aggression now go unpunished.

When Serbia and Croatia have finished carving up Bosnia, they will turn on each other again. Ethnic cleansing and war are likely to spread from Bosnia to Kosovo and Macedonia (where 300 American soldiers are stationed), dragging in Albania, Greece and Turkey, then to the rest of the Balkans and even to the former Soviet Union.

NATO fails—The Atlantic alliance's impotent performance could be the death of NATO: If it no longer is needed to counter Soviet aggression and no use in containing the post-cold-war threats to peace in Europe, what good is the alliance? Hopes that the United Nations could help usher in a peaceable new world order are also dying in Bosnia, where the U.N. has given diplomatic cover to the slaughter of Muslims and the seizure of their land.

As Christopher insisted last week, the Bosnian debacle cannot be blamed on Clinton alone. The European nations first failed to stop the worst war on their own continent in 50 years, then pushed Clinton toward his hands-off policy. George Bush, too, failed to halt the calamity before it got out of hand.

But the Clinton administration's failure to act is all the more tragic because there was an honorable course that did not require a massive commitment of American ground troops. That was to follow the Israeli model.

Like Israel, Bosnia seeks foreign arms to defend itself against aggression. But while no American or European leader argues seriously that arming Israel increases the threat of war with the Arabs, the West insists that arming the Bosnian Muslims would widen the Balkan conflict. The Europeans argue that this also would endanger their 7,800 troops in Bosnia. But the Bosnian government wants the European peacekeepers to go home so the U.N. arms embargo could be lifted.

Arming the Bosnian Muslims could force the Serbs to take peace talks seriously, but it would not be easy, risk-free or sure to succeed. Still, ground troops from Muslim nations friendly to the United States could have secured airfields for supply planes and helped train the Bosnians to use the heavy weapons they need.

Leadership is always risky. Clinton's decision to play it safe, however, may doom not only Bosnia but also the fragile opportunity the president inherited to make the post-cold-war world a more peaceable place.

Mr. DOLE. Mr. President, I am not talking about American ground troops in Bosnia. I am talking about going to the United Nations, providing leadership, getting our allies to back us, and if we are not going to help the Bosnians defend themselves, at least we ought to lift the arms embargo so they can do it on their own.

I think it is very important, and I certainly hope that President Clinton will now follow through as indicated in this morning's media.

I thank the Chair.

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

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

DEPARTMENT OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT OF 1994

The PRESIDING OFFICER. The Senate will now resume consideration of H.R. 2519, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 2519) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies, for the fiscal year ending September 30, 1994, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Committee amendment on page 83, line 12.

The PRESIDING OFFICER. The pending question is the committee amendment on page 83, line 12, of the bill.

Does the Senator ask unanimous consent that it be set aside?

Mr. BRYAN. Yes, Mr. President.

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

AMENDMENT NO. 723

(Purpose: To express the sense of the Senate concerning collection of fines and restitution in cases of financial institution fraud)

Mr. BRYAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Nevada [Mr. BRYAN] proposes an amendment numbered 723.

Mr. BRYAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . (a) FINDINGS.—The Senate finds that—

(1) the commission of fraud by financial institutions has reached epidemic proportions;

(2) more than 1,200 banks and savings and loan associations have collapsed over the past 3 years and the Resolution Trust Corporation has found that fraudulent activities have contributed to the insolvency of nearly 60 percent of the thrift failures it investigated;

(3) as of October 1992, the Federal Bureau of Investigation had 9,759 pending financial institution fraud cases against banks, savings and loan associations and create unions; because of the staggering number of cases, United States Attorneys are unlikely to prosecute a financial institution fraud case that involves less than a half million dollars; the percentage of FBI investigations closed after United States Attorneys declined prosecution has increased to 76 percent; and

(4) during fiscal years 1989 through 1992, the Department of Justice has convicted 3,297 defendants in major financial institution frauds involving losses of over $12,000,000,000; Federal courts ordered financial institution fraud offenders to pay restitution and fines totalling more than $1,107,000,000; as of July 1992, the Government had collected only 4.5 percent of that amount.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Department of Justice and the United States court system should make collection of fines and restitution and the effective operation of the National Fine Center a top priority;

(2) the Attorney General should report to Congress on methods to improve collection of fines and restitution, including the use of private resources; and

(3) the President should proceed expeditiously to fill the position of Special Counsel for Financial Institution Fraud in the Department of Justice.

Mr. BRYAN. Mr. President, the amendment that I am asking the Senate to consider today is a sense-of-the-Senate amendment. Having served as a member of the Banking Committee and having been joined by the distinguished senior Senator from New Mexico in the last Congress, we have dealt with a problem involving the collapse of the savings and loan industry and the banks in America.

Some 1,200 institutions over the last 3 years have collapsed. We as Members of the Congress, and the Senate in particular, during that period of time, have appropriated something in the neighborhood of $160 billion to support the old FSLIC Program because of the enormous stress on the federally guaranteed savings and loan lending program.

We have also over the past couple of years been requested and have approved a line of credit for some $70 billion which would be available to the FDIC in anticipation of losses which may occur in the banking system.

So, in effect, we are talking about some $230 billion of taxpayer money that is at risk, $160 billion of which has already been appropriated by the Senate of the United States.

One of the contributing causes to that has been a massive amount of fraud. Some 3,297 persons from the years 1989 to 1992 have been convicted of financial fraud. That is a major contributing factor, and indeed the RTC has indicated a quite significant factor in terms of the losses that have been experienced to those two funds.

We are talking about frauds involving more than $12 billion, and those 3,297 defendants have had imposed upon them court orders to make restitution or fines totally $1.107 billion, all of which would go to the general fund. In other words, they would partially offset the loss to the American taxpayer.

As of July of last year, we have only collected 4.5 percent. That is a rather small figure.

The purpose of this amendment in the form of a sense-of-the-Senate resolution is to encourage and direct the Department of Justice to assign a much higher priority in the collection of these fines and moneys ordered in restitution and to review the effective operation of the national fine center.

I can assure my colleagues that this is bipartisan. I had extensive conversations last year under the previous administration urging them to move forward. I continue to express the same level of concern currently.

I must say that currently the position which is identified as the lead and responsible division, namely the special counsel for financial institution fraud in the Department of Justice, is unfilled.

So what I seek to accomplish by this sense-of-the-Senate resolution, Mr. President, is to urge, number one, that the Department of Justice assign a much higher priority in collecting the fines in the orders of restitution which have been imposed and, second, to urge the President to proceed as expeditiously as possible in filling this key position. By so doing, every dollar collected is a dollar that goes to reduce the American taxpayers' cost in underwriting this enormous financial collapse, which is $160 billion in terms of S&L and bank failures and another $70 billion, a line of credit which we approved with respect to any losses which the FDIC may incur.

I thank the distinguished occupant of the Chair and the distinguished floor leader on the Republican side, the senior Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, we have no objection to the sense-of-the Senate resolution.

The PRESIDING OFFICER. Is there further debate?

Without objection, the amendment is agreed to.

The amendment (No. 723) was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. BRYAN. Mr. President, I thank the Chair and unless the distinguished floor leaders need time, I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I am on our side trying my best to get some Senators who have indicated they have amendments to come to the floor. It clearly is our intention to finish this bill tonight. If we could get some amendments going, we would not be here very late tonight, from what I understand.

I understand Senator HATCH has an amendment, and we have sent word to him. The FBI director nominee is before his committee this afternoon. That perhaps accounts for the delay.

We also understand that Senator BROWN has an amendment. We have sent word asking Senator BROWN to get here as soon as possible. We will do that again. I assume he is at the same hearing with reference to the FBI director. Perhaps Senator BROWN has two amendments.

Beyond those, we are not aware of any Senators on our side who are pressing us, although their names are still included for potential amendments.

I would like to send one more message out, if I could, this way to their offices that we very much would like any Senator who has an amendment on our side to let us know if he or she is still interested in it and when they might come down and offer the amendments.

I am very hopeful that we can get the amendments started soon.

AMENDMENT NO. 724

Mr. DOMENICI. Mr. President, having said that, I will send an amendment to the desk that Senator DOLE asked me to propose in his behalf. I think it has been cleared on the other side. There is a statement by the distinguished Republican leader that supports the sense-of-the-Senate resolution that he asks that we offer which essentially says that the money which would be saved in our not granting aid to Nicaragua should be made available to emergency humanitarian assistance for Bosnia.

I send the amendment to the desk and ask for its consideration.

The PRESIDING OFFICER (Mr. BRYAN). Without objection, the clerk will report the amendment.

The bill clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for Mr. DOLE, proposes an amendment numbered 724.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . It is the Sense of the Senate that funds made available under Public Law 102-391, the Foreign Operations Appropriations Act for Fiscal Year 1993, for the Economic Support Fund, which have been allocated for Nicaragua, be instead made available for emergency humanitarian assitance for Bosnia-Hercegovina.

Mr. DOLE. Mr. President, I rise to offer an amendment that conveys the sense of the Senate that economic support funds appropriated for Nicaragua in fiscal year 1993 foreign operations appropriations should be reprogrammed for emergency humanitarian assistance for Bosnia and Herzegovina.

As the vote in the Helms amendment earlier shows, a significant majority of the Senate does not support providing aid to the Nicaraguan Government as long as Sandinista forces maintain control over Nicaraguan military and security forces. In February, a number of us sent a letter to the administration urging that the administration withhold previously appropriated aid to Nicaragua. The administration did not heed our advice, and released a large portion of those funds. And now, months later, we learn that Sandinista forces are actively operating to undermine the democratically elected government in Nicaragua, as well as supporting terrorist activities in neighboring Central American countries.

Senate opposition to providing aid to Nicaragua unless strict conditions are met is clear. And so, it seems to me that it would be best to urge the administration to put some of the previously appropriated funds for Nicaragua to better use.

The $50 million included in the fiscal year 1993 Foreign Operations Appropriations Act for ESF funds to Nicaragua could be better utilized in the provision of desperately needed humanitarian aid to the people of Bosnia and Herzegovina. While humanitarian needs in Bosnia are on the rise, humanitarian aid has been on the decline. The UNHCR and all humanitarian relief organizations are appealing for more funds. The situation is dire at this moment and will only get worse as winter approaches. Last year's stocks and reserves have been depleted. Moreover most cities have little or no fuel, no electricity, and no running water.

Mr. President, I urge my colleagues to support this amendment. We are not urging that development or humanitarian assistance from Nicaragua be reprogrammed, only economic support funds. There is a humanitarian disaster in Bosnia and $50 million can go a long way in alleviating the tremendous human suffering there.

The PRESIDING OFFICER. Is there further debate?

Mr. HOLLINGS. Mr. President, the amendment has been cleared on this side.

The PRESIDING OFFICER. Without objection, then, the amendment submitted by the Senator from New Mexico on behalf of the Republican leader is agreed to.

The amendment (No. 724) was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. HOLLINGS. Mr. President, as the distinguished Senator from New Mexico has related, we have two amendments on his side and momentarily, as I understand, the sponsors are coming to the floor. As to any on this side, they better come to the floor.

We have tremendous respect and collegial relationship with Senators among Senators, and no one wants to be arbitrary. But what is arbitrary is to list amendments in a unanimous consent agreement and then not appear to present them.

There is no commitment with that listing to sit here and wait. Unless they come shortly, this Senator will be prepared to move to third reading.

We get blamed all the time, "why are we are in at 7 o'clock, 9 o'clock, 10 o'clock at night?" It is because during the daytime everyone is paying attention to something else. The first order of business is the work here on the floor. We are trying to expedite as well as we possibly can and we want full debate on Senators' amendments as they present them.

But we do not have the time if it is just going to be eaten up in quorum calls.

And, regretfully, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WELLSTONE. 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. WELLSTONE. Mr. President, I ask unanimous consent that I might speak as if in morning business for no longer than 10 minutes.

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

THE RECONCILIATION BILL

Mr. WELLSTONE. Mr. President, I have been involved in discussions with colleagues about the reconciliation bill, and I want to just come to the floor to make a plea to some of my colleagues.

I mean, just like you, Mr. President, and the Senator from South Carolina, I am honored to be here. And in none of the remarks I make do I ever choose to be an across-the-board bashing of public service or denigration of public service. I believe in the Senate, and I certainly believe in public service.

I just want to make a plea to the budget conferees and to my colleagues, Democrats and Republicans alike, about not losing focus on the concerns and circumstances of low-income people in this budget debate that we have.

I am not certain what the outcome is going to be, but I am worried about some reports that we may very well see a scaling back of programs of assistance to low-income people. I think those programs are extremely important.

Let me be very clear, Mr. President. The problem is that we can make these decisions that have an impact on people and they are not really here. I mean, they are not the big oil or energy lobbyists, they are not the lobbyists for big corporate interests, but they are real people and all too often their voices are not heard around this place. I am concerned that what might very well happen is that we will see a scaling back of some programs that are critically important to people.

I want to talk about several of those programs. I want to talk about the earned income tax program. I want to talk about the childhood immunization program. I want to talk about the food stamp program.

I want to make it crystal clear that the worst mistake we could make by any standard of justice—and I would say this to the President of the United States and I would say this to my colleagues and I would especially say this to Democrats, since it seems that the Democrats are the ones that are involved in this process of negotiations

and Republicans do not seem to want to be a part of this process, that we should remember what we are about —one of the worst mistakes we could make would be to raise the fuel tax and, at the same time, not have some kind of an offset by way of an earned income tax credit or food stamp assistance so that we do not end up making life even more difficult for those people at the bottom of the economic ladder.

The House version on the earned income tax credit was, I believe, $28 billion. They wanted to cover working people with children and those households without children. They wanted to make sure that people who work 52 weeks a year and 40 hours a week but still do not make poverty wages would have, through an earned income tax credit, some income that would get them above the minimal level of existence so that they could purchase a minimum amount of goods and services.

The Senate scaled that down to $18 billion. Now there has been discussion of a compromise around $23 billion, or $22 billion, or $21 billion.

I just want to make it clear, Mr. President, on the floor of the Senate that I have never accepted the argument that $500 billion is a magical figure. I do not think there is any economic logic that underlies this position.

I have never accepted the argument that there has to be an even match of revenues that is raised in cuts that we make. I do not think there is any economic logic that underlies that.

This has become a political formula, and I guess it is a constraint that we have to operate under, although I must say on the floor of the Senate that I do not believe it makes very good economic sense. Nor have I accepted the other constraint which is the constraint that we cannot raise the corporate tax from 35 to 36 percent, when we talk about some kind of shared sacrifice. But all of those, Mr. President, seem to be the constraints that we are operating under.

Now, let me be crystal clear one more time. I urge my colleagues not to make any further—I may urge the conferees—cuts in low-income programs especially given some of the tax loopholes that we continue to have.

Now some people argue we need more generous expensing rules, but it is a tax expenditure. Some argue we need the alternative minimum tax and the passive loss changes, and others.

Well, that is true. But there are plenty of people who know how to lobby for those changes. There are plenty of people who have clout here that can argue for those kinds of changes.

My question is: Should we not consider the cutting back of programs that serve low-income people?

Now, Mr. President, let us not forget that President Clinton made the earned income tax credit part of, really, his promise during his campaign. He talked about the importance of making work the work-pay proposal. He talked about the importance of justice.

I just simply want to say to my colleagues, we will be making a terrible mistake if we make additional cuts.

There are Senators—and every Senator has a right to speak from the floor and every Senator has a right to express his or her opinion—but there are Senators who have come to the floor recently and they have said: "Well, I am the only vote; therefore, what I say is critically important."

And I want to make it crystal what my position is. There are others of us here in the Senate who have not agreed with parts of what is in this plan.

I think there has to be much more investment. I am worried about where this economy is heading.

But we know we have to govern. But I want to say clearly from the floor of the Senate that if, in fact, the conferees, if, in fact, Democrats, should ask people to tighten their belts that cannot tighten their belts, if we should pass a fuel tax and not have a decent offset with the earned income tax credit and food stamps, if we should refuse not to at least begin to fund more for childhood immunization, and if we should, in fact, talk about more cuts—we had that battle already when we had the bill before the Senate —in Medicare programs, then it would be very difficult, it would be very difficult for some of us in the Senate to support it.

I am not playing a game of conditioning my support. I do not even want to do that. I know we have to govern. I know we have to come together.

I feel very, very strongly that we have to pass this reconciliation bill. And then I hope we get on with health care. And then I personally think we are going to have to put together an economic stimulus package, because I think we are going to need that for the economy.

But Mr. President, I just come to the floor to make a plea to the conferees on the Senate side, my colleagues, and to make a plea to my other colleagues: For God's sake, just because low- and moderate-income people do not have the same clout here, just because they do not have the lobbyists, let us not repeat what I think were the egregious mistakes and, I think, unconscionable policy of the early 1980's.

Let us make sure that low- and moderate-income people are not hurt in this plan. Let us make sure that we have a decent earned income tax credit. Let us make sure we do have food stamp assistance for people that they are not faced with the choice of food stamps or housing, but they cannot have both.

Let us make sure we make some headway toward childhood immunization. Let us make sure we have some support for low- and moderate-income families.

I think the House pushed that very far. I think the Senate began to move in that direction. I hope we do not scale back on that. I hope we do not scale back on Medicare. I hope we stick with what I think is one of the best aspects of this plan, which is that earned income tax credit. I think that is one of the best things we are doing in the reconciliation bill and I hope we fund it to the level where we make sure that the people who could benefit from it, the people who are hard-pressed, the people who are on the bottom of the economic structure in this country, and the people who always get lost sight of when we have these debates, that they are remembered and that we respond to the needs and circumstances of their lives.

Please remember—and I finish on this and I thank the Senator from South Carolina for letting me speak on the floor right now—that when we talk about 34 million or 35 million people, we are talking about women, we are talking about children, we are talking about the correlation between race and gender and children and poverty in America.

In a budget deficit bill you cannot begin to tackle that agenda head on. But at the very minimum, we must not retreat from what I think is one of the best features of this plan, that is the earned income tax credit, and we certainly cannot retreat from food stamp assistance, and we certainly cannot retreat from childhood immunization, and we certainly cannot retreat on the Medicare part of this equation.

We have already asked people to make the sacrifice. I think there are some aspects of this that are very fair, but I want to just make sure my colleagues keep in mind the concerns and circumstances of those people who are on the bottom and who are struggling the most in the United States of America.

I yield the remainder of my time.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT OF 994

The Senate continued with the consideration of the bill.

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

Mr. HOLLINGS. Mr. President, I understand if I ask for a quorum call, it will be charged against this side under the unanimous-consent agreement. But if I talk, there is no charge.

Before some Senator says that is about what it is worth, I will just continue to comment while my counterpart on the other side here, the distinguished Senator from New Mexico, is out fetching two Senators to offer their

two amendments. I have three of us out looking for Senators on this side. Once again, publicly I remind everyone, do not come crying around here at 10 or 11 tonight, and say? Why can we not stop? Why can we not go over? Why can we not do all of this? They are the crowd that is wasting the time now. We are going to get through this bill this afternoon.

While we are on this particular subject of the budget, I think we ought to understand what is good about it. We had a summit. We have some folks running around now saying what we have to do is to get a summit. They know better. I got led by the gang of 17 10 years ago under the Reagan administration. We met at the White House. We met at Jim Baker's home. We went around the clock for months of meetings, and when we got together we found out, frankly, they did not want to agree.

I think the parties to the agreement; namely, the gang of 17, were genuine. They were sincere. But the Director of OMB at the time, and the President, had no idea we were going to get together. And, we had subsequent summit meetings and they have all been disasters.

I will once again say the summit meeting of 1990 was a fraud. I am not particularly talented on fiscal projections, but I used the one CBO gave and we projected, rather than reducing $500 billion that instead we were going to increase the deficit some $400 billion in a year. And, that is where we are right this minute.

I see now we have a Senator ready to present an amendment.

President Clinton comes to town, having balanced budgets for 10 years. This crowd that is riding him over the rails here—and want to run him out of town—they ought to welcome him and sell tickets to look at him. Here is a fellow who has balanced budgets for 10 years. And this crowd has never balanced any budget. This crowd has us on automatic pilot with deficit tax increases of $1 billion a day. I want to challenge them. They are talking about the largest tax increase in history and talk about $243 billion over 5 years. I want to talk about the $310 billion deficit tax increase this year, a billion dollars a day for the interest cost on the national debt added to the debt. It is worse than taxes. We are going to repeal some luxury taxes. We did repeal the catastrophic illness tax. We cannot repeal this one; we have to pay it. There is no way to avoid it. It is the worst tax of all. It cannot be avoided, and you can get nothing for it.

I could go down through it all, how the President came, froze your pay and my pay. That has not been done in the 27 years I have been here. He froze your pay, his pay, my pay, the military pay, everybody's pay, and cut his staff 25 percent. We cut our Commerce Committee staff 10 percent. We put in and got rid of 100,000 Federal employees. We cut into the veterans' part of the budget. We cut into the farm support part of the budget.

He put Vice President GORE in charge of going through the different departments to look for waste, and his wife, Mrs. Hillary Rodham Clinton, in charge of health costs. He is working around the clock. What do we have? A pretty good plan on CBO figures.

I could go into the different disputes about these figures but I am glad to see the distinguished Senator from Colorado and we can get back to the subject of this bill. I am willing to continue the lecture series at a later time.

I thank the Senate for its indulgence. I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I am really pleased the distinguished chairman and I are on an appropriations bill that does not have very much to do with Senator HOLLINGS' remarks about the budget deficit or the President balancing the budget for 10 years because we would never get the bill passed, obviously. But we do agree on most of what is before us in the appropriation. I just want to comment on his fine remarks. The reason President Clinton balanced budgets is because he has a constitution that says he has to. He is not singular in that regard. About every Governor in America does that.

Mr. HOLLINGS. Will the Senator yield?

Mr. DOMENICI. Of course.

Mr. HOLLINGS. That was in the South Carolina constitution from 1895 to 1985. When I got elected Governor, it was there yet it had never been obeyed. A provision in a constitution does not give a balanced budget. You have to do it, and the only way to do it is to lead, with your own legislature, which I did. As Governor, I obtained a triple A credit rating, but it was not because it was in a constitution. Because you and I know how you can evade and avoid Gramm-Rudman-Hollings, you can evade and avoid summit meeting requirements, you can evade and avoid a constitutional provision.

I thank the distinguished Senator.

Mr. DOMENICI. Again, I agree only that there are ways to get around constitutional amendments that require States to have balanced budgets. But it is nothing phenomenal, extraordinary. It is rather average that Governors have balanced budgets in the last 15 or 20 years. That is why they are having so much difficulty. We do not have that, and to that extent I agree with my friend, we need that. We need to get some similar kind of discipline built into our law some way. But clearly, so nobody thinks this President is solving the deficit, we can have this argument a little bit later when we get a lull in the bill here.

I yield the floor because I think the Senator is ready to offer an amendment.

The PRESIDING OFFICER (Mrs. BOXER). The Senator from Colorado.

AMENDMENT NO.725

(Purpose: To eliminate U.S. funding of the International Coffee Organization)

Mr. BROWN. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is laid aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from Colorado [Mr. BROWN] proposes an amendment numbered 725.

Mr. BROWN. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 87, between lines 20 and 21 insert the following new section:

SEC. 609. None of the funds made available by this Act shall be used for contributions to the International Coffee Organization.

Mr. BROWN. Madam President, the amendment is a straightforward amendment which eliminates the appropriations in this bill for the International Coffee Organization.

The Foreign Relations Committee has considered this question this year in markup on the authorization bill and the authorization for the International Coffee Organization was eliminated. It was a bipartisan effort. It has been considered by the committee in the past, and they decided to eliminate it.

More than a year ago, we debated this issue in the conference on the State Department authorization bill. It was decided to continue the funding. It is my hope that the authorization will be dropped again this year.

Why should we save a little over a million dollars by eliminating funding for the International Coffee Organization? There are some 75 countries that are members. It was founded back in 1962 and had 75 members. Membership has gone up and down since.

The primary purpose of the organization is to fix coffee prices and maintain the highest possible coffee price by using quotas and guidelines. There is some dispute within the organization as to which country should get which quota.

Madam President, it is inappropriate that Americans participate in a cartel-like arrangement or an organization that would like to rebuild a cartel that acts to the detriment of American consumers.

America is primarily a coffee-consuming country, not a coffee-producing country. There is some very small amount of coffee that is produced in the United States, but it is an extremely small amount.

It is not in the interest of the United States to have a coffee cartel or marketing organization that restricts price competition. That fact is amply demonstrated by events since the coffee cartel agreement fell apart in 1989.

In July of 1989, quotas ceased. This graph demonstrates what has happened to the price of coffee in the United States and the amount spent for coffee since 1989. From a high of $7.5 billion spent on coffee by American consumers in 1989, expenditures dropped to $7.4 billion the next year, down to $7 billion the following year, and down to $6 billion the year following. You can see in red the amount that would have been spent if prices had been maintained under the coffee cartel agreement: almost $2 billion.

This other chart shows the market reaction to the price of coffee since that agreement fell apart.

Some would indicate that this organization provides some positive functions. I think that is a fair statement. It does help share information with regard to coffee supply and consumption. But I guess we should ask ourselves: Is that worth a million dollars? Does it require maintaining an office overseas? Does it require all those conferences? And, moreover, and perhaps most importantly, is it advisable for us to say it is OK for producing cartels to exist in coffee while we would abhor a producing cartel in oil?

If our position is that producing countries should not get together to monopolize the market, it is in the United States interest to oppose a coffee cartel just as we would oppose an oil cartel.

Madam President, I ask unanimous consent that a letter from Consumers for World Trade be printed in the RECORD.

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

CONSUMERS FOR WORLD TRADE,
Washington, DC, July 28, 1993.

Senator HANK BROWN,
Hart Senate Office Building, Washington, DC.

DEAR SENATOR BROWN: Consumers for World Trade (CWT) would like to express its support for the Brown amendment to the 1994/5 Commerce, State, Justice, the Judiciary and Related Agencies Appropriations Bill. This proposal would end U.S. funding of the International Coffee Organization (ICO).

CWT firmly believes that international agreements which are designed to stabilize commodity prices are not in the best interest of consumers. By removing these products from market competition, consumers are hit by excess costs—de facto hidden and regressive taxes. The ICO is currently pursuing a new quota agreement since its former system of export quotas was suspended in 1989 (resulting in an estimated two billion dollars for consumers).

In addition, commodity agreements deprive consumers of choice in the market place and ignore consumer preference. Inflexible allocations have failed to enlarge quotas for certain coffees in high demand (e.g., "Mild Arabica") and have therefore resulted in distorted prices.

CWT is a national, non-profit, non-partisan organization concerned with the economic interest of consumers in international trade policy. CWT urges the conferees to adopt the Brown amendment.

Sincerely,

DOREEN L. BROWN,
President.

Mr. BROWN. I reserve the remainder of my time.

The PRESIDING OFFICER. The Chair will note that the time is not controlled.

The Senator from New Mexico.

Mr. DOMENICI. Madam President, in behalf of this side of the aisle, as the floor manager, I want to compliment the distinguished Senator from Colorado for his amendment. We are willing to accept it.

Once again, Senator BROWN shows that he looks at the details, and essentially the devil in the detail regarding our expenditures. He has found one in the detail that ought to be eliminated.

I am sure he is going to succeed today, and let us hope we can keep it out of the bill all the way through, and he can chalk up another victory for his own sense of fiscal responsibility and helping us get there.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Madam President, the amendment of the distinguished Senator has been cleared, and we are ready for the adoption of the amendment.

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

The amendment (No. 725) was agreed to.

Mr. HOLLINGS. Madam President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 726

(Purpose: None of the funds appropriated for the National Endowment for Democracy may be disbursed to grant recipients who have not reimbursed NED, from nongovernmental funds, for disallowed expenditures made by such grantees for first-class travel, alcohol, and entertainment)

Mr. BROWN. Madam President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Colorado [Mr. BROWN] proposes an amendment numbered 726.

On page 83, line 16, before the period at the end insert the following: ": *Provided*, That none of the funds appropriated under this heading may be disbursed to grantees who have not reimbursed the National Endowment for Democracy, from nongovernmental funds, for disallowed expenditures by such grantees for first-class travel, alcohol, and entertainment, identified in the March 1993 report of the Inspector General of the United States Information Agency".

Mr. BROWN. Madam President, this amendment relates to the National Endowment for Democracy, which was extensively debated yesterday. The Senate made its wishes known, I think, quite clearly on that question. This is a smaller question than the entire Endowment. It is simply an effort to make sure that those who have received funds from the National Endowment for Democracy and have misused those funds by violating their agreements that restrict the use of those funds are required to pay them back from nongovernmental funds. In the case of the inspector general's report, grantees specifically used them for entertainment, for alcohol, and for first-class air travel that was disallowed. This amendment would require them to pay the money back to the National Endowment out of non-Government funds before they can receive additional grants.

It is only fair and reasonable to expect NED's grantees to live by their agreements for contributions they have received, no matter who they are or how influential they are.

The one portion of the amendment that I think is perhaps significant is that the repayment must be from nongovernmental funds. This would restrict the grantees to nongovernmental money, which at least, in my way of thinking, is an appropriate way of treating people who have not followed the guidelines for the grants they have received.

Madam President, my understanding is that both sides have reviewed this and have agreed to it. I also ask that this chart relating to yesterday's debate appear at the end of my remarks.

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

AGENCY FOR INTERNATIONAL DEVELOPMENT DEMOCRACY AND GOVERNANCE ACTIVITIES

	Fiscal year 1992—actual	Fiscal year 1993—estimate
Africa	55,330	55,719
Asia	15,239	14,589
Europe	30,068	39,530
LAC	101,257	117,542
Near East	6,965	8,163
NIS	13,049	55,663
R&D	684	2,244
FHA	179	145
PRE	1,680	1,290
Policy	607	1,266
Total	225,058	296,151

Mr. HOLLINGS. Madam President, the distinguished Senator is right on target when he says they abuse the restrictions on expenditures. We all are concerned, but the Senator from Colorado can do something about it. He said, "Look, you are just not going to qualify for any program moneys until you reimburse for that which was disallowed in the first place." I commend the Senator for it.

It has been cleared on our side.

Mr. DOMENICI. Madam President, I, too, join in saying to the Senator from

Colorado that we are willing to accept the amendment and think it is a very good way to follow up on an audit and a report, to see to it that what you are really trying to do is done. That is what he is busy doing on the floor: Making sure that those who have not treated the funds of the National Endowment for Democracy properly and benefited from it do not receive any additional grants until appropriate reimbursement has been made.

I thank the Senator again for his diligence and hope the amendment will become law.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 726) was agreed to.

Mr. HOLLINGS. Madam President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

EXCEPTED COMMITTEE AMENDMENT ON PAGE 83, LINE 12

Mr. HOLLINGS. Madam President, having completed work on this particular amendment, I ask unanimous consent that the pending committee amendment on page 83 be agreed to.

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

So, the excepted committee amendment on page 83, line 12, was agreed to.

Mr. DOMENICI. Madam President, again I say to Senators on this side of the aisle, I know you are busy in committees or other kind of activities that you might have planned, but we want to finish this bill and finish it soon.

We understand Senator HATCH has been advised that if he has an amendment, we expect him as soon as possible.

I do not know of any other amendments, even though there is a long list of reserved amendments, but we are going to ask our cloakroom to put out a last request so that everybody knows we expect them to get down here. Then at some point we have to decide how much longer we are going to wait.

Everybody should know that I am not disposed, nor is the manager, to be here all night waiting for amendments. We have plenty of time right now, and we hope they will understand we want to move on. But the most appropriate business of the Senate is right here passing the bills, and that is what we ought to get done today.

Mr. HOLLINGS. I thank the distinguished Senator for his leadership on this score.

We are putting out from our cloakroom the call also for them to come for the so-called requested amendments. We know a good group of them have fallen from the work being done all morning long with explanations about the particular concerns as evidenced by the amendments. We have cleared those up. There are only a few that I know of on this side, but this is going to be the last call for Senators to come to the floor.

Madam President, I suggest the absence of a quorum and ask it be attributed to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCAIN. 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. MCCAIN. Madam President, I ask unanimous consent to address the Senate as if in morning business.

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

THE LESSONS OF SOMALIA AND BOSNIA: PEACE KEEPING AND THE LIMITS OF POWER

Mr. MCCAIN. Madam President, the grim news from Somalia and Bosnia is more than a description of current tragedies. It is a warning about the future, and the role the United States can play in peace enforcement and nation building. We have lessons to learn from both crises.

They are not pleasant lessons, but they are ones we must heed if we are to avoid drifting into a morass in Somalia and successfully redefine our strategic role in the post-cold-war era.

THE CRISIS IN SOMALIA

Somalia is a warning that even good beginnings do not lead to good consequences. We began with a humanitarian action that saved tens, if not hundreds, of thousands of lives. We reacted to a tragedy that was visible every day on the world's television screens and within a few weeks, we brought order and an end to famine throughout much of the country.

We then, however, came up against realities that we are certain to encounter in case after case in the future. Humanitarian relief is only enough in countries which have an existing political and economic order, and which are capable of enforcing a rule of law. In the case of nations which are torn apart by civil war, they present the dilemma that successful long-term aid requires a massive exercise in peace enforcement and nation building. The failure to provide such a commitment may wipe out all of the gains of humanitarian success.

Today, we may be involved in a hopeless quest in Somalia. We have been forced to take sides in what is essentially a centuries old tribal conflict. We are hunting down one warlord without any clear picture of what is to happen to the others. We are disarming one faction in one area, but leaving most of the weapons and tensions that divide the country intact.

As a result, we are increasing falling into the trap we fell into in Lebanon. We came as saviors and we gradually became participants. Rightly or wrongly, we are taking sides and being seen as taking sides. We are drifting into a state of continuing conflict and an exercise in nation building where we may eventually have to dictate and enforce the form a future government should take.

Yet, neither the United States nor the United Nations have a clear mandate for such an exercise. We also face a major problem in resources. Even if we capture Aideed, we may find that Somalia will need United Nations and United States troops for years.

We may find we have to disarm much of the country, and replace volunteer aid organizations with a U.N. effort secured by military force. We may have to create and enforce new laws and legal institutions, and we may be forced to try to invent some form of government that can bring order to a nation whose borders are an accident of the end of colonialism and that has only known order under the rule of ruthless dictators.

We have no way to estimate the cost of such an effort, although it is likely that the current U.N. peace enforcement effort is too small to succeed in meeting these goals and that U.N. would be forced to provide massive aid to succeed. We can be sure, however, that such an effort will entail the death of more Somali civilians and drag us further into Somali politics. We can be sure that we will increasingly alienate a significant portion of the population, and that we will increase the risk of drifting into open ended commitments that can still end in failure.

There may be a case for going on in Somalia, but it does not consist of issuing daily bulletins on our search for a single warlord. I believe it is time that the President took account of these risks and told the Congress and the American people what his policy in Somalia is, what our end objective is, and what we are prepared to do to achieve it.

If that objective—and the cost of achieving it are what I think they are—then it is time that the President sought the approval of Congress.

THE SITUATION IN BOSNIA

The current situation in Somalia, however, is only one part of the problem of peace enforcement and nation building. Only a few months ago, we came very, very close to intervening under much worse circumstances in Bosnia. At one point, the President seemed committed to sending both ground and air troops into Bosnia to try to enforce an unenforceable peace.

We faced a tragedy at least as real as that in Somalia. We faced the obscenity that Bosnian Moslems were being killed for their religion or even for their last name, and that Serb and Croat were killing each other for reasons no more sophisticated or valid

than the quarrels between stone age tribes.

As a result, some people talked blithely about resolving 100-year-old quarrels with a few air strikes, or with token deployments of forces. They talked about the ease of using force, and the strange reluctance of military professionals to rush in where angels rushed to send them.

The risks in Bosnia look very different today, and the military professionals look a great deal wiser. It is all too clear that limited amounts of force would—at best—have brought only a temporary pause to the violence in the area.

It is clear that the Bosnian civil war has had many victims, but that being weaker does not make one faction right or morally superior. It is clear that the Serbs bear the most guilt, but all sides are partially to blame. It is clear that the fighting was not solely the fault of a few leaders, but an ethnic struggle based on widespread popular hatred.

It is clear that a military beginning would have had no clear ending, and would inevitably have forced us into taking sides in an open-ended commitment to peace enforcement and nation building that would be far more costly in every way than the challenge we face in Somalia.

If the lesson in Somalia is that we must not blunder into open ended commitments, the lesson in Bosnia is that force does not simplify political failure, or reduce the risks of such failure. Force complicates political failure, and it often increases risks.

This is a lesson, incidentally, that is as important today as it was several months ago. There may be a case for using force to provide immediate protection for U.N. peacekeepers, or for protecting a threatened Moslem enclave when the alternative is mass slaughter. This is very different, however, from sliding towards a commitment to an impossible exercise in peace enforcement or nation building.

Force may be able to buy a little time, or shift the balance of political compromise. Time, however, has only cosmetic value if it simply delays the killing or changes its form. Compromise only has meaning if it can survive. The basic problem we face today is exactly the problem we faced when this situation began. The three sides seem determined to fight, limited American intervention will not work, and Europe is not prepared to make the massive peace enforcement and nation building effort required. Tragic as Bosnia may be, it is a self-inflicted wound which the United States cannot heal with either airpower or ground troops.

LIVING WITH THE NEW WORLD DISORDER

More broadly, Bosnia and Somalia are warnings of the fact that we are decades away—at best—from any new world order. The end of the cold war, the break-up of the Soviet empire, and our victory in the gulf war have all offered new hopes, but they have also exposed the fact that the developing world is rent by low-and medium-intensity conflicts.

This is not a new trend in international affairs. There have been at least 20 such conflicts raging every day of every year since the end of World War II. Throughout the cold war, we largely ignored these crises—at least in terms of using military forces. Our policy was not one of constant engagement, but selective engagement and crisis neglect.

Even so, we used our military forces more than 240 times between the end of World War II and the end of the cold war to deal with contingencies that did not involve the Soviet Union or Warsaw Pact. Even if we eliminate all use of force involving Communist states, we used force more than 200 times. We also learned again and again that the moment our use of force went beyond demonstrations, humanitarian relief, and the protection of our national security, the situation became complicated and uncertain.

In saying this, I am not arguing for isolationism or against peace enforcement. Such an argument is inherently untenable in an era where our global economy and strategic position force us to consider the impact of every crisis and conflict.

However, that we cannot simultaneously cut defense resources, our overseas presence, and foreign aid and then react to each new crisis with military force. Whether the crisis is a Somalia or a Bosnia, we must carefully weigh the opportunities against the risks, we must set feasible long term objectives, and we must only use military forces when we have a high assurance of success.

We must also guard against the belief that somehow a problem is easier to solve with an international committee than it is to solve on our own. The United Nations is a critical hope for dealing with the conflicts of the post-cold-war world. It is also, however, limited in resources and is as vulnerable to the risks of open ended commitments as the United States. We do it no favor if we thrust it into crisis we cannot resolve on our own in the hope that the U.N. flag can somehow compensate for an adequate political structure and adequate force.

We must strive towards a new world order, but we must recognize that a new world order is not some natural result of the forces of history. It will not come quickly. It will not come from substituting hope and good intentions for thought and plans. It will not come from trying to use force to substitute for political behavior. It will not come from reacting to headlines or TV news, as a substitute for strategic priorities or military judgment, and it will never come if we waste our limited resources where we do not have a high assurance of success.

Madam President, it is well known that the President of the United States is contemplating the commitment of American air power under certain situations today in Bosnia. I believe that the majority of the American people and this Congress would be supportive of an effort that saved the lives of U.N. peacekeepers or prevented a massacre from taking place in Sarajevo.

But, Madam President, let me emphasize that if military action is taken, the American people must be informed. That intervention must be incredibly limited. It cannot be an open-ended commitment and one which calls for massive, or even token injection of U.S. troops on the ground.

Madam President, the situation has not changed in the last several months when this administration decided not to send military forces in the region. The Europeans must lead. The United Nations is not the answer. And any injection of U.S. military force should be under U.S. military command and direction, not that of the Secretary General of the United Nations.

I repeat: To prevent a massacre, the American people will act. To begin an open-ended commitment of the risk of young American lives is something which is still not acceptable.

I appreciate the indulgence of my colleagues and I yield the floor.

DEPARTMENT OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT OF 1994

The Senate continued with the consideration of the bill.

Mr. DOLE. Madam President, I am advised by the managers of the bill that they are ready to go to work. We have been over here waiting for amendments, and I want to tell my colleagues on this side of the aisle that they have been waiting, I have been advised by the managers that they would like to complete action on this bill. I know the majority leader would. He is busy elsewhere.

So I urge my colleagues, if there are any amendments they had better be here before long, or I have a feeling the managers may go to third reading.

So, if there are any amendments—I think we know of a couple of specific amendments, we will call their offices—I would suggest to my colleagues on both sides of the aisle, both Senator HOLLINGS and Senator DOMENICI are here, they are prepared to move, to do whatever they need to do on the amendments, and they would like to complete action on this bill.

I know the majority leader would like to move on to additional legislation because we have only 5 or 6 legislative days left before the August recess.

So I hope we can accommodate the managers.

Mr. DOMENICI. Madam President, I very much thank the Republican leader for assisting me in an effort to get the Republican Senators, if they have amendments, to come on down.

I think the offices now know that—including the distinguished Republican leader's request—this is my third request. So between us we have asked four times if there are amendments, to please come down.

I would appreciate it, if there are amendments and they cannot come down, if they would call us. That would be very helpful. We are not getting any calls. But we have this list, this requested list. It does bother me. I do not want to shut Senators out.

I have a suspicion there are no amendments. That is fine. Just because you requested it does not mean you have to come forth. But I would expect either communication that they do have an amendment, or in some way letting us know where we are, because we are not going to stay here 2 or 3 hours waiting for this, as my chairman indicates. We are about ready to go. Are we not?

Mr. HOLLINGS. Exactly. In fact, in that light, I thank the distinguished Senator.

AMENDMENT NO. 727

(Purpose: Technical corrections)

Mr. HOLLINGS. Madam 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 South Carolina [Mr. HOLLINGS] proposes an amendment numbered 727.

Mr. HOLLINGS. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 71 of the bill on line 3, strike the sum "$1,000,000" and insert "$2,000,000".

On page 74, line 19 delete period and add: ", of which not more than $2,500,000 will be made available to reimburse the city of San Diego, California, for treatment of Tijuana, Mexico, sewage.".

Mr. HOLLINGS. Madam President, these are two technical amendments. One is for the Department of State. It provides for emergencies in the diplomatic and consular service. The other is for the sewage treatment system in San Diego, which the distinguished Chair, Senator BOXER, and the other distinguished Senator from California, [Mrs. FEINSTEIN], brought to our attention.

It has been cleared on both sides.

Mr. DOMENICI. Madam President, I have no objection to the technical amendments and the previous amendment which the Senator sent to the desk. I have no objection to either.

The PRESIDING OFFICER. If there is no further debate, and no objection, the amendment (No. 727) is agreed to.

Mr. HOLLINGS. Madam President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 728

(Purpose: Wichita, KS Community Policing Demonstration Grant)

Mr. DOMENICI. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico, Mr. DOMENICI, for Mr. DOLE (for himself and Mrs. KASSEBAUM), proposes an amendment numbered 728.

Mr. DOMENICI. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 3, line 16, before the ";" insert the following: ", of which $1,000,000 shall be made available as a grant to Wichita, Kansas, for a community policing demonstration project.

Mr. DOMENICI. I believe this amendment has been cleared on the other side. Obviously, it is cleared by my introduction on this side.

Mr. HOLLINGS. It has been cleared on this side.

The PRESIDING OFFICER. Without objection, the amendment (No. 728) is agreed to.

Mr. DOMENICI. Madam President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 729

Mr. DOMENICI. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI] proposes an amendment numbered 729.

On page 63, line 16, strike the colon and insert: ", and of which $5,000,000 shall be available only for a grant to the National Center for Genome Resources to provide technical assistance and information to small businesses and for related activities:".

Mr. DOMENICI. Mr. President, I rise to offer an amendment that will allow our Nation to continue its tremendous efforts in the area of biotechnology.

As many of my colleagues know, I have long been a strong advocate for a program known as the human genome project. Unfortunately, very few people actually know what this project is and what it is supposed to accomplish. Therefore, let me briefly explain the human genome project and provide some context to my amendment.

The U.S. human genome project is a national coordinated 15-year effort to characterize all the human genetic material—the genome—by improving existing genetic maps, constructing physical maps of entire chromosomes and ultimately determining the complete sequence of the DNA subunits in the human genome. The ultimate goal of the U.S. project is to discover all of the more than 100,000 human genes and render them accessible for further biological study.

This program is coordinated through a joint relationship between the Department of Energy [DOE] and the National Institutes of Health [NIH]. The project receives rather modest funding which for fiscal year 1993 totaled $172.2 million.

The information obtained as part of the human genome project will dramatically change almost all biological and medical research and dwarf the catalog of current genetic knowledge.

Last summer, I had a number of meetings with some of the key genome researchers from across the country to discuss the status of the genome program. In the course of these conversations, it became clear that the research was progressing at a much faster rate than anyone had originally anticipated. While this progress is very exciting, it is also the source of great concern because there are many components vital to ensuring the continued success of the research and biotechnological development that are not being addressed.

In an effort to gain further insight to the needs of the human genome program and our Nation's biotechnology industry I convened a meeting in Santa Fe. Attending the meeting was the current NIH Director, Dr. Bernadine Healy, the Acting Director of the National Center for Human Genome Research, Dr. Michael Gottesman, representatives of DOE's human genome program, and many industry representatives.

It became obvious that public and private genome research depends upon the availability of numerous services and resources such as genetic material collections, DNA sequencing services, specialized instrumentation, and biological databases. Some of these items are currently being delivered by private companies and it is likely that over time new businesses will be started to deliver even more. Others, due to an inherent lack of commercial potential or to the relative immaturity of the field, are currently being supplied by research laboratories. This is placing a significant burden on these organizations, interfering with the primary research projects and often resulting in an inadequate level of service to the community as a whole.

Following this meeting, I convened a small working group to examine the best way to address these needs. After extensive consultation with the industrial and research communities it was decided to undertake the development of a biotechnology center to meet these needs.

Mr. President, my amendment would provide $5 million for the technical assistance and seed money to establish the National Center for Genome Resources which will address the needs identified by the human genome project and the biotechnology industry. The Center will focus on the design, development, and delivery of resources for public and private genome-related research. In some cases this will be accomplished by developing inhouse capabilities, in others by coordinating work contracted out to private companies, and in still others by simply facilitating the activities of other public and private organizations. In all cases the primary goal will be to deliver the most cost-effective solutions to the most pressing resource needs of the research community.

It is expected that there will be many cases in which the commercial market will eventually support the transfer of the technology and functionality to the private sector. As well, it is likely that merely guaranteeing the reliable, cost effective delivery of many of these resources will, in addition to supporting research, encourage the development of related small businesses.

The core funding which my amendment will provide will support both the administration of the Center as well as the development of new services and capabilities. It is anticipated that the Center will receive additional funding from both public and private sources to deliver new services or assume the administration of existing efforts to enhance both public and private sector research.

I think it is important to note that I have been in contact with many of our Nation's key researchers and top pharmaceutical and biotechnology firms to ensure that this Center adequately addresses the needs and concerns of these communities. In fact, I envision a Board of Governors made up of key members of each of these communities to oversee and advise our efforts. I have also been in close consultation with the directors of both DOE's and NIH's human genome programs to coordinate and minimize any overlap between existing Federal programs. Following my remarks, I would like to submit letters displaying examples of this consultation and support.

Our Nation leads the world in biotechnology development. It is imperative for us to do all that we can to ensure that we maintain this competitive edge and enable its advantageous use by American small business. I believe that this amendment will provide much needed support for our public and private efforts within the biotechnology community. I look forward to continuing my efforts to ensure that we successfully accomplish this goal.

Mr. President, I appreciate and thank my good friend Senator HOLLINGS for his help with this amendment and I look forward to its adoption.

Madam President, I ask unanimous consent that three letters be printed in the RECORD.

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

THE UNIVERSITY OF MICHIGAN
MEDICAL CENTER,
Ann Arbor, MI, July 23, 1993.

Hon. PETE DOMENICI,
Dirksen Senate Office Building,
Washington, DC.

DEAR SENATOR DOMENICI: It is a pleasure to write in support of your plans for a National Genome Technology Transfer Center. I have very much enjoyed discussing with you, Mike Knapp, and Randy Hyer the concept of such a center, and believe that a real need exists to forge a better link between the Human Genome Project and the biotechnology community. Specific tasks which such a center might productively address would include: 1) relational database models for handling the ever-enlarging genetic information which the genome project is producing, 2) developing systems for enhanced security of such searches, which many biotechnology companies are interested in, and 3) providing sophisticated technical advice to start-up companies who need input about what sort of information systems to set up.

While care needs to be taken to develop this center in such a way that it does not overlap the existing missions of the Genome Data Base (GDB) or the National Center for Biotechnology Information (which currently operates GenBank), I believe that a need exists for further outreach to the biotechnology sector. This will be both scientifically important and stimulating to the economy. I will be happy to do anything possible to assist your efforts in this regard, and congratulate you for your foresight. Best personal regards.

Sincerely yours,
FRANCIS S. COLLINS, M.D., Ph.D.,
Professor on leave.

OPPENHEIMER FUNDS,
New York, NY, July 26, 1993.

Senator PETE V. DOMENICI,
Dirksen Senate Office Building,
Washington, DC.

DEAR SENATOR DOMENICI: A rich tradition of federal support for biology and medicine has fueled an explosion of scientific knowledge. This scientific revolution, coupled with thoughtful technology transfer policy and traditional American entrepreneurship has contributed to the development of an exciting biotechnology industry. This industry is in its infancy and will continue to benefit from constructive federal policy.

An exciting area for research and development is the human genome project. As the human genome project has grown and matured, it has become clear that critical areas must be enhanced in order to allow further research, and for industry to develop research findings into effective medical products. A number of critical tools and services have been developed at individual laboratories in support of research, but the current development and utilization of these tools places a significant burden on research resources. This has created a clear need for delivering these services in an innovative fashion. I believe that the National Center for Genome Resources, which is designed to meet these needs, will make an important contribution to assuring that the promise of the human genome project will be met.

Sincerely,
SANDRA PANEM, Ph.D.,
Vice President.

DEPARTMENT OF ENERGY,
Washington, DC, July 27, 1993.

Hon. PETE V. DOMENICI,
U.S. Senate,
Washington, DC.

DEAR SENATOR DOMENICI: In recent months I have had the opportunity to discuss, with you and members of your staff, several ideas in the area of biotechnology, and in particular, those that are related to the genome program, which might be facilitated by the establishment of a non-profit, or semi-private center devoted to dissemination of research resources and the facilitation of information and technology development and transfer. Recognizing both the importance of the genome program and of the effective dissemination of the output of this historic program, I want to assure you that I am fully supportive of your innovative proposal to develop a center to help fill the gaps that exist in these areas.

It is critical that the concept is carefully and cooperatively developed, and I think that process is well underway. My staff and I will look forward to interacting with you and your staff concerning specific ideas about the planning and development for such a center.

Sincerely,
DAVID J. GALAS,
Associate Director for Health and Environmental Research, Office of Energy Research.

Mr. DOMENICI. Madam President, I ask unanimous consent that the amendment be agreed to; that the motion to reconsider the vote on adoption be tabled.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator's request is agreed to.

So the amendment (No. 729) was agreed to.

JACKSON COUNTY INDUSTRIAL WATER SUPPLY EDA GRANT APPLICATION

Mr. LOTT. I want to bring my colleague's attention to a specific grant application for Jackson County, MS, that is being processed by the Economic Development Administration [EDA]. This industrial water supply project is designed to alleviate, in an environmentally sensitive manner, the damage being done to the aquifer underneath Jackson County by the continued withdrawal of fresh water for industrial use. This grant needs to be given priority while being considered in this ongoing grant application process.

Three separate projects will gradually allow the Jackson County aquifer to regain its natural equilibrium. The first project, to which this EDA grant application is linked, will develop a pipeline from the upper part of Jackson

County to the lower part of the county where major industries are located. This pipeline is critical to preserving the overall balance of the environment and giving protection to coastal resources in Mississippi. Without adequate funding for this water supply project, the gulf coast's environment and the overall economy for the entire region will be irreparably damaged.

The largest employer in my State, Ingalls Shipbuilding, and other large manufacturing facilities in Jackson County use a great deal of water and need a continuing adequate supply of fresh water. However, Jackson County is under an injunction from the Mississippi Department of Environmental Quality to make certain the aquifer is not used for industrial purposes after 1995. This first project will allow industries to use water from a source other than the aquifer, and will keep the environment from being damaged any further.

I hope my colleagues in the Senate will join me in recognizing the importance of proactively dealing with environmental problems and agree with me that this project should be given a heightened priority in the application process. We can make a stand here for local, State, and Federal Government working together with industry to protect the environment.

Mr. HOLLINGS. It is my understanding that this grant application is now before the EDA and has been favorably received. I concur with the Senator from Mississippi on its critical nature and urge EDA to give the project a high priority.

Mr. DOMENICI. I join my colleagues in recognizing the importance of this project and urge the EDA to favorably consider this grant application and expedite its further consideration.

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

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

AMENDMENT NO. 730

Mr. SIMON. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. SIMON] proposes an amendment numbered 730.

Mr. SIMON. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place, insert the following:

"SECTION 504(f) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, is amended by inserting the following after "task forces,": "and for programs or projects to abate drug activity in residential and commercial buildings through community participation,"".

Mr. SIMON. Madam President, this amendment relates to a 4-year trial program that we had that affected the ability to seize residential areas where drugs were being used. It has been used in Cook County, and it has been a great success. There is a desire to have it extended.

Real candidly, I have shown it to the chairman of the Judiciary Committee, and I understand it is being cleared on that side, also. Senator BIDEN appeared favorable, and we are checking on the other side. I do not want to say Senator BIDEN has cleared it yet, because I have not received a direct answer. But it sounds as though it can be approved. I think it is an excellent program, and I hope we can get the OK of the managers on both sides for this amendment.

Mr. HOLLINGS. Madam President, the distinguished Senator from Illinois is correct. What happens is that it does not involve money, but it actually emphasizes this particular discretion and emphasis to this particular program.

I commend the Senator from Illinois. It has been cleared on this side.

Mr. DOMENICI. Madam President, personally, I understand it and think we ought to do this. It does not really change the law. It just provides the coverage that the Senator seeks under a different provision of the law.

But I must ask our Judiciary to clear it. I think that will be done in the next 5 minutes, in which event I will get rid of my objection, and the amendment will be agreed to.

Mr. SIMON. I understand. I ask unanimous consent that Senators MOSELEY-BRAUN and RIEGLE be added as cosponsors of the amendment.

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

Mr. SIMON. Madam President, I underscore that this does not add a penny to the program. It simply gives discretion to the Department of Justice, that if they want to spend some money for this program, they can do so. It is a program that has worked out very well, particularly in the Chicago area. Since Senator RIEGLE is a cosponsor, I gather it has worked out well in the Detroit area, too.

If no one else seeks the floor, 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. BYRD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

IMMIGRATION INITIATIVE

Mr. BYRD. Madam President, I congratulate Senator HOLLINGS for including a substantial new immigration border control initiative in this bill. This sizable package addresses many of the most pressing aspects of this vexing and difficult issue. Immigrants seeking a better life, free from religious and personal persecution, have always played an important part in this Nation's history. However, we can no longer afford to offer all those who come in search of a better life the opportunities that this Nation once provided. In these times of economic hardship, when it is nearly impossible for us to provide basic social guarantees to our own citizens, it is unfair and irresponsible of us, as a government, not to stem the tide of the hundreds of thousands of individuals streaming into this country illegally.

Senator HOLLINGS has proposed an initiative that will provide a substantial increase for the Immigration and Naturalization Service. This $132 million increase for fiscal year 1994 will allow INS to restore 93 positions, hire 600 new Border Patrol agents, and add 254 new positions to support processing, detention, and deportation proceedings. The initiative includes $75 million for construction and renovation of detention facilities, and an additional $20 million to improve visa processing at overseas facilities and for other related purposes. The INS and State Department desperately need these increases and improvements. Senator HOLLINGS and Senator DOMENICI, the subcommittee's ranking member, have taken a significant first step in stemming the rising tide of illegal immigration.

This initiative perfectly coincides with the President's announcement Tuesday of a major immigration reform package. The President's proposal includes many of the same items, such as increased Border Patrol and improvement of visa issuance procedures, but also includes legislation to increase airline review of documentation and to close visa loopholes. In dealing with deportation proceedings, the President proposes to institute expedited exclusion procedures for those attempting to enter this country with fraudulent or no documentation. This proposal is very similar to a bill introduced earlier this year by Senator SIMPSON, which I cosponsored, and will help alleviate some of the most blatant abuses of America's already overly generous political asylum policy.

Additionally, the President will take steps to reduce the backlog of asylum cases and to streamline procedures for dealing with these cases in the future. He is also proposing stiffer criminal penalties and enhanced enforcement authority to deal with alien smuggling and terrorism. Obviously, we will all want to look at the details of the

President's proposal before endorsing any or all of the provisions, but I feel comfortable in saying that this proposal will receive strong bipartisan support and I hope that the Congress will act quickly to consider it.

Adopting this appropriation bill and the additional improvements contained in the President's package will be an excellent start at correcting deficiencies in our immigration policy that we have ignored for too long. However, over the last few years, this problem has taken on such urgency that these efforts alone will not solve the larger problems. Reform efforts must go beyond our attempts to plug the gaps of illegal immigration. We must reexamine our overall immigration policy in light of America's growing economic and social problems.

In addition to the well-known upsurge of illegal immigration, the United States has witnessed an unprecedented explosion of legal immigration in the last few years. From 1981 to 1988, total legal immigration to the United States hovered around 600,000. That number jumped to 1,090,000 in 1989, and continued up to 1,536,000 in 1990, and 1,827,000 in 1991, the last year for which we have final statistics. I wonder how many Americans realize that we tripled the number of legal immigrants admitted to the United States in just 3 years. This situation cannot continue indefinitely. A sampling of headlines taken from just the last 3 months shows the widespread concern with both illegal and legal immigration.

"Immigration Distress Signals: Asylum System Under Siege," Congressional Quarterly, May 15, 1993.

"U.S. Policy Seen Encouraging Wave of Chinese Immigration," the Washington Post, June 13, 1993.

"Return to Sender—Please: Illegal Aliens Scam the Nation's Lame Deportation System" and "Immigration Crackdown: Anxious Americans Want New Restrictions and Tougher Enforcement," U.S. News & World Report, June 21, 1993.

"A New Tide of Immigration Brings Hostility to the Surface, Poll Finds," the New York Times, June 27, 1993.

A USA Today cover story on July 14, 1993, contained the following series of headlines: "USA Cool to Huddled Masses," "Sentiment Sours as Rate of Arrival Rises: Immigration Backlash in the Land of Liberty," and "Anti-Immigrant Feeling Running High in the USA."

"Lenient Visa Rules Permit Terrorists to Enter U.S.," the Washington Post, July 23, 1993.

The USA Today article included a poll showing that 65 percent of Americans favor decreasing the level of immigration and 79 percent believe that immigration should be stopped or slowed until the U.S. economy improves. This is not a question of America's compassion, or of our sympathy for the plight of those in the world that are less fortunate. We simply have reached the point where it is not possible for the United States to absorb these exceptionally large numbers. It is particularly important to note that the segment of our society which suffers the most from increased immigration is the lower end of the economic scale—unemployed, unskilled, and semiskilled laborers that are in real danger of becoming a permanent underclass in our society. If we truly want to help our citizens that are mired in poverty, we should not be accepting ever increasing numbers of replacement workers to take away those low skill jobs.

The provisions in this bill will make it easier for the INS to enforce the existing restrictions on immigration, and I hope that the Congress will move expeditiously to consider the President's proposed reforms to further strengthen that effort. But we must also realize that the U.S. economy, environment, and social structure are being severely strained by an unprecedented level of immigration and we must take action soon.

I again congratulate Mr. HOLLINGS and Mr. DOMENICI. But, more than that, I thank them for the action that they have taken. I hope that Congress will follow through and pursue this matter and that we can see some legislation come out of the authorizing committees that will deal with this serious problem, one that grows more serious every day.

Madam President, I yield the floor.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER (Mrs. MOSELEY-BRAUN). The Senator from New Mexico.

Mr. DOMENICI. Madam President, before the distinguished chairman of the Appropriations Committee leaves the floor, might I personally congratulate him on those remarks and thank him for his generosity with reference to my involvement.

I come from a border State. We have a different kind of problem than LaGuardia and Kennedy Airports in New York, but clearly the problems of illegal immigration are getting to the point where they are almost insurmountable.

I would like to share with the Senator—I did not have time for this bill to get the research done—that I read and was looking into a situation where—while you were referring to those at the lower end of the economic scale; and I very much appreciate your words in that regard—there is another problem.

You know a lot of America's unemployed are white collar jobs now. We see that because engineers by the thousands are out because of defense or because of the increased productivity in equipment and machinery that IBM uses instead of people. We are busy promoting and promulgating regulations within the INS for the entry into this country of engineers and scientists.

It was thought at one point we desperately needed that. I think 5 or 6 years ago we were talking about that. We needed to bring more in because we were not producing enough.

They are now busy carrying out our intentions of a few years ago. Frankly, I think that time has past. I am not at all sure we ought, on the white collar engineering professional side, to be inviting them from foreign countries when one of the biggest unemployment problems is in the area I am discussing; and they are highly qualified, highly trained. It is not a question of not enough of them going through college, they are already through. They are getting let out when they close down the bases in Senator HOLLINGS' State and as the private sector ratchets down on the defense side. Actually we are doing a much better job of turning them out of our colleges these days—that is engineers, scientists and the like. But we are inviting and promoting new regulations so they will come in under another exemption.

I wish I had enough time to have looked at it so we could do something on this bill to inquire about it. I do not know enough about it yet, but I will be doing something about it because I think it is wrong. I think that part of the population is very worried, too, about their futures. They were earning good livings. And some are saying you will never earn it again. How do you think they feel when they see in the paper we are going to invite 25,000 more from somewhere else? Probably those others are making a living in those foreign countries. They are not the downtrodden, I would not think. And there certainly is a market for their qualities beyond our having to open our arms and our borders to them.

But on the issue of enforcement, I, too, commend the President on his proposal. We have all the funding, I think. And the capital improvements that he is contemplating are already paid for in this bill.

Frankly, I am delighted we are out front on that because it is imperative. We will not get the temporary facilities built very quickly. We will get the manpower, but we need facilities so when you come into Kennedy Airport and you say—probably in a cheating, lying manner—"I do not have any papers," we cannot turn those people back on the streets and say come back and see one of our nice judges in 6 months. They do not come back. They are probably part of the terrorist crowd. But we cannot build those facilities that quickly.

But I think we are sending a signal that we are really willing to help if they will get this under control and even get us more information. I think the U.S. Senate is really ready to be a

player with our INS and others in this regard.

I thank the Senator very much for his comments.

Mr. BYRD. I thank the Senator.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Madam President, let me also join in thanks to the distinguished chairman of our Appropriations Committee, not only for his leadership on this particular bill and, of course, the full committee staff, Tim Leeth and Jack Conway, who have been so helpful while the committee staff director, Jim English, is recovering from surgery. The distinguished chairman has led the way on our bill, and he is overgenerous with his comments.

With respect to immigration, we can beef it up and do way better at the airports in New York, and in Detroit where they are coming in from the Canadian side, or down in Miami, or over in San Francisco, or up in Seattle. But, in all candor, it is going to be an impossible situation over the Rio Grande, from Tijuana right on down to Matamoros.

I happened to visit in Spain at the Easter break. The consul there used to be the consul down in San Diego. He was telling me stories where 5,000 aliens a week were coming across the border there—coming all different ways, even running down the middle of the street. Not just the poor, the tired, the "huddled masses yearning to breathe free." No; those who work for the 2,000 American industries down in Mexico, and other countries, the some 600,000 job positions now occupied making $1, $1.50 an hour, oh no, they learned the skill, jump ship, jump Mexico, and come up into San Diego, and disperse throughout the country and end up working for $7 an hour.

We are trying our best. We put funding for 600 additional agents in the border patrol. We put in some extra detention facilities. We did what we could realistically do, as quick as we possibly could. So we are headed in the right direction.

I recall when we burned the poppy fields in Turkey, broke up the laboratories in Marseilles, and we moved down into the mountains of Bolivia. I remember when the First Lady, Mrs. Rosslyn Carter, was going to visit Colombia and present the government with two helicopters to fight the drug trade. She came before our subcommittee. She said she memorized a little talk in Spanish and was going to make an impression. She goes down there with the two helicopters we gave her and all this fine radio equipment. Well, it went to the official who was in charge of the drug traffic. But, instead of detaining and arresting, we accelerated the blooming thing. Now it is even worse coming out of Mexico. We are working at it though, and we thank the Senator for his leadership on this score.

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I see the Senator from South Dakota is ready so we can move on this bill.

The PRESIDING OFFICER. The Senator from South Dakota. Without objection the pending amendment is laid aside.

AMENDMENT NO. 731

(Purpose: To require the Federal Communications Commission to submit an analysis to Congress outlining options for addressing telephone calling card procedures)

Mr. PRESSLER. Madam 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 South Dakota [Mr. PRESSLER] proposes an amendment numbered 731.

Mr. PRESSLER. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 87, between lines 20 and 21, insert the following new section 609:

SEC. 609. TELEPHONE CALLING CARD PROCEDURES.

(a) ANALYSIS.—Not later than 180 days after the date of enactment of this Act, the Federal Communications Commission shall submit an analysis to Congress outlining options for addressing telephone calling cards procedures which will maximize consumer benefits.

(b) CONTENTS.—The Analysis shall include—

(1) a discussion of the various options regarding the use of calling cards and telephone calling card procedures;

(2) the costs of implementation of the options submitted as part of the analysis containing methods of addressing telephone calling card procedures;

(3) the benefits of various telephone calling card procedures to consumers;

(4) the competitive effects of various telephone calling card procedures (both to inter-LATA (local access transport areas) and intra-LATA) to consumers;

(5) any anticipated technical and legal problems that might arise under the various options for telephone calling card procedure;

(6) the effect on aggregators, including pay phone owners, hotels, motels, prisons, universities, and similar entities;

(7) the need for a change in view of compliance with the Telephone Operator Consumers Services Improvement Act of 1990 (P.L. 101-435); and

(8) the steps to be taken, if any, to implement options submitted as part of the analysis involving calling card procedures and the time frame necessary to complete such steps.

Mr. PRESSLER. Madam President, I send an amendment to the desk and ask its immediate consideration. I ask that further reading of the amendment be dispensed with. Madam President, this amendment to the Department of Commerce, State, and Justice appropriations bill is designed to make credit card calls away from home easier for all consumers.

I understand that it has been agreed to on both sides.

This amendment involves telephone credit card numbers.

I am concerned about the complicated process entailed in successfully completing a credit card telephone call away from the home or office. I know that people who travel extensively would agree strongly.

It takes a minimum of 25 numbers to dial a credit card number, but if you are in certain circumstances it takes 36 numbers. If you have to try several calling options before successfully completing your call, you could dial as many as 91 numbers. I cannot remember 36 or 91 numbers, so I am always having a hard time making my credit card calls.

If all the telephone companies could agree on technology and procedures, perhaps we could make credit card calling easier—so I would only have to remember four or five numbers.

This aging Senator believes that technology should make the lives of the American people simpler. What has happened is we balkanized the telephone companies of the United States. Rightly or wrongly—that is not the issue. The point is each company wants you to use its credit card. If you are at an airport or shopping market, it may be slightly more difficult to complete your call. You may have to dial an access code or an 800 number. In addition, the charges may differ depending on which method the consumer uses to access the long-distance carrier.

With all the advances in technology, it seems to me there should be a way to simplify this process.

Perhaps, we could have a simple, nationwide credit card calling system in which nobody has to remember more than four or five or six numbers. It is difficult to get competing companies to agree on calling card procedures and technology. They each want to keep their customers, and would like to block out the other ones. Competition is good, but in this case the American people are tired of having to dial 36 or 91 numbers. At least I am.

This amendment would direct the Federal Communications Commission [FCC] to submit an analysis to Congress outlining options for addressing telephone calling card procedures. The FCC has looked at these problems in at least two proceedings. My amendment asks the FCC to submit its analysis of options for solving this confusion to Congress within 6 months.

The analysis would include information on cost/benefits, competitive effects, technical and legal problems, and implementation steps and timetables associated with proposed solutions to these problems.

We are trying to make life simpler. I urge the adoption of the amendment.

The PRESIDING OFFICER. Is there further debate? The Senator from South Carolina.

Mr. HOLLINGS. Madam President, in 1990 Congress passed the Telephone Operator Consumer Services Improvement Act. The Legislation was designed to give consumers more choice when placing a telephone call with their credit card or telephone calling card. There, of course, continues to be some confusion regarding this issue.

At the present time the Federal Communications Commission has several ongoing proceedings on this matter. The Commerce Committee has not held any hearings on the problems raised by Senator PRESSLER but we are glad to clear the amendment on this side.

Mr. DOMENICI. We are glad to indicate our approval of the amendment, also, Madam President, and compliment the Senator for offering it.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 731) was agreed to.

Mr. PRESSLER. Madam President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. HOLLINGS. Madam President, I suggest the absence of a quorum with the time to be charged equally to both sides.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. DOMENICI. Madam President, I rise one more time to plead with any Republican Senator who might have an amendment. Obviously, on the requested list there are still a score more of them, but we are hearing from none. So I am assuming—and I want them all to know—that other than the Hatch amendment that we are talking about here—and perhaps we will adopt that—we do not have any other amendments on our side. We have Senator SIMON's amendment, which I think he is still trying to clear. We have cleared Senator SIMON's amendment.

Mr. HOLLINGS. We are trying to clear one word in there.

Mr. DOMENICI. Again, I think we are very close, unless the chairman has some additional items. If you are not down here in the next 5 or 6 minutes, we are going to go ahead and proceed, as I understand the Chairman's wishes; is that correct?

Mr. HOLLINGS. That is correct.

AMENDMENT NO. 732

Mr. DOMENICI. Madam President, on behalf of Senator HATCH, 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 New Mexico [Mr. DOMENICI], for Mr. HATCH, proposes an amendment numbered 732.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 19, line 2, strike "$725,161,000" and insert "$727,161,000";

On page 13, line 10, delete "$337,808,000" and restore the matter stricken; and

On page 77, line 13 strike "$210,000,000" and insert "$206,000,000".

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 732) was agreed to.

Mr. DOMENICI. Madam President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HOLLINGS. I move to lay that motion on the table. The motion to lay on the table was agreed to.

Mr. HATCH. Madam President, I want to thank the managers for accepting my amendment, providing an additional $4 million for DEA and U.S. Marshals. I understand that the managers share my expectation that rural areas will receive a fair share of these additional moneys.

Mr. HOLLINGS. That is correct.

Mr. DOMENICI. I agree.

AMENDMENT NO. 730

Mr. HOLLINGS. Madam President, the particular amendment of the Senator from Illinois [Mr. SIMON] is that the pending business?

The PRESIDING OFFICER. That is the pending amendment.

AMENDMENT NO. 730, AS MODIFIED

Mr. HOLLINGS. Madam President, I ask unanimous consent to modify Senator SIMON's amendment by adding at the end of the words "task forces," on line 3 of the amendment, the phrase "gang task forces".

So it would read:

* * * of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, is amended by inserting the following after "task forces": "gang task forces" and for programs or projects to abate drug activity in residential and commercial buildings through community participation. * * *

That has been cleared on both sides.

Mr. DOMENICI. We have no objection.

The PRESIDING OFFICER. The amendment is so modified.

The amendment, with its modification, is as follows:

At the appropriate place, insert the following:

"SEC. 504(f) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, is amended by inserting the following after "task forces,": "gang task forces, and for programs or projects to abate drug activity in residential and commercial buildings through community participation," ".

Mr. BIDEN. Mr. President, I shall not insist upon a rollcall vote on this amendment. But, I wish to make it clear that I oppose this effort to seek an exemption to the 4-year time limit on the programs funded by the Justice Department's State and local aid program.

I have long supported this time limit to ensure that the Justice Department's program continues to fund new and innovative crime control efforts. The time limit also serves state criminal justice planners in their efforts to use Federal funds to try new efforts and seek state and local funding for those that prove successful.

I do not restrict my remarks to the merits of any particular program, including those that might be covered by this amendment. In fact, I have opposed several other attempts to exempt specific programs from this time limit.

Of course, I would point out that there is a single exemption to the 4-year rule—the Federal, State, and local multijurisdicational task forces. I supported this single exemption because these tasks forces are in place throughout the nation and because they require an ongoing partnership between federal, state and local law enforcement personnel.

Mr. President, again, I will not insist upon a rollcall vote on this amendment; but, I rise to clearly state my opposition, and the reasons for my opposition to this amendment.

Mr. HOLLINGS. I urge the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified.

The amendment (No. 730), as modified, was agreed to.

Mr. DOMENICI. Madam President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. DOMENICI. I suggest the absence of a quorum and and that it be charged equally.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 733

Mr. HOLLINGS. Madam President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS] proposes an amendment numbered 733.

Mr. HOLLINGS. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

An amendment to the NOAA operations and facilities account. On page 38, insert after "Arkansas" on line 5, the following: ", and of which $10,000,000 shall be available for NOAA-wide efforts to conduct research on coastal development and population growth-associated problems, seafood safety, and remediation of environmental contamination and habitat restoration, including joint pilot projects between the National Oceanic and Atmospheric Administration and the National Institute of Standards and Technology to apply advanced sensor and environmental technologies for such purposes, particularly at military installations slated for closure"

Mr. HOLLINGS. Madam President, this is one for the National Oceanic and Atmospheric Administration, giving discretion to the administrator of NOAA to apply advanced sensor and environmental technologies and for such purposes, particularly military installations that have been designated for closure.

If he, without further expense, can locate at those particular places, he has the discretion to do so. It has been cleared on both sides.

The PRESIDING OFFICER. Is there further debate?

Mr. DOMENICI. I have no objection.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 733) was agreed to.

Mr. HOLLINGS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. DOMENICI. I ask for the yeas and nays on final passage.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HOLLINGS. Madam President, let me thank the distinguished Senator from New Mexico, and staffs on both sides, particularly Marty Paone, Lula Davis, Elizabeth Greene, and others who have been so helpful. The reason we look like we know what we are doing is because of the folks right here at the front table on both sides of the aisle. They know it, understand it, and keep us on course and parliamentarily sound. I am really indebted to them, as well as to my distinguished colleague from New Mexico.

Mr. DOMENICI. Madam President, I want to join the distinguished chairman in that regard. I am delighted that we are going to finish this bill. I think it is a good bill.

I hope we can return it almost intact from conference. And I thank the staff on both sides. I think they have done a good job, and we are ready to proceed.

MCGRUFF HOUSE NETWORK

Mr. HATCH. I rise to call my colleagues' attention to the work that is being done by the National McGruff House Network. Driven by the need to prevent victimization of children and youth, the McGruff House Network is having a positive impact on child protection efforts and strategies nationwide. The Network, a nonprofit organization, commits its efforts to providing a safety network for all children through the establishment of McGruff Houses. The McGruff Houses are temporary havens for children in threatening situations. The Network totals 569 communities and 915 operational programs, managing 93,122 volunteer McGruff Houses in 47 States, including my home State of Utah and the States represented by the distinguished floor managers, South Carolina and New Mexico.

Currently, the Network receives partial funding from the National Crime Prevention Council. The National Crime Prevention Council has been recognized by the committee for its work and the committee has expressed its expectation that its grants will continue. This, however, does not ensure that the McGruff House Network grants will continue. In my view, the Network is doing noble work for the benefit of children and its funding should be assured. For this reason, I believe that the National McGruff House Network should receive its own grant, of $100,000, from the Department of Justice to continue its excellent work.

I ask my colleagues, do they expect the Bureau of Justice Assistance to provide $100,000 for the National McGruff House Network for fiscal year 1994?

Mr. HOLLINGS. As the review of the grant application is considered by the Bureau of Justice Assistance, I would expect that the BJA give every consideration to ensuring that $100,000 is provided to the National McGruff House Network.

Mr. DOMENICI. I share the view of my colleagues.

Mr. HATCH. I thank my colleagues.

COMMERCE, JUSTICE, STATE, AND JUDICIARY APPROPRIATIONS BILL

Mr. KERRY. Madam President, I want to indicate my support for the Commerce, Justice, State, and Judiciary appropriations bill before us today and I want to commend Chairman HOLLINGS' efforts in bringing this bill to the floor and applaud the broad-based support this package has received from a majority of subcommittee and full committee members. The committee faced the daunting task of crafting a bill that would fairly distribute funding to a broad array of important programs, many of which are critical to our economy and our marine environment, within a budget framework of extremely limited resources. While there are always some disappointments about some programs and projects, I believe the present bill will be of very significant benefit nationally. The bill of course, touches many agencies and scores of important programs, including those focused on economic development and business law enforcement, and our diplomatic and international relations activities. I would like to highlight what I believe are the vital marine and coastal programs that received the committee's attention.

I am privileged to serve as the vice chair of the Commerce Committee's National Ocean Policy Study. Through that role I know and value Chairman HOLLINGS' deep commitment to programs operated by the National Oceanic and Atmospheric Administration [NOAA] and the other important marine and coastal programs. Despite the difficult fiscal times, the appropriations subcommittee and full committee admirably acted to provide funding increases to some key marine and coastal programs and to assure the continuation of others. Several of these indispensable programs did not receive funding in the House bill, and I remain hopeful that we can maintain the Senate funding levels during the conference with the House.

I applaud the committee for providing $2 million for the North Atlantic Fisheries Reinvestment Program, and $7.944 million for the Saltonstall-Kennedy fisheries grants program, for which the administration budget included no funding at all. These programs are essential to New England during this difficult time. The Saltonstall-Kennedy fisheries grants program is also important to other coastal regions because it provides funding for research to enhance fish stocks, to develop new markets for underutilized fish species, and to assess new fishing gear technologies.

In addition, I am particularly pleased at the increase in funding levels, from $43.225 million in fiscal year 1993 to $51.714 million for the Coastal Zone Management [CZM] Program. Twenty-two Senators joined me in sending a letter in support for increased funding for this relatively small but extremely effective program to protect our national shoreline. For over two decades, through the unique Federal/State partnership established by the Coastal Zone Management Act, the coastal States and the National Oceanic and Atmospheric Administration [NOAA] have worked closely together to preserve, protect, develop, and where possible, to restore or enhance America's coastal resources.

Since the establishment of the national CZM Program, solid, measurable progress has been made. The protection of life and the safety of our citizens have been greatly increased. Wetlands,

estuaries, rivers and bays have been afforded a chance to recover, and the dependent coastal fisheries, tourism and local economies have been improved. Development within the coastal zone has been far more wisely managed than ever before. From coast to coast Americans have far greater access to the beautiful shores and beaches of our country.

An ocean program very important to my State is the National Marine Sanctuary Program. The recent dedication of the Stellwagen Bank National Marine Sanctuary off the coast of Massachusetts is an excellent example of Federal activity that produces both environmental protection and economic enhancement. This marine mammal feeding area is popular with whale watchers and fisherman and protection of the Bank has received wide support—not only among my constituents but nationwide. The appropriation of $9.15 million provides necessary funding levels to maintain this important national program, especially given the addition of new sites such as Stellwagen Bank.

I also would like to commend the committee for its continuing support of the Sea Grant Program, which is funded that year at $49 million, an increase over last year's appropriation to reflect new efforts—in the area of marine biotechnology, for example. The Sea Grant College Program has proven itself to be a wise investment. The Sea Grant Program funds regional research, enhances technology transfer and provides public education and outreach services for the Nation's coastal resources.

On global environmental issues, I have worked actively for an Antarctic Environmental Protocol, including the Convention on the Conservation of Antarctic Marine Living Resources [CCAMLR]. Data provided by NOAA's Antarctic Marine Living Resources [AMLR] program are critical to CCANMLR's implementation and I am very pleased that $1.2 million has been provided to ensure the continuation of this critical work.

The groundfish fishery in New England has been in decline, causing much hardship in local fishing communities and depriving the Nation of an important and nutritious food source. Continued support is needed for the scientific and assessment efforts that are the basis for the difficult management decisions necessary to preserve these fisheries while taking into account the needs of those whose livelihoods depend on fishing or on commerce in fish and fish products, and those who are consumers of these products. The committee directs continued funding for the fisheries studies in New England, including Atlantic salmon at $710,000, Atlantic bluefin tuna at $250,000, and right whale research at $214,000. The Gulf of Maine Groundfish Survey received $567,000; New England stock depletion studies, $1.116 million; management of Georges Bank, $480,000; and the Atlantic Migratory Pelagics Program, $700,000 for an observer program.

The area of aquaculture is one that has significant benefits, both present and future, to coastal communities nationwide. I am very supportive of the committee's recommendation of $2.25 million for the aquaculture program. When the conference committee begins its work, I will encourage the Senate conferees to look closely at a shellfish aquaculture pilot program in Nantucket as well as a Long Island project for which the House appropriated $225,000. Both these programs would enhance fisheries as well as economic development.

Finally, I would like to voice my support for NOAA's Global Climate Change Research Program. NOAA is an important part of the overall U.S. interagency effort to improve the science that is needed to make critical decisions about the future of our planet. The Senate bill's inclusion of $53 million is well below even the House mark of $66.902 million, and I hope a favorable compromise can be reached in conference.

In closing, Madam President, I once again compliment the able Senator from South Carolina [Mr. HOLLINGS] in his role as chairman of the appropriations subcommittee. He is a leader, a strong and courageous figure in this institution, and a good friend. I commend the other members of the subcommittee and its staff, particularly Scott Gudes who has done a tremendous job and has been very generous with his time and attention. The bill they have brought to the Senate is a very good bill, and one over which they have labored conscientiously—in the portion addressing oceans and atmosphere programs which I have detailed, in the portions addressing the State Department's budget and activities, and in the other portions of the bill.

I believe I convey sentiments shared by virtually all of my colleagues when I express sincere thanks to the chairman, members, and staff for their efforts. I look forward to working with all of them as the process continues toward enactment.

GEORGIA INTERNATIONAL MARITIME TRADE CENTER

Mr. COVERDELL. Madam President, the mayor of Savannah, GA, recently advised me of a very worthwhile project which the city has committed to undertake. Specifically, Savannah/Chatham County plans to build an international trade center, which will be known as the Georgia International Maritime Trade Center. The city envisions that this facility will serve as a central trade facility for the southeastern region of the United States, wherein domestic and foreign manufacturers may meet and display goods. Additionally, the center will serve as a repository of information through its trade library and trade service center where market data and consulting services for international trade will be available.

The city of Savannah is strongly committed to building this project. Earlier this month, the city of Savannah voted for a bond referendum and an increase in the hotel/motel tax that will fund 55 percent ($37 million) of the construction of this facility. Additionally, it is my understanding that the Governor of Georgia, Zell Miller, has agreed to provide $18.5 million in his fiscal year 1994–95 budget proposal for the project. Thus, State and local governments have committed to $55.5 million of the $73 million needed to complete the project.

The city of Savannah has requested that the Federal Government join in this effort by providing funds to aid with the initial planning and design of the facility. I believe this very worthwhile project should be given serious consideration for a planning grant from the Economic Development Assistance Program, which is a program within the Department of Commerce.

I believe it is the practice of the appropriations Committee to recommend various projects as worthy of consideration for economic development assistance grants in its report accompanying the Commerce, Justice, State, Judiciary and Related Agencies appropriations bill. Unfortunately, this project was not included in the committee's report, primarily because the city of Savannah only recently held its bond referendum which solidified the city's plans for the project. Consequently, it is my sincere hope that the conferees to the Commerce, Justice, State and Judiciary appropriations bill will include this project as one worthy of an economic development assistance grant in their report accompanying the conference version of the bill.

RADIO FREE ASIA

Mr. BIDEN. I would like to get the attention of the chairman of the subcommittee for a moment. As I understand it, this bill provides $10 million in the U.S. Information Agency to initiate Radio Free Asia, a proposal that I have been promoting for the last 3 years. Do I understand that correctly?

Mr. HOLLINGS. My friend from Delaware is correct.

Mr. BIDEN. It is my understanding that the Clinton administration originally requested $30 million for this program. However, because the proposal to consolidate U.S. Government-sponsored international radio operations will achieve efficiencies in the international broadcasting account, the administration now believes that just $15 million will be required.

If I could get the attention of the chairman again, is it his intention that up to $5 million would be available in

the radio construction account for Radio Free Asia?

Mr. HOLLINGS. Yes. I agree with the Senator from Delaware that up to $5 million is available for that purpose.

SEC FUNDING

Mr. RIEGLE. Madam President, I am pleased that the Commerce, Justice, State appropriations bill contains the full funding request for the Securities and Exchange Commission. This will enable the SEC to carry out its important mission of enforcing the securities laws. Our financial markets are the most liquid in the world, in large part because investors are confident they are properly regulated.

I am concerned, however, about the mechanism used for SEC funding. The fees charged for the registration of securities were raised in 1990, and again in 1992. They will be raised a third time by this bill. Under this legislation, registration fees will be almost double the level of five years ago. These fees have been designated as offsetting collections to SEC appropriations. This increases the amount of money available to the Appropriations Committee, allowing it to appropriate less to the SEC and more elsewhere.

In 1992, SEC registration fees exceeded SEC appropriations by 180 percent. Under this bill, in 1994 fees are estimated to exceed appropriations by 195 percent. When fees on securities registrations bring in more money than is needed to fund the SEC, it is not a user fee, but a tax. These excess fees constitute a hidden tax on capital formation—discouraging private sector economic growth. It is ironic that while this bill raises securities registration fees, paid by investors and entrepreneurs who depend on efficient SEC regulation, the SEC will have to cut 110 full staff positions over 3 years.

The House of Representatives recently passed a bill providing for a closer correlation between SEC fees and SEC appropriations. Congress would determine the SEC's funding needs, and the agency would set fees to collect an amount equal to its annual appropriation—no more, no less. Fines and penalties collected by the SEC would continue to go to the Treasury general fund. The Banking Committee's Securities Subcommittee, chaired by Senator DODD, will review this issue at a hearing tomorrow morning on the SEC's budget authorization request.

The chairman of the Appropriations Subcommittee, Senator HOLLINGS, and his staff have expressed their willingness to work with the Banking Committee on the SEC funding issue prior to conference as this appropriations bill moves forward. Madam President, I thank the Senator from South Carolina for his cooperation.

BANKRUPTCY JUDGESHIPS AUTHORIZED IN THE 102D CONGRESS

Mr. SIMON. Madam President, I want to address the need to fund the 35 new bankruptcy judgeships Congress authorized last year in Public Law 102-361. Congress authorized these judgeships based on the recommendations of a 1991 Judicial Conference report on bankruptcy judgeship needs.

Between 1980 and 1992, bankruptcy filings nationwide increased about 193 percent. As a result of this increase, bankruptcy judges across the country have experienced significant backlogs in their dockets. When the courts are backlogged, assets are frozen and creditors do not receive funds due under the operation of the bankruptcy laws. The backlogs also have an obvious impact on businesses trying to reorganize their way out of debt. Although overall bankruptcy case filings decreased somewhat in 1992, the need for these judgeships has not diminished since they were authorized last year.

Public Law 102-361 includes an additional bankruptcy judgeship for the Southern District of Illinois. This district includes 38 counties and covers over 15,000 square miles. It is larger than the States of Massachusetts, Connecticut, Rhode Island, and Delaware combined. The bankruptcy court is authorized to sit in four sites in the southern district—East St. Louis, Benton, Alton, and Effingham. During 1992, the Honorable Kenneth T. Meyers, the lone bankruptcy judge in the Southern District of Illinois, traveled over 12,000 case-related miles. At least twice each week he travels the 115 miles between East St. Louis and Benton, the two primary sites for the court. In assessing the need for an additional bankruptcy judgeship in the Southern District of Illinois, the Judicial Conference, in addition to finding that the district has a substantial and expanding caseload, noted the extensive travel involved in this district.

It is my hope that as the Judicial Conference allocates the funds appropriated under this bill, funding the 35 new bankruptcy judgeships will be among its highest priorities. I strongly urge the Judicial Conference to continue its recognition of the need for these additional bankruptcy judgeships by using funds appropriated in the salaries and expense accounts to fund these judgeships.

Mr. DOLE. Madam President, earlier this week, I had a meeting in my office with Elma Broadfoot, the new mayor of Wichita, KS. She had one message for us—gang violence is no longer just a big city problem, it is now threatening to overrun heartland cities—cities like Wichita, KS.

Gang violence is not something most people associate with Kansas, but last month's front page article in the Washington Post explained how "gangs are carving a new frontier on the old." In 3 years, the number of gangs in Wichita have gone from 3 to 90. According to a study at Pepperdine University, Wichita ranks ninth in the Nation in gang membership. That is one high ranking we are not proud of.

In the beginning much of the increase in gang activity was driven by drugs, particularly crack, but now the biggest problem is violent crime. Last year, Wichita reported 237 robberies and other gang-related armed assaults. The police also reported more than 300 drive-by shootings, many of which were gang related.

According to the mayor, one recent gang-related incident was particularly painful for the city. At a Fourth of July celebration, an innocent bystander was killed when she stepped in the middle of a gang shoot-out. Wichitans were deeply saddened that America's proudest day had been desecrated by gang violence.

Wichita is determined to take an aggressive approach to combating gang violence by concentrating the efforts of police and community volunteers in high crime activity areas. The city calls this approach the integrated teams approach or the IT program.

As a first step police work with community volunteers and the local NAACP chapter to identify criminal activity in a neighborhood. The police follow up by giving problem areas their highest priority until the area is rendered safe. Finally, community organizers establish neighborhood watch groups, clean up neighborhoods, and get children and teenagers involved in recreation and job training opportunities.

Madam President, I would like to offer an amendment to earmark community policing funding in the Commerce, State, Justice bill for this innovative program. This project would be an excellent model for moderate size cities throughout the country that are working to stop gang violence. I urge my colleagues to support this amendment.

The Senator from Kansas would like to note that the chairman and ranking member have always treated Kansas with extraordinary fairness on items ranging from modernization of the weather system to Department of Commerce grants for disaster assistance. I greatly appreciate their help throughout the years.

Mrs. KASSEBAUM. I would simply like to echo the remarks of the Republican leader, Senator DOLE. I, too, met with Mayor Broadfoot earlier this week, and I am very concerned about the violence in Wichita. The prevalence of gangs in the city has been the subject of national media attention and many Wichitans have seen their neighborhoods turn into turf war battlefields. Something has to be done.

The city of Wichita is dedicated to reducing the violence and they have developed an innovative approach to achieve that goal. It is my hope that the Senate will support this amendment to make available to Wichita a

community policing demonstration grant so that their plan can be put into effect. I appreciate the consideration of the distinguished chairman and ranking member.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the 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 the third time.

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

The bill clerk called the roll.

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

The result was announced—yeas 87, nays 13, as follows:

[Rollcall Vote No. 225 Leg.]

YEAS—87

Akaka	Exon	McConnell
Baucus	Feingold	Metzenbaum
Bennett	Feinstein	Mikulski
Biden	Ford	Mitchell
Bingaman	Glenn	Moseley-Braun
Bond	Gorton	Moynihan
Boren	Graham	Murkowski
Boxer	Gramm	Murray
Bradley	Grassley	Nickles
Breaux	Harkin	Nunn
Bryan	Hatch	Packwood
Bumpers	Hatfield	Pell
Burns	Hollings	Pressler
Byrd	Inouye	Pryor
Campbell	Jeffords	Reid
Chafee	Johnston	Riegle
Coats	Kassebaum	Robb
Cochran	Kennedy	Rockefeller
Cohen	Kerrey	Sarbanes
Coverdell	Kerry	Sasser
D'Amato	Kohl	Shelby
Danforth	Lautenberg	Simon
Daschle	Leahy	Simpson
DeConcini	Levin	Specter
Dodd	Lieberman	Stevens
Dole	Lugar	Thurmond
Domenici	Mack	Warner
Dorgan	Mathews	Wellstone
Durenberger	McCain	Wofford

NAYS—13

Brown	Heflin	Roth
Conrad	Helms	Smith
Craig	Hutchison	Wallop
Faircloth	Kempthorne	
Gregg	Lott	

So the bill (H.R. 2519), as amended, was passed.

Mr. HOLLINGS. Madam President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. MITCHELL. Madam President, I want to congratulate the distinguished Senators from South Carolina and New Mexico. They and the other Members of the Senate moved forward with dispatch on this matter.

Mr. HOLLINGS. I thank the majority leader for his leadership and help, and I thank the entire staff for their help.

Madam President, I move that the Senate insist on its amendments, request a conference with the House on the disagreeing votes of the two Houses, and that the Chair be authorized to appoint conferees.

The motion was agreed to, and the Presiding Officer appointed Mr. HOLLINGS, Mr. INOUYE, Mr. SASSER, Mr. BUMPERS, Mr. KERREY of Nebraska, Mr. BYRD, Mr. DOMENICI, Mr. STEVENS, Mr. GRAMM of Texas, Mr. MCCONNELL, and Mr. HATFIELD conferees on the part of the Senate.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1994

Mr. MITCHELL. Madam President, I ask unanimous consent that the Senate now proceed to H.R. 2403, the Treasury, Postal appropriations bill.

The PRESIDING OFFICER. The bill will be stated by title.

The bill clerk read as follows:

A bill (H.R. 2403) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1994, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, 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 italics.)

H.R. 2403

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 Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1994, and for other purposes, namely:

TITLE I

DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

For necessary expenses of the Departmental Offices including operation and maintenance of the Treasury Building and Annex; hire of passenger motor vehicles; maintenance, repairs, and improvements of, and purchase of commercial insurance policies for, real properties leased or owned overseas, when necessary for the performance of official business; not to exceed $2,900,000 for official travel expenses; not to exceed $100,000 for official reception and representation expenses, of which $75,000 is for such expenses of the international affairs function of the Offices; *of which not less than $6,902,000 and 90 full-time equivalent positions shall be available for enforcement activities, and of which no less than $2,971,000 and 46 full-time equivalent positions shall be available for the Office of Foreign Assets Control;* not to exceed $258,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Secretary of the Treasury and to be accounted for solely on his certificate; not to exceed $488,000, to remain available until expended, for repairs and improvements to the Main Treasury Building and Annex; **[$104,597,000]** *$105,700,000.*

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, hire of passenger motor vehicles; not to exceed $2,000,000 for official travel expenses; not to exceed $100,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General of the Treasury; $28,897,000 **[**, of which $300,000 shall remain available until expended for the Inspectors General Auditor Training Institute**]**.

FINANCIAL CRIMES ENFORCEMENT NETWORK

SALARIES AND EXPENSES

For necessary expenses of the Financial Crimes Enforcement Network, including hire of passenger motor vehicles; not to exceed $4,000 for official reception and representation expenses; $18,280,000.

TREASURY FORFEITURE FUND

(LIMITATION OF AVAILABILITY OF DEPOSITS)

For necessary expenses of the Treasury Forfeiture Fund, as authorized by Public Law 102-393, not to exceed **[$14,770,000]** *$50,000,000,* to be derived from deposits in the Fund.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Law Enforcement Training Center, as a bureau of the Department of the Treasury, including purchase (not to exceed fifty-two for police-type use) and hire of passenger motor vehicles; for expenses for student athletic and related activities; uniforms without regard to the general purchase price limitation for the current fiscal year; the conducting of and participating in firearms matches and presentation of awards; for public awareness and enhancing community support of law enforcement training; not to exceed $7,000 for official reception and representation expenses; room and board for student interns; and services as authorized by 5 U.S.C. 3109: *Provided,* That the Center is authorized to accept gifts: *Provided further,* That notwithstanding any other provision of law, students attending training at any Federal Law Enforcement Training Center site shall reside in on-Center or Center-provided housing, insofar as available and in accordance with Center policy: *Provided further,* That funds appropriated in this account shall be available for State and local government law enforcement training on a space-available

basis; training of foreign law enforcement officials on a space-available basis with reimbursement of actual costs to this appropriation; training of private sector security officials on a space available basis with reimbursement of actual costs to this appropriation; travel expenses of non-Federal personnel to attend State and local course development meetings at the Center: *Provided further*, That the Director of the Federal Law Enforcement Training Center shall annually present an award to be accompanied by a gift of intrinsic value to the outstanding student who graduated from a basic training program at the Center during the previous fiscal year, to be funded by donations received through the Center's gift authority: *Provided further, That the Center is authorized to obligate funds in anticipation of reimbursements from agencies receiving training at the Federal Law Enforcement Training Center: Provided further*, That the Federal Law Enforcement Training Center is authorized to provide short term medical services for students undergoing training at the Center; [$47,195,000] *$47,695,000*.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For expansion of the Federal Law Enforcement Training Center, for acquisition of necessary additional real property and facilities, and for ongoing maintenance, facility improvements, and related expenses, [$7,712,000] *$12,712,000*, to remain available until expended.

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Financial Management Service, $209,877,000, of which not to exceed $9,748,000, shall remain available until expended for systems modernization initiatives.

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Alcohol, Tobacco and Firearms, including purchase of not to exceed six hundred and fifty vehicles for police-type use for replacement only and hire of passenger motor vehicles; hire of aircraft; and services of expert witnesses at such rates as may be determined by the Director; for payment of per diem and/or subsistence allowances to employees where an assignment to the National Response Team during the investigation of a bombing or arson incident requires an employee to work 16 hours or more per day or to remain overnight at his or her post of duty; not to exceed $10,000 for official reception and representation expenses; for training of State and local law enforcement agencies with or without reimbursement; provision of laboratory assistance to State and local agencies, with or without reimbursement; [$364,245,000] *$368,046,000, not to exceed $100,000 shall be available for hosting or participating in the Interagency Committee on Women in Federal Law Enforcement Conference, the Law Enforcement Explorer Scouts Conference, and the International Asian Organized Crime Conference*, of which $22,000,000 shall be available solely for the enforcement of the Federal Alcohol Administration Act during fiscal year 1994 and, of which not to exceed $1,000,000 shall be available for the payment of attorneys' fees as provided by 18 U.S.C. 924(d)(2); and of which $1,000,000 shall be available for the equipping of any vessel, vehicle, equipment, or aircraft available for official use by a State or local law enforcement agency if the conveyance will be used in drug-related joint law enforcement operations with the Bureau of Alcohol, Tobacco and Firearms and for the payment of overtime salaries, travel, fuel, training, equipment, and other similar costs of State and local law enforcement officers that are incurred in joint operations with the Bureau of Alcohol, Tobacco and Firearms: *Provided*, That [fees will be collected by the Secretary of the Treasury or his delegate pursuant to section 108 of this Act, of which not to exceed $5,000,000 shall be retained and used for the specific purpose of offsetting costs of the Bureau's Compliance Alcohol Program, notwithstanding 31 U.S.C. 3302(b), and any fees collected in excess of $5,000,000 shall be deposited as miscellaneous receipts in the Treasury: *Provided further*, That the sum herein appropriated shall be reduced by not more than $5,000,000 as fees are collected pursuant to section 108 of this Act: *Provided further*, That] none of the funds appropriated herein shall be available to investigate or act upon applications for relief from Federal firearms disabilities under 18 U.S.C. 925(c): *Provided further, That such funds shall be available to investigate and act upon applications filed by corporations for relief from Federal firearms disabilities under 18 U.S.C. section 925(c): Provided further, That funds made available under this Act shall be used to achieve a minimum level of 4,261 full-time equivalent positions for fiscal year 1994, of which no fewer than 1,440 shall be allocated for the Armed Career Criminal Apprehension Program: Provided further*, That no funds appropriated herein shall be available for salaries or administrative expenses in connection with consolidating or centralizing, within the Department of the Treasury, the records, or any portion thereof, of acquisition and disposition of firearms maintained by Federal firearms licensees.

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Customs Service, including purchase of up to 1,000 motor vehicles of which 960 are for replacement only, including 990 for police-type use and commercial operations; hire of motor vehicles; not to exceed $20,000 for official reception and representation expenses; and awards of compensation to informers, as authorized by any Act enforced by the United States Customs Service; [$1,311,819,000] *$1,363,668,000*, of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Reconciliation Act of 1985, as amended (19 U.S.C. 58c(f)(3)), shall be derived from that Account; of the total, not to exceed $150,000 shall be available for payment for rental space in connection with preclearance operations, and not to exceed $4,000,000 shall be *available until expended* for research: *Provided*, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: *Provided further*, That none of the funds made available by this Act shall be available for administrative expenses to pay any employee overtime pay in an amount in excess of $25,000: *Provided further*, That the Commissioner or the Commissioner's designee may waive this limitation in individual cases in order to prevent excessive costs or to meet emergency requirements of the Service: *Provided further*, That no funds appropriated by this Act may be used to reduce to single eight-hour shifts at airports and that all current services as provided by the Customs Service shall continue through September 30, 1994: *Provided further, That the United States Customs Service shall hire and maintain an average of not less than 17,941 full-time equivalent positions in fiscal year 1994, of which a minimum level of 960 full-time equivalent positions shall be allocated to air interdiction activities of the United States Customs Service: Provided further*, That not less than $750,000 shall be expended for additional part-time and temporary positions in the Honolulu Customs District.

OPERATION AND MAINTENANCE, AIR AND MARINE INTERDICTION PROGRAMS

For expenses, not otherwise provided for, necessary for the operation and maintenance of marine vessels, aircraft, and other related equipment of the Air and Marine Programs, including operational training and mission-related travel, and rental payments for facilities occupied by the air or marine interdiction *and demand reduction* programs: *Provided*, That no aircraft or other related equipment shall be transferred to any other Federal agency, Department, or office outside of the Department of the Treasury during fiscal year 1994 [$46,063,000] *$47,863,000*.

OPERATIONS AND MAINTENANCE, CUSTOMS P–3 DRUG INTERDICTION PROGRAM

For necessary expenses of operations, maintenance, modifications to, spare parts and related equipment for Customs P–3 surveillance aircraft for carrying out [defense-related] drug interdiction purposes; $28,000,000.

AIR AND MARINE INTERDICTION PROGRAMS, PROCUREMENT

For the procurement, construction, and modification of aircraft and marine vessels, equipment, radar, spare parts, and accessories therefor of the air and marine interdiction programs; $21,093,000, to remain available until expended.

CUSTOMS FACILITIES, CONSTRUCTION, IMPROVEMENTS AND RELATED EXPENSES

For acquisition of necessary additional real property, facilities, construction, improvements, and related expenses of the United States Customs Service, $10,000,000, to remain available until expended.

CUSTOMS SERVICES AT SMALL AIRPORTS

(TO BE DERIVED FROM FEES COLLECTED)

Such sums as may be necessary, not to exceed $1,406,000, for expenses for the provision of Customs services at certain small airports or other facilities when authorized by law and designated by the Secretary of the Treasury, including expenditures for the salary and expenses of individuals employed to provide such services, to be derived from fees collected by the Secretary of the Treasury pursuant to section 236 of Public Law 98–573 for each of these airports or other facilities when authorized by law and designated by the Secretary of the Treasury, and to remain available until expended.

UNITED STATES MINT

SALARIES AND EXPENSES

For necessary expenses of the United States Mint; $54,770,000, including amounts for purchase and maintenance of uniforms not to exceed $285 multiplied by the number of employees of the agency who are required by regulation or statute to wear a prescribed uniform in the performance of official duties; and of which $1,517,000 shall remain available until expended for expansion and improvements.

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

For necessary expenses connected with any public-debt issues of the United States; [$189,209,000] *$187,209,000*.

PAYMENT OF GOVERNMENT LOSSES IN SHIPMENT

For necessary expenses for "Payment of Government Losses in Shipment", $500,000, to remain available until expended.

INTERNAL REVENUE SERVICE

ADMINISTRATION AND MANAGEMENT

For necessary expenses of the Internal Revenue Service, not otherwise provided for; executive direction, management services, and internal audit and security; including purchase (not to exceed 125 for replacement only, for police-type use) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner; $167,822,000, of which not to exceed $25,000 for official reception and representation expenses [;–and of which not to exceed $500,000 shall be for research.]

PROCESSING TAX RETURNS AND ASSISTANCE

For necessary expenses of the Internal Revenue Service, not otherwise provided for; including processing tax returns; revenue accounting; statistics of income; providing assistance to taxpayers; hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner; $1,696,853,000, of which $3,700,000 shall be for the Tax Counseling for the Elderly Program, no amount of which shall be available for IRS administrative costs[;–and of which not to exceed $1,000,000 for research.]

TAX LAW ENFORCEMENT

For necessary expenses of the Internal Revenue Service for determining and establishing tax liabilities; tax and enforcement litigation; technical rulings; examining employee plans and exempt organizations; investigation and enforcement activities; securing unfiled tax returns; collecting unpaid accounts; the purchase (for police-type use, not to exceed 600, of which not to exceed 450 shall be for replacement only), and hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner: *Provided*, That additional amounts above fiscal year 1993 levels for international tax enforcement shall be used for the establishment and operation of a task force comprised of senior Internal Revenue Service Attorneys, accountants, and economists dedicated to enforcement activities related to United States subsidiaries of foreign-controlled corporations that are in noncompliance with the Internal Revenue Code: *Provided further*, That additional amounts above fiscal year 1993 levels for the information reporting program shall be used instead for the examination of the tax returns of high-income and high-asset taxpayers; [$4,007,962,000 of which not to exceed $1,000,000 is for research] *$4,043,281,000, of which not to exceed $1,000,000 shall remain available until expended for research; and of which not less than $360,700,000 and 4,921 full-time equivalent positions shall be available for tax fraud investigation activities.*

INFORMATION SYSTEMS

For necessary expenses for data processing and telecommunications support for Internal Revenue Service activities, including: returns processing and services; compliance and enforcement; program support; and tax systems modernization; and for the hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner: [$1,402,629,000] *$1,487,722,000*, of which not less than $570,166,000 is for tax systems modernization, and of which not to exceed $60,000,000 shall remain available until expended for other systems development projects: *Provided*, That of the amounts provided for tax systems modernization not to exceed $125,000,000 shall remain available until expended[:–Provided further, That none of the funds appropriated for tax systems modernization may be obligated until the Commissioner of the Internal Revenue Service reports to the Committees on Appropriations of the House and Senate on the implementation of Tax Systems Modernization.]

ADMINISTRATIVE PROVISION—INTERNAL REVENUE SERVICE

SECTION 1. Not to exceed 4 per centum of any appropriation made available to the Internal Revenue Service for the current fiscal year by this Act may be transferred to any other Internal Revenue Service appropriation upon the approval of the House and Senate Committees on Appropriations.

SEC. 2. The Internal Revenue Service shall institute and maintain a training program to ensure that Internal Revenue Service employees are trained in taxpayers' rights, in dealing courteously with the taxpayers, and in cross-cultural relations.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Secret Service, including purchase (not to exceed three hundred and forty-three vehicles for police-type use for replacement only) and hire of passenger motor vehicles; hire of aircraft; training and assistance requested by State and local governments, which may be provided without reimbursement; services of expert witnesses at such rates as may be determined by the Director; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; for payment of per diem and/or subsistence allowances to employees where a protective assignment during the actual day or days of the visit of a protectee require an employee to work 16 hours per day or to remain overnight at his or her post of duty; the conducting of and participating in firearms matches; presentation of awards; and for travel of Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act: *Provided*, That approval is obtained in advance from the House and Senate Committees on Appropriations; for repairs, alterations, and minor construction at the James J. Rowley Secret Service Training Center; for research and development; for making grants to conduct behavioral research in support of protective research and operations; not to exceed $12,500 for official reception and representation expenses; not to exceed $50,000 to provide technical assistance and equipment to foreign law enforcement organizations in counterfeit investigations; for payment in advance for commercial accommodations as may be necessary to perform protective functions; and for uniforms without regard to the general purchase price limitation for the current fiscal year; [$457,360,000] *$461,931,000*, of which not to exceed $300,000 shall be made available for the protection at the one non-governmental property designated by the President of the United States and $70,000 at the airport facility used for travel en route to or from such property under provisions of section 12 of the Presidential Protection Assistance Act of 1976 (18 U.S.C. 3056 note).

GENERAL PROVISIONS—DEPARTMENT OF THE TREASURY

[SECTION 101. Of the funds appropriated by this or any other Act to the Internal Revenue Service, amounts attributable to efficiency savings for fiscal year 1994 shall be identified as such by the Commissioner during that fiscal year: *Provided*, That in the fiscal year when the savings are realized, the amount of efficiency savings shall be non-recurred from the Internal Revenue Service budget base: *Provided further*, That on an annual basis, the Internal Revenue Service shall report to the House and Senate Appropriations Committees on the status of the program.]

SECTION 101. Any obligation or expenditure by the Secretary in connection with law enforcement activities of a Federal agency or of a Department of the Treasury law enforcement organization in accordance with 31 U.S.C. 9703(g)(4)(B) for unobligated balances remaining in the Fund on September 30, 1994, shall be made only upon advance approval of the House and Senate Committees on Appropriations.

SEC. 102. Appropriations to the Treasury Department in this Act shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901), including maintenance, repairs, and cleaning; purchase of insurance for official motor vehicles operated in foreign countries; purchase of motor vehicles without regard to the general purchase price limitation for vehicles purchased and used overseas for the current fiscal year; entering into contracts with the Department of State for the furnishing of health and medical services to employees and their dependents serving in foreign countries; and services authorized by 5 U.S.C. 3109.

SEC. 103. Not to exceed 2 per centum of any appropriations in this Act for the Department of the Treasury may be transferred between such appropriations. Notwithstanding any authority to transfer funds between appropriations contained in this or any other Act, no transfer may increase or decrease any appropriation in this Act by more than 2 per centum and any such proposed transfers shall be approved in advance by the Committees on Appropriations of the House and Senate.

SEC. 104. None of the funds appropriated by this title shall be used in connection with the collection of any underpayment of any tax imposed by the Internal Revenue Code of 1954 unless the conduct of officers and employees of the Internal Revenue Service in connection with such collection complies with subsection (a) of section 805 (relating to communications in connection with debt collection), and section 806 (relating to harassment or abuse), of the Fair Debt Collection Practices Act (15 U.S.C. 1692).

[SEC. 105. The Bureau of Engraving and Printing will maintain and utilize the currency production capacity of its Washington, DC facility at a level which at a minimum equals its current 5 day, 3 shift per day output of approximately 5.2 billion notes: *Provided*, That the Federal Reserve System requirements exceed that level by an amount which will enable the Bureau to also maintain and utilize an operating expansion and emergency back-up capacity at its Fort Worth, Texas facility. If production requirements fall below that level the Bureau may, upon advance notice to the House Appropriations Committee, reallocate production between the two facilities in a way which best utilizes the capacity of each and preserves the employment security of the Bureau workforce.

[SEC. 106. If necessary to retain employees with specialized skills who are serving on

temporary appointments, the Bureau of Engraving and Printing may extend such appointments on an annual basis beyond four years.

[SEC. 107. In the event of staffing reductions due to a reduction in work requirements, the area of consideration for any reduction-in-force to be affected shall include the Washington, DC facility and the Ft. Worth, Texas facility. Lists of competing employees at each facility shall be combined together, and bumping, retreat and reassignment rights of employees at the same competitive level shall be governed by this combined list. In order to ensure uniformity in administration, the Bureau shall adopt this policy by a formal issuance. This policy shall prevail with regard to all represented bargaining units unless one or more unions specifically and in writing agree to another policy or arrangement on behalf of the employees that any such organization(s) represents.]

SEC. 108. Notwithstanding any other provision of law, the Secretary of the Treasury shall establish an office of the undersecretary for enforcement within the Department of the Treasury by no later than February 15, 1994.

This title may be cited as the "Treasury Department Appropriations Act, 1994".

TITLE II—POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

For payment to the Postal Service Fund for revenue forgone on free and reduced rate mail, pursuant to subsection (c) of section 2401 of title 39, United States Code; $91,434,000: *Provided*, That mail for overseas voting and mail for the blind shall continue to be free: *Provided further*, That six-day delivery and rural delivery of mail shall continue at not less than the 1983 level: *Provided further*, That none of the funds made available to the Postal Service by this Act shall be used to implement any rule, regulation, or policy of charging any officer or employee of any State or local child support enforcement agency, or any individual participating in a State or local program of child support enforcement, a fee for information requested or provided concerning an address of a postal customer: *Provided further*, That none of the funds provided in this Act shall be used to consolidate or close small rural and other small post offices in the fiscal year ending on September 30, 1994.

PAYMENT TO THE POSTAL SERVICE FUND FOR NONFUNDED LIABILITIES

For payment to the Postal Service Fund for meeting the liabilities of the former Post Office Department to the Employees' Compensation Fund pursuant to 39 U.S.C. 2004, $38,803,000.

This title may be cited as the "Postal Service Appropriations Act, 1994".

TITLE III

EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

COMPENSATION OF THE PRESIDENT

For compensation of the President, including an expense allowance at the rate of $50,000 per annum as authorized by 3 U.S.C. 102; $250,000: *Provided*, That none of the funds made available for official expenses shall be expended for any other purpose and any unused amount shall revert to the Treasury pursuant to section 1552 of title 31 of the United States Code: *Provided further*, That none of the funds made available for official expenses shall be considered as taxable to the President.

THE WHITE HOUSE OFFICE

SALARIES AND EXPENSES

For necessary expenses for the White House as authorized by law, including not to exceed $3,850,000 for services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105; including subsistence expenses as authorized by 3 U.S.C. 105, which shall be expended and accounted for as provided in that section; hire of passenger motor vehicles, newspapers, periodicals, teletype news service, and travel (not to exceed $100,000 to be expended and accounted for as provided by 3 U.S.C. 103); not to exceed $19,000 for official entertainment expenses, to be available for allocation within the Executive Office of the President; [$38,914,000] *$38,754,000*.

EXECUTIVE RESIDENCE AT THE WHITE HOUSE

OPERATING EXPENSES

For the care, maintenance, repair and alteration, refurnishing, improvement, heating and lighting, including electric power and fixtures, of the Executive Residence at the White House and official entertainment expenses of the President; $7,925,000, to be expended and accounted for as provided by 3 U.S.C. 105, 109–110, 112–114.

OFFICIAL RESIDENCE OF THE VICE PRESIDENT

OPERATING EXPENSES

For the care, operation, refurnishing, improvement, heating and lighting, including electric power and fixtures, of the official residence of the Vice President, the hire of passenger motor vehicles, and not to exceed $90,000 for official entertainment expenses of the Vice President, to be accounted for solely on his certificate; $324,000: *Provided*, That advances or repayments or transfers from this appropriation may be made to any department or agency for expenses of carrying out such activities.

SPECIAL ASSISTANCE TO THE PRESIDENT

SALARIES AND EXPENSES

For necessary expenses to enable the Vice President to provide assistance to the President in connection with specially assigned functions, services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 106, including subsistence expenses as authorized by 3 U.S.C. 106, which shall be expended and accounted for as provided in that section; and hire of passenger motor vehicles; $3,270,000.

COUNCIL OF ECONOMIC ADVISERS

SALARIES AND EXPENSES

For necessary expenses of the Council in carrying out its functions under the Employment Act of 1946 (15 U.S.C. 1021); $3,420,000.

OFFICE OF POLICY DEVELOPMENT

SALARIES AND EXPENSES

For necessary expenses of the Office of Policy Development, including services as authorized by 5 U.S.C. 3109, and 3 U.S.C. 107; $5,122,000.

NATIONAL SECURITY COUNCIL

SALARIES AND EXPENSES

For necessary expenses of the National Security Council, including services as authorized by 5 U.S.C. 3109; [$6,648,000] *$8,209,000*.

OFFICE OF ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Administration; $24,850,000, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, and hire of passenger motor vehicles.

OFFICE OF MANAGEMENT AND BUDGET

SALARIES AND EXPENSES

For necessary expenses of the Office of Management and Budget, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109; [$56,539,000] *$53,481,000*, of which not to exceed $5,000,000, shall be available to carry out the provisions of 44 U.S.C. chapter 35: *Provided*, That, as provided in 31 U.S.C. 1301(a), appropriations shall be applied only to the objects for which appropriations were made except as otherwise provided by law: *Provided further*, That none of the funds appropriated in this Act for the Office of Management and Budget may be used for the purpose of reviewing any agricultural marketing orders or any activities or regulations under the provisions of the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601 et seq.): *Provided further*, That none of the funds made available for the Office of Management and Budget by this Act may be expended for the altering of the transcript of actual testimony of witnesses, except for testimony of officials of the Office of Management and Budget, before the Committee on Appropriations or the Committee on Veterans' Affairs or their subcommittees: *Provided further*, That this proviso shall not apply to printed hearings released by the Committee on Appropriations or the Committee on Veterans' Affairs.

OFFICE OF FEDERAL PROCUREMENT POLICY

SALARIES AND EXPENSES

For expenses of the Office of Federal Procurement Policy, including services as authorized by 5 U.S.C. 3109; $3,058,000.

OFFICE OF NATIONAL DRUG CONTROL POLICY

SALARIES AND EXPENSES

For necessary expenses of the Office of National Drug Control Policy; for research activities pursuant to title I of Public Law 100–690; not to exceed $8,000 for official reception and representation expenses; for participation in joint projects or in the provision of services on matters of mutual interest with nonprofit, research, or public organizations or agencies, with or without reimbursement; [$5,800,000: *Provided*, That none of the funds may be obligated or expended until the Director of the Office of National Drug Control Policy submits to the Committee on Appropriations of the House, a justification for planned expenditures] *$11,687,000, of which not less than $900,000 and four full-time equivalent positions shall be available for the Counter-Drug Technology Assessment Center: Provided, That the Office of National Drug Control Policy shall hire and maintain not less than 60 full-time equivalent positions in fiscal year 1994: Provided further*, That the Office is authorized to accept, hold, administer, and utilize gifts, both real and personal, for the purpose of aiding or facilitating the work of the Office.

UNANTICIPATED NEEDS

For expenses necessary to enable the President to meet unanticipated needs, in furtherance of the national interest, security, or defense which may arise at home or abroad during the current fiscal year; $1,000,000.

FEDERAL DRUG CONTROL PROGRAMS

HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy's High Intensity Drug Trafficking Areas Program, $86,000,000 for drug control activities:-[*Provided*, That the Office of National Drug Control Policy is authorized to transfer not less than $50,000,000 to the following High Intensity Drug Trafficking Areas in the following amounts: New York, $7,000,000, Miami, $7,000,000, Houston $7,000,000, Los Angeles, $7,000,000, and the Southwest Border,

$22,000,000: *Provided further*, That the Office of National Drug Control Policy is authorized to transfer not less than $36,000,000 to State and local drug control entities for drug control activities] *which are consistent with the approved strategy for each of the High Intensity Drug Trafficking Areas, of which no less than $43,000,000 shall be transferred to State and local entities for drug control activities; and of which up to $43,000,000 may be transferred to Federal agencies and departments at a rate to be determined by the Director: Provided, That the funds made available under this head shall be obligated within 90 days of enactment of this Act.*

SPECIAL FORFEITURE FUND

(INCLUDING TRANSFER OF FUNDS)

[For activities authorized by Public Law 100-690, $28,000,000, to be derived from deposits in the Special Forfeiture Fund; of which $5,000,000, shall be transferred to the United States Customs Service; of which $6,000,000 shall be transferred to the Internal Revenue Service, Tax Law Enforcement for criminal investigations; of which $4,000,000 shall be transferred to the Drug Enforcement Agency for the enhancement of the El Paso Intelligence Center; or which $5,000,000, shall be transferred to the Counter-Drug Technology Assessment Center; and of which $1,000,000 shall be transferred to the Bureau of Alcohol, Tobacco and Firearms, and $7,000,000 to be transferred to Federal agencies and departments to support high priority drug control activities consistent with the National Drug Control Strategy in amounts to be determined by the Director.]

For activities authorized by Public Law 100-690, $75,000,000, of which $28,000,000 shall be derived from deposits in the Special Forfeiture Fund; of which $35,000,000 shall be transferred to the Substance Abuse and Mental Health Services Administration, and of which $10,000,000 shall be available to the Center for Substance Abuse Prevention for community partnership grants, and of which $5,000,000 shall be available to the Center for Substance Abuse Prevention for the residential women/children program, and of which $10,000,000 shall be available for the Substance Abuse Prevention and Treatment Block Grant to the States, and of which $10,000,000 shall be available for capacity expansion treatment programs; of which $15,000,000, to remain available until expended, shall be transferred to the Counter-Drug Technology Assessment Center for counternarcotics research and development projects and shall be available for transfer to other Federal departments or agencies; of which $5,000,000 shall be transferred to the Bureau of Alcohol, Tobacco and Firearms for gang resistance education and training programs; and of which $20,000,000 shall be transferred to drug control agencies in amounts to be determined by the Director, upon the advance approval of the House and Senate Committees on Appropriations.

This title may be cited as the "Executive Office Appropriations Act, 1994".

TITLE IV

INDEPENDENT AGENCIES

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

SALARIES AND EXPENSES

For necessary expenses of the Administrative Conference of the United States, established by the Administrative Conference Act, as amended (5 U.S.C. 571 et seq.), including not to exceed $1,000 for official reception and representation expenses, $1,800,000.

CITIZENS' COMMISSION ON PUBLIC SERVICE AND COMPENSATION

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 102-393, $250,000 are rescinded.

ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Advisory Commission on Intergovernmental Relations Act of 1959, as amended (42 U.S.C. 4271-79); $1,000,000, and additional amounts collected from the sale of publications shall be credited to and used for the purposes of this appropriation.

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

[The revenues and collections deposited into] *For additional expenses necessary to carry out the purpose of* the Fund established pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)), *$312,814,000, to be deposited into said Fund. The revenues and collections deposited into the Fund* shall be available for necessary expenses of real property management and related activities not otherwise provided for, including operation, maintenance, and protection of federally owned and leased buildings; rental of buildings in the District of Columbia; restoration of leased premises; moving governmental agencies (including space adjustments and telecommunications relocation expenses) in connection with the assignment, allocation and transfer of space; contractual services incident to cleaning or servicing buildings, and moving; repair and alteration of federally owned buildings including grounds, approaches and appurtenances; care and safeguarding of sites; maintenance, preservation, demolition, and equipment; acquisition of buildings and sites by purchase, condemnation, or as otherwise authorized by law; acquisition of options to purchase buildings and sites; conversion and extension of federally owned buildings; preliminary planning and design of projects by contract or otherwise; construction of new buildings (including equipment for such buildings); and payment of principal, interest, taxes, and any other obligations for public buildings acquired by installment purchase and purchase contract, in the aggregate amount of [$5,185,611,000, including $295,294,000 of unobligated balances in the fund] *$5,253,877,000*, of which (1) not to exceed [$820,476,000] *$933,787,000* shall remain available until expended for construction of additional projects at locations and at maximum construction improvement costs (including funds for sites and expenses) as follows:

New Construction:

[Alabama:

[Montgomery, U.S. Courthouse Annex, $5,091,000

[Arkansas:

[Little Rock, Old Law School Building Expansion/Alteration, $13,816,040

[California:

[Sacramento, Federal Building and U.S. Courthouse, $143,082,450

[San Jose, Federal Office Building, claim, $1,828,680

[Santa Ana, Federal Building and U.S. Courthouse, $148,176,000

[District of Columbia:

[U.S. Army Corps of Engineers Headquarters Building, $50,000,000

[Florida:

[Jacksonville, U.S. Courthouse, site acquisition and design, $6,070,120

[Tampa, U.S. Courthouse, $66,696,840

[Indiana:

[Hammond, U.S. Courthouse, $49,980,000

[Iowa:

[Burlington, Federal Parking Facility, design and construction, $2,400,000

[Maryland:

[Beltsville, Department of Agriculture Federal Building, $20,000,000

[Bowie, Bureau of the Census, Computer Center, $27,915,000

[Montgomery and Prince George's Counties, Food and Drug Administration, consolidation, site acquisition, planning and design, construction, $73,921,000

[Massachusetts:

[Boston, Federal Building and U.S. Courthouse, $18,620,000

[Missouri:

[Cape Girardeau, Federal Office Building and U.S. Courthouse, $3,822,000

[Kansas City, U.S. Courthouse, $9,800,000

[St. Louis, U.S. Courthouse, $9,800,000

[Nebraska:

[Omaha, Federal Building and U.S. Courthouse, $9,361,940

[New Jersey:

[Newark, Martin Luther King, Jr. Federal Building and U.S. Courthouse, escalation, $4,293,576

[New York:

[Brooklyn, U.S. Courthouse, $29,400,000

[North Carolina:

[Federal Research Park, Environmental Protection Agency Facility, $8,800,000

[North Dakota:

[Pembina, Border Station, $96,000

[Ohio:

[Youngstown, Federal Building and U.S. Courthouse, site acquisition and design, $4,630,500

[Oregon:

[Portland, U.S. Courthouse, $85,015,980

[Pennsylvania:

[Scranton, Federal Building and U.S. Courthouse Annex, site acquisition and design, $12,093,200

[Texas:

[Laredo, Federal Building and U.S. Courthouse, $2,986,060

[Vermont:

[Highgate Springs, Border Station, $6,851,000

[Washington:

[Lynden, Federal Building, claim, $357,000

[Nonprospectus construction projects, $5,525,300:]

Alabama:

Montgomery, U.S. Courthouse Annex, $5,195,000

Arkansas:

Little Rock, Old Law School Building, Expansion/Alteration, $14,098,000

Arizona:

Phoenix, U.S. Courthouse, $199,000,000

Safford, Forest Service Administrative Offices and Cultural Center, $6,000,000

Sierra Vista, U.S. Magistrates Office, $1,000,000

California:

Sacramento, U.S. Courthouse and Federal Building, $162,225,000

San Jose, Federal Office building, claim, $1,866,000

Santa Ana, Federal Building and U.S. Courthouse, $84,000,000

Florida:

Tampa, U.S. Courthouse, $68,058,000

Georgia:

Atlanta, Centers for Disease Control, Laboratory and office building, $15,000,000

Augusta, U.S. Courthouse, $1,000,000
Maryland:
Bowie, Bureau of the Census, Computer Center, $27,915,000
Montgomery and Prince George's Counties, Food and Drug Administration, consolidation, site acquisition, planning, design, and construction, $73,921,000
Massachusetts:
Boston, Federal Building and U.S. Courthouse, $19,000,000
Missouri:
Cape Girardeau, Federal Office Building and U.S. Courthouse, $3,822,000
Kansas City, U.S. Courthouse, $20,000,000
St. Louis, U.S. Courthouse, $30,000,000
Nebraska:
Omaha, Federal Building and U.S. Courthouse, $9,553,000
New Jersey:
Newark, Martin Luther King, Jr. Federal Building and U.S. Courthouse, escalation, $4,868,000
New York:
Brooklyn, U.S. Courthouse, $30,000,000
North Dakota:
Pembina, Border Station, $96,000
Oregon:
Portland, U.S. Courthouse, $96,390,000
Texas:
Laredo, Federal Building-U.S. Courthouse, $3,047,000
Vermont:
Highgate Springs, Border Station, $6,851,000
Washington:
Lynden, Federal Building, claim, $357,000
West Virginia:
Wheeling, Federal Building-U.S. Courthouse, $45,000,000
Nonprospectus construction projects, $5,525,000:
[*Provided*, That of the funds provided for nonprospectus construction projects, funds shall remain available until expended for the acquisition, lease, construction, and equipping of three flexiplace work telecommuting centers, one of which shall be in southern Maryland, and one of which shall be in northwestern Virginia:-*Provided further*,] *Provided*, That each of the immediately foregoing limits of costs on new construction projects may be exceeded to the extent that savings are effected in other such projects, but by not to exceed 10 per centum: *Provided further*, That all funds for direct construction projects shall expire on September 30, 1995, and remain in the Federal Buildings Fund except funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date: *Provided further*, That of the amount made available under this heading for the Northern Virginia Naval Systems Commands, in Public Law 101-509, [$107,781,000] *$185,344,000*, is hereby rescinded: *Provided further, That the amount made available under the heading "New Construction" in Public Law 102-393, for Hilo, Hawaii, shall be available for payment to a public entity in the State of Hawaii for the construction of facilities to house governmental agencies; the governmental agencies to be housed shall be designated by the Administrator of General Services and such agencies shall be housed rent free, exclusive of operating expenses*: *Provided further*, That claims against the Government of less than $100,000 arising from direct construction projects, acquisitions of buildings and purchase contract projects pursuant to Public Law 92-313, be liquidated with prior notification to the Committees on Appropriations of the House and Senate to the extent savings are effected in other such projects; (2) not to exceed [$546,682,000] *$516,782,000*, which shall remain available until expended, for repairs and alterations: *Provided further*, That funds in the Federal Buildings Fund for Repairs and Alterations shall, for prospectus projects, be limited to the amount by project as follows, except each project may be increased by an amount not to exceed 10 per centum unless advance approval is obtained from the Committees on Appropriations of the House and Senate of a greater amount:

Repairs and Alterations:
Alaska:
Juneau, U.S. Post Office and Courthouse, escalation, $4,082,000
California:
Richmond, SSA Service Center, $3,742,000
San Diego, Federal Building and U.S. Courthouse, $11,023,000
District of Columbia:
Central and West Heating Plants, $11,141,000
Federal Office Building 6, $56,500,000
Georgia:
Atlanta, Martin Luther King Jr., Federal Building, $10,063,000
Illinois:
Chicago, Federal Records Center, $3,379,000
Chicago, John C. Kluczynski Jr., Federal Building, $13,414,000
Indiana:
Jeffersonville, Federal Center, $13,522,000
Maryland:
Baltimore, George H. Fallon Federal Building, escalation, $4,645,000
Woodlawn, SSA Operations Building, $14,892,000
Massachusetts:
Boston, John F. Kennedy Federal Building (phase 3), $19,200,000
New Jersey:
Newark, Federal Building, 20 Washington Place, $14,000,000
New York:
New York, Federal Building, 201 Varick St., $8,886,000
New York, Jacob K. Javits Federal Building (phase 2), $14,171,000
Nationwide:
Elevators, $27,022,000
[Energy Retrofit Projects, $36,700,000]
Facade Alterations, $10,000,000[:-*Provided*, That of the funds appropriated for Energy Retrofit Projects, $6,000,000, may be used to procure and install phosphoric acid fuel cells in GSA installations.]

Capital Improvements of United States-Mexico, border facilities, $6,800,000 as follows:
Arizona:
Lukeville, commercial lot expansion, $3,050,000
San Luis, commercial office space, $209,000
San Luis, primary lane expansion and administrative office space, $3,541,000.

Minor Repairs and Alterations, [$270,300,000] *$270,300,000*: *Provided*, That additional projects for which prospectuses have been fully approved may be funded under this category only if advance approval is obtained from the Committees on Appropriations of the House and Senate: *Provided further*, That the difference between the funds appropriated and expended on any projects in this or any prior Act, under the heading "Repairs and Alterations", may be transferred to Minor Repairs and Alterations or used to fund authorized increases in prospectus projects: *Provided further*, That all funds for repairs and alterations prospectus projects shall expire on September 30, 1995, and remain in the Federal Buildings Fund except funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date: *Provided further*, That the amount provided in this or any prior Act for Minor Repairs and Alterations may be used to pay claims against the Government arising from any projects under the heading "Repairs and Alterations" or used to fund authorized increases in prospectus projects; (3) not to exceed [$118,108,000] *$119,108,000* for installment acquisition payments including payments on purchase contracts; (4) not to exceed [$2,124,373,000] *$2,117,421,000* for rental of space; (5) not to exceed [$1,231,085,000] *$1,226,085,000* for real property operations; (6) not to exceed $156,613,000 for program direction and centralized services; and (7) not to exceed [$188,274,000] *$184,081,000* for design and construction services which shall remain available until expended[:-*Provided further*, That of the funds available to the General Services Administration for the Jacksonville, Florida, U.S. Courthouse; Burlington, Iowa, Federal Parking Facility; Beltsville, Maryland, Federal Building; Kansas City, Missouri, U.S. Courthouse; Federal Research Park, North Carolina EPA Facility; Youngstown, Ohio, Federal Building and U.S. Courthouse; and Scranton, Pennsylvania, Federal Building and U.S. Courthouse, shall not be available for expenses in connection with any construction, repair, alteration, and acquisition project for which a prospectus, if required by the Public Buildings Act of 1959, as amended, has not been approved, except that necessary funds may be expended for each project for required expenses in connection with the development of a proposed prospectus: *Provided further*, That with regard to the Federal Building in Beltsville, Maryland, upon repayment of the Federal Buildings Fund for the cost of construction, title to said property shall be vested in the United States Department of Agriculture]: *Provided further*, That for the purposes of this authorization, buildings constructed pursuant to the purchase contract authority of the Public Buildings Amendments of 1972 (40 U.S.C. 602a), buildings occupied pursuant to installment purchase contracts, and buildings under the control of another department or agency where alterations of such buildings are required in connection with the moving of such other department or agency from buildings then, or thereafter to be, under the control of the General Services Administration shall be considered to be federally owned buildings: *Provided further*, That none of the funds available to the General Services Administration, except for the line-item construction and repairs and alterations projects in this Act shall be available for expenses in connection with any construction, repair, alteration, and acquisition project for which a prospectus, if required by the Public Buildings Act of 1959, as amended, has not been approved, except that necessary funds may be expended for each project for required expenses in connection with the development of a proposed prospectus: *Provided further*, That funds available in the Federal Buildings Fund may be expended for emergency repairs when advance approval is obtained from the Committees on Appropriations of the House and Senate: *Provided further*, That amounts necessary to provide reimbursable special services to other agencies under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)(6)) and amounts to provide such reimbursable fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to 18 U.S.C. 3056, as amended, shall be available from such revenues and collections: *Provided*

further, That revenues and collections and any other sums accruing to this Fund during fiscal year 1994, excluding reimbursements under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)(6)) in excess of [$5,185,611,000] *$5,253,877,000* shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

FEDERAL SUPPLY SERVICE

OPERATING EXPENSES

For expenses authorized by law, not otherwise provided for, necessary for property management activities, utilization of excess and disposal of surplus personal property, rehabilitation of personal property, transportation management activities, transportation audits by in-house personnel, procurement, and other related supply management activities, including services as authorized by 5 U.S.C. 3109; [$55,804,000] *$43,420,000*.

INFORMATION RESOURCES MANAGEMENT SERVICE

OPERATING EXPENSES

For expenses authorized by law, not otherwise provided for, necessary for carrying out Governmentwide and internal responsibilities relating to automated data management, telecommunications, information resources management, and related activities, including services as authorized by 5 U.S.C. 3109; [$45,675,000: *Provided*, That none of the funds may be used to pay the operating costs of the Information Security Oversight Office or any successor organization] *$44,730,000*.

FEDERAL PROPERTY RESOURCES SERVICE

OPERATING EXPENSES

For expenses, not otherwise provided for, necessary for carrying out the functions of the Administrator with respect to utilization of excess real property; the disposal of surplus real property, the utilization survey, deed compliance inspection, appraisal, environmental and cultural analysis, and land use planning functions pertaining to excess and surplus real property, including services as authorized by 5 U.S.C. 3109; $15,756,000.

GENERAL MANAGEMENT AND ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided, for Policy Direction, Board of Contract Appeals, and accounting, records management, and other support services incident to adjudication of Indian Tribal Claims by the United States Court of Claims, and services authorized by 5 U.S.C. 3109, $31,435,000: *Provided*, That this appropriation shall be available for general administrative and staff support services, subject to reimbursement by the applicable organization or agencies pursuant to subsections (a) and (b) of section 1535 of title 31, United States Code: *Provided further*, That not less than $825,000 shall be available for personnel and associated costs in support of Congressional District and Senate State offices without reimbursement from these offices: *Provided further*, That not to exceed $5,000 shall be available for official reception and representation expenses.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General and services authorized by 5 U.S.C. 3109, $34,925,000: *Provided*, That not to exceed $10,000 shall be available for payment for information and detection of fraud against the Government, including payment for recovery of stolen Government property: *Provided further*, That not to exceed $2,500 shall be available for awards to employees of other Federal agencies and private citizens in recognition of efforts and initiatives resulting in enhanced Office of Inspector General effectiveness.

ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS

For carrying out the provisions of the Act of August 25, 1958, as amended (3 U.S.C. 102 note), and Public Law 95-138; $2,833,000: *Provided*, That the Administrator of General Services shall transfer to the Secretary of the Treasury such sums as may be necessary to carry out the provisions of such Acts.

GENERAL PROVISIONS—GENERAL SERVICES ADMINISTRATION

SECTION. 1. The appropriate appropriation or fund available to the General Services Administration shall be credited with the cost of operation, protection, maintenance, upkeep, repair, and improvement, included as part of rentals received from Government corporations pursuant to law (40 U.S.C. 129).

SEC. 2. Funds available to the General Services Administration shall be available for the hire of passenger motor vehicles.

SEC. 3. Not to exceed 2 per centum of funds made available in appropriations for operating expenses and salaries and expenses, during the current fiscal year, may be transferred between such appropriations for mandatory program requirements. Any proposed transfers shall be approved in advance by the Committees on Appropriations of the House and Senate.

SEC. 4. Funds in the Federal Buildings Fund made available for fiscal year 1994 for Federal Buildings Fund activities may be transferred between such activities only to the extent necessary to meet program requirements. Any proposed transfers shall be approved in advance by the Committees on Appropriations of the House and Senate.

[SEC. 5. The Administrator of General Services shall immediately cease construction and archaeological excavation on the pavilion portion of the Foley Square Federal Building until such time as a plan is submitted to the House and Senate Committees on Appropriations for prior approval. Such plan shall not result in the continued exhumation of skeletal remains from the "Negro Burial Ground" and shall be accompanied by a reprogramming of sufficient funds but not more than $3,000,000 to modify the pavilion foundation of the Foley Square Federal Building in New York, New York, prevent further deterioration of the "Negro Burial Ground", and contain appropriate measures to memorialize the burial site. The Administrator of General Services shall submit the plan to the House and Senate Committees on Appropriations within 60 days of the enactment of this Act. Nothing in this section shall prohibit the continued construction on the tower portion of the Foley Square Federal Building project.]

SEC. 5. For fiscal year 1993 and thereafter, at no later than the end of the fifth fiscal year after the fiscal year for which funds are appropriated or otherwise made available, unobligated balances of operating expenses and salaries and expenses appropriations available to GSA during such fiscal year may be transferred and merged into the "Major equipment acquisitions and development activity" of the Salaries and Expenses, General Management and Administration appropriation account for agency-wide acquisition of capital equipment, automated data processing systems, and for financial management and management information systems needed to implement the Chief Financial Officers Act, Public Law 101-576, and any other laws or regulations. The unobligated balances transferred shall remain available until expended: Provided, That any proposed use of these transferred funds in fiscal year 1993 and thereafter shall only be made after advance approval by the Committees on Appropriations of the House and Senate.

SEC. 6. (a) The Act entitled "An Act to provide retirement, clerical assistants, and free mailing privileges to former Presidents of the United States, and for other purposes", approved August 25, 1958 (3 U.S.C. 102 note), is amended by adding at the end the following new section:

"SEC. 2. The entitlements of a former President under subsections (b) and (c) of the first section shall be available—

"(1) in the case of an individual who is a former President 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 President after such effective date, for 4 years and 6 months, commencing at the expiration of the period for which services and facilities are authorized to be provided under section 4 of the Presidential Transition Act of 1963 (3 U.S.C. 102 note).".

(b) Section 3214 of title 39, United States Code, is amended—

(1) by striking "A former President" and inserting "(a) Subject to subsection (b), a former President"; and

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

"(b) Subsection (a) shall cease to apply—

"(1) 5 years after the effective date of this subsection, in the case of any individual who, on such effective date—

"(A) is a former President (including any individual who might become entitled to the mailing privilege under subsection (a) as the surviving spouse of such a former President); or

"(B) is the surviving spouse of a former President; and

"(2) 4 years and 6 months after the expiration of the period for which services and facilities are authorized to be provided under section 4 of the Presidential Transition Act of 1963 (3 U.S.C. 102 note), in the case of an individual who becomes a former President after such effective date (including any surviving spouse of such individual, as described in the parenthetical matter in paragraph (1)(A)).".

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

SEC. 7. Section 204 of the Federal Property and Administrative Services Act of 1949 is amended by adding a subsection (i) to provide that the Administrator may retain from the proceeds of sales of personal property conducted by the General Services Administration amounts necessary to recover, to the extent practicable, costs incurred by the General Services Administration (or its agent) in conducting such sales. The Administrator shall deposit amounts retained into the General Supply Fund established under section 109(a) of the Federal Property and Administrative Services Act of 1949 and may use such portion of amounts so deposited as is necessary to pay (1) direct costs incurred by the General Services Administration in conducting sales of personal property, and (2) indirect costs incurred by the General Services Administration that are reasonably related to those sales. Amounts retained that are not needed to pay the direct and indirect costs incurred shall periodically, but not less than annually, be transferred from the General Supply Fund to the general fund or another appropriate account in the Treasury.

SEC. 8. Notwithstanding any other provision of law, the Administrator of General Services is

hereby authorized to acquire a site suitable to the General Services Administration of approximately 4 acres of land in the City of Tucson, Arizona for a Federal courthouse; this is to be accomplished through an exchange with the City of Tucson for Federal real property in that city under the jurisdiction of the General Services Administration.

SEC. 9. None of the funds appropriated by this Act may be obligated or expended in any way for the purpose of the sale, excessing, surplusing, or disposal of lands in the vicinity of Norfork Lake, Arkansas, administered by the Corps of Engineers, Department of the Army, without the specific approval of the Congress.

SEC. 10. None of the funds appropriated by this Act may be obligated or expended in any way for the purpose of the sale, excessing, surplusing, or disposal of lands in the vicinity of Bull Shoals Lake, Arkansas, administered by the Corps of Engineers, Department of the Army, without the specific approval of the Congress.

SEC. 11. The General Services Administration is directed, through a sole-source procurement process, to utilize lease space in an office complex to be located on the Victory Optical site, One Victory Plaza, in the City of Newark, County of Essex, State of New Jersey, for future long term office space needs in the City of Newark and surrounding area of up to 400,000 square feet of space pursuant to the availability of Federal tenants; Provided, That the lease described herein is determined to be an "operating lease" in accordance with the Budget Enforcement Act of 1990, Public Law 101-508. The lease rate for such office space shall not exceed comparable rates for equivalent space in the surrounding area or comparable rates in the office complex.

OFFICE OF PERSONNEL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses to carry out functions of the Office of Personnel Management pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109, medical examinations performed for veterans by private physicians on a fee basis, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, not to exceed $2,500 for official reception and representation expenses, and advances for reimbursements to applicable funds of the Office of Personnel Management and the Federal Bureau of Investigation for expenses incurred under Executive Order 10422 of January 9, 1953, as amended: *Provided*, That notwithstanding 31 U.S.C. 3302, the Director is hereby authorized to accept gifts of goods and services, which shall be available only for hosting National Civil Service Appreciation Conferences. Goods and services provided in connection with the conference may include, but are not limited to, food and refreshments; rental of seminar rooms, banquet rooms, and facilities; and use of communications, printing and other equipment. Awards of minimal intrinsic value will be allowed. Gifts provided by an individual donor shall not exceed 50 percent of the total value of the gifts provided at each location; $118,533,000, of which not to exceed $1,000,000 shall be made available for the establishment of health promotion and disease prevention programs for Federal employees; and in addition $88,519,000 for administrative expenses, to be transferred from the appropriate trust funds of the Office of Personnel Management without regard to other statutes, including direct procurement of health benefits printing, for the retirement and insurance programs, of which $5,981,000 shall be transferred at such times as the Office of Personnel Management deems appropriate, and shall remain available until expended for the costs of automating the retirement recordkeeping systems, together with remaining amounts authorized in previous Acts for the recordkeeping systems: *Provided further*, That the provisions of this appropriation shall not affect the authority to use applicable trust funds as provided by section 8348(a)(1)(B) of title 5, United States Code: *Provided further*, That, except as may be consistent with regulations of the Office of Personnel Management prescribed pursuant to 5 U.S.C. 8902a(f)(1) and (i), no payment may be made from the Employees Health Benefits Fund to any physician, hospital, or other provider of health care services or supplies who is, at the time such services or supplies are provided to an individual covered under chapter 89 of title 5, United States Code, excluded, pursuant to section 1128 or 1128A of the Social Security Act (42 U.S.C. 1320a-7-1320a-7a), from participation in any program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.): *Provided further*, That no part of this appropriation shall be available for salaries and expenses of the Legal Examining Unit of the Office of Personnel Management established pursuant to Executive Order 9358 of July 1, 1943, or any successor unit of like purpose: *Provided further*, That the President's Commission on White House Fellows, established by Executive Order 11183 of October 3, 1964, may, during the fiscal year ending September 30, 1994, accept donations of money, property, and personal services in connection with the development of a publicity brochure to provide information about the White House Fellows, except that no such donations shall be accepted for travel or reimbursement of travel expenses, or for the salaries of employees of such Commission[: *Provided further*, That the Director of the Office of Personnel Management may transfer from this appropriation an amount to be determined, but not exceed $300,000 to the National Advisory Council on the Public Service as established by Public Law 101-363.]

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act, as amended, including services as authorized by 5 U.S.C. 3109, hire of passenger motor vehicles: $4,253,000, and in addition, not to exceed $6,514,000 for administrative expenses to audit the Office of Personnel Management's retirement and insurance programs, to be transferred from the appropriate trust funds of the Office of Personnel Management, as determined by the Inspector General: *Provided*, That the Inspector General is authorized to rent conference rooms in the District of Columbia and elsewhere.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEES HEALTH BENEFITS

For payment of Government contributions with respect to retired employees, as authorized by chapter 89 of title 5, United States Code, and the Retired Federal Employees Health Benefits Act (74 Stat. 849), as amended, [$4,146,480,000] *$3,458,480,000*, to remain available until expended.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEE LIFE INSURANCE

For payment of Government contributions with respect to employees retiring after December 31, 1989, as required by chapter 87 of title 5, United States Code, $1,607,000 to remain available until expended.

PAYMENT TO CIVIL SERVICE RETIREMENT AND DISABILITY FUND

For financing the unfunded liability of new and increased annuity benefits becoming effective on or after October 20, 1969, as authorized by 5 U.S.C. 8348, and annuities under special Acts to be credited to the Civil Service Retirement and Disability Fund, such sums as may be necessary: *Provided*, That annuities authorized by the Act of May 29, 1944, as amended and the Act of August 19, 1950, as amended (33 U.S.C. 771-75), may hereafter be paid out of the Civil Service Retirement and Disability Fund.

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

SALARIES AND EXPENSES

For necessary expenses of the Committee for Purchase From People Who Are Blind or Severely Disabled established by the Act of June 23, 1971, Public Law 92-28; $1,689,000.

FEDERAL ELECTION COMMISSION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the Federal Election Campaign Act of 1971, as amended; $23,564,000, of which not to exceed $5,000 shall be available for reception and representation expenses.

FEDERAL LABOR RELATIONS AUTHORITY

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Federal Labor Relations Authority, pursuant to Reorganization Plan Numbered 2 of 1978, and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109, including hire of experts and consultants, hire of passenger motor vehicles, rental of conference rooms in the District of Columbia and elsewhere; $21,341,000: *Provided*, That public members of the Federal Service Impasses Panel may be paid travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons employed intermittently in the Government service, and compensation as authorized by 5 U.S.C. 3109.

MERIT SYSTEMS PROTECTION BOARD

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out functions of the Merit Systems Protection Board pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and direct procurement of survey printing, $24,674,000, together with not to exceed $1,989,000 for administrative expenses to adjudicate retirement appeals to be transferred from the Civil Service Retirement and Disability Fund in amounts determined by the Merit Systems Protection Board.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

OPERATING EXPENSES

For necessary expenses in connection with National Archives and Records Administration and related activities, as provided by law, and for expenses necessary for the review and declassification of documents, and for the hire of passenger motor vehicles, [$193,182,000] *$196,482,000*, of which [$4,000,000] *$6,000,000* for allocations and grants for historical publications and records as authorized by 44 U.S.C. 2504, as amended, shall remain available until expended: *Provided*,

That the Archivist of the United States is authorized to use any excess funds available from the amount borrowed for construction of the National Archives facility, for expenses necessary to move into the facility.

OFFICE OF GOVERNMENT ETHICS

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Government Ethics pursuant to the Ethics in Government Act of 1978, as amended by Public Law 100-598, and the Ethics Reform Act of 1989, Public Law 101-194, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and not to exceed $1,500 for official reception and representation expenses; $8,313,000: *Provided*, That notwithstanding 31 U.S.C. 3302, funds received from fees charged to non-Federal participants to attend an International Conference on Ethics shall be credited to and merged with this account, to be available for carrying out the Conference without further appropriation.

OFFICE OF SPECIAL COUNSEL

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Special Counsel pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978 (Public Law 95-454), and the Whistleblower Protection Act of 1989 (Public Law 101-12), including services as authorized by 5 U.S.C. 3109, payment of fees and expenses for witnesses, rental of conference rooms in the District of Columbia and elsewhere, and hire of passenger motor vehicles; $7,992,000.

UNITED STATES TAX COURT

SALARIES AND EXPENSES

For necessary expenses, including contract reporting and other services as authorized by 5 U.S.C. 3109; **[**$33,650,000**]** *$35,350,000*: *Provided*, That travel expenses of the judges shall be paid upon the written certificate of the judge.

This title may be cited as the "Independent Agencies Appropriations Act, 1994".

TITLE V—GENERAL PROVISIONS

THIS ACT

SECTION 501. No part of any appropriation made available in this Act shall be used for the purchase or sale of real estate or for the purpose of establishing new offices inside or outside the District of Columbia: *Provided*, That this limitation shall not apply to programs which have been approved by the Congress and appropriations made therefor.

SEC. 502. 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. 503. 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. 504. No part of any appropriation contained in this Act shall be available for the procurement of, or for the payment of, the salary of any person engaged in the procurement of any hand or measuring tool(s) not produced in the United States or its possessions except to the extent that the Administrator of General Services or his designee shall determine that a satisfactory quality and sufficient quantity of hand or measuring tools produced in the United States or its possessions cannot be procured as and when needed from sources in the United States and its possessions, or except in accordance with procedures prescribed by section 6-104.4(b) of Armed Services Procurement Regulation dated January 1, 1969, as such regulation existed on June 15, 1970: *Provided*, That a factor of 75 per centum in lieu of 50 per centum shall be used for evaluating foreign source end products against a domestic source end product. This section shall be applicable to all solicitations for bids opened after its enactment.

SEC. 505. None of the funds made available to the General Services Administration pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949 shall be obligated or expended after the date of enactment of this Act for the procurement by contract of any service which, before such date, was performed by individuals in their capacity as employees of the General Services Administration in any position of guards, elevator operators, messengers, and custodians, at said date, would be terminated as a result of the procurement of such services, except that such funds may be obligated or expended for the procurement by contract of the covered services with sheltered workshops employing the severely handicapped under Public Law 92-28.

[SEC. 506. None of the funds appropriated in this Act may be used for administrative expenses to close the Federal Information Center of the General Services Administration located in Sacramento, California.**]**

SEC. 507. None of the funds made available by this Act for the Department of the Treasury may be used for the purpose of eliminating any existing requirement for sureties on customs bonds.

SEC. 508. None of the funds made available by this Act shall be available for any activity or for paying the salary of any Government employee where funding an activity or paying a salary to a Government employee would result in a decision, determination, rule, regulation, or policy that would prohibit the enforcement of section 307 of the 1930 Tariff Act.

SEC. 509. None of the funds made available by this Act shall be available for the purpose of transferring control over the Federal Law Enforcement Training Center located at Glynco, Georgia, Tucson, Arizona, and Artesia, New Mexico, out of the Treasury Department.

SEC. 510. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not heretofore authorized by the Congress.

SEC. 511. No part of any appropriation contained in this Act shall be available for the payment of the salary of any officer or employee of the United States Postal Service, who—

(1) prohibits or prevents, or attempts or threatens to prohibit or prevent, any officer or employee of the United States Postal Service from having any direct oral or written communication or contact with any Member or committee of Congress in connection with any matter pertaining to the employment of such officer or employee or pertaining to the United States Postal Service in any way, irrespective of whether such communication or contact is at the initiative of such officer or employee or in response to the request or inquiry of such Member or committee; or

(2) removes, suspends from duty without pay, demotes, reduces in rank, seniority, status, pay, or performance of efficiency rating, denies promotion to, relocates, reassigns, transfers, disciplines, or discriminates in regard to any employment right, entitlement, or benefit, or any term or condition of employment of, any officer or employee of the United States Postal Service, or attempts or threatens to commit any of the foregoing actions with respect to such officer or employee, by reason of any communication or contact of such officer or employee with any Member or committee of Congress as described in paragraph (1) of this subsection.

SEC. 512. Funds under this Act shall be available as authorized by sections 4501-4506 of title 5, United States Code, when the achievement involved is certified, or when an award for such achievement is otherwise payable, in accordance with such sections. Such funds may not be used for any purpose with respect to which the preceding sentence relates beyond fiscal year 1994.

SEC. 513. None of the funds appropriated or otherwise made available to the Department of the Treasury by this or any other Act shall be obligated or expended to contract out positions in, or downgrade the position classifications of, members of the United States Mint Police Force and the Bureau of Engraving and Printing Police Force, or for studying the feasibility of contracting out such positions.

SEC. 514. The Office of Personnel Management may, during the fiscal year ending September 30, 1994, accept donations of supplies, services, and equipment for the Federal Executive Institute, the Federal Quality Institute, and Executive Seminar Centers for the enhancement of the morale and educational experience of attendees.

SEC. 515. No part of any appropriation contained in this Act shall be available for the procurement of, or for the payment of, the salary of any person engaged in the procurement of stainless steel flatware not produced in the United States or its possessions, except to the extent that the Administrator of General Services or his designee shall determine that a satisfactory quality and sufficient quantity of stainless steel flatware produced in the United States or its possessions, cannot be procured as and when needed from sources in the United States or its possessions or except in accordance with procedures provided by section 6-104.4(b) of Armed Services Procurement Regulations, dated January 1, 1969. This section shall be applicable to all solicitations for bids issued after its enactment.

SEC. 516. The United States Secret Service may, during the fiscal year ending September 30, 1994, accept donations of money to off-set costs incurred while protecting former Presidents and spouses of former Presidents when the former President or spouse travels for the purpose of making an appearance or speech for a payment of money or any thing of value.

[SEC. 517. None of the funds made available by this Act may be used to withdraw the designation of the Virginia Inland Port at Front Royal, Virginia, as a United States Customs Service port of entry.**]**

SEC. 517. Such sums as may be necessary for fiscal year 1994 pay raises for programs funded by this Act shall be absorbed within the levels appropriated by this Act.

SEC. 518. None of the funds made available to the Postal Service by this Act shall be used to transfer mail processing capabilities from the Las Cruces, New Mexico postal facility, and that every effort will be made by the Postal Service to recognize the rapid rate of population growth in Las Cruces and

to automate the Las Cruces, New Mexico postal facility in order that mail processing can be expedited and handled in Las Cruces.

SEC. 519. None of the funds in this Act may be used to reduce the rank or rate of pay of a career appointee in the SES upon reassignment or transfer.

SEC. 520. No part of any appropriation contained in this Act shall be available to pay the salary for any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his period of active military or naval service and has within ninety days after his release from such service or from hospitalization continuing after discharge for a period of not more than one year made application for restoration to his former position and has been certified by the Office of Personnel Management as still qualified to perform the duties of his former position and has not been restored thereto.

SEC. 521. None of the funds made available to the United States Customs Service may be used to collect or impose any land border processing fee at ports of entry along the United States-Mexico border.

[SEC. 522. None of the funds made available by this Act shall be used to plan, administer, or otherwise carry out a move of the Internal Revenue Service's Automated Collection Unit from the borough of Manhattan, New York City, New York, without prior approval of the House and Senate Appropriations Committees.]

SEC. 523. (a) None of the funds appropriated by this Act may, with respect to an individual employed by the Bureau of the Public Debt in the Washington Metropolitan Region on April 10, 1991, be used to separate, reduce the grade or pay of, or carry out any other adverse personnel action against such individual for declining to accept a directed reassignment to a position outside such region, pursuant to a transfer of any such Bureau's operations or functions to Parkersburg, West Virginia.

(b) Subsection (a) shall not apply with respect to any individual who, on or after the date of enactment of this Act, declines an offer of another position in the Department of the Treasury which is of at least equal pay and which is within the Washington Metropolitan Region.

[SEC. 524. In consideration of the Washington Metropolitan Area Transit Authority (WMATA) modifying its requirement for acquisition of General Services Administration (GSA) property at the Suitland Federal Center in Suitland, Maryland, GSA shall transfer to WMATA, at no cost, approximately sixteen (16) acres of GSA property to allow WMATA to construct its proposed Suitland Metrorail Station and related surface facilities. GSA will bear no additional costs, as a result of this transaction. The property to be transferred is located at the northeast quadrant of the intersection of Suitland Parkway at Silver Hill Road and is the southeastern most portion of the Suitland Federal Center Complex. It is bounded by Silver Hill Road on the southeast, Suitland Parkway property owned by the National Park Service on the southwest, the existing stream valley between Suitland Parkway and the historic Suitland House on the northwest and on the northeast a line just south of and parallel to a line from the Suitland House to the existing Federal Office Building along Silver Hill Road at Randall Road.]

SEC. 524. (a) The Secretary of the Treasury shall implement the plan announced by the Bureau of the Public Debt on March 19, 1991, to consolidate such Bureau's operations in Parkersburg, West Virginia.

(b) The consolidation referred to in subsection (a) shall be completed by December 31, 1995, in accordance with the plan of the Bureau of the Public Debt.

[SEC. 525. (a) IN GENERAL.—Notwithstanding any other provision of law, including any other law which requires that property of the United States be used for a particular purpose, the Administrator of General Services shall convey the property described in subsection (c) to the State of Maryland.

[(b) TERMS.—A conveyance of property under this section shall be—

[(1) by quitclaim deed;

[(2) without monetary consideration; and

[(3) subject to such other terms and conditions as the Administrator determines to be appropriate.

[(c) PROPERTY DESCRIBED.—The property referred to in subsection (a) known as the "Chesapeake Bay Study Site" is property located in the State of Maryland, Queen Annes County, which—

[(1) is part of the same land which, by quitclaim deed dated August 25, 1970, and recorded among the land records of Queen Annes County, Maryland, at Liber 53, Folio 200, was granted and conveyed by the State of Maryland, Maryland State Roads Commission, to the United States of America; and

[(2) contains 55 acres more or less according to a survey prepared by McCrone, Inc., in July 1968 and amended on May 26, 1992.

[SEC. 526. None of the funds made available in this Act may be used to provide any nonpublic information such as mailing or telephone lists to any person or any organization outside of the Federal Government without the approval of the House and Senate Committees on Appropriations.

[SEC. 527. The Administrator of the General Services Administration, shall enter into an agreement to transfer at no cost, to the City of Waltham, Massachusetts, title to a parcel of land located at 424 Trapelo Road for the purpose of establishing the New England Center for Environmental Education by a nonprofit institution adjacent to the site: *Provided*, That the Administrator and the city of Waltham, shall mutually agree to the amount of land to be transferred to the city for this purpose.

[SEC. 528. COMPLIANCE WITH BUY AMERICAN ACT.

[No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1993 (41 U.S.C. 10a–10c, popularly known as the "Buy American Act").

[SEC. 529. SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.

[(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

[(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the Secretary of the Treasury shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

[SEC. 530. PROHIBITION OF CONTRACTS.

[If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in section 9.400 through 9.409 of title 48, Code of Federal Regulations.]

SEC. 531. (a) Notwithstanding any other provision of law, including any law which requires that property of the United States be used for a particular purpose, the Administrator of General Services shall transfer to the Secretary of the Interior jurisdiction over the 1.9592 acres of land, and any related structures, located at the southwest corner of 12th and Indian School Road, N.W., Albuquerque, New Mexico, and described as follows:

A tract of land being within the original Old Indian School Boundary and situated within the east half (E½), Section 7, T. sec. 10 N., R. 3E, New Mexico Principal Meridian, Bernalillo County, New Mexico, being more particularly described by metes and bounds as follows:

Beginning at the southwest corner of said tract being a point intersecting the easterly right-of-way of 12th Street and the southerly line of the original 1905 Indian School property, being a brass cap marked "R/W 12th St. & Tr. A, cor. 1", "KEENE 8489"; Whence from said point of beginning, the New Mexico State Highway Triangulation Station I–40–15, having an established coordinate of Y=1,494,103.76 and X=378,204.72, central zone on the New Mexico coordinate system, being a brass cap, bears S. 12°19'44"E., and is a distance of 927.86 feet; Thence N. 08°26'59" E. 79.89 feet along the said easterly right-of-way to a rebar/cap "KEENE 8489"; Thence S. 68°50'15" E., a distance of 98.29 feet to a rebar; Thence N. 21°43'45" E., 133.44 feet to a rebar; Thence S. 64°46'15" E., 154.00 feet to a rebar; Thence N. 22°47'56" E., 12.94 feet to a rebar; Thence S. 67°47'51" E., 79.53 feet to a rebar; Thence S. 20°06'41" W., 40.33 feet to a rebar; Thence S. 67°16'45" E., 105.98 feet to a nail in concrete; Thence S. 22°19'15" W., 224.22 feet to a nail in pavement; Thence N. 74°56'54" W., 1.33 feet to an angle point being a brass cap marked "Tr. A, cor. 13 & Tr. B, cor. 4", "KEENE 8489"; Thence N. 61°14'00" W., 125.73 feet to an angle point being a brass cap marked "Tr. A, cor. 14 & Tr. 1, cor. 2/ Tr. B, cor. 3", "KEENE 8489"; Thence N. 61°14'00" W., 294.33 feet to the point and place of beginning. Said tract contains an area of 1.9592 acres.

(b) Lands and related structures described in subsection (a) shall, on and after the transfer of jurisdiction required under subsection (a), be held by the United States in trust for the benefit and use of the Nineteen Indian Pueblo Tribes of New Mexico comprising the All Indian Pueblo Council as tenants in common.

(c) The transfer of the property described in subsection (a) shall be without monetary consideration.

(d) Lands and related structures held in trust for the benefit and use of the Nineteen Indian Pueblo Tribes of New Mexico under subsection (b) shall have the same tax-exempt status as that of other lands and structures held in trust by the United States for the benefit and use of an Indian tribe, including exemption from taxes imposed by any State, county, city or other local governmental entity, and shall be exempt from any associated land use regulation imposed by any such governmental entity.

(e) Nothing in this section shall prohibit the use by the Nineteen Indian Pueblo Tribes of New Mexico of the land and related structures described in subsection (a) in conjunction with their existing plans for the economic development of the former Albuquerque Indian School

property conveyed as trust lands on January 15, 1993.

(f) As used in this section, the term "Nineteen Indian Pueblo Tribes of New Mexico" means the following:

1. Pueblo of Acoma.
2. Pueblo of Isleta.
3. Pueblo of Laguna.
4. Pueblo of Picuris.
5. Pueblo of San Felipe.
6. Pueblo of San Ildefonso.
7. Pueblo of San Juan.
8. Pueblo of Santo Domingo.
9. Pueblo of Tesuque.
10. Pueblo of Zuni.
11. Pueblo of Cochiti.
12. Pueblo of Jemez.
13. Pueblo of Nambe.
14. Pueblo of Pojoaque.
15. Pueblo of Sandia.
16. Pueblo of Santa Ana.
17. Pueblo of Santa Clara.
18. Pueblo of Taos.
19. Pueblo of Zia.

SEC. 532. (a) IN GENERAL.—Notwithstanding any other provision of law, including any other law which requires that property of the United States be used for a particular purpose, the real property described in subsection (c) shall be conveyed to the United States Park Service, Department of the Interior, by the Administrator of General Services at such time as the property is reported to the General Services Administration for disposal as excess to the needs of the Air Force.

(b) TERMS.—A conveyance of property under this section shall be without monetary consideration, and subject to such other terms and conditions as the Administrator determines to be appropriate.

(c) PROPERTY DESCRIBED.—The real property referred to in subsection (a) is that part of the Holbrook Radar Bomb Scoring Site, including housing units, situated in the W½ of the SE¼ of Section 36, Township 18 North, Range 20 East, G&SRM, Navajo County, Arizona, and more particularly described as:

Lots 1, 2, and 3 and Tract A of Cholla Townhomes Subdivision, a subdivision recorded in Book 14 of Plats at Page 19 in the official records of Navajo County, Arizona; Except an undivided one-half interest in all oil, gas, coal, and other hydro-carbon substances and minerals as reserved in instrument recorded in Docket 68 at Page 171 in said official records;

Containing 8.00 acres, more or less.

Together with Units 2A, 3A, 4B, 5B, 6A, 7A, 8B, 9B, 10A, 11A, and 12B of the Cholla Townhomes Condominium, a subdivision recorded in Book 14 of Plats at Page 20 in the official records of Navajo County, Arizona, and any other buildings and improvements thereon and all rights, hereditaments, easements, and appurtenances thereunto belonging or in anywise appertaining.

Subject, however, to existing easements for public roads and highways, public utilities, railroads, and pipelines, and subject to the following outstanding exceptions and rights:

An undivided one-half interest in all oil, gas, coal or other hydro-carbon substances and minerals in, upon, or under said land, and the right to the use of such portions of the surface of said land as may be necessary for the proper exploration, mining or otherwise extracting and removing said oil, gas, coal or other hydro-carbon substances and minerals as reserved in instrument recorded in Docket 68 at Page 171, official records of Navajo County, Arizona.

Easements as shown on the plat of Cholla Townhomes subdivision recorded in Book 14 of Plats at Page 19 in the official records of Navajo County, Arizona.

Easements and right incident thereto for sewer purposes as set forth in instrument recorded in Docket 601 at Page 924 of the official records of Navajo County, Arizona.

Easements created by and the effect of the Declaration of Horizontal Property Regime recorded in Docket 679 at Page 773 in the official records of Navajo County, Arizona, and Certificate of Correction recorded in Docket 678 at Page 815 in said official records.

Easement and rights incident thereto for electric lines as set forth in instrument recorded in Docket 883 at Page 213 of the official records of Navajo County, Arizona.

Liabilities and obligations imposed upon said land by reason of its inclusion within the Navajo County Flood Control District.

TITLE VI—GOVERNMENTWIDE GENERAL PROVISIONS

DEPARTMENTS, AGENCIES, AND CORPORATIONS

SECTION 601. Funds appropriated in this or any other Act may be used to pay travel to the United States for the immediate family of employees serving abroad in cases of death or life threatening illness of said employee.

SEC. 602. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 1994 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from the illegal use, possession, or distribution of controlled substances (as defined in the Controlled Substances Act) by the officers and employees of such department, agency, or instrumentality.

SEC. 603. Notwithstanding the provisions of the Act of September 13, 1982 (Public Law 97-258, 31 U.S.C. 1345), any agency, department or instrumentality of the United States which provides or proposes to provide child care services for Federal employees may reimburse any Federal employee or any person employed to provide such services for travel, transportation, and subsistence expenses incurred for training classes, conferences or other meetings in connection with the provision of such services: *Provided*, That any per diem allowance made pursuant to this section shall not exceed the rate specified in regulations prescribed pursuant to section 5707 of title 5, United States Code.

SEC. 604. Unless otherwise specifically provided, the maximum amount allowable during the current fiscal year in accordance with section 16 of the Act of August 2, 1946 (60 Stat. 810), for the purchase of any passenger motor vehicle (exclusive of buses, ambulances, law enforcement, and undercover surveillance vehicles), is hereby fixed at $7,100 except station wagons for which the maximum shall be $8,100: *Provided*, That these limits may be exceeded by not to exceed $3,700 for police-type vehicles, and by not to exceed $4,000 for special heavy-duty vehicles: *Provided further*, That the limits set forth in this section may not be exceeded by more than five percent for electric or hybrid vehicles purchased for demonstration under the provisions of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976: *Provided further*, That the limits set forth in this section may be exceeded by the incremental cost of clean alternative fuels vehicles acquired pursuant to Public Law 101-549 over the cost of comparable conventionally fueled vehicles.

SEC. 605. Appropriations of the executive departments and independent establishments for the current fiscal year available for expenses of travel or for the expenses of the activity concerned, are hereby made available for quarters allowances and cost-of-living allowances, in accordance with 5 U.S.C. 5992-24.

SEC. 606. Unless otherwise specified during the current fiscal year no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in the continental United States unless such person (1) is a citizen of the United States, (2) is a person in the service of the United States on the date of enactment of this Act who, being eligible for citizenship, has filed a declaration of intention to become a citizen of the United States prior to such date and is actually residing in the United States, (3) is a person who owes allegiance to the United States, (4) is an alien from Cuba, Poland, South Vietnam, or the Baltic countries lawfully admitted to the United States for permanent residence, or (5) South Vietnamese, Cambodian, and Laotian refugees paroled in the United States after January 1, 1975, or (6) nationals of the People's Republic of China protected by Executive Order Number 12711 of April 11, 1990: *Provided*, That for the purpose of this section, an affidavit signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his or her status have been complied with: *Provided further*, That any person making a false affidavit shall be guilty of a felony, and, upon conviction, shall be fined no more than $4,000 or imprisoned for not more than one year, or both: *Provided further*, That the above penal clause shall be in addition to, and not in substitution for any other provisions of existing law: *Provided further*, That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government. This section shall not apply to citizens of Ireland, Israel, the Republic of the Philippines or to nationals of those countries allied with the United States in the current defense effort, or to international broadcasters employed by the U.S. Information Agency, or to temporary employment of translators, or to temporary employment in the field service (not to exceed sixty days) as a result of emergencies.

SEC. 607. Appropriations available to any department or agency during the current fiscal year for necessary expenses, including maintenance or operating expenses, shall also be available for payment to the General Services Administration for charges for space and services and those expenses of renovation and alteration of buildings and facilities which constitute public improvements performed in accordance with the Public Buildings Act of 1959 (73 Stat. 749), the Public Buildings Amendments of 1972 (87 Stat. 216), or other applicable law.

SEC. 608. Funds made available by this or any other Act for administrative expenses in the current fiscal year of the corporations and agencies subject to chapter 91 of title 31, United States Code, shall be available, in addition to objects for which such funds are otherwise available, for rent in the District of Columbia; services in accordance with 5 U.S.C. 3109; and the objects specified under this head, all the provisions of which shall be applicable to the expenditure of such funds unless otherwise specified in the Act by which they are made available: *Provided*, That in the event any functions budgeted as administrative expenses are subsequently transferred to or paid from other funds, the limitations on administrative expenses shall be correspondingly reduced.

SEC. 609. No part of any appropriation for the current fiscal year contained in this or any other Act shall be paid to any person for the filling of any position for which he or she has been nominated after the Senate has voted not to approve the nomination of said person.

SEC. 610. Pursuant to section 1415 of the Act of July 15, 1952 (66 Stat. 662), foreign credits (including currencies) owed to or owned by the United States may be used by Federal agencies for any purpose for which appropriations are made for the current fiscal year (including the carrying out of Acts requiring or authorizing the use of such credits), only when reimbursement therefor is made to the Treasury from applicable appropriations of the agency concerned: *Provided*, That such credits received as exchanged allowances or proceeds of sales of personal property may be used in whole or part payment for acquisition of similar items, to the extent and in the manner authorized by law, without reimbursement to the Treasury.

SEC. 611. No part of any appropriation contained in this or any other Act shall be available for interagency financing of boards, commissions, councils, committees, or similar groups (whether or not they are interagency entities) which do not have a prior and specific statutory approval to receive financial support from more than one agency or instrumentality.

SEC. 612. Funds made available by this or any other Act to the "Postal Service Fund" (39 U.S.C. 2003) shall be available for employment of guards for all buildings and areas owned or occupied by the Postal Service and under the charge and control of the Postal Service, and such guards shall have, with respect to such property, the powers of special policemen provided by the first section of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318), and, as to property owned or occupied by the Postal Service, the Postmaster General may take the same actions as the Administrator of General Services may take under the provisions of sections 2 and 3 of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318a, 318b), attaching thereto penal consequences under the authority and within the limits provided in section 4 of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318c).

SEC. 613. None of the funds made available pursuant to the provisions of this Act shall be used to implement, administer, or enforce any regulation which has been disapproved pursuant to a resolution of disapproval duly adopted in accordance with the applicable law of the United States.

SEC. 614. No part of any appropriation contained in, or funds made available by, this or any other Act, shall be available for any agency to pay to the Administrator of the General Services Administration a higher rate per square foot for rental of space and services (established pursuant to section 210(j) of the Federal Property and Administrative Services Act of 1949, as amended) than the rate per square foot established for the space and services by the General Services Administration for the fiscal year for which appropriations were granted.

SEC. 615. (a)(1) Notwithstanding any other provision of law, no part of any of the funds appropriated for the fiscal year ending on September 30, 1994, by this or any other Act, may be used to pay any prevailing rate employee described in section 5342(a)(2)(A) of title 5, United States Code—

[(A) during the period from the date of expiration of the limitation imposed by section 616 of the Treasury, Postal Service, and General Government Appropriations Act, 1993, until the first day of the first applicable pay period that begins on or after July 1, 1994, in an amount that exceeds the rate payable for the applicable grade and step of the applicable wage schedule in accordance with such section 616; and

[(B) during the period consisting of the remainder of fiscal year 1994, in an amount that exceeds, as a result of a wage survey adjustment, the rate payable under paragraph (1) by more than the percentage adjustment taking effect in fiscal year 1994 under section 5304 of title 5, United States Code (if any) with respect to General Schedule positions located within the boundaries of the wage area (or local wage area, as applicable) of such prevailing rate employee.

[(2) If the application of paragraph (1)(B) with respect to a particular wage area (or local wage area) would cause more than 1 percentage limitation being applicable with respect to such area, rates for prevailing rate employees (as described in paragraph (1)) within such area shall be subject to such limitation or limitations as shall apply under regulations prescribed by the Office of Personnel Management], *in an amount that exceeds the rate payable for the applicable grade and step of the applicable wage schedule in accordance with section 616 of the Treasury, Postal Service, and General Government Appropriations Act, 1993, on the last day of the limitation imposed by such section 616, except as provided under paragraph (2).*

(2)(A) If, during the fiscal year ending on September 30, 1994, employees under the General Schedule receive a pay adjustment under section 5303 of title 5, United States Code, or locality-based comparability payments under section 5304 of such title 5, the Office of Personnel Management shall, in accordance with the provisions of this paragraph, provide for adjustments for wage schedules and rates for employees described in section 5342(a)(2)(A) of such title 5 that are equitable in timing and amount in relation to the adjustment and payments under sections 5303 and 5304.

(B) In determining what adjustments would be equitable under this paragraph, the Office shall compare the reduction in the average pay disparity (as that term is defined in section 5302(6) of title 5) resulting from the adjustment and payments under sections 5303 and 5304 with the disparity in each wage area between the rates payable under section 616 of the Treasury, Postal Service, and General Government Appropriations Act, 1993, and the prevailing wage rates in such wage area as determined under the provisions of subchapter IV of chapter 53 of title 5, as in effect on the date of enactment of this Act.

(C) The Office shall discuss with and consider the views of the Federal Prevailing Rate Advisory Committee in carrying out the Office's responsibilities under this paragraph.

(D) Not later than January 1, 1994, the Office shall submit a report to the Senate and House Committees on Appropriations setting forth the Office's plan for providing adjustments under this paragraph. Such report shall include the views of the Federal Prevailing Rate Advisory Committee, and the individual views of any member of such Advisory Committee.

(b) Notwithstanding any other provision of law, no prevailing rate employee described in subparagraph (B) or (C) of section 5342(a)(2) of title 5, United States Code, and no employee covered by section 5348 of such title, may be paid during the periods for which subsection (a) is in effect at a rate that exceeds the rates that would be payable under subsection (a) were subsection (a) applicable to such employee.

(c) For the purposes of this section, the rates payable to an employee who is covered by this section and who is paid from a schedule that was not in existence on September 30, 1993, shall be determined under regulations prescribed by the Office of Personnel Management.

(d) Notwithstanding any other provision of law, rates of premium pay for employees subject to this section may not be changed from the rates in effect on September 30, 1993, except to the extent determined by the Office of Personnel Management to be consistent with the purpose of this section.

(e) The provisions of this section shall apply with respect to pay for services performed by any affected employee on or after October 1, 1993.

(f) For the purpose of administering any provision of law (including section 8431 of title 5, United States Code, and any rule or regulation, that provides premium pay, retirement, life insurance, or any other employee benefit) that requires any deduction or contribution, or that imposes any requirement or limitation, on the basis of a rate of salary or basic pay, the rate of salary or basic pay payable after the application of this section shall be treated as the rate of salary or basic pay.

(g) Nothing in this section shall be considered to permit or require the payment to any employee covered by this section at a rate in excess of the rate that would be payable were this section not in effect.

(h) The Office of Personnel Management may prescribe any regulations which may be necessary to carry out this section.

SEC. 616. During the period in which the head of any department or agency, or any other officer or civilian employee of the Government appointed by the President of the United States, holds office, no funds may be obligated or expended in excess of $5,000 to furnish or redecorate the office of such department head, agency head, officer or employee, or to purchase furniture or make improvements for any such office, unless advance notice of such furnishing or redecoration is expressly approved by the Committees on Appropriations of the House and Senate. For the purposes of this section the word "office" shall include the entire suite of offices assigned to the individual, as well as any other space used primarily by the individual or the use of which is directly controlled by the individual.

SEC. 617. (a) Notwithstanding the provisions of sections 112 and 113 of title 3, United States Code, each Executive agency detailing any personnel shall submit a report on an annual basis in each fiscal year to the Senate and House Committees on Appropriations on all employees or members of the armed services detailed to Executive agencies, listing the grade, position, and offices of each person detailed and the agency to which each such person is detailed.

(b) The provisions of this section shall not apply to Federal employees or members of the armed services detailed to or from—

(1) the Central Intelligence Agency;

(2) the National Security Agency;

(3) the Defense Intelligence Agency;

(4) the offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;

(5) the Bureau of Intelligence and Research of the Department of State;

(6) any agency, office, or unit of the Army, Navy, Air Force, and Marine Corps, the Federal Bureau of Investigation and the Drug Enforcement Administration of the Department of Justice, the Department of the

Treasury, [the Department of Transportation,] and the Department of Energy performing intelligence functions; and

(7) the Director of Central Intelligence.

(c) The exemptions in part (b) of this section are not intended to apply to information on the use of personnel detailed to or from the intelligence agencies which is currently being supplied to the Senate and House Intelligence and Appropriations Committees by the executive branch through budget justification materials and other reports.

(d) For the purposes of this section, the term "Executive agency" has the same meaning as defined under section 105 of title 5, United States Code (except that the provisions of section 104(2) of title 5, United States Code, shall not apply) and includes the White House Office, the Executive Residence, and any office, council, or organizational unit of the Executive Office of the President.

SEC. 618. No funds appropriated in this or any other Act for fiscal year 1994 may be used to implement or enforce the agreements in Standard Forms 312 and 4355 of the Government or any other nondisclosure policy, form or agreement if such policy, form or agreement does not contain the following provisions:

"These restrictions are consistent with and do not supersede conflict with or otherwise alter the employee obligations, rights or liabilities created by Executive Order 12356; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code, as amended by the Military Whistleblower Protection Act (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code, as amended by the Whistleblower Protection Act (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents), and the statutes which protect against disclosure that may compromise the national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Act of 1950 (50 U.S.C. section 783(b)). The definitions, requirements, obligations, rights, sanctions and liabilities created by said Executive Order and listed statutes are incorporated into this Agreement and are controlling.".

SEC. 619. Notwithstanding any other provision of law, no executive branch agency shall purchase, construct, and/or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the House and Senate Committees on Appropriations.

[SEC. 620. (a) None of the funds appropriated by this or any other Act may be expended by any Federal agency to procure any product or service that is subject to the provisions of Public Law 89-306 and that will be available under the procurement by the Administrator of General Services known as "FTS2000" unless—

[(1) such product or service is procured by the Administrator of General Services as part of the procurement known as "FTS2000"; or

[(2) that agency establishes to the satisfaction of the Administrator of General Services that—

[(A) the agency's requirements for such procurement are unique and cannot be satisfied by property and service procured by the Administrator of General Services as part of the procurement known as "FTS2000"; and

[(B) the agency procurement, pursuant to such delegation, would be cost-effective and would not adversely affect the cost-effectiveness of the FTS2000 procurement.

[(b) After July 31, 1994, subsection (a) shall apply only if the Administrator of General Services has reported that the FTS2000 procurement is producing prices that allow the Government to satisfy its requirements for such procurement in the most cost-effective manner.]

SEC. 620. Subsections (c) and (d) of section 3726 of title 31 U.S.C. are amended to read as follows:

"(c) Expenses of transportation audit postpayment contracts and contract administration, and the expenses of all other transportation audit and audit-related functions conferred upon the Administrator of General Services, shall be financed from overpayments collected from carriers on transportation bills paid by the Government and other similar type refunds, not to exceed collections. Payment to any contractor for audit services shall not exceed 50 percent of the overpayment identified by contract audit.

"(d) At least annually, and as determined by the Administrator, after making adequate provision for expense of refunds to carriers, transportation audit postpayment contracts, contract administration, and other expenses authorized in subsection (c), overpayments collected by the General Services Administration shall be transferred to miscellaneous receipts of the Treasury. A report of receipts, disbursements, and transfers (to miscellaneous receipts) pursuant to this section shall be made annually in connection with the budget estimates to the Director of the Office of Management and Budget and to the Congress.".

SEC. 621. (a) No amount of any grant made by a Federal agency shall be used to finance the acquisition of goods or services (including construction services) unless the recipient of the grant agrees, as a condition for the receipt of such grant, to—

(1) specify in any announcement of the awarding of the contract for the procurement of the goods and services involved (including construction services) the amount of Federal funds that will be used to finance the acquisition; and

(2) express the amount announced pursuant to paragraph (1) as a percentage of the total costs of the planned acquisition.

(b) The requirements of subsection (a) shall not apply to a procurement for goods or services (including construction services) that has an aggregate value of less than $500,000.

SEC. 622. Notwithstanding section 1346 of title 31, United States Code, or section 611 of this Act, funds made available for fiscal year 1994 by this or any other Act shall be available for the interagency funding of national security and emergency preparedness telecommunications initiatives which benefit multiple Federal departments, agencies, or entities, as provided by Executive Order Numbered 12472 (April 3, 1984).

SEC. 623. Notwithstanding any provisions of this or any other Act, during the fiscal year ending September 30, 1994, any department, division, bureau, or office may use funds appropriated by this or any other Act to install telephone lines, necessary equipment, and to pay monthly charges, in any private residence or private apartment of an employee who has been authorized to work at home in accordance with guidelines issued by the Office of Personnel Management: *Provided*, That the head of the department, division, bureau, or office certifies that adequate safeguards against private misuse exist, and that the service is necessary for direct support of the agency's mission.

SEC. 624. (a) None of the funds appropriated by this or any other Act may be obligated or expended by any Federal department, agency, or other instrumentality for the salaries or expenses of any employee appointed to a position of a confidential or policy-determining character excepted from the competitive service pursuant to section 3302 of title 5, United States Code, without a certification to the Office of Personnel Management from the head of the Federal department, agency, or other instrumentality employing the Schedule C appointee that the Schedule C position was not created solely or primarily in order to detail the employee to the White House.

(b) The provisions of this section shall not apply to Federal employees or members of the armed services detailed to or from—

(1) the Central Intelligence Agency;

(2) the National Security Agency;

(3) the Defense Intelligence Agency;

(4) the offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;

(5) the Bureau of Intelligence and Research of the Department of State;

(6) any agency, office, or unit of the Army, Navy, Air Force, and Marine Corps, the Federal Bureau of Investigation and the Drug Enforcement Administration of the Department of Justice, the Department of the Treasury, and the Department of Energy performing intelligence functions; and

(7) the Director of Central Intelligence.

SEC. 625. None of the funds appropriated by this or any other Act may be used to relocate the Department of Justice Immigration Judges from offices located in Phoenix, Arizona to new quarters in Florence, Arizona without the prior approval of the House and Senate Committees on Appropriations.

SEC. 626. None of the funds made available in this Act for "Allowances and Office Staff for Former Presidents" may be used for partisan political activities.

SEC. 627. Section 635 of the Public Law 102-393 is amended in paragraph (c)(2) by striking "1993" and inserting "1994".

SEC. 628. Section 404 of the Federal Employees Pay Comparability Act of 1990 is amended by striking "Washington, DC-MD-VA Metropolitan Statistical Area" and inserting in its place, "Washington-Baltimore DC-MD-VA-WV Consolidated Metropolitan Statistical Area".

SEC. 629. Paragraphs (c), (d), and (e) of section 6962j of U.S.C. 42, are amended to read as follows:

"(c) For purposes of this section, 'recycled cartridge' means a laser printer, photocopier, facsimile machine, or microphotographic toner cartridge which has been remanufactured in the United States.

"(d) Not less than 50 percent of cartridge procurement requirements shall be achieved by a set-aside for small business concerns, the remainder shall be acquired through the use of unrestricted full and open competition. The provision of this paragraph shall not affect current law with respect to Federal Prison Industries, Inc. (UNICOR) or Organizations for the Blind or Other Severely Handicapped (NIB/NISH).

"(e) For the purpose of this section 'small business concern' has the meaning given such term in the Small Business Act (U.S.C. 632(a))".

SEC. 630. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 1994 shall obligate or expend any

such funds, unless such department, agency or instrumentality has in place by July 1, 1994, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from discrimination and sexual harassment and that all of its workplaces are not in violation of title VII of the Civil Rights Act of 1964, as amended, the Age Discrimination in Employment Act of 1967, and the Rehabilitation Act of 1973.

TITLE VII—REVENUE FORGONE REFORM

SHORT TITLE; TABLE OF CONTENTS

SEC. 701. (a) SHORT TITLE.—This title may be cited as the "Revenue Forgone Reform Act".

(b) TABLE OF CONTENTS.—The table of contents for this title is as follows:

Sec. 701. Short title; table of contents.
Sec. 702. References.
Sec. 703. Repeal of authorization of appropriations for mail sent at reduced rates of postage.
Sec. 704. Establishing reduced rates of postage.
Sec. 705. Eligibility of certain mailings for reduced rates of postage.
Sec. 706. Provisions relating to rates for books and certain other materials.
Sec. 707. Sense of Congress.
Sec. 708. Technical corrections.

REFERENCES

SEC. 702. Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 39, United States Code.

REPEAL OF AUTHORIZATION OF APPROPRIATIONS FOR MAIL SENT AT REDUCED RATES OF POSTAGE

SEC. 703. (a) IN GENERAL.—Section 2401(c) is amended—

(1) in the first sentence—

(A) by striking "if sections" through "had not been enacted" and inserting "if sections 3217, 3403 through 3406, and 3629 had not been enacted"; and

(B) by striking "such sections and Acts." and inserting "such sections."; and

(2) in the second sentence—

(A) by striking "(i)"; and

(B) by striking "volume;" through "schedules." and inserting "volume.".

(b) APPLICABILITY.—The amendments made by subsection (a) shall apply with respect to appropriations for fiscal years beginning after September 30, 1993.

ESTABLISHING REDUCED RATES OF POSTAGE

SEC. 704. (a) RATES.—

(1) IN GENERAL.—Section 3626(a) is amended to read as follows:

"(a)(1) Except as otherwise provided in this section, rates of postage for a class of mail or kind of mailer under former section 4358, 4452(b), 4452(c), 4454(b), or 4454(c) of this title shall be established in accordance with the applicable provisions of this chapter.

"(2) For the purpose of this subsection—

"(A) the term 'costs attributable', as used with respect to a class of mail or kind of mailer, means the direct and indirect postal costs attributable to such class of mail or kind of mailer (excluding any other costs of the Postal Service): Provided, That with respect to mail under former section 4452(b) and 4452(c) of this title, such attributable costs shall be allocated between letter-shaped mail and non-letter-shaped mail, as such types of mail are defined in the associated classification and rate schedules, in a manner that will at a minimum preserve the difference between the basic rate for non-letter-shaped mail and the basic price rate for letter-shaped mail established under title II of Public Law No. 102-141, the Postal Service Appropriations Act, 1992;".

"(B) the term 'regular-rate category' means any class of mail or kind of mailer, other than a class or kind referred to in paragraph (2)(A) or section 2401(c); and

"(C) the term 'institutional-costs contribution', as used with respect to a class of mail or kind of mailer, means that portion of the estimated revenues to the Postal Service from such class of mail or kind of mailer which remains after subtracting an amount equal to the estimated costs attributable to such class of mail or kind of mailer.

"(3)(A) Except as provided in paragraph (4) or (5), rates of postage for a class of mail or kind of mailer under former section 4358, 4452(b), 4452(c), 4554(b), or 4554(c) of this title shall be established in a manner such that the estimated revenues to be received by the Postal Service from such class of mail or kind of mailer shall be equal to the sum of—

"(i) the estimated costs attributable to such class of mail or kind of mailer; and

"(ii) the product derived by multiplying the estimated costs referred to in clause (i) by the applicable percentage under subparagraph (B).

"(B) The applicable percentage for any class of mail or kind of mailer referred to in subparagraph (A) shall be the product derived by multiplying—

"(i) the percentage which, for the most closely corresponding regular-rate category, the institutional-costs contribution for such category represents relative to the estimated costs attributable to such category of mail, times

"(ii)(I) one-twelfth, for fiscal year 1994;

"(II) one-sixth, for fiscal year 1995;

"(III) one-fourth, for fiscal year 1996;

"(IV) one-third, for fiscal year 1997;

"(V) five-twelfths, for fiscal year 1998; and

"(VI) one-half, for any fiscal year after fiscal year 1998.

"(C) Temporary special authority to permit the timely implementation of the preceding provisions of this paragraph is provided under section 3642.

"(D) For purposes of establishing rates of postage under this subchapter for any of the classes of mail or kinds of mailers referred to in subparagraph (A), subclauses (I) through (V) of subparagraph (B)(ii) shall be deemed amended by striking the fraction specified in each such subclause and inserting 'one-half'.

"(4) The rates for the advertising portion of any mail matter under former section 4358(d) or 4358(e) of this title shall be equal to the rates for the advertising portion of the most closely corresponding regular-rate category of mail, except that if the advertising portion does not exceed 10 percent of the issue of the publication involved, the advertising portion shall be subject to the same rates as apply to the nonadvertising portion.

"(5) The rates for any advertising under former section 4358(f) of this title shall be equal to 75 percent of the rates for advertising contained in the most closely corresponding regular-rate category of mail.".

(2) SPECIAL AUTHORITY.—Subchapter III of chapter 36 is amended by adding at the end the following:

"§3642. Special authority relating to reduced-rate categories of mail

"(a) In order to permit the timely implementation of section 3626(a)(2), the Postal Service may establish temporary rates of postage for any class of mail or kind of mailer referred to in section 3626(a)(3)(A).

"(b) Any exercise of authority under this section shall be in conformance with the requirements of section 3626(a), subject to the following:

"(1) All attributable costs and institutional-costs contributions assumed shall be the same as those which were assumed for purposes of the then most recent proceedings under subchapter II pursuant to which rates of postage for the class of mail or kind of mailer involved were last adjusted.

"(2) Any temporary rate established under this section shall take effect upon such date as the Postal Service may determine, except that—

"(A) such a rate may take effect only after 10 days' notice in the Federal Register; and

"(B) no such rate may take effect after September 30, 1998.

"(3) A temporary rate under this section may remain in effect no longer than the last day of the fiscal year in which it first takes effect.

"(4) Authority under this section may not be exercised in a manner that would result in more than 1 change taking effect under this section, during the same fiscal year, in the rates of postage for a particular class of mail or kind of mailer, except as provided in paragraph (5).

"(5) Nothing in paragraph (4) shall prevent an adjustment under this section in rates for a class of mail or kind of mailer with respect to which any rates took effect under this section earlier in the same fiscal year if—

"(A) the rates established for such class of mail or kind of mailer by the earlier adjustment are superseded by new rates established under subchapter II; and

"(B) authority under this paragraph has not previously been exercised with respect to such class of mail or kind of mailer based on the new rates referred to in subparagraph (A).

"(c) The Postal Service may prescribe any regulations which may be necessary to carry out this section, including provisions governing the coordination of adjustments under this section with any other adjustments under this title.".

(3) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) SECTION 3626.—Section 3626(i) is repealed.

(B) SECTION 3627.—Section 3627 is amended by striking "sent at a free or reduced rate under section 3217, 3403 through 3406, 3626, or 3629 of this title," and inserting "sent free of postage under section 3217 or 3403 through 3406 or at a reduced rate under section 3629".

(C) TABLE OF CONTENTS.—The table of contents for chapter 36 is amended by inserting after the item relating to section 3641 the following:

"3642. Special authority relating to reduced-rate categories of mail.".

(b) AUTHORIZATION.—

(1) IN GENERAL.—Section 2401 is amended—

(A) by striking subsections (d) through (f);

(B) by redesignating subsections (g) through (i) as subsections (e) through (g), respectively;

(C) in subsection (f) (as so redesignated by subparagraph (B)) by striking the second sentence;

(D) in subsection (g) (as so redesignated by subparagraph (B)) by striking "subsections (b) and (d) of this section" and inserting "subsection (b)"; and

(E) by inserting after subsection (c) the following:

"(d) As reimbursement to the Postal Service for losses which it incurred as a result of insufficient amounts appropriated under section 2401(c) for fiscal years 1991 through 1993, and to compensate for the additional revenues it is estimated the Postal Service would have received under the provisions of section 3626(a), for the period beginning on October 1, 1993, and ending on September 30, 1998, if the fraction specified in subclause (VI) of section 3626(a)(3)(B)(ii) were applied with respect to such period (instead of the respective fractions specified in subclauses (I) through (V) thereof), there are authorized to be appropriated to the Postal Service $29,000,000 for each of fiscal years 1994 through 2035.".

(2) RATEMAKING LIMITATIONS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), rates of postage may not be established, under subchapter II of chapter 36 of

title 39, United States Code, in a manner designed to allow the United States Postal Service to receive through revenues any portion of the additional revenues (referred to in section 2401(d) of such title, as amended by paragraph (1)(E)) for which amounts are authorized to be appropriated under such section 2401(d).

(B) EXCEPTION.—If Congress fails to appropriate an amount authorized under section 2401(d) of title 39, United States Code (as amended by paragraph (1)(E)), rates for the various classes of mail may be adjusted in accordance with the provisions of subchapter II of chapter 36 of such title (excluding section 3627 thereof) such that the resulting increase in revenues will equal the amount that Congress so failed to appropriate.

(c) APPLICABILITY.—

(1) RATES.—The amendments made by subsection (a) shall apply with respect to rates for mail sent after September 30, 1993.

(2) AUTHORIZATION.—The amendments made by subsection (b) shall apply with respect to appropriations for fiscal years beginning after September 30, 1993.

ELIGIBILITY OF CERTAIN MAILINGS FOR REDUCED RATES OF POSTAGE

SEC. 705. (a) ADVERTISING.—Section 3626(j)(1) is amended—

(1) in subparagraph (B) by striking "or" after the semicolon;

(2) in subparagraph (C) by striking the period and inserting "; or"; and

(3) by adding at the end the following:

"(D) any product or service (other than any to which subparagraph (A), (B), or (C) relates), if—

"(i) the sale of such product or the providing of such service is not substantially related (aside from the need, on the part of the organization promoting such product or service, for income or funds or the use it makes of the profits derived) to the exercise or performance by the organization of one or more of the purposes constituting the basis for the organization's authorization to mail at such rates; or

"(ii) the mail matter involved is part of a cooperative mailing (as defined under regulations of the Postal Service) with any person or organization not authorized to mail at the rates for mail under former section 4452(b) or 4452(c) of this title;

except that—

"(I) any determination under clause (i) that a product or service is not substantially related to a particular purpose shall be made under regulations which shall be prescribed by the Postal Service and which shall be consistent with standards established by the Internal Revenue Service and the courts under subsections (a) and (c) of section 513 of the Internal Revenue Code of 1986; and

"(II) clause (i) shall not apply if the product involved is a periodical publication described in subsection (m)(2) (including a subscription to receive any such publication).".

(b) PRODUCTS.—Section 3626 is amended by adding at the end the following:

"(m)(1) In the administration of this section, the rates for mail under former section 4452(b) or 4452(c) of this title shall not apply to mail consisting of products, unless such products—

"(A) were received by the organization as gifts or contributions; or

"(B) are low cost articles (as defined by section 513(h)(2) of the Internal Revenue Code of 1986).

"(2) Paragraph (1) shall not apply with respect to a periodical publication of a qualified nonprofit organization.".

(c) CERTIFICATION; VERIFICATION.—Section 3626(j)(3) is amended—

(1) by striking "(3)" and inserting "(3)(A)"; and

(2) by adding at the end the following:

"(B) The Postal Service shall establish procedures to carry out this paragraph, including procedures for mailer certification of compliance with the conditions specified in paragraph (1)(D) or subsection (m), as applicable, and verification of such compliance.".

(d) APPLICABILITY.—The amendments made by this section shall apply with respect to mail sent, and the rates for mail sent, after September 30, 1993.

PROVISIONS RELATING TO RATES FOR BOOKS AND CERTAIN OTHER MATERIALS

SEC. 706. (a) IN GENERAL.—Section 3683(b) is amended to read as follows:

"(b) The rates of postage under former section 4554(b)(1) of this title shall not be effective except with respect to mailings which—

"(1) constitute materials specified in former section 4554(b)(2) of this title; and

"(2) are sent between—

"(A) an institution, organization, or association listed in subparagraph (A) or (B) of such former section 4554(b)(1) and any other such institution, organization, or association;

"(B) an institution, organization, or association referred to in subparagraph (A) and any individual (other than an individual having a financial interest in the sale, promotion, or distribution of the materials involved); or

"(C) an institution, organization, or association referred to in subparagraph (A) and a qualified nonprofit organization (as defined in former section 4452(d) of this title) that is not such an institution, organization, or association.".

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply with respect to mail sent after September 30, 1993.

SENSE OF CONGRESS

SEC. 707. It is the sense of the Congress that any legislation, enacted after September 30, 1994, which would have the effect of expanding the classes of mail or kinds of mailers eligible for reduced rates of postage should provide for sufficient funding to ensure that neither any losses to the United States Postal Service nor any increase in the rates of postage for any of the other classes of mail or kinds of mailers will result.

TECHNICAL CORRECTIONS

SEC. 708. (a) SECTION 410.—Section 410(b) is amended—

(1) in paragraph (8) by striking "and" after the semicolon;

(2) in the first paragraph (9) by striking "Chapter" and inserting "chapter", and by striking the period and inserting "; and"; and

(3) by designating the second paragraph (9) as paragraph (10).

(b) SECTION 3202.—Section 3202(a) is amended—

(1) in paragraph (3) by adding "and" after the semicolon; and

(2) in paragraph (4) by striking "; and" and inserting a period.

(c) SECTION 3601.—Section 3601(a) is amended by striking "concent" and inserting "consent".

(d) SECTION 3625.—Section 3625(d) is amended by striking "section 3268" and inserting "section 3628".

(e) SECTION 3626.—Section 3626 is amended by redesignating the second subsection (k) as subsection (l).

This Act may be cited as the "Treasury, Postal Service, and General Government Appropriations Act, 1994".

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. DOLE. I thank the distinguished Senator from New Mexico, [Mr. DOMENICI], and both managers. We just completed the Commerce, Justice and State, the Judiciary, and Related Agency appropriations bill. It was done quickly and very skillfully. Everybody who had amendments had an opportunity to offer them.

I commend, particularly, the Senator from New Mexico on our side of the aisle for his work in getting our people over here to offer the amendments. Again, I think we demonstrated that on appropriations bills we have to make every effort possible to cooperate on both sides to get them completed. We have to do the appropriations bills. I tell the majority leader that we are going to help him, and I thank my colleagues on this side of the aisle.

Mr. MITCHELL. Madam President, I am grateful for the cooperation on this appropriation bill. I appreciate that.

I am advised that the managers of the bill are on their way to the Senate floor and should be here momentarily. Pending their arrival, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. 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 Republican leader is recognized.

THE VICE PRESIDENT'S INTERVIEW

Mr. DOLE. Madam President, I have just been handed awhile ago part of an interview with my friend and former colleague, the Vice President of the United States, AL GORE, in which he says:

> Now that we have the mantle of leadership and trying to reduce the deficit and undo the damage they've done for the past 12 years, the Republicans have gone on strike, and are refusing to lift a finger to help the country get out of the hole they dug over the past 12 years.
>
> Senator DOLE alternates between trips to New Hampshire to run for the Republican nomination in 1996, and quick visits back to the Senate to throw more monkey wrenches back into the works. He is counting on the Republicans ability to create gridlock and economic catastrophe to boost the political fortunes of himself and other Republican candidates. It is breathtakingly cynical and a disservice to the people of the United States of America.
>
> I don't think the country has seen such a cynical and complete abdication of political responsibility in a long time.

I am glad he got the names right.

It is not a good package, I say to him. In fact, he was up to see me last week to wish me a happy birthday. He brought me a "DOLE '96"—I think it had Elizabeth's—but said "DOLE '96."

I accepted it with good humor. We had a nice visit.

I know he must have been carried away. It is hot outside. It was maybe an outdoor interview. I do not know if it was outdoors or indoors.

I would say it is almost out of bounds, I say to my friend, the Vice President.

He can be certain the Republicans will be, as they did today, cooperative with the President getting the fourth appropriations bill done in almost as many days. We will be working with the President on the North American Free-Trade Agreement and on other issues that I am certain the President feels very important.

In fact, we are trying at this very moment to compromise on national service so there he might be broad bipartisan support for a bill the President is particularly interested in.

So I suggest to my good friend, the Vice President, I know sometimes we say things in—well, we just say things, and certainly we have a right to do that in America.

He is my friend, and I hope to see him somewhere, maybe probably not New Hampshire but maybe somewhere in the country.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

SENATOR DOLE—A CONSTRUCTIVE LEADER

Mr. BOND. Mr. President, I am somewhat taken aback by this report I have just seen from the Vice President. It has been suggested that he might have been outside when he made these comments about our distinguished Republican leader.

I can tell you, and I can tell my colleagues, and the people in this country, that Senator DOLE has been a very constructive leader. Those of us who work with him know that he has endeavored to cooperate in those areas in which we believe that the good of the Nation can be achieved by moving forward.

We have, however, seen instances where there are very profound disagreements on economics between the proposals of the Clinton administration, the measure passed by this body and the measure passed by the House and, frankly, what we and a vast majority of the people of United States believe are sound economic policy.

Mr. President, there are those in middle America who take a look at the proposed tax increases, the additional burdens on the economy, the proposal to expand the earned income tax credit—which is already one of the fastest-growing entitlement programs that threatens to bankrupt our Government, to destroy our economy, and to deprive our children of the kind of economic future that we would like them to have—and they say if the alternative to this kind of tax and spend politics is gridlock, we want gridlock.

Mr. President, I can assure you that Senator DOLE, as he represents the people of Kansas—and we know he does that very well—and as he leads those of us on the Republican side of the U.S. Senate, is motivated by what he believes, and what I think most Americans believe, is good for this country.

It is with profound regret that I see that the Vice President has chosen to attack him in this manner.

I would suggest to the Vice President that, if he were to listen to the people of America, he would find that the views on the economy and other important issues being expressed by our minority leader are much more in tune with the vast majority of this country than perhaps some of the views he is espousing.

I hope that we could talk about the programs, that we could talk about our views on the economy and whether we think it is good or bad, what the strong points are on the various proposals and what the weak points are.

There is no need to make political, personal, ad hominem attacks on leaders in this country. We have enough problems maintaining confidence in Government without having a high-ranking official resorting to such comments.

Mr. President, I hope that we can get back to debating the very serious questions that face this country that are before this body.

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

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

The bill 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.

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1994

The Senate continued with the consideration of the bill.

PRIVILEGE OF THE FLOOR—H.R. 2403

Mr. DECONCINI. Mr. President, I ask unanimous consent that Doug Ferry, a legislative fellow in my office, be granted the privilege of the floor during consideration of H.R. 2403.

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

Mr. DECONCINI. Mr. President, I am pleased to bring before the full Senate, the Appropriations Committee's recommendations on H.R. 2403, the Department of the Treasury, Postal Service, Executive Office of the President and certain Independent Agencies Appropriations Act for fiscal year 1994.

The committee bill recommends new budget authority totaling $22.3 billion for fiscal year 1994. This amount is $377 million below the House-passed bill and $246 million below the fiscal year 1993 enacted level.

This bill funds many basic operations of the Federal Government—the General Services Administration; the Office of Personnel Management's employee and annuitant health benefit and retirement programs; the operations of the Department of Treasury law enforcement, tax collection, savings bond, and financial management bureaus; and the Executive Office of the President. The duties carried out by these departments and agencies are vital to the continued effective operations and functions of the entire Executive branch and play very important roles in enforcing violent crime, drug control, and trade laws.

Each year it becomes more and more difficult for appropriators to fund the programs and activities of Federal agencies to the levels we believe they merit. As we wrestle to bring deficit spending under control, sacrifices have had to be made and we have had to target the limited funds available to those programs which reflect our Nation's highest priorities. It is not always easy, but the bill we bring before the body today reflects the fact that it can be done and done responsibly.

We have a new President who has made a commitment to the American public to reduce the size of the Federal bureaucracy and restrain administrative overhead. The committee bill reflects those objectives but at the same time, ensures that law enforcement, drug control, trade facilitation, and delivery of services to the public are not adversely affected.

The bill is in full compliance with the section 602(b) of the Budget Act requirements.

Briefly, I would like to go over some of the major highlights of the bill. The committee bill includes $10.4 billion for the Department of the Treasury. This amount reflects the full requested level of $7.4 billion for the Internal Revenue Service for increasing tax enforcement compliance activities and modernizing IRS's antiquated tax and information systems; $1.5 billion for the U.S. Customs Service to expedite merchandise processing, facilitate trade, and crack down on illegal drug smuggling; $60 million for the Federal Law Enforcement Training Center to respond to law enforcement training demands; $368 million for the Bureau of Alcohol, Tobacco, and Firearms to attack violent crime; and $462 million for the Secret Service for protective and law enforcement activities.

For the U.S. Postal Service, the bill includes the President's requested amount of $91.4 million for the revenue

forgone program. It also includes language proposed by Chairman CLAY of the House Post Office and Civil Service Committee which reforms the revenue forgone program. The so-called "Clay language" was included in the House Reconciliation Act. However, if for any reason these reforms are not included in the final conference measure, the appropriation shortfall would be in the range of $1 billion. This is $1 billion that would be passed along to the Postal Service to absorb. With the extraordinary efforts being made by the Postmaster General to reduce operating costs, I do not believe this body should take action which will leave him holding the bag on another $1 billion in subsidies to preferred rate mailers. These changes in the revenue forgone program included in our bill are not perfect—no one is entirely satisfied—but it represents the first real reform in the revenue forgone program that I can remember.

For the Executive Office of the President, the bill includes $332 million. This includes the requested amounts for all of the EOP agencies with a couple of exceptions. It permits the President to achieve his 25 percent staffing reductions for EOP agencies with the exception of the Office of National Drug control policy, and the NSC. For the drug czar's office the Subcommittee has added $6 million and 35 FTE's to the President's request because we are not convinced that the new drug czar, Lee Brown, can carry out his mandates under law at a staffing level of 25. For the National Security Council, we have increased the funding and staffing by transferring a function from GSA to the NSC. We consider this to be a technical change which we can go into later.

For the antidrug programs funded through the Special Forfeiture Fund, the bill includes $75 million. The bulk of this money will go to drug treatment and prevention programs. This includes $35 million for the Substance Abuse and Mental Health Administration, and $5 million for ATF for the expansion of the very popular Gang Resistance and Education Training Program otherwise known as GREAT. The bill also included funding of $15 million for the Counter-Drug Technology Assessment Center to expand antidrug research and development efforts. Finally, we have provided $20 million for the drug czar to expend for antidrug programs at his own discretion.

For the General Services Administration, the bill includes $934 million for new Federal office space and courthouse construction. This is $187 million above the President for a variety of Federal office buildings and courthouses throughout the country.

Finally, for the remaining Independent agencies, we are proposing the requested level of funding for most of the agencies in the bill. However, we have included funding of $1.8 million for the Administrative Conference of the United States and $1 million for the Advisory Commission on Intergovernmental Relations, both of which were proposed for elimination by the House. We also have included a $2 million increase for the National Archives grant program, the National Historical Publications and Records Commission, to a new level of funding of $6 million.

Mr. President, I believe the bill we are recommending to the full Senate is a good and responsible one and I urge its support by the Members of this body.

Before closing I do want to thank Senator BOND and Chuck Parkinson of his staff, Patty Lynch on my staff, and others who have worked hours and hours to try to put this bill together through the committee process. We have made the best effort we can with limited resources and it would not have happened if it were not for the Senator from Missouri's involvement in this on a day-to-day basis.

UNANIMOUS CONSENT AGREEMENT

Mr. DECONCINI. Mr. President, before I yield, I ask unanimous consent the committee amendments to H.R. 2403 be considered and agreed to en bloc with the exception of the amendment on page 31, lines 7 through 13; page 31, lines 14 through 19; and on page 31, line 20 through page 32, line 2.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request propounded by the Senator from Arizona?

Mr. BOND. No objection.

The PRESIDING OFFICER. Without objection the committee amendments are agreed to as requested.

The committee amendments were agreed to en bloc except the amendment on page 31, lines 7 through 13; on page 31, lines 14 through 19; and on page 31, line 20 through page 32, line 2.

Mr. DECONCINI. Mr. President, I further ask unanimous consent that no points of order be waived therein and that the measure as amended be considered as original text for the purpose of further amendments.

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

Mr. DECONCINI. I thank the Senator from Missouri.

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

Mr. BOND. Mr. President, my sincere thanks to my colleague from Arizona. Senator DECONCINI has given in his statement an excellent outline of the provisions included in this bill. I certainly appreciate his leadership, and the assistance of his staff as we work together on this measure.

There are just a few parts of the bill I would like to discuss which I believe merit the attention of the Senate. Clearly this proposal does not do all that we would like it to but I still believe it is a very good product.

We are going to have an opportunity to work on several amendments to this measure, but I think it is important to begin by considering what we do have.

First, the committee has agreed with the President's effort to reduce administrative costs and the size of the Federal Government. In the past, the subcommittee has looked very closely at administrative costs and has on occasion required departments and agencies under the funding jurisdiction of this bill to make reductions in these areas. I think that is a good effort. We must restrain spending wherever we can.

The committee does not agree, however, that an across-the-board staffing reduction is in the best interests of the Nation, for reasons already set forth by the Senator from Arizona, the chairman of the subcommittee.

As a result, the committee has taken steps to add funding sufficient for the U.S. Secret Service, the Bureau of Alcohol, Tobacco and Firearms, and the U.S. Customs Service, to maintain current staffing levels.

Mr. President, I believe that failure to fund these positions would cause significant strain on an already thin line of Federal law enforcement efforts in an area where we could not be doing less and, personally, I would like to see us doing more.

Such a failure to fund these positions would also adversely affect the ability of the Customs Service to process the Nation's trade.

There is not a Member of the Senate who has not expressed concern about the tax gap and the Internal Revenue Service's inability to collect the taxes that are owed. Almost 65 percent of the discretionary spending in this bill goes to Internal Revenue Service functions. It is always an easy target of critics through the years to take on the automation of the service, but the IRS has embarked on a monumental effort to modernize its system. Tax System Modernization [TSM] is the centerpiece of that effort. The Congress has been very supportive of the TSM effort. This year is no different. This bill includes funding to take modernization to the next level. I do want to reiterate that this is yet another step in a badly needed process.

Modernization before it is completed is going to cost us several billion dollars—and make no mistake about it. We have made the commitment, and we need to follow through.

Mr. President, I also would like to comment on funding for the Executive Office of the President. My concerns about the President's statement that he would reduce staffing by 25 percent in the White House are well known. I have addressed that matter before. The chairman, Senator DECONCINI, has outlined the adjustments that will impact that level, and I support those changes.

However, I want the RECORD to reflect that the President's 25 percent reduction of staffing in the Executive Office as presented to us is to date made up mostly of detailees who are being returned to their original agencies. Those agencies are responsible for the salaries of those individuals. Both Senator DECONCINI and Congressman HOYER, chairman of the subcommittee in the other body, have agreed we will keep a close eye on the funding and staffing request of the White House.

Mr. President, this is a tight bill. The scoring estimate by the Budget Committee indicates that we are at the 602(b) allocation level for budget authority and approximately $100,000 below the outlay ceiling. As the chairman indicated, this bill is some $246 million below the fiscal year 1993 bill. The committee had to make some very difficult decisions. We would have liked to have funded several programs at a higher level. We had many requests for which we were unable to find funding, but as we have all noted, these are difficult times. I hope that the Senate will act quickly to pass this legislation.

Mr. President, before I close, again I want to express my thanks to the chairman, Senator DECONCINI, to the other members of the subcommittee, the subcommittee staff, Patty Lynch, Chuck Parkinson on this side, for their efforts on the bill.

As I indicated, I think this bill is a product of hard work, and I urge my colleagues to support this measure.

Mr. President, I yield the floor.

Mr. DECONCINI addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. DECONCINI. Mr. President, I thank the Senator from Missouri for pointing out the provisions in the Internal Revenue Service and what we tried to accomplish.

AMENDMENT NO. 734

Mr. DECONCINI. Mr. President, I send some technical amendments to the desk on behalf of the Senator from Missouri and myself and ask that they be considered and agreed to en bloc.

The amendments correct clerical errors in the bill and insert a new section clarifying those positions in the Department of the Treasury which will be eliminated by the President's Executive order.

The PRESIDING OFFICER. Without objection, the committee amendments are set aside. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. DECONCINI], for himself and Mr. BOND, proposes an amendment numbered 734.

Mr. DECONCINI. Mr. President, I ask unanimous consent that the reading of the amendments be dispensed with.

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

The amendment is as follows:

On page 6, line 6, line type "$9,748,000" and insert, "$11,539,000"

On page 18, line 23, strike "for" and insert in lieu thereof, "from"

At the appropriate place in the bill insert the following new section:

SEC. . (a) Notwithstanding any other provision of law, hereafter, for purposes of complying with Executive Order No. 12839 and guidance issued thereunder, the number of civilian personnel positions that the Department of the Treasury may be required to eliminate in fiscal year 1994 and in fiscal year 1995 shall not exceed a number determined for each year by multiplying a fiscal year 1993 base which excludes all exempt positions by the applicable percentages in Executive Order No. 12839.

(b) For the purpose of this section, "exempt position" means a personnel position in the Department of the Treasury which the Secretary of the Treasury determines to be primarily employed in drug control, law enforcement, trade facilitation, or services to the public."

On page 55 of the bill, on line 8 strike everything beginning with the word, ": *Provided*" through "101-508." on line 11, and insert in lieu thereof, ": *Provided*, That such lease shall be authorized only if it meets the criteria of an 'operating lease' as defined under the Budget Enforcement Act of 1990, Public Law 101-508.".

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 734) was agreed to.

Mr. DECONCINI. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

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

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

AMENDMENT NO. 736, TO THE COMMITTEE AMENDMENT ON PAGE 31, LINE 7

(Purpose: To reduce the overall amount appropriated in the bill to the level requested by the President in the fiscal year 1994 budget request)

Mr. LOTT. Mr. President, I do intend, at the appropriate time somewhat later, to offer an amendment with regard to this appropriations bill.

But I thought, while we had an opportunity here, I might actually begin some discussion on this appropriations bill and why I will have an amendment, and basically what will be included in that amendment.

First, I do want to say to the distinguished Members of the Senate that handle this legislation: I know it is not an easy job. I am very satisfied that the distinguished Senator from Arizona and the Senator from Missouri—very distinguished Members of this body—have worked hard to come up with a good bill. I think, in most areas, they have held the line and they should be commended for that.

I also know that the major contributing factor to our ever-rising deficit is the so-called entitlement programs.

You can defend them. You can say that it is right or wrong. But the fact of the matter is that is where the great increases are occurring.

The great increases are, in fact, not occurring in the appropriations accounts, because of agreements that have been reached, because of restraints that this body has placed on the Appropriations Committee, but also because of the leadership of the members of the Appropriations Committee. They have stayed within the caps that were placed upon them.

So I admit that the real deficit problem is being caused on the entitlement side and not here.

But the fact of the matter is, you cannot pass any opportunity to begin to try to get some grip on spending, on Federal spending. You cannot always say somewhere else; not here; the next bill; not my area, somebody else's area. Sooner or later, you have to face up to it.

The reason I have developed this amendment was because late last night, I was reading over the funding in this bill and the programs that are funded, and I came across some startling revelations.

I found that this bill for Treasury-Postal Service is $22,331,459,000. That sounds like an awful lot of money to me to run the Treasury Department and the Postal Service.

There are other independent agencies under this list, so I think we need to look at the whole list. So I did. I said that sounds like an awful lot of money.

I discovered, to my amazement, that as a matter of fact this bill is $325 million above what President Clinton asked for. We cannot say to him, Mr. President, cut spending first, and then we start raising the bills that he sends up here and spend another $325 million.

So in this case the President held the line. He held the line below last year's spending level. He made, I think, reasonable requests, yet the House raised him $700 million and the Senate wants to raise $325 million.

This is a case where I am suggesting we ought to go with what the President of the United States asked for in an appropriations bill that does not have a lot of things that we have much love for anyway. I hope my colleagues will think about that.

I thought about going through here and knocking out specifically each area where the Appropriations Committee increased the amount that the President had asked for. But I think you can always argue you need a little more here, a little less there. I do think we have a right—in fact we have a responsibility in the Congress—to make some decisions about priorities. I do not think we ought to abdicate our entire role to the President. We ought

to be able to mix and match a little bit based on change of circumstances or what we know that maybe the President did not know when he sent his budget up here.

What I have done, instead of just knocking out where increases occurred, I said let us take it back to the President's level of request. That would take out $325 million for a 1.47-percent decrease across the board—1.47 decrease. We are not asking for the king's jewels here. We are asking for a very small decrease just to take it back to what the President asked for.

When it gets to conference, if the conferees want to add a little more in some category and cut in some other, that is what they are going to do anyway. But here, without picking on anybody's area or any particular project, let us at least cut it back to what the President asked for in the broader context.

Also, let us look at what is in this Treasury, Postal Service bill. The U.S. Customs Service, they have a tough job, they need adequate funding. The President, I think, asked for adequate funding. The committee increased their funding a little bit but, frankly, I know of many, many instances where I have some questions about the job that is being done. A lot of things where Customs people are working, they are leaking like a sieve. Do I want to give them accolades here this afternoon? No.

The Internal Revenue Service. Does anybody here want to give any awards to the Internal Revenue Service, the IRS? These are people who have enough time not only to collect the taxes, but harass taxpayers. You have agents—it is almost as if they had been given a quota, an allotment: You have to get x.

There is not a Senator here who has not heard from some irate taxpayer saying, I am being absolutely harassed by the IRS. They have enough time to harass people, many times when they are not even guilty of anything, or are trying to work something out. But the IRS says, you are going to do it our way, the way we tell you.

Another, the Bureau of Alcohol, Tobacco and Firearms—do you remember those folks? Do you remember Waco? Does anybody feel real good about the job they have been doing? Not me.

The Postal Service was not added to by the committee and the Postal Service, I would like to keep their funding about where the President asked for their funding. I think that is where we will wind up.

The Executive Office of the President—in a couple of instances here the committee increased what the President asked for for his office. I do not understand that. Why? He should have known what he wanted—I guess.

The independent agencies: General Services Administration, the Federal Buildings Fund—a significant increase over what the President asked for in this category. I have friends who have Federal buildings in this bill. That is OK. I think Senators quite often know where a need may exist. But to double what the President asked for—I have real problems with that.

OPM, the Office of Personnel Management. How many have had dealings with the Office of Personnel Management? Was it particularly exciting? No. I am sure in most instances your reaction was, what a bureaucratic mess. And I am talking about Republican administrations and Democratic administrations. So should we be allowing for an increase there? No.

In this particular instance, the committee did not raise what the President asked for. But I think it might have been a good idea if we cut it some more. And the President did recommend a cut there.

The Federal Election Commission. This is an organization that is still investigating accounts, campaigns that are 4, 5, 6 years old. I really have problems with that organization.

The U.S. Tax Court. Does anybody want to provide an increase for Tax Court? I do not think so.

I know of very few appropriations bills that have more in them that I dislike than this bill. So for us to come here this afternoon and consider increasing its funding $325 million above what the President asked for, is hard for me to understand or defend. I think we should cut it back.

I heard someone say, it is only $325 million. Is that worth our time? Go home and tell your constituents it is not worth trying to cut back $325 million in the Treasury, Postal Service bill and see what happens to you. You will get stoned anywhere in America if you try that. The problem is spending.

At a time when our taxes have remained basically at 19 percent of GNP, since 1970 spending has gone up from 20 to 24 percent of GNP. This is where much of it begins, in the appropriated accounts.

As far as the amount of money we are talking about, $325 million, this is roughly the same amount of money that is spent on enforcement activities by the DEA, Drug Enforcement Administration; it is approximately the same amount that goes for maintenance and administration in the Federal prison system. Could we use this money somewhere else more wisely? I think we could.

The place I would like to use it is to not spend it so we will not add it to the deficit. That is what really happens. This $325 million is about half of what is spent on enforcement of Immigration and Naturalization Service activities. The President came out this week and took some strong recommendations with regard to the immigration in this country, people who are coming in, drug runners and terrorists. I think he did the right thing. Maybe we should use this money there.

I urge my colleagues to look at this very mild amendment. I think the committee has done, overall, a pretty good job, but we ought to at least cut this out and then go forward with the bill after that.

AMENDMENT NO. 736

Mr. LOTT. Mr. President, I have a second-degree amendment I would like to send to the desk at this time. I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Mississippi [Mr. LOTT] proposes an amendment numbered 736.

Mr. LOTT. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place insert the following:

SEC. . Notwithstanding any other provision of this Act, each amount of budget authority for fiscal year 1994 provided in this Act for payments not required by law is reduced by 1.478 percent. Such reductions shall be applied ratably to each account, program, activity, and project provided for in this Act.

Mr. LOTT. Since I have already spoken at some length on the amendment, at this time, Mr. President, I will yield the floor so we can hear from the committee members.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I certainly share the concern of my colleague from Mississippi for economy in budgeting. If his concern is that we did not, in this particular bill, follow the President's request, I would have to say if we went through all of the appropriations bills, to meet the President's request we would have to increase budget authority by $16 billion, and increase outlays by $10 billion. I do not think that is what this body is going to do, nor would I advocate it.

I do believe there are occasions in which the legislative body will have a different priority than the President has.

For that reason, I think it is very important that we decide what the priorities are. I just disagree fundamentally with the points apparently made by my colleague from Mississippi that we can afford to cut law enforcement, that we can afford to cut ATF. I have visited those facilities. I have seen what is going on, and I followed what Customs and ATF do, and we need resources because we are fighting a very important battle.

With IRS, we need to modernize the system so we bring the Internal Revenue Service up to date. There is no reason we ought to be doing a quill-and-scroll type of enforcement of our taxes.

We ought to be providing for the benefit of the taxpayers, as well as the Treasury, modernized information systems so that we can achieve a reasonable degree of businesslike efficiency utilizing modern technology.

On the GSA provisions, last year I was not a member of the committee, but I understand the committee rescinded 189 million dollars' worth of funds previously appropriated. There are great needs and there are backlogs in the GSA's area where we ought to be providing the funds to make sure that we have the facilities that are needed that GSA provides for Federal facilities around the country.

I think, as I indicated in my opening statement, that we have come in with a very reasonable budget. If you take a look at fiscal year 1993, we are 1 percent below what we enacted last year. We are $377 million below the House-passed bill. So this has been a very tight budget and it is a responsible budget.

I urge my colleagues not to support this amendment because we have made cuts where we felt that we could make them. We are within the 602(b) allocation and, frankly, when you are talking about cutting back on needed areas of governmental service to fight drugs, to make sure the Internal Revenue Service has a modernized information system for tax collection, I think it is a reasonable expenditure.

Mr. President, I hope my colleagues will not accept this amendment and that we will be able to proceed with the recommendations made by the committee.

Mr. President, I yield the floor.

Mr. DECONCINI addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. DECONCINI. Mr. President, I appreciate the attempt of the Senator from Mississippi to portray this bill as a big spending bill, but it is not. We have taken a 3-percent cut through the President's Executive orders, with the exception primarily of law enforcement agencies, as the Senator from Missouri has pointed out.

If the Senator from Mississippi will look at the President's request, he would see that there were 642 full-time equivalent positions for the U.S. Customs cut from last year, which means less law enforcement, which results in less effort to carry out the mission of the U.S. Customs Service: Things like stopping drugs at the border, inspecting the cargo that comes across the border and, having the necessary number of people at the ports of entry. That costs $37.3 million.

Customs has assured us that they have the ability to absorb this increase. We have paid attention to law enforcement and concluded that maybe the President did not pay enough attention to them.

I applaud the President's effort in adding 100,000 new police for community policing. We do not fund that in this bill, but what we did is we made sure that the Federal law enforcement agencies were not crippled.

A reorganization of the Customs Service will require time to implement, and it is very important that we have the necessary people as they go through the reorganization.

I believe the committee's recommendation to restore the Presidential cuts in U.S. Customs alone for fiscal year 1994 will be crucial to our war on drugs.

In the Alcohol, Tobacco and Firearms, another law enforcement agency that deals with career criminals, enforcing the firearms and explosives statutes of this country, we added back what the President cut. We are not afraid to stand up and say, "Mr. President, we do not think you should make these deductions and reductions in law enforcement."

And in the Office of National Drug Control Policy, it is a substantial cut which many of us believe was not justified. There was a lot of criticism under the previous administration about the ONDCP office being politicized, having 42 percent of the staff being political appointments. This President responded. But he wiped it out almost, taking it down from 130 to 25 FTE's. We have added back a modest 35, giving 50 or 60 FTE's for that office. This is so Dr. Brown has the capabilities to fight the war on drugs.

To me, to come in here making a blanket statement that we are spending money foolishly—I do not want to refer to any service here, but to someone who might be in the Service who goes on a holiday after they have been cooped up for a long time is just unfair because we have been very prudent and we have been careful and we have protected the law enforcement agencies.

A 1.4-percent cut of the Senator from Mississippi—I only hope that we can talk him into agreeing that where we have added back are the exact areas that he would like to see funded at last year's level.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. LOTT. Mr. President, I want to emphasize again, I do not think I said this is a big profligate spending bill. I am saying it is a $325 million increase over what the President asked for. Now is the time and this is the place where we can save some money. Several of the areas where the Senators on the committee added funds, yes, I would agree that would be worthwhile. Perhaps more should have been taken out of other areas. That is one of the things I would suggest they consider doing in the conference.

Let me give some examples of where funds were increased by the committee and, again, my amendment does not pick and choose based on where the committee added money. Mine just says let us cut back to what the President asked for, across the board and there can be changes in the conference.

For instance, the Secret Service had an increase under the committee's bill. This is the President's request that they have raised for Secret Service for him. I wonder why the Secret Service would be increased over what the President asked for.

One interesting one here is a pretty substantial increase in the category of "Other." It goes from $275 million to $318 million. What is "Other?" It is not a lot of millions, but, as the old saying goes, a million here, a million there, it all adds up.

Mr. DECONCINI. Will the Senator yield for a question?

Mr. LOTT. Yes.

Mr. DECONCINI. I do not know what the reference is to "Other."

Mr. LOTT. The listing I have is Bureau of Public Debt—that is an interesting one—Financial Management Service, and then there is a category of "Other." I will be glad to give——

Mr. DECONCINI. If the Senator could give us a source.

Mr. LOTT. I will be glad to give a source when I get through.

Another example is an increase for the National Security Council. Maybe that is necessary, maybe we would want it, but it is the President's National Security Council. We are increasing over what he asked for there.

And, of course, the one that I referred to earlier, General Services Administration, there is almost a double there. The President asked for $156.9 million. This goes up to $313.3 million. I am not saying that there should not be some increase there, I am just saying, again, it is an increase over what the President asked for. It is a place where maybe we can make a little savings.

There is an increase for the Federal Elections Commission. There is an increase for the National Archives.

I will just say again to my colleagues, yes, you have a right to decide on priorities, and the Congress will always put in a little more in some areas, take away in some other areas, and the committee did that in this case. You did take away some of the requests the President made.

But my amendment says, again, let us just save $325 million here. It is not going to save the world, break the bank, but this is one case where I support the President. Let us support the President. Let us go with what he asked for, in terms of the aggregate amount of money.

Mr. President, I do not see any need to drag this debate out. I know that there may be other amendments pending. I see the Senator from Ohio maybe has one to offer.

I ask for the yeas and nays at this point and then we can proceed from there.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LOTT. I thank the Chair.

Mr. DECONCINI addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. DECONCINI. Mr. President, let me say to the Senator from Mississippi, I would like to have that source. I do know that he mentioned the Secret Service.

When the President submitted a budget in early January, it became clear to this committee, after holding hearings, that there were not adequate funds for the Secret Service. The Secret Service, as we know, does not just protect the President, the Vice President, and former Presidents. It has a law enforcement function in counterfeiting and stolen checks, from Social Security down to any Government check, and the counterfeit of those checks.

That is why there is this addition. Next month the Pope is traveling here, and that adds to the Secret Service needs. When the President submitted the budget, that was not taken into consideration, and that is what we found in our hearings.

So to suggest we added money to the Secret Service that the President did not ask for is not the case. The President did not ask for it because he did not have all the necessary information in front of him.

As this committee prepared this bill and asked the questions it made a determination that the Secret Service required increased funding.

I raise that with the Senator from Mississippi as just one example. The committee has not just willy-nilly gone through and added money in areas that we did not think were justified.

I suspect the Senator would agree with this justification in many areas.

Mr. LOTT. Will the Senator yield?

Mr. DECONCINI. I certainly will yield.

Mr. LOTT. In answer to the question, the source that I was actually referring to was Congressional Quarterly. But in looking at the table in the back of the report on the bill, I assumed it refers to things like the Administrative Conference of the United States; the Advisory Commission on Intergovernmental Relations. The committee plused that up by $1 million. The Merit System Protection Board, I believe that is the one that is plused up about $2.3 million, and other areas.

So it is sort of a combination of the smaller amounts shown at the back of the report on the bill.

Mr. DECONCINI. If the Senator will yield, I thank him because now I know the area he is talking about.

The funding for the Administrative Conference and Advisory Commission on Intergovernmental Relations were eliminated by the House. The administration asked us to fund them. They asked us for the full funding when they came before the committee.

In fact, I had a call from the White House Chief of Staff saying, "Please fund these."

So we put in about half the money. We took a cut, in essence, over last year's level in the area of others.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the pending amendment be temporarily set aside in order that the Senator from Ohio, in behalf of himself and other Senators, may offer an amendment.

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

AMENDMENT NO. 737

(Purpose: To establish procedural requirements for certain projects)

Mr. METZENBAUM. Mr. President, on behalf of myself, Senators BAUCUS, CHAFEE, BROWN, SIMPSON, DORGAN, COHEN, and MOYNIHAN, I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Ohio [Mr. METZENBAUM], for himself, Mr. BAUCUS, Mr. CHAFEE, Mr. BROWN, Mr. SIMPSON, Mr. DORGAN, Mr. COHEN, and Mr. MOYNIHAN, proposes an amendment numbered 737.

Mr. METZENBAUM. 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 45, line 10, after "prospectus:" insert the following: "*Provided further*, That no funds shall be made available for leases, line-item construction, repairs, or alterations projects in this Act that are subject to section 7(a) of the Public Buildings Act of 1959 (40 U.S.C. 606(a)) prior to February 1, 1994, unless the projects are approved by the Committee on Environment and Public Works of the Senate: *Provided further*, That in no case shall funds be made available for any lease, line-item construction, repair, or alterations project referred to in the preceding proviso if prior to February 1, 1994, the lease, line-item construction, repair, or alterations project has been disapproved by the Committee on Environment and Public Works of the Senate: *Provided further*, That the Administrator of General Services shall submit detailed information on each lease, line-item construction, repair, and alterations project in this Act that is subject to section 7(a) of the Public Buildings Act 1959 (40 U.S.C. 606(a)) to the Committee on Environment and Public Works of the Senate not later than 30 days after the date of enactment of this Act:".

Mr. METZENBAUM. Mr. President, we find ourselves in an unusual position, although it is the second time it has happened within the past 12 months.

Last year, the Appropriations Committee saw fit to include certain major building projects in the appropriations bill even though they were not authorized. It was in the closing hours of the session, and in an effort to deal with that situation, we worked out some kind of method for authorizing the bills sort of almost after the fact as the appropriations bill was moving.

But today we have another situation somewhat similar to that, and I will say to my colleague and friend from Arizona, I hope this is the last time we will have to deal with a situation where the Appropriations Committee sees fit to put projects in a bill that have not previously been authorized.

Now, the amendment that I have sent forward in behalf of myself and the other Senators will make it possible for the authorizing committee of the Senate to have 6 months in order to determine whether or not to authorize each of these projects on an individual basis, or to turn them down. And if the authorizing committee fails to act during that 6-month period, then it would be tantamount to their having been authorized.

It should be pointed out that the amendment does not provide for the House authorizing committee to have that same right. And whether or not the House sees fit to change that in conference or on the floor of the House is a matter for them to decide. But I wanted to point that out to my colleagues. There is some misunderstanding between the Senator from Arizona and my staff, although it is not a personal understanding because I understood it this way, but some misunderstanding that occurred as to whether the House was or was not to be included.

My understanding is the amendment is acceptable on both sides of the aisle. Let me talk about where we are on the entire subject.

The job of overseeing and authorizing GSA's public buildings program is a very serious one. I am frank to say we in the Congress have been remiss as far as dealing with that problem. GSA spends billions of dollars of tax dollars each year to house Federal workers. Yet it has an unbelievably bad, sorry history of wasteful spending and mismanagement. It sits over there and does what it wants and Congress has permitted it to do so for a number of years. Its activities scream out for careful scrutiny.

In February, the chairman of the Environment Committee, the distinguished Senator from Montana [Mr. BAUCUS] created a special task force to

look into GSA's real estate activities. I chaired that task force, and Senators SIMPSON and BOXER serve with me. We have been working assiduously in order to make some movement forward on this entire subject of buildings and leases and purchases.

We have been meeting frequently and are on our way to developing legislation to make GSA operate in a more businesslike fashion to help save tax dollars.

This is where we must focus our efforts. In this era of fiscal constraints, we can ill-afford to move forward on any GSA project which is not meticulously scrutinized by both the appropriations and authorizations committees.

This amendment will ensure that our committee will have a chance to look over the appropriations included in this bill for something like 16 courthouses. We have a situation that exists around here where courthouses get pretty easily accepted—I scratch your back, you scratch my back. It so happens this Senator does not believe that is how we ought to be spending the Federal dollars. I assure you that our committee will look at them. But it is very difficult to say that the courthouse in X community should go forward and the courthouse in Y community should not.

The appropriations bill before us would bypass totally that authorization process with respect to GSA projects. It would give GSA the funds to move forward on projects for which prospectuses are still pending before the Environment Committee. In fact, it even includes funding for some projects for which the Environment Committee does not have any prospectuses.

That is unacceptable, and this is the last time this Senator is going to be willing to be a party to that kind of a procedure. That is not the way the U.S. Senate ought to conduct its business. That is not the way the Federal taxpayers' dollars should be spent, whether it is on courthouses or any other kinds of buildings that the Federal Government builds.

The Environment and Public Works Committee has a job to do in reviewing and authorizing GSA's projects, but we must be in a position to do the job. I am glad we have been able to work out our differences on this issue with the Appropriations Committee. We want to be working together with that committee.

I know my friend from Arizona shares my concern about the need to ensure that GSA does not embark on wasteful nor unjustified extravagance. Let me also assure him that the Environment Committee and its task force are working very hard to review GSA's activities and to move forward on meritorious or timely projects.

Indeed, this week we will authorize a few time-sensitive leases and some repair and alteration projects. In addition, we have written to Roger Johnson, the new Administrator of GSA, in an effort to better coordinate our activities with him. Mr. Johnson has indicated that he will suspend action on new construction and lease projects and review them during the next 3 to 6 months to determine if they make good economic sense.

One of the cosponsors of this legislation, Senator DORGAN, has introduced legislation to put a halt to all Federal buildings for a time certain. I wholeheartedly support the effort of Mr. Johnson in this respect and certainly believe that Senator DORGAN's legislation should be given full consideration.

Nevertheless, in an effort to stay on schedule with respect to reviewing GSA projects, I joined my colleagues in asking Mr. Johnson to advise the committee by mid-September as to which projects still remain high priorities so that we can hold a hearing on them.

The amendment I am offering today on behalf of my colleagues and myself is straightforward. It says that no funds shall be expended on any GSA leases, construction or repair and alteration projects until the Public Works Committee of the Senate authorizes them. Whether or not the House determines that they, too, should have that authority, will be for them to decide.

But it sets February 1 as the deadline for having the authorizing committee in the Senate act on these projects. This February 1 deadline meets the concerns Senator DECONCINI has expressed about previous delays. It also corresponds with the deadline Administrator Johnson has apparently set for himself with respect to reevaluating GSA's new construction and lease projects.

This amendment will enable us to have the benefit of Mr. Johnson's input in the authorizing process. It is very reasonable. I urge the amendments adoption.

But, in conclusion, I want to say once again this is the last time that this Senator wants the authorizing committee of the U.S. Senate to be bypassed in determining whether or not any building project should be had.

We had that situation last year. I think we wound up making a mistake with respect to authorizing some buildings that should not have gone forward. Fortunately, one of them has now been canceled, the big new office building in Philadelphia.

At this point I am not at all certain that the Atlanta project ought to be going forward. But that is a subject for another day. The point is I do not believe that we ever again ought to have the Appropriations Committee putting in legislation that does the authorizing, takes over the authorizing committee's responsibility. If that were to occur in the future, I feel confident that there are many of my colleagues, some of whom are cosponsors of this amendment, who would be here on the floor joining me in objecting to it.

Mr. President, I yield the floor.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I thank the Senator from Ohio, and also the generosity and graciousness of the Senator from Wyoming.

Mr. President, I support the amendment of Senator METZENBAUM. As chairman of the Environment and Public Works Committee, I must say that he is a most valuable resource on this committee. He came to the committee a short while ago and has been very involved and very interested in the question of whether the taxpayers are getting their money's worth in public buildings. I can think of no Senator who is a better guardian of the taxpayers' purse than the Senator from Ohio. I am very grateful for the Senator's protection of the taxpayers, but specifically grateful for his deep involvement here on this issue.

Mr. President, I became chairman of the Environment and Public Works Committee when it became apparent that there was a very serious problem with the GSA. The GSA has been roundly criticized for its leasing and construction practices. For instance, questions have been raised about whether the Federal Government is too quick to construct new buildings in areas with high vacancy rates. And there is also very little, if any, coordination between Federal agencies on matters, procurement matters.

But one of the most serious issues is the current budget scorekeeping rules. These rules force the GSA to enter into lease agreements even in those markets where Federal ownership may be more cost-effective. Mr. President, these are just a few of the issues surrounding GSA.

As a result of these issues, I created a task force within the committee to look at GSA and, most importantly, the Federal Government's leasing and construction practices. I immediately asked the Senator from Ohio if he would chair it, along with Senator BOXER from California and the distinguished Republican whip from the State of Wyoming, Mr. SIMPSON.

This is a big job they have undertaken, but I am confident that at the conclusion of the task force's work, they will make a sound recommendation to the Congress. These recommendations will ensure more fiscally sound decisions by GSA to meet the housing needs of the Federal work force, and these recommendations will save the taxpayers dollars.

When the new Administrator of the General Services Administration, Roger Johnson, appeared before our committee he testified that he was interested in pursuing what he called a

suspend and review of GSA projects. Mr. Johnson stated that under the suspend and review process:

We will review projects with an eye toward possible alternatives which could be more cost effective. We must also remain vigilant that the dollars we are spending are those of the American taxpayers.

Mr. President, it is important to receive input and ideas from the Administrator on the direction in which he intends to take the agency. His direct involvement in review of GSA's leasing and construction program is vital and we welcome his review.

However, Mr. Johnson has been in this new position for only a brief period of time. He has not had the opportunity to express his views as Administrator. Therefore, the Environment and Public Works Committee has not had ample opportunity to review this matter.

As Congress and the President struggle to reduce the deficit, it only makes sense that we be vigilant in ensuring that the taxpayers' money is wisely spent and that all possible savings are found.

On Tuesday, Senator METZENBAUM and I requested that the Administrator of GSA inform the Environment and Public Works, by mid-September, of the merits and cost-effectiveness of GSA's leasing and construction program. Following this, the committee will consider the program and take action on pending prospectuses in a timely manner.

Mr. President, the amendment before us preserves the oversight role of the authorizing committee. It states that no funds shall be made available for projects in this appropriations bill unless the Environment and Public Works Committee takes action on the projects. The Environment and Public Works Committee must take some action, either approving or disapproving a project prior to February 1 of next year. If the committee fails to take such action, the funds will be available for expenditure on the projects.

I thank the manager of the bill, Senator DECONCINI, for his assistance and cooperation on this amendment. As chairman of the Environment and Public Works Committee, I can state that the committee will uphold its responsibility to take action on these projects, either approving or disapproving them, by February 1, 1994.

Again, I thank Senator METZENBAUM, Senator BOXER, and Senator SIMPSON for their efforts.

To conclude, Mr. President, it is very simple. There are very serious problems with GSA practices. I think Congress has not paid sufficient attention to GSA issues. The Environment and Public Works Committee intends to look into this.

Second, in the past, buildings received appropriations without the authorizing committee's approval. This is a practice that should be discontinued.

This year, even though the appropriations bill is before us and contains these unauthorized projects, I think it is only appropriate to allow this bill to go forward, but only with this amendment. Again, the amendment requires the authorizing committee take action to either approve or disapprove projects prior to February 1 of next year.

I must tell the Senate that from now on this practice of appropriating funds for unauthorized projects will have to change. In the future, this Senator will not be a part of efforts on the part of Appropriations Committee to provide appropriations for public buildings and similar projects without prior authorization.

The Committee on Environment and Public Works will address the issue of authorization prior to the time the appropriations bill comes to the floor, so we are no longer caught up in this awkward situation where the appropriation precedes the authorization. I think we have that agreement certainly with the Senators on the Environment and Public Works Committee. I know that the chairman of the Subcommittee on Appropriations would prefer that approach as well.

Therefore, I thank all Senators for their cooperation. I think we can finally get this matter under control.

I yield the floor.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER (Mr. WOFFORD). The Senator from Wyoming is recognized.

Mr. SIMPSON. Mr. President, I thank our chairman on the Environment and Public Works Committee. I am very proud to be a member of that committee. It is a well-functioning committee. I am pleased to see the committee so well represented on the floor at this time. Senator CHAFEE of Rhode Island is the ranking member. Senator BAUCUS is the chairman, and Senator METZENBAUM is also a member. All of us have been involved in the work of the committee.

Let me just say that the chairman and ranking member have asked Senator METZENBAUM, Senator BOXER, and me to serve on a task force looking into the way public funds are expended on office space for the Federal Government. Then, of course, we must turn to the GSA.

Chairman BAUCUS has explained quite well that it is a serious, serious situation. We intend to get to the root of it. It is an awesome task. Senator METZENBAUM, the chairman of the task force, Senator BOXER, and I are making some headway.

I just want to add, without getting too dramatic, that I do not intend for the way we used to do business regarding Federal office space to occur anymore. I will join with my colleague from Ohio in saying that it has been an absurd and extraordinary way of doing the Nation's books with the GSA. OMB has pushed them off the cliff. We have a situation with regard to leasing versus purchasing, which is beyond dimension. It is also a most extraordinary thing where the authorizing committees have never authorized a building to be built. Then suddenly the money is appropriated to build it. No one knows about it and, of course, the reason it floats so well is because they wad it up with about one project in every State of every Member here—or at least half of them. That works beautifully. How many courthouses? Twenty-five; twenty-five States. Well, that ought to cover that vote pretty well. That is where we are.

I am willing to go along with it one more trip, because we never laid the ground rules. We never threw down the gauntlet. In this package, we have nine projects in this package that have never seen the light of day in an authorizing committee—nowhere. What an abomination of every rule in this place. And so 9 out of 17 of these listed have never been before the Committee on Environment and Public Works.

That will stop. It will stop because the chairman has already indicated that, and so has the ranking member.

I would just say that there is another little caper that you really have to get your handle on. Senator MOYNIHAN introduced me to that when I was a freshman on the Environment and Public Works Committee. This is the section of the Public Buildings Act that allows any Member of the Congress to get the ball rolling on a building in his or her State or district without going through the committee authorization process. And that is section 11(b) of the Public Buildings Act.

We have been working these past months on getting a handle on the price tag attributable to that particular bizarre section of the law. I do not have the exact numbers yet, but I think you will be fascinated. I can tell this body that over the last 5 fiscal years, there has been in excess of—and hear this—since fiscal year 1988 through the current fiscal year, we have appropriated $1.3 billion for public buildings, whether for construction, lease, or renovation, that has never been approved by any authorizing committee.

So I am deeply grateful to the managers of the bill, the distinguished chairman and ranking member, for agreeing to accept this amendment offered by the very effective and highly tenacious chairman of our task force, Senator METZENBAUM.

I think the Republicans and Democrats agree on one thing. We all want the administration to succeed in reducing spending and reducing the Federal deficit. I think we can begin here.

I thank the committee for adopting this modest amendment. It is going to start something that we will continue.

It is limited in scope. But from now on, when we are doing this kind of heavy lifting, we are going to have the authorizing committees act and produce results and do what we should do in any kind of reasonable oversight capacity.

I thank my colleagues.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I would like to join in the thanks to the distinguished chairman of the committee, Senator DECONCINI, for working this out with us, with the distinguished Senator from Ohio [Senator METZENBAUM], taking the lead on it.

As has been pointed out, Senator METZENBAUM is the chairman of the task force which the distinguished Senator from Wyoming is a member of, representing the Republican side in a task force from the Environment and Public Works Committee to deal with the GSA. This was a difficult problem. I know the concerns that the chairman of the committee, the manager of the bill, has. In the past, we have had some difficulties in our committee getting on with approving or disapproving of the request for buildings that come before us. Last year, we truly had an unfortunate situation develop.

But I think that the solution that Senator METZENBAUM and Senator DECONCINI have worked out here is a fair one for everybody involved. It gives us the chance to review these. We have to say yes or no. If we do nothing, then the buildings go on forward. That seems fair. So I thank all involved.

I yield the floor.

Mr. COHEN. Mr. President, I am pleased to join Senator METZENBAUM in offering this important amendment to the Treasury, Postal Service appropriations bill.

Mr. President, this is a good amendment for three reasons. First, it requires that before rushing into the projects earmarked in this bill, they go through the same approval process that any other Federal construction project must undergo before the Federal Government writes the check to pay for it. Second, it is my hope that the amendment will force all of us here to rethink the relative necessity for individual projects, before we go to the Appropriations Committee to ask for their funding. Knowing that a project will receive the scrutiny of other committees will force Members to pay particular attention to ensure that any project they propose is justified. Finally, this amendment will show our constituents that Congress is willing to scrutinize public projects with the same thoughtfulness taxpayers use when they confront difficult economic choices every day at home.

In May, the Senate passed an amendment I offered to the RTC refunding bill. The amendment, which received the overwhelming support of my colleagues here, directed the Office of Management and Budget to examine Federal real property management policies and make changes necessary to improve coordination between Federal agencies, promote cost-effective property acquisition strategies and realize cost-savings.

My legislation also urged OMB to encourage agencies to modify their space requirements, to permit the kind of flexibility that will allow the Federal Government to achieve the greatest cost-effectiveness possible. To further that flexibility, my legislation further directed OMB to review its scorekeeping rules and determine what changes are needed to permit agencies to consider all possible options, in order to obtain the housing they need most economically.

Earlier this week, on Tuesday, the Subcommittee on Oversight of Government Management held a hearing which I requested, to examine the Federal Government's management of its real estate. Officials from the General Accounting Office, the General Services Administration, the Department of Veterans Affairs, and the Defense Department testified about the problems and limitations of the Federal Government's current real estate management practices. The subcommittee also heard troubling testimony from a panel of non-Government witnesses who are economists and commercial real estate experts.

We heard from these witnesses that despite congressional action to add $3.5 billion, the Federal building fund is still $7 billion short of meeting GSA's projected capital investment needs over the 10 year period ending 2002. We heard that while the RTC and FDIC portfolios are brimming with bargain basement buildings; GSA's ratio of owned to leased property has dropped from 76 percent to 24 percent in 1970 to 53 percent to 47 percent today, and GSA has failed to purchase even one property from those portfolios. We heard that the office rents paid by GSA in most metropolitan areas have increased steadily, in the case of Washington, doubling since 1987, while rents in the national private market have declined by 13 percent during the same period. We heard that there is a glut of commercial real estate available across the country, for which owners are anxious to find tenants or buyers at moderate prices. Yet various Federal agencies are undertaking ambitious construction programs. These monumental buildings will suck more Federal tenants out of distressed rental markets, and more Federal tax dollars out of an extremely distressed Treasury. It is clear, based on the information presented to the subcommittee, that a number of changes must be made in the way we manage our Nation's real estate assets.

The subcommittee invited Senator METZENBAUM to join us, as he is chairman of a special Senate Environment and Public Works Committee Task Force, which is also reviewing the Federal Government's property management, with special focus on the approval process for Federal buildings and office space for Federal workers. The distinguished Senator from Ohio was kind enough to share with the subcommittee some of the valuable insights gained through his experience in this area. He can speak with authority about the urgent need for requiring Federal construction projects to go through the Senate Committee on Environment and Public Works, and its House counterpart, before the Government pours billions of dollars worth of wasteful concrete into such projects.

In the coming weeks, I will be working closely with Senator METZENBAUM and others to develop additional legislation to attack the waste that has been generated through mismanagement, scorekeeping biases and unintended results of congressional action. We must stop GSA, the VA, and others from pursuing needless construction and other property acquisitions which are based on faulty assumptions about the need for space in the first place; excessive requirements dictated by individual agencies for special design or structural features; negligent supervision of construction schedules; or the outright failure to consider other, lower cost options.

The amendment we are offering today would repair what is now a gaping hole in the management process. Both the General Accounting Office and the General Services Administration testified that one reason Federal taxpayers' money is frittered away on questionable construction is that a number of projects do not go through the normal prospectus approval process. Consequently, these projects do not receive the same type of thorough review accorded to projects through that examination. This amendment attempts to ensure that all projects must go through the entire examination and approval process.

For this reason, I have joined Senator METZENBAUM in introducing this amendment to require that before we rush into committing funds to the Federal construction projects and leases that are included in this bill, the projects go through the required approval process. I do not suggest that we cancel any of these projects, or that they may not be needed and justified. It is my opinion that this amendment will protect the integrity of whatever decisions are made about these buildings. This amendment will also ensure that when a constituent in Maine asks me why a given project was included in an appropriations bill, I can tell that person that Congress reviewed it, considered its merits, evaluated the options, and decided it was in the taxpayers' interest. Mr. President, that is

the kind of answer every taxpayer expects and deserves to hear. I urge my colleagues to join me and support this amendment.

AMENDMENT NO. 738 TO AMENDMENT NO. 737

(Purpose: To ensure the integrity of the Federal building process)

Mr. MCCAIN. Mr. President, I send a second-degree amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 738 to amendment No. 737.

Mr. MCCAIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

Mr. DECONCINI. I object. I would like to have the amendment read, please.

The PRESIDING OFFICER. Objection is heard.

The clerk will read the amendment.

The legislative clerk read as follows:

Strike all beginning on line 2 after the word "following" through the end of the amendment and insert in lieu thereof the following: "*Provided further*, That funds shall not be available for leases, line item construction, repairs or alterations projects in this Act that are subject to section 7(a) of the Public Buildings Act of 1959 if such projects have not been approved by the Senate Environment and Public Works Committee and the House Committee on Public Works and Transportation, the Senate and the House of Representatives and signed by the President: *Provided further*, That the Administrator of General Services shall submit detailed information on each lease, line-item construction, repair, and alterations project in this Act that is subject to section 7(a) of the Public Buildings Act of 1959 (40 U.S.C. 606(a)) to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives not later than 30 days after the date of enactment".

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, this amendment is a simple one. I hope it can be agreed to very easily.

Basically, as I understand the Metzenbaum amendment, it requires 6 months, at which time the Environment and Public Works Committee will have to authorize the Federal building funds and the items that are described in the underlying amendment.

All this does is say that, basically, if after 6 months, the Environment and Public Works Committee does not approve these projects, then the money will not be appropriated.

My understanding is that in the present amendment, as I said, the money will automatically be spent if after 6 months, the Environment and Public Works Committee does not authorize these projects.

I believe that these projects—as was stated by the chairman of the committee; as has been stated by my friend from Rhode Island, Senator CHAFEE; as well as Senator SIMPSON—should be scrutinized. All this second-degree amendment does is ensure that these projects do receive the approval of the authorizing committee.

I frankly, Mr. President, will not add to the statements of anger that have been made on this floor concerning this process that we find ourselves in, where we appropriate nearly $1 billion for building projects and it has never been authorized nor a hearing held.

I am very pleased to know of the commitment of the chairman, of the distinguished chairman of the subcommittee and others, as well as the chairman of the Environment and Public Works Committee, that this procedure will not be followed again.

I am not a member of the Appropriations Committee, as you know, Mr. President. But the fact is, whether I was or not, too often in this body we see projects appropriated without ever undergoing the scrutiny of a hearing and the process of the authorization, which is according to the rules of the U.S. Senate. When the proper procedure is not followed, there is no way to truly assess the worth or need of a project.

I might add that I am told that this particular Federal building fund appropriates $135.777 million above the President's request. But that may have been authorized or may not have been authorized. We will not know.

I would like to, in passing, especially in light of the comments of my friend from Wyoming about people having projects in this bill, say that one of the projects in the bill is a Federal court house in Phoenix, AZ. That project is very badly needed. That project is justified. But the fact is that project has not been authorized by the committee. In fact, my information is that a final prospectus on the project has been submitted to Congress by the GSA, which is generally the practice, and that is the reason for the other part of the amendment that requires this information to be submitted by the GSA to the authorizing committee within 30 days.

So, Mr. President, I guess that this amendment, in my view, would provide for the much needed scrutiny which has been promised by both the chairman and the ranking member of the Environment and Public Works Committee. All it does is simply ensure that if, by some strange accident of fate, the Environment and Public Works Committee does not have the time or is burdened by other priorities so that they are not able to scrutinize these projects, then the money will not be appropriated if the 6-month period elapsed without that scrutiny being undertaken by the Environment and Public Works Committee.

I do not know if this will be accepted by the distinguished chairman and ranking member.

In that case, 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.

Mr. METZENBAUM. Mr. President, I want to have a chance to take a look at the second-degree amendment. I would like to read it and see exactly what its language is.

I see the manager of the bill is on the floor. When he has concluded, if I have not had a chance by that time, I will suggest the absence of a quorum.

But I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. DECONCINI. Mr. President, we are faced here with an interesting dilemma. Let me tell you what it is. The dilemma is that this is not the ordinary authorization process.

In the Armed Services Committee, that the distinguished junior Senator from Arizona serves on, we have an authorization bill that comes out and authorizes specific projects, whether it be a bomber or a missile. This is done by resolution of the committee.

So under the present law, we do not get an authorization out on the floor. Why do we not do that? Because we have demands for buildings that have to be met. So the authorizing committee does it, if they do it, it is by resolution, and they pass the resolution.

Mr. President, I have worked with the Senator from Ohio, and the distinguished chairman and the ranking member, Mr. CHAFEE, and Mr. MOYNIHAN, and authorization has been the subject of some controversy here, because no action has been taken on any of the projects in the present fiscal year or last fiscal year.

The three major projects that were in dispute were not authorized last year. Normally, the committee acts prior to us getting to the appropriations process. For the past 12 years, however, this has not been the case and the Appropriations Committee has been faced with making the decision and bringing it to the floor of the Senate.

And we ask the Senate: Do you want to move ahead with some of these buildings? And they have said, "yes". Why have they said "yes"? Because the need has been there.

Last year we had quite a debate about it, and we came up with a solution.

Now I welcome the review of these projects by the Environment and Public Works Committee. It is in their rightful jurisdiction. But in order not to bring Federal office space and courthouse construction to a standstill, the committee needs to act with some dispatch.

And this amendment would subject the leases, line item construction, repairs, and alteration projects in the committee bill to a prospectus approval of the Environment and Public

Works Committee. It would also prohibit the expenditure of funds for the project in the bill if the authorizing committee disapproves the projects.

Now the underlying amendment, before the second-degree amendment by the junior Senator from Arizona, also sets a deadline for action by the Environment and Public Works Committee.

The Senator from Arizona wants to make it a full authorization bill and change the law. Currently, there is no law that authorizes that every building come out here on the floor and be debated. And it should not, because we would have no Federal buildings, because we have no resolutions from the committee, much less an authorization bill.

Mr. President, authorizations versus appropriations of Federal buildings has been sort of a sore subject. I know—I have talked about it enough over time, and I have worked with the Senator from Ohio. And up until last year, my appropriations subcommittee had a close working relationship with the Environment and Public Works Committee. We consulted with them and we sought out what projects should we put in when they had not acted, and in fact they had not.

In 1992, the authorization process broke down. No authorizations for any Federal building projects were approved by the Environment and Public Works Committee until well after the appropriations bill was considered by the Senate and the conference committee.

As a result, we got into extended discussion last year about the lack of authorization when the appropriations conference report came to the floor. In November 1992 the Environment and Public Works Committee acted on the authorization of certain Federal buildings and courthouses. They did not act on three other projects—the Secret Service, the Army Corps of Engineers, or the FBI field office building, for which funds had been approved through the appropriations process and which there was a very important need to have. And we do not have that building for the Secret Service even today nor do we have the FBI field office.

I had assurances from members of this committee—and I can read the record back from last year of the authorizing committee—that these projects would be acted on by April of this year. In fact, the Senator from Rhode Island said they would do it in 3 months.

Now I understand people are pressed for time. I, too, am pressed for time. I cannot get everything I want to do up and before the committees that I have.

The authorization for the projects in the President's budget that have been submitted here have not been taken up by the committee. In order to ensure that projects are considered in a timely manner by the authorizing committee, we are proposing—as I have worked out with the chairman of the committee, Senator BAUCUS and the chairman of the task force Senator METZENBAUM—we have worked out a proposal, an amendment, that would have the Environment and Public Works Committee do their job. And they are willing to do that job and they are willing to press themselves to a date. And I think that is a reasonable compromise.

This amendment will ensure—the amendment from the Senator from Ohio—that the committee maintains its right to jurisdiction over those projects, but also will permit Members who have projects in the bill, which are needed—projects like courthouses and other Federal buildings, that can proceed even if they are not acted on by the authorizing committee.

Mr. President, the new Administrator of the GSA has called for a suspend and review of GSA construction and repair and alteration projects. It is my understanding that the review will take approximately 3 to 6 months.

The committee decided it made sense to fund the project instead of creating further delay of perhaps a year on projects that are very important and should move ahead.

I ask the junior Senator from Arizona to point out what project he does not want in this bill. If, after the review of the GSA, it is determined that the funds are not needed, GSA will submit either a reprogramming or a rescission action to the Congress.

I have a letter here from the new Administrator of the General Services Administration, Mr. Roger Johnson, the very individual who instituted the suspend and review, stating his support for the House and Senate action in funding these projects requested by the President for fiscal year 1994.

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

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

GENERAL SERVICES ADMINISTRATION,
Washington, DC, July 22, 1993.

Hon. DENNIS DECONCINI,
Chairman, Subcommittee on Treasury, Postal Service, and General Government, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR SENATOR DECONCINI: With reference to the Senate subcommittee recommendation on the General Services Administration (GSA) appropriation, I thought it appropriate to clarify my position on the funding of construction and repair and alteration projects for GSA for fiscal year 1994.

During my briefing and the confirmation process it became clear that there was a great deal of concern about many projects and the process leading to buildings construction. During confirmation hearings I stated that I felt it prudent to conduct a review characterized as "suspend and review" of all GSA construction projects with the exception of those currently under construction and those which involve fire and life safety. I am confident that this will take no more than 3 to 6 months to complete.

In the interim, I support the actions taken by the House and Senate Appropriations Committees to fund those projects included in the President budget request. After the review, if it is determined that funding is not needed for these projects, I will submit requests to the Congress for reprogramming or rescission action. Deletion of funding at this time would presuppose the outcome of the review and in those cases where GSA may reaffirm original construction decisions, delays and further costs could result if funding is not provided in fiscal year 1994.

I or Dennis J. Fischer, Chief Financial Officer, stand ready to help in any way. We can be reached on (202) 501-0800 and (202) 501-1721 respectively.

Sincerely,

ROGER W. JOHNSON,
Administrator.

Mr. DECONCINI. I want to underscore, Mr. President, just one part of the letter. Mr. Johnson says:

> I support the action taken by the House and the Senate Appropriations Committees to fund those projects included in the President's budget request. After the review, if it is determined that funding is not needed for these projects, I will submit requests to the Congress for reprogramming or rescission action. Deletion of funding at this time would presuppose the outcome of the review and in those cases where GSA may reaffirm original construction decisions, delays and further costs could result if funding is not provided in fiscal year 1994.

So he is talking about doing it in a managed way—review them, but go ahead and appropriate the money. He is going to look over every project that is pending now before the GSA and come back to the Congress, which is exactly what the GSA ought to be doing.

Of the 23 projects funded in our bill, only Boston, the FDA consolidation, and the Tampa Courthouse have been authorized by the Senate Environment and Public Works Committee. All the rest of those buildings, which I submit are needed and should be at least submitted to the authorizing committee with some limits on it, are needed. And they have not been acted upon.

Why? It is up to the members of the committee to respond.

However, the bulk of the projects in the committee bill have been authorized by the House Public Works Committee in February of this year. The majority of the buildings receiving funding in this bill before us are U.S. courthouses. These projects are not pork barrel. These projects are needed for the judiciary to carry out its case load.

Anybody who will look at the judiciary caseload will see that they are inundated. They cannot breathe today in some of our courthouses. Ask the litigants, ask the business people who try to get their civil case before a U.S. district judge. They cannot.

I am willing to wait and give the Environment and Public Works Committee sufficient time to review these projects. I think that is proper. That is why the Senator from Ohio has worked so long with the Senator from Montana

to put together this compromise, and the Senator from Rhode Island, as well.

I do not have any dispute with the committee's right to jurisdiction over these projects. However, due to the inaction in the past, the Members who have projects in this bill need some assurance that the committee will act. If the committee believes some or all of the projects are unjustified or needed to be modified, then it should take official action. I continue to believe we should have a true authorization bill, and that is fine if we have a true authorization bill.

The junior Senator from Arizona has offered to change the whole law. The present law as to Federal buildings says "No appropriation shall be made to construct, alter, purchase, or to acquire any building to be used as a public building"—et cetera.

Then it goes on to say if, "* * * the lease has not been approved by resolution adopted by the Committee of Public Works and the Senate House of Representatives respectively." That is the law today.

So the Senator from Arizona is suggesting we change the whole law on an appropriations bill. It is very important that we look at what we are asked to do by this second-degree amendment. We are asked to come in here and change the whole process for authorization. I submit this is not the Armed Services Committee where we are authorizing weapons systems that go into billions of dollars of overruns. We know what we are doing here and we appropriate for these buildings on the basis of need.

The underlying amendment has the support of the chairman and the ranking member of the committee. I think this is a very reasonable and a very moderate compromise when we have the need for the buildings and the authorizing committee has not done their job by resolution. And they are committing themselves to do that, and they have the power to say no. They can look at these buildings and say, "Sorry GSA, we do not approve them." And they have 6 months to do it.

If that is not a reasonable alternative, I cannot think of anything better. I think not to have a deadline here, where we would come up as to a time certain that we knew whether or not there were going to be these buildings built, is a disservice, particularly to the judiciary but to any Federal project that is needed. These Federal projects are needed today. So if we adopt the language of the Senator from Arizona, we do away with the date and thereby we will never see the buildings if we have the past experience.

As the Senator from Ohio has indicated, and the Senator from Rhode Island, they will proceed on that basis. I think that is a reasonable approach, and I hope the body will reject the amendment of the Senator from Arizona.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, let me request senior Senator from Arizona read the amendment. The amendment—and I repeat and I am sorry he either was not listening or did not understand the amendment as I explained it. The only change in this amendment from the Metzenbaum amendment is that after 6 months, a 6-month timeframe which is called for in the Metzenbaum amendment for the projects to be authorized, that then the money will not be spent.

How in the world can one justify the expenditure of nearly $1 billion without an authorization in which they have 6 months to make it in? I am not changing anything fundamental law here. I am modifying the Metzenbaum amendment, and the Metzenbaum amendment is the one that is changing the law. All I am doing is modifying the Metzenbaum amendment that calls for a 6-month period in which these projects should be—in the words of the Metzenbaum amendment—authorized.

The difference between my amendment and the Metzenbaum present amendment, as it is presently stated, is that after 6 months if they are not authorized, the money is spent in the Metzenbaum amendment. In this amendment, after 6 months the money is not spent.

That is very simple. The senior Senator from Arizona asked what projects do I find objection to? None. I find no objection to any of them. I agree that the courthouses throughout the country are needed. As our justice system expands and we continue to have a litigious society and failure of this Congress to enact tort reform or product liability reform or malpractice reform, we will continue to need more and more courthouses.

The reality is after 6 months, between now and February, the chairmen, just 10 or 15 minutes ago, both said we will authorize these projects. I take them at their word.

I hope the senior Senator from Arizona will take them at their word and not be concerned with this amendment because it will never apply. It will never apply unless an entire 6 months elapses and the Environment and Public Works Committee does not take up the authorization of these projects.

So I ask the senior Senator from Arizona to understand, really, what this amendment is about. It is not cataclysmic in nature. It simply calls for an authorization, as the Metzenbaum amendment does, of the projects. And if they are not authorized, then the money should not be spent. I cannot imagine the justification for spending this money if 6 months goes by.

I am not saying these projects should not be begun. I am saying they should be authorized, and that is really the role of the authorizing committee. And I also heard—again I repeat—the chairman of the Environment and Public Works Committee, the ranking member and others, talking about how outrageous this situation was, and it would never happen again. I support that view. They are much more knowledgeable on this process than I am and I cannot imagine why the senior Senator from Arizona would find this amendment so objectionable.

So I will be glad to explain the amendment several times to the senior Senator from Arizona. I probably will have to. But facts are facts, and that is what it says.

Mr. DECONCINI. If the Senator will yield?

Mr. MCCAIN. I would like to complete my remarks, Mr. President.

I understand the emotions associated with the senior Senator from Arizona, but he should extend the courtesy to me of allowing me to finish speaking.

Again I find it really hard to understand why, if after a 6-month period elapses—which the chairman and ranking member are both committed to—to authorize these projects, then additional money should be spent.

I repeat, I find no project here objectionable. I do not know anything about them. I am somewhat familiar with the project in Phoenix, AZ, and I have been convinced by many people that project is vital and of the utmost importance. I not only do not object to it, I support it. But I think we should proceed, no matter where the project is, in any part of the country, in an orderly manner as set down by the rules of the U.S. Senate.

Let me just make one additional point here—and I think my friend from Ohio might be interested in this. I think there is a constitutional problem with the Metzenbaum amendment, and I am told by our parliamentary staff here that there may be a constitutional problem with the Metzenbaum amendment. I will consider—and I tell my friend from Ohio—challenging that on that ground. I am told by the experts if I did, this amendment may be disallowed on constitutional grounds.

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

The PRESIDING OFFICER. The Senator from Arizona.

Mr. DECONCINI. The reason I interrupted my friend from Arizona is he asked me a question, what the fundamental change of the law was.

First of all, we did not get the amendment until he brought it here to the floor. But if you look at the amendment it says, "signed by the President." That is a change in the law. There is no signing by the President. It is done by resolution from the committee today. If that is not a change in the law, I do not know what is. So it is clear there is a change in the law.

What we are trying to do is get some Federal buildings scrutinized carefully by the Public Works Committee, which is proper. And we put a time limit on when to do it.

The junior Senator from Arizona says let us just make it all year. And what happened? Last year the committee did not act on buildings at all—for the whole year. And the Appropriations Committee did act. And the buildings were needed. And now we have courthouses that are needed today—and I can read them.

The Senator says he is not against the courthouses, but in fact he is. He is opposing these courthouses because if the committee does not act, take some action, they are not going to be approved—they are not going to be appropriated, rather—and they are not going to be built. These buildings are needed and that is why they are in this bill, and I challenge the junior Senator from Arizona to show us why these buildings are not needed. You can stand up and say, yes, let us not do any buildings, but if you have the responsibility to see the judiciary has the necessary buildings, that the Center for Disease Control in Atlanta has the necessary buildings, then it is time for us to act.

If you do not want to, then vote against it. But it is very clear what we are trying to do here—and we have made accommodation, I think, with the authorizing committee.

I thank the Senator from Ohio. He feels very strongly about this subject matter, and we have talked about it on many occasions and we worked out a process here that, indeed, would in essence force the committee to act. They may turn them all down. I do not have jurisdiction in that committee. I have to go and ask them, and that is their job, and they are willing to do it.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I want to say if this were a perfect world, we would not be here having this debate. Certainly, if you look at the textbooks, you see that authorizations go forward and then appropriations come down the pike.

But as I understand it, and I am just new to this particular appropriations subcommittee, there has not been an authorizing bill for public works passed by both Houses and signed by the President since sometime in the 1970's.

There are many reasons for that. The work of the authorizing committees has been very heavy. The current law says that there have to be resolutions from the committees to approve these measures. The committee has been busy and the committee members can speak to the reasons why the resolutions have not been adopted. But the fact remains that on this subcommittee we have the responsibility of providing funding for needed buildings.

Our ability to move an authorization bill is not within the scope of our committee. But the needs continue to grow, the work needs to go forward in assuring we have the necessary public facilities and spaces.

While the proposal outlined in the amendment offered by the Senator from Ohio is not the traditional form of authorization, it does give the committees an opportunity to consider it in light of their entire workload. Again, while it is not a perfect means of proceeding, it happens to be better than total inaction, which we would have had, had we had in place the rewrite of the basic law which is proposed in the second-degree amendment.

As a matter of current law, a resolution of the two committees is provided. That is the means by which authorizations of courthouses go forward.

Before I got on this committee, I had some experience with courthouses. It is not always the most pleasant thing to deal with. Sometimes you find that courthouses can be very challenging pieces of legislation, wherever they crop up. I happen to think that this means of solving the problem of courthouse authorization is preferable to others that I have seen.

Having participated in some of the others, I strongly urge my colleagues to support this means of assuring that courthouses are authorized, or at least the committee of jurisdiction is given the opportunity to act upon them.

Having seen it both ways, Mr. President, I urge that our colleagues reject the second-degree amendment so that we may accept the amendment of the Senator from Ohio.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, let me see if I can put this matter in proper perspective. The Senator from Arizona, the Chairman of this subcommittee of the Appropriations Committee, was moving forward with these various authorizations for the building of a number of buildings. That was not looked upon favorably by the authorizing committee that has the right to approve or disapprove of these buildings.

I went to the Senator from Arizona [Mr. DECONCINI] and worked out an arrangement where we would have 6 months in the authorizing committee to either approve or disapprove each of the projects with the understanding that if we took no action at all, then there would be no further action needed and the projects would be authorized and approved by reason of the appropriations bill.

The junior Senator from Arizona has offered a second-degree amendment. I think he is well-intentioned, and I think he means to do the right thing. I understand what he is trying to do. He is trying to flip the matter, give us the flip side, to require prior authorization and to say that if there is no authorization, then the project is dead. I understand that part.

He has gone further than I think he may have realized he was going and, as a consequence, would create a major problem because, as the distinguished Senator from Missouri, a manager of the bill, has pointed out, today you need only a resolution of the authorizing committee of the House and the Senate with respect to an appropriations being made.

Under the second-degree amendment of the junior Senator from Arizona, you would need far more than that. You would need action by the Senate Environment and Public Works Committee and the House Committee on Public Works and Transportation, the entire Senate and the House of Representatives and signed by the President. That is not required under the law as it is at the present time, and the Senator from Missouri has pointed that out. The Senator from Missouri pointed out that all you need now is a resolution of both of the authorizing committees.

I want to make this clear to my colleagues, that this does not go that far. This amendment of mine does not go that far, and my guess is that the House will have something to say about it.

Under my amendment, all that is required is that the Senate authorizing committee approve of the bills, and if the House authorizing committees wish to have the same authority, they will have to make their point when the matter gets to the House.

But I would say in spite of the fact that I think the junior Senator from Arizona is well-intentioned and wanted to change the matter of whether or not you need prior authorization in order to go forward or whether or not—if you did not have the authorization that it would stop the project, I understand his point.

I think that his amendment, as drafted, would require more than just a resolution of each of the committees. You would have to have action by the House, full House, full action by the Senate, full Senate, and signed by the President. I believe that goes much further.

I think that the middle ground of both Houses being required to authorize makes sense. That is not the understanding I reached with the Senator from Arizona. My amendment only requires authorization from the one committee, that is our committee, and if the House wishes to provide for that authorization, they can do so at the appropriate time.

So under the circumstances, Mr. President, it appears—I see the Senator from Missouri on the floor, so I yield the floor.

Mr. BOND. Will the Senator from Ohio yield?

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Mr. METZENBAUM. I certainly do.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, it has been called to my attention—and I wonder if the Senator from Ohio has better information—that the resolution process was actually begun back in 1959. I have been told by staff that the last public buildings authorization law passed by both Houses and signed by the President was, perhaps, 1946. Does this sound possible?

Mr. METZENBAUM. Even though I have been here quite a while, that is before my watch. I cannot answer that. It sounds reasonable because I know of none in the number of years I have been in the Senate.

Mr. BOND. Mr. President, I will only inquire further, if it has been 47 years since we have had an authorization bill, I ask what the likelihood that we would get another one, as outlined in the second-degree amendment, in the foreseeable future might be?

Mr. METZENBAUM. I doubt that such a measure would pass with any promptness. My guess is if it started coming down the pike, we would pick up 111 amendments before it was finally brought to fruition. It might become a Christmas tree for many other buildings around the country, and I think it would be much more difficult.

The way we operate now, with the authorizing committee having the right to approve or disapprove by resolution, I think is much more in the public's interest as far as protecting the taxpayers' dollars.

Mr. BOND. I thank the Senator.

Mr. McCAIN. Mr. President, the Senator from Missouri pointed out it has been many years since there has been authorization and appropriations. I think he just dramatically pointed out why the American people think so little of this institution. We cannot even follow our own required rule, and that is to authorize, appropriate, and have the President sign laws which authorize spending of their hard-earned tax dollars.

So I think it makes another argument for the passage of this amendment. If we want to continue what has been going on for 40 or 50 years or whatever it is where we spend billions and billions of the taxpayers' dollars without authorization, without it being in law, then that may be satisfactory to the Senator from Missouri; it may be to everybody else, but it is not to this Senator. And I will tell you, it is not to the American people. If the Senator from Missouri believes in a process where we spend billions of dollars without laws being passed and signed by the President, that is fine with me. But I guarantee you, it is not fine with the people of Arizona.

So if this amendment somehow requires before we spend billions of dollars of the American people that it be signed into law, then so be it, Mr. President. I think that the Senator from Missouri just made a good argument for the passage of this amendment.

I yield.

Mr. BAUCUS. Mr. President, I understand and appreciate the concerns of the Senator from Arizona because it is true that people in this country are concerned about the use of their taxpayers' dollars. I share that concern.

As the junior Senator from Arizona knows, the Committee on Environment and Public Works, has not been diligent in authorizing in the various GSA projects prior to Appropriations Committee action.

For reasons I have already explained the Committee on Environment and Public Works has not approved prospectuses this year. I became chairman of the Committee on Environment and Public Works earlier this year. When this matter of GSA was brought to my attention, I decided immediately it was a matter that was going to be corrected. I decided that the Committee on Environment and Public Works would exercise its oversight role and look at these projects one by one to examine their merits, and then decide which of these projects should be authorized and which projects should be disapproved.

I can tell the Senate that one of the most valuable members of our committee is the Senator from Ohio [Mr. METZENBAUM]. I do not know anybody in the Senate who is a better protector of the taxpayers' dollars than Senator METZENBAUM. He is brutal. He looks at every comma of every contract. He looks at every dotted "i," every crossed "t." He, as one with deep experience in private industry, knows where the waste is in the Government's leasing and construction program. He knows how various private contractors or operators of buildings might want to take advantage of Uncle Sam. We are lucky to have Senator METZENBAUM on our committee. This year he is charged with, because it is a matter he wanted to be charged with, trying to find the ways to be sure we are doing a good job with respect to GSA.

In addition, I must remind the Senator from Arizona that we still have the appropriations process. Senators have more than ample opportunity to exercise their responsibilities to determine which buildings should receive appropriations and which buildings should not.

I very strongly urge the Senate not to agree to the amendment offered by the junior Senator from Arizona. It is unnecessary. It is further gridlock. It is going to gum up the process even more. The American people do not want more gridlock. They want less gridlock.

I can say to the Senator that the process we have worked out in the underlying amendment is the best way to know which buildings should receive appropriations and which ones should not. Those buildings that are authorized should receive appropriations, if the Appropriations Committee concurs.

For these reasons, I urge the Senate not to adopt the amendment. If the Senator from Ohio moves to table the amendment, I urge all Senators to vote in favor of the motion to table.

Mr. DECONCINI. Mr. President, on behalf of the Senator from Montana [Mr. BAUCUS], the Senator from Ohio [Mr. METZENBAUM], and the Senator from Missouri, I move to table the amendment of the Senator from Arizona and ask for the yeas and nays.

The PRESIDING OFFICER [Mr. AKAKA]. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment of the Senator from Arizona. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR], is necessarily absent.

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

The result was announced—yeas 65, nays 34, as follows:

[Rollcall Vote No. 226 Leg.]

YEAS—65

Akaka	Ford	Metzenbaum
Baucus	Glenn	Mikulski
Biden	Gorton	Mitchell
Bingaman	Graham	Moseley-Braun
Bond	Grassley	Moynihan
Boxer	Harkin	Murray
Bradley	Hatfield	Nunn
Breaux	Heflin	Packwood
Brown	Hollings	Pell
Bryan	Inouye	Reid
Bumpers	Johnston	Riegle
Byrd	Kennedy	Robb
Campbell	Kerrey	Rockefeller
Chafee	Kerry	Sarbanes
Coats	Kohl	Sasser
Danforth	Lautenberg	Shelby
Daschle	Leahy	Simon
DeConcini	Levin	Simpson
Dodd	Lieberman	Specter
Exon	Mack	Wellstone
Feingold	Mathews	Wofford
Feinstein	McConnell	

NAYS—34

Bennett	Durenberger	McCain
Boren	Faircloth	Murkowski
Burns	Gramm	Nickles
Cochran	Gregg	Pressler
Cohen	Hatch	Roth
Conrad	Helms	Smith
Coverdell	Hutchison	Stevens
Craig	Jeffords	Thurmond
D'Amato	Kassebaum	Wallop
Dole	Kempthorne	Warner
Domenici	Lott	
Dorgan	Lugar	

NOT VOTING—1

Pryor

So the motion to table the amendment (No. 738) was agreed to.

Mr. DECONCINI. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. DECONCINI. Mr. President, the pending business now is the amendment of the Senator from Mississippi?

The PRESIDING OFFICER. The pending amendment is the Metzenbaum amendment.

Mr. DECONCINI. Mr. President, the pending business is the amendment of the Senator from Ohio?

The PRESIDING OFFICER. The Senator is correct. Is there further debate?

Mr. DECONCINI. Yes. I want to thank the Senator from Ohio for his cooperation, along with the Senator from Montana and the members of the Public Works Committee, for making what I think is a very credible arrangement to see that the jobs of both committees are carried out and that the Government buildings may proceed as necessary. I thank those who supported the motion to table.

I am prepared to accept the amendment at this time.

Mr. BOND. Mr. President, it is acceptable on this side.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 737) was agreed to.

Mr. DECONCINI. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 736

The PRESIDING OFFICER. The pending amendment is the Lott amendment No. 736.

Is there further debate?

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BOND. 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. BOND. Mr. President, I believe on both sides we are willing to accept the amendment by the Senator from Mississippi.

I ask unanimous consent that the yeas and nays be vitiated.

Mr. LOTT. Mr. President, reserving the right to object, and I will not object, I learned a long time ago if you win without a recorded vote you take it when you can get it.

I am sure also that the two distinguished leaders of the committee will fight hard to save this money in the conference. Therefore, I have no objection.

Mr. BRADLEY. Mr. President, reserving the right to object, I think the distinguished Senator from Mississippi has made a correct decision. I strongly support his amendment.

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

The question is on agreeing to the amendment of the Senator from Mississippi.

The amendment (No. 736) was agreed to.

Mr. DECONCINI. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

EXCEPTED COMMITTEE AMENDMENT ON PAGE 31, LINES 7 TO 13

The PRESIDING OFFICER. The pending amendment is a committee amendment on page 31, lines 7 to 13.

Is there further debate?

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 739

Mr. SIMON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

Mr. President, I ask unanimous consent that the first committee amendment be set aside so that this amendment may be offered.

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

The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Illinois [Mr. SIMON] for himself, Mrs. FEINSTEIN, Mr. LAUTENBERG, Mr. KENNEDY, Mr. KOHL, Mr. METZENBAUM, Mrs. MURRAY, Mr. PRYOR, Mrs. BOXER, Ms. MIKULSKI, and Mr. KERRY, proposes an amendment numbered 739.

Mr. SIMON. 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 31, on line 19, delete the period and insert: ": *Provided*, The Secretary of the Treasury or his delegate (hereinafter referred to in this section as the "Secretary") shall establish and hereinafter administer a program requiring the payment of an annual fee of $375 for the processing of applications (including renewals) for licenses to engage in the business of dealing in firearms, required by sections 923(3) (B) and (C) of the Gun Control Act (18 U.S.C.) and the regulations issued thereunder and all other compliance activities related to firearm dealers. The fees provided for herein shall be effective for applications filed 90 days from the date of the enactment of this Act: *Provided further*, That fees will be collected by the Secretary of the Treasury or his delegate pursuant to this section, of which not to exceed $19,700,000 shall be retained and used for the specific purpose of offsetting costs of the Bureau's Firearms Licensing and Compliance Program, notwithstanding 31 U.S.C. 3302(b), and any fees collected in excess of $19,700,000 shall be deposited as miscellaneous receipts in the Treasury: *Provided further*, That the sum appropriated in this Act for salaries and expenses of the Bureau of Alcohol, Tobacco and Firearms shall be reduced not more than $19,700,000 as fees are collected pursuant to this section so as to result in a final fiscal year appropriation estimated at $368,046,000: *Provided further*, That the Bureau of Alcohol, Tobacco and Firearms shall increase by a number not to exceed 300 its number of full-time equivalent positions in the firearms licensing and compliance program in fiscal year 1994."

Mr. SIMON. Mr. President, I do not want to fool anyone. This is going to be somewhat controversial.

This is an amendment that increases the fee to become a gun dealer from $10 a year—if I may have order, Mr. President.

The PRESIDING OFFICER. The Senate is not in order. The Senate will be in order.

The Senator from Illinois.

Mr. SIMON. This increases the fee to become a gun dealer from $10 a year to $375 a year.

The Bureau of Alcohol, Tobacco, and Firearms says that to inspect costs between $375 and $500 a year for someone for a license. I have taken the more conservative of those two figures, the $375, so the taxpayers do not need to pay for licensing more gun dealers.

We now have more gun dealers in this country than we have service stations in this country. Two-thirds to three-fourths of these are not the gun dealers that you imagine, what you see on the main streets of our hometowns. They are people who sell guns out of the trunks of their cars. They sell guns in hotel rooms.

And if we do not change the laws—and one of the strange things in this law right now is that the only area where you can only inspect a business once a year unless you have a court order is a gun dealer.

If you run an alcohol establishment, a furniture store, a funeral home, any other kind of business, you can be inspected as many times as the IRS or any other Government agency wants to inspect you. But if you are a gun dealer, you can only be inspected once a year without a court order.

Since 1980, the number of firearm dealers in this country has increased by 113,000 to a total of 287,000. In fiscal year 1992, BATF's licensing center received an average of 2,900 applications every month.

They simply do not have the ability to process these, so we end up with people being dealers who have not been inspected, and we end up with people with criminal records buying guns.

In December 1992, the number jumped to 5,200 applications. It now, incidentally, costs less money to become a gun dealer than it does to join the National Rifle Association.

Mr. BENNETT. Will the Senator yield for a question?

Mr. SIMON. I am pleased to yield to my friend from Utah.

Mr. BENNETT. The Senator is raising an issue about which I know absolutely nothing, so I hope he can enlighten me here.

I would like to know what the inspection consists of and who conducts it and what reports are made. Can the Senator describe for the Senate exactly what happens for $375 and who does it?

Mr. SIMON. The Bureau of Alcohol, Tobacco, and Firearms is the group that does it. Under the present law, they have to be there physically, personally, to do that. It takes personnel, it takes travel time, and so forth.

They are the Federal agency that does this. The cost figure is the one that they have given me. Frankly, I have not audited it. I have found them to be a reliable agency in terms of their cost figures.

Mr. BENNETT. Will the Senator yield for a further question?

Mr. SIMON. Yes; I am pleased to yield.

Mr. BENNETT. How do the people from BATF discover that Joe Bananas, or whoever, decides he wants to be a gun dealer? How does this process work?

Mr. SIMON. The process works this way: Let us just say a fellow named Robert Bennett, from Utah, wants to become a gun dealer. You send in a very simple form right now and you send it in for a 3-year period. You pay $30, $10 a year, and you are a gun dealer.

Right now, they inspect gun dealers, on the average, about once every 20 years.

We are not talking about taking guns away from anyone. We are not talking about a waiting period. I happen to think we ought to have a waiting period. I recognize a lot of my friends in this Chamber do not favor that.

What we are saying is, we ought to be inspecting who is selling these weapons.

It is very interesting, also, if I might add to my friend from Utah, the National Alliance of Stock and Gun Dealers, the people who represent the stores that sell guns, they have indicated that they favor my amendment because they—here is the experience one man from Ohio told me over the phone.

He said:

> My experience is, I turn someone down of questionable character and, all of the sudden, I read in the newspapers that that person has been arrested, bought a gun from one of these fly-by-night operations, somebody who sells guns out of the trunk of his car.

So it is a way of getting control, and it is a way of saying taxpayers should not pick up the tab for this.

Those who sell guns ought to pick up the tab for this.

Mr. BENNETT. Is the Senator saying if the $375 is adopted that the number of inspections will go up? I can clearly see somebody who is selling out of the trunk of his car is not going to get inspected. They are not going to be able to find him without considerable effort to look for him.

Mr. SIMON. The answer is, when you apply then they have a chance to go to your address in Idaho, or Utah, or Kentucky, or Arizona, or wherever it may be and they have a chance to inspect and they have a chance to check the record.

What this would do would be, frankly, to discourage some people from gaining licenses, I think, and it would permit the Bureau of Alcohol, Tobacco and Firearms to do the kind of inspections they ought to do.

Mr. BENNETT. Of what does the inspection consist? If they come to inspect Robert Bennett's apartment, what are they looking for? What do they ask for? What procedure do they go through?

Mr. SIMON. I will answer this question and then I am going to get back to——

Mr. BENNETT. I thank the Senator for his courtesy. I appreciate the education he is giving me.

Mr. SIMON. The answer is they will inspect the premises, they will inspect whatever records are there, they will do the usual kind of character references, they will check with the police. You know, the usual kind of things you would do to make sure whoever wants to be a gun dealer is a responsible person.

Mr. BENNETT. Do they have the ability to turn the application down?

Mr. SIMON. Yes; and they have that ability right now. They do not have the resources. They are just flooded with these things.

Mr. BENNETT. I thank the Senator for his courtesy.

Mr. SIMON. And I thank my colleague from Utah who, I might add, is one of the better new Members of this body. I am very pleased to have his inquiry.

Right now, incidentally, fewer than 10 percent of dealer applicants undergo any kind of a study, simply because they do not have the resources to do it. It is too expensive.

As I indicated before, only one-quarter of places that sell guns are actually storefront places that sell guns.

Mr. CRAIG. Will the Senator yield?

Mr. SIMON. I will be happy to yield when I finish my remarks. Let me finish my remarks first.

ATF estimates an increase in the license fee to $375 would reduce the total number of firearm dealers from the current 287,000 to somewhere between 40,000 and 70,000. It would, no question, reduce the number. It would also enable ATF to inspect everyone. And that, it seems to me, really makes sense.

If I may say to my colleagues who are here, the city of Chicago last year had 927 deaths by firearms. Toronto, Canada, with a similar population, had 17.

The city of Chicago had 4½ times as many as the entire country of Canada. What is the difference? Is it the number of weapons, that we have more than in Canada? No. They are more careful about who owns a gun and who becomes a dealer. This attacks one of those two problems. I hope we do the right thing in passing this. It would discourage people from just, on a whim, getting out and buying a gun.

Let me add finally, and then I will be happy to yield to my colleague from Idaho, this amendment is supported by the Fraternal Order of Police and the International Brotherhood of Police Officers. It is also supported by the National Alliance of Gun Stocking Dealers, which represents the storefront places that sell guns.

I think this amendment makes sense. It does not take one gun away from any citizen. It does mean we have an ability to check a little more carefully who sells guns. That I think is something that makes sense.

Second, it says for the first time in a long time that the inspections should be supported by those who want to get that license, not by the taxpayers of this country. We do not need to subsidize having more gun dealers.

I do not know if my colleague from Idaho still wants to ask a question or not?

Mr. CRAIG. I thank the Senator from Illinois for yielding. I do.

The information he is providing is of concern, especially because of, obviously, an effort to put approximately 300 more full-time employees into the field. Our colleague from Utah had been asking a series of questions that relate to what this inspector does. Is there, of the license applicant, a background check as to this person's credibility? Is there a period of time in which there is an extensive review or background check of the individual? How will BATF proceed in this effort?

Mr. SIMON. Right now, as Senator FEINSTEIN just pointed out to me, and as I mentioned earlier, they are now inspecting about 10 percent. And this would permit——

Mr. CRAIG. That is a rolling 10 percent annually?

Mr. SIMON. They check about 10 percent of those who apply.

Mr. CRAIG. I see, on an annualized basis.

Mr. SIMON. What we clearly need is more care on this.

Mrs. FEINSTEIN. Will the Senator yield on this?

Mr. SIMON. I am happy to yield the floor because I know my colleague from California, who is a cosponsor of this, wishes to speak. I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, just in response to the question, it is generally fewer than 10 percent of dealer

applicants who undergo an actual inspection in the form of either a personal interview or an on-site visit. Once licensed, according to ATF, the typical dealer is audited by Federal inspectors only once every 20 years. So you have 10 percent inspected, you have them audited only once every 20 years.

Let me tell you what this has meant for the State of California. In California, we have 25,000-plus gun permits. There are more firearm dealers than there are high school teachers in the State of California. Los Angeles County has 4,225 permits issued. It has the most federally-licensed dealers of any county in America.

Right now what is happening is a real rash of anonymous people selling guns out of cars, out of hotel rooms, in parks, wherever they can do it. They do it by getting a $10 license. They are never really investigated.

Just this past Tuesday—Senator BENNETT might be interested—the Los Angeles Times indicated that a 23-year-old by the name of Josh Daniel Lee paid his $30 2 years ago, got a 3-year Federal firearms dealer license, and was just arrested for selling illegal machine guns and other weapons out of his parents' home to the Fourth Reich skinheads. That is the hate group that planned to use Lee's guns to kill Rodney King and to destroy one of the largest Methodist churches in Los Angeles, the First African Methodist Episcopal Church. Fortunately, Federal and State law enforcement were able to arrest him prior to the attack.

There is another Los Angeles story that might be helpful. A shop that is actually in the outskirts of skid row, a federally-licensed gun dealership known as "Chuck's Guns," operated out of room 744 of the Frontier Hotel. It sold on a cash-and-carry basis more than 122 weapons which were put on the streets, according to local authorities. In this case the Federal authorities discovered the black-market gun shop and the dealer was sentenced to 46 months in Federal prison.

I have many of these examples. What Senator SIMON's legislation aims to do, and the reason why I support it, is provide enough money by raising the fee to see to it that these people can be checked for background, for stability, for criminal records, for mental competency—prior to the issuance of a Federal license.

I am told that in 1991 the ATF issued 270 licenses a day for a total of 91,000 new and renewed licenses. There is a huge backlog of licenses that cannot be checked.

And that is one of the reasons why the legitimate gun dealers want this legislation, because it removes the kind of illegal competition that is not done by reputable people and provides an opportunity for the Alcohol, Tobacco and Firearms unit to really check into the potential licensees.

I think it is prudent. I think it is right. I think in my State, California, it will be a big help to see that the unstable and the criminal do not get gun licenses, dealership licenses.

Mr. BENNETT. Mr. President, will the Senator yield for a question?

Mrs. FEINSTEIN. Certainly.

Mr. BENNETT. Help me understand the mechanics again. If we adopt the Simon proposal, we are raising the price from $10 to $375. At the present time, when someone applies for a license, they pay 3 years in advance, or $30.

Would this mean that the price for someone seeking to become a gun dealer would be three times $375, or would it be $375, with $375 paid in subsequent years?

Mrs. FEINSTEIN. It is my understanding it is $375 for the same length of time. There is no change in length of time. Is that not correct?

Mr. SIMON. It would be an annual $375.

Mr. BENNETT. An annual $375.

Mr. SIMON. That is correct.

Mr. BENNETT. Mr. President, the reason I raise that issue—I certainly have no sympathy for the cases the Senator has cited about what has been going on in Los Angeles. As I tried to analyze how this might affect my State of Utah, I can realize that in some rural areas where someone might seek to purchase a hunting rifle from a local dealer and there might not be a dealer in that rural area, if someone is saying, "I will apply for a license to become a dealer so I might supply hunting rifles to this relatively small population," three times $375 would be prohibitive in allowing that kind of thing to happen.

So I appreciate the clarification that it would be $375 per year, rather than multiplied by three, as is the present circumstance.

Mr. METZENBAUM. Mr. President, I am pleased to join my good friend and colleague from Illinois in offering this amendment. I strongly support the amendment.

The current license fees for firearms dealers—$25 per year for pawnbrokers and $10 per year for other dealers—are a pittance. These fees have remained unchanged since the enactment of the Gun Control Act 25 years ago. It is ridiculous that it is easier to get a license to sell firearms, including a semiautomatic AK-47, than to adopt a pet, obtain a marriage license, or get a library card. It is patently absurd that our system of regulating the most dangerous consumer product in America—firearms—includes a dealer license fee that is cheaper than a license to import milk. This amendment will help restore some sense to our firearm licensing system.

Not surprisingly, the nominal cost of a dealer's license has contributed to the skyrocketing growth in the number of applications and licensed dealers. The number of firearms dealers in this country has more than doubled since 1980, while during the same period the Bureau of Alcohol, Tobacco and Firearms [BATF] has had to cut the number of its agents investigating these dealers by 13 percent.

There are now more gun dealers in America than gas stations. With 287,000 dealers in this country, and 6,000 applications each month, the BATF, with its limited funds, cannot possibly hope to monitor firearms dealers effectively. The numbers have simply been growing beyond the capacity of the BATF to keep up.

In order to become a firearms dealer, an application must be filed with the BATF and the BATF must issue a license. Upon receiving a license application, the BATF has 45 days to approve or deny the application. During this period, the BATF must determine that the applicant is not a felon, a fugitive, a drug addict, or mentally ill. In addition, the BATF must ensure that the applicant is at least 21 years of age; has a place of business from which he will deal firearms; has not violated any provision of the gun control laws; has not falsified his application; and is not an illegal alien. Needless to say, this is a huge and vitally important task. Yet, if the BATF cannot complete its investigation within 45 days, the applicant can sue the BATF to compel it to grant the license. Straining under these conditions, the BATF is now able to inspect, by personal interview or on-site visit, fewer than 10 percent of dealer applicants. Once licensed, even such minimal inspection is not possible. On average, a dealer is audited once every 20 years. I want to repeat that because it is so unbelievable. On average, a dealer is audited once every 20 years.

The easy affordability of dealer licenses is creating a dangerous situation. Some individuals who have dealer licenses have supplied guns to neo-nazi groups, gang members, drug dealers, international firearms traffickers, and terrorists.

Moreover, because current fees are so low, individuals are encouraged to obtain a dealer's license, even if they have no intention of dealing in firearms, just so they can obtain personal firearms in bulk at wholesale prices.

The minimal fees also provide a golden invitation to evade the law. Most State and local laws that impose waiting periods and one-gun-a-month restrictions do not apply to dealers. So those laws can easily be circumvented by an individual simply by becoming a dealer. The evidence of such widespread abuse of the system is overwhelming. In a recent sampling, 73 percent of gun dealers had less than 10 gun transactions in the preceding year. The proposed fee increase will discourage many individuals from obtaining a dealer's license to evade the law.

Obviously Mr. President, the current $10 fee is a sham. It does not even cover

the costs of processing paperwork and issuing a license. The proposed new fees are necessary to respond to the rising costs of processing and investigating license applications, renewals, and periodic inspections. American taxpayers are presently bearing the burden of these costs. Firearms dealers and their customers should bear these costs. The increase in fees also would enable BATF to do thorough computer checks and to conduct on-site visits and background checks for every applicant.

Mr. President, it is time to update the fee for a license to deal in firearms as part of an effort to modernize our system of firearms regulation. Such fees should be set not at a level that encourages any individual to become a firearms dealer but at whatever levels is necessary for an effective licensing system.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER (Mr. MATHEWS). The Senator from Texas.

Mr. GRAMM. Mr. President, I do not think people ought to be selling machine guns without a requirement that they have a license to do it. That is not what this amendment is about. I am against black market gun dealers, but that is not what this amendment is about. Both those actions would have been illegal under the current law, and they will be illegal under this proposed law.

Let me explain who these 50,000 to 75,000 people are who are going to be put out of business by this amendment. The purpose of this amendment is to impose a new tax that the author tells us, the studies tell us, will put 50,000 to 70,000 people out of business. Who are these people?

If you go to any Western State on a Saturday in the spring or summer, you can find in most good-sized towns on a rotating basis a gun show. What happens is that people—many of them are people who are working—plumbers, carpenters, lawyers, accountants, whatever—collect guns, and they may collect a certain kind of old shotgun, Remingtons from a certain date, or they may collect lever-action Winchesters.

What they do is they get a license and they go to these gun shows. They pay a fee to participate in the gun show, and they may have six guns for sale. They buy and sell guns all day long, and then the show closes up and they go home.

They do this, A, because they like it, they like collecting guns; and B, because it is a part-time business for them. They have met the existing Federal licensing requirement. They pay a fee. They are required to meet certain specifications in applying for the license. These are basically part-time gun dealers who are trying to supplement their income by participating in these shows.

Many of them are sportsmen. Most of the guns that are being sold are guns that are used for rabbit hunting or squirrel hunting or bird hunting. This is something that a lot of people get a great deal of pleasure from, and at a time when Congress is trying to raise taxes on their gasoline and their Social Security and their income, they are working to try and supplement their earnings.

I do not understand for the life of me why we want to put 50,000 to 70,000 people out of business by raising the licensing fee to $375. I am opposed to it. I understand that there are many people who serve in Congress who are against the second amendment right to keep and bear arms. That is a position that I strongly disagree with.

But what we are doing is driving 50,000 to 70,000 people out of business. For the life of me, when the economy is in a recession, when we see, in fact, meeting in every dark, dingy corner of this Capitol, Democrats who have gotten together to try to agree on a tax bill to raise gasoline taxes on these very people, why we want to raise a licensing fee that we know will put 50,000 to 70,000 people out of business, I do not understand.

Mr. SIMON. Will my colleague yield?

Mr. GRAMM. Let me finish my point, and then I will be very happy to yield. What is wrong with people having a part-time business?

A while back, I was in Iowa doing some events for our colleague, CHUCK GRASSLEY. So I went to a gun show. I would guess there were probably 300 or 400 people at the gun show. I went around and looked at all their wares, basically a bunch of old antique guns, some of them very nice, some of them in fairly rough shape; but basically people swapping guns, selling guns, buying guns. These are people who are basically gun collectors and hunters. What this amendment is going to do is put those people out of business.

I do not see how that is going to serve any useful purpose. That is not going to prevent some criminal from selling or stealing machineguns. That is illegal anyway. This amendment is not going to prevent a black market sale of guns. That is illegal anyway.

What this is going to do is put legitimate gun enthusiasts who have a small hobby-related business, where they are trying to make a few thousand dollars a year to supplement their income, out of business. It is also going to mean that for somebody who wants to go out and buy a used 20-gauge shotgun for his 14-year-old son or daughter, that rather than being able to go to a gun show where there is an active market in used shotguns, they are going to, in all probability, since that market will be taxed out of existence, they are going to have to go to a gun shop where somebody is paying overhead and they are probably going to have to buy a new shotgun.

That is great if you make $135,000 a year. But if you make $22,000 a year and you want to buy Johnny a used shotgun, that is not a good deal.

So I understand the position that there are some people who would like Johnny not to have a shotgun, but it is not illegal for Johnny to have a shotgun.

I hope that it will never be illegal in this great country of ours.

What I am saying is that in listening to the debate it is as if this small business person has somehow become some shady person. This is Joe Brown in Iowa, who is in the plumbing business, who on Saturdays works all these gun shows and makes $3,000 or $4,000 a year in extra income. This guy is the backbone of American democracy. Why anyone would want to put him out of business, I do not know. It just defies logic. I suspect the people who are offering this amendment and are voting for it have never been to a gun show. They do not know anything about Mr. Brown, and maybe they do not care. But I care about him, and his well being is my concern.

I would be very happy to yield to my dear colleague.

Mr. SIMON. I thank my colleague for yielding. My question is not going to be how come the Senator was at a gun show in the State of Iowa for some strange reason. I do note my friend from Texas is getting to Iowa and New Hampshire a bit lately. I have gone through that experience and I commend him for that.

Mr. GRAMM. The Senator obviously did not attend a gun show or he would not be offering this amendment.

Mr. SIMON. Let me just say to my colleague from Texas, I live in hunting territory down in deep southern Illinois, near the State of Kentucky. We have 12 acres out there right next to the Shawnee National Forest. Days I am home—and I am not home much more often than my colleague from Texas, I am sure—I see more deer than people. I am around hunters all the time. I am around people who use guns all the time.

But I say to my friend from Texas, I have heard his orations on this floor against subsidies. BATF says it costs them $375 per inspection, and those people are paying in $10 a year. That means the taxpayers of Texas are subsidizing these gun dealers.

We are not trying to put anybody out of business, although it is interesting that the people who really are in the gun business support my amendment. Those small stores that sell guns, they are for this amendment.

But I would assume, having heard the very powerful orations by my friend from Texas against subsidies, that he would be against the taxpayers of Texas and other States subsidizing people who want to become gun dealers.

Mr. GRAMM. Mr. President, I reclaim my time.

Mr. LAUTENBERG and Ms. MOSELEY-BRAUN addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas has the floor.

Mr. GRAMM. Let me respond to two points that I think are relevant.

First of all, if BATF charges $375 to the taxpayers for inspecting one gun dealer, we ought to contract that service out because I believe it can be done a lot cheaper. In fact, had I been a BATF agent, in 2 hours I could have inspected 200 guns at one gun show when I was in Iowa campaigning for CHUCK GRASSLEY.

Now, my point is this. These are part-time business people. These are not criminals. These are people who are basically gun collectors selling used guns. The criminals who are out robbing people and selling drugs, they are not buying used guns. They are buying illegally, or stealing new guns. It is Joe Brown, honest citizen, who wants to buy his son a 20 gauge shotgun who benefits from being able to go to a gun show and buy a used shotgun.

Also, let me say, Mr. President, I am not a bit moved by the fact that the National Alliance of Stocking Gun Dealers supports this amendment. What business in America would not want to eliminate its competition? As Adam Smith, who was the greatest exponent of free enterprise in the history of the world, said, "Never do two businessmen meet even for merriment except that they conspire against the public interest."

Now, what we have here is a group of people, fine people, I am sure, who would like to eliminate these gun show dealers because then Joe Brown would have to go to them to buy a new 20 gauge instead of going to the gun show to buy Johnny a used gun.

So I know why they are for it. But that does not sway me.

The point is this: If we want to ban guns, let us vote on the issue. But what we are doing here is putting 50,000 to 70,000 people out of business. These are small business people. They need these jobs. They are not violating the law. They are operating on these weekend gun shows, and they are not people who, in my opinion, ought to be put out in the street and denied the ability to engage in business.

In terms of going to the gun show, it seems to me that for $375, we could go in and inspect the operation of everybody in the gun show.

So, Mr. President, I think this is a bad amendment for two reasons.

Mr. CRAIG. Will the Senator yield?

Mr. GRAMM. No. 1, as the authors have made clear, as the data shows, this amendment will put 50,000 to 70,000 people out of business, small, part-time business people, not people who are out in some dark alley selling guns but people who are operating in gun shows all over our country, who may go to a gun show on Saturday, spend all day there, sell two used shotguns and maybe buy one and then come home, and they have had a good time and they have made money. And that money could be the difference between sending their son to the university or college or not being able to afford to do it.

Mr. LAUTENBERG addressed the Chair.

Mr. GRAMM. I do not want to put them out of business, and that is what I see this amendment is about. And that is why I am opposed to it.

Mr. CRAIG. Will the Senator yield?

Mr. GRAMM. Certainly, if we are going to do this, we ought to hold hearings on it. We ought to know more about it and at least see what kind of impact it is going to have. We need to give some of these part-time business people an opportunity to come up and tell us their side of the story. I do not know that any of them are here. I am not a gun dealer. I do not know that we have a gun dealer here.

Did Senator CRAIG want to ask a question?

Mr. CRAIG. I do.

Mr. LAUTENBERG addressed the Chair.

Mr. CRAIG. Mr. President, I appreciate the Senator from Texas yielding for a question.

The Senator has just broached an important subject that clearly has to be dealt with in the debate of this amendment. That is, what are the facts at hand?

The Senator from Illinois is suggesting an increase in licensure fees of some $375 because he suggests that that is what BATF will need to process the license fee, and that that will result in a decline, a projected decline in license holders of about 80 percent I think.

I wish to do a little arithmetic for a few moments, and I would like the Senator from Texas to listen because I think there is a problem.

BATF on numerous occasions has suggested that their processing fees are not $375 but around $100. But let me suggest this. Despite the fact that the administration's budget request for the Bureau of Alcohol, Tobacco and Firearms was $3 million less this year than fiscal year 1993, we are talking about now——

Mr. LAUTENBERG. Mr. President, may I ask a parliamentary question. I thought that the Senator had yielded for a question. And if that is the case, Mr. President, in fairness to the others, the question ought to be asked and answered.

The PRESIDING OFFICER. The Senator is correct.

Mr. GRAMM. Mr. President, reclaiming my time, I am not aware of a rule of the Senate that sets a time limit on a question.

The PRESIDING OFFICER. I am advised by the Parliamentarian that a Senator can only yield for a question.

Mr. GRAMM. I yield to the Senator from Idaho for a question, and if he would put a question inflection into his voice, however long this question may be, I would be willing to listen to it and hopefully respond to it.

I yield to the Senator from Idaho.

Mr. CRAIG. I will be brief on this point. If, in fact, the proposed amendment of the Senator from Illinois became law and it resulted in an 80-percent decrease in license holders in the United States, and we saw an increase of some $19 million for the purpose of hiring 300 more people, when BATF now suggests that their ability to inspect is somewhere between 20,000 and 30,000 now, it appears that he is not raising money just for the purposes of inspection but he is raising substantial money for the purpose of management of BATF in the broad sense, not just for licensure.

The Senator suggested that we ought to have a hearing. Many have suggested, including myself, that there needs to be comprehensive reform in the process of Federal firearms licensure. I think we all agree with that. Some have suggested that a reasonable license fee be somewhere around $100 because that is, in fact, the actual cost. We are not picking up the whole administration of BATF.

Now the question is to me, is the Senator aware of these kinds of facts? It appears that this administration is proposing a cut in the BATF budget this year. This is a way to fund the whole of BATF and not just the licensure process.

Mr. GRAMM. It seems to me that this is exactly the kind of question that ought to be answered, the reason that we ought not to be legislating on an appropriations bill, the reason that we ought to hold a hearing, the reason that we ought to let some of these part-time gun show people come in and tell their side of the story, so that we know what the facts are.

That is something that we do not know here because we are in the process of offering a proposal that we have very little information on. I received no communication from BATF as to whether they support all of this or whether they do not.

But we can argue about the people working for BATF and the Government jobs involved. It is not the 300 Government jobs that are of most concern to me. It is the 50,000 to 70,000 jobs in the private sector, of part-time workers. That is why I am opposed to this amendment. I am hopeful it will not be adopted.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey [Mr. LAUTENBERG].

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

Mr. President, I am pleased to join Senator SIMON and Senator FEINSTEIN in offering this amendment, the purpose of which is to strengthen our system of regulating firearms dealers.

Mr. President, let's be clear about who we're talking about here. These people are not selling popcorn. They do not have little hotdog stands. They're selling deadly weapons.

And some of the arguments we're hearing on this floor are amazing. It is the first time I have ever heard that the Federal gun licensing law was a jobs bill.

Mr. President, I want to commend Senator SIMON for his leadership in this area. We have worked together closely on several related initiatives, and there is no Member of this body who is more concerned about addressing our Nation's epidemic of gun violence than is the distinguished Senator from Illinois.

Mr. President, some of my colleagues have expressed concern about the kitchen table gun dealers who would be put out of business by this amendment. But, Mr. President, we are not talking about products that are essential to society, and we're not telling about shutting down legitimate businesses. If my colleagues really are so concerned about reducing the number of kitchen table dealers, the same argument could very well be made on behalf of the drug dealer; the little kid who grows up in the ghetto with no one looking after him, no visible source of income, someone could make the emotional appeal and say, well, he does bring home a little bit of money occasionally. He is a small businessman. It's ridiculous.

Mr. President, we do not have an obligation to keep in business those whose jobs work against the public interest. When industries create a harm to the Nation, some businesses have to be shut down. It's happened with asbestos and other industries. People were laid off. It was tragic. It was tough.

But we are not talking about asbestos.

We are talking about gun dealer licenses being given to people in a way that is just offensive.

There are 287,000 of these federally licensed gun dealers in this country, far more than there are gas stations. And it costs 10 bucks, $10. You buy it for 3-year period, so it is $30 out of one's pocket. To get a license to sell guns where, Mr. President? Virtually any place, so long as you don't break some other law. Out of your home. Out of your car, behind an ice cream counter, what have you.

We are not talking about legitimate businesses. We are talking about kitchen table dealers who threaten the well-being of our citizens. Every day more and more guns from these illegitimate dealers are showing up in the streets, in the hands of criminals. It's time to put a stop to it.

This amendment is designed simply to control the distribution of guns in our society. Of course, not all licensees are killers. But we ought to know who they are and we ought to make sure that they are inspected. American taxpayers are paying twenty-nine million dollars a year to operate the current regulatory system to delears. But it's not working well. Too few licensees are inspected, and so we have no degree of assurance that they are not some maniac killer or someone who wants to get guns into the hands of criminals.

Very often, these licenses are acquired only to buy guns at discount or wholesale prices and to accumulate lots and lots of them. We have seen arsenals all over the place. There was a program on TV this morning—I do not know whether many of you caught it—about violence in the workplace and people carrying guns, whether it was the Post Office, the law office or other places. Guns are all over this country. At least we ought to carefully review how they are distributed.

According to ATF only about a quarter of these 287,000 dealers—and the number is growing—are operating legitimate store-front businesses; one quarter. The rest are known as kitchen-table dealers. Most of these people obtain licenses, as I said earlier, to obtain guns, tax-free, by mail, or at wholesale prices, and to evade waiting periods, gun purchase limits, and other firearm laws.

Many of these firearms are used in crimes and are traceable to these kitchen-table dealers. There are numerous examples of dealers who have provided huge numbers of guns to drug dealers, gang members, gun traffickers, terrorists and other criminals.

I would like to give you one illustration of a man named David Taylor, a resident of a South Bronx housing project in New York. Taylor reportedly had a long criminal record that included an indictment for murder. Nevertheless, he was able to obtain a Federal firearms dealer license. In less than a year, this individual bought more than 500 guns from wholesalers in other States. The guns were delivered by a package delivery service, in this case UPS, in batches of up to 100 guns at a time. Taylor then sold the guns to drug dealers and other criminals.

It is not an unusual case, Mr. President. As a matter of fact, regrettably, it is typical. It suggests the importance of tightening up our regulatory system which is far too loose.

Mr. President, becoming a kitchen-table dealer is easy, quick and very inexpensive. All you have to do is fill out a form, and send in $30, which covers the $10 annual fee for 3 years.

There's no hassle. No fuss. And more than likely, no ATF agent will call.

That generally is not ATF's fault, either. The Bureau has simply lacked the resources to check out applicants or to investigate many licensees. While the number of firearms dealers has increased by about 65 percent since 1980, the number of ATF investigators assigned to inspect these dealers has been reduced by 13 percent. As a result, fewer than 10 percent of dealer applicants undergo an actual inspection. And then once licensed, the average dealer is audited only about once every 20 years.

Clearly, Mr. President, the Bureau needs more agents and more funding to better police the system. This amendment will provide these resources.

The amendment will also dramatically cut down on the number of licensees so that ATF's job will be a lot easier. The Bureau predicts that by raising the licensing fee, the number of dealers will decline from about the 287,000 mark to about 60,000. And those who get a license will have the imprimatur of the review, indicating that they are not felons or mentally deficient.

Mr. President, it is bad enough that innocent Americans are being placed at risk because the system of licensing firearms dealers is so lax. But adding insult to injury, the current $10 annual licensing fee does not come close to paying for the system. In effect, hard-working taxpayers are being forced to subsidize firearms dealers. It is an outrage.

We talk about budget cuts, and we talk about excessive expenditures. Well, this is one place where we can do something about it and, at the same time, help improve the quality of life in our country.

The licensing fee we are proposing today is truly a user fee. It would relieve ordinary taxpayers of the cost of the licensing system and put those costs where they belong—on the dealers. It is hard for me to see how anyone could object to that.

Mr. President, cracking down on kitchen table firearms dealers is one important step in the battle against gun violence. But, clearly, we have to do more.

Senator SIMON and I have introduced legislation to limit handgun sales to one per month, to reduce interstate gun running. We have also proposed to close what I call the "guns for felons" loophole—a Federal law that allows even convicted violent felons to possess firearms. I am hopeful that these initiatives will be considered in the current Congress, in addition to other measures, like the much-needed Brady bill and assault weapons ban.

Mr. President, we heard suggestions or innuendo that say this has not gone through the process, that there have not been hearings. Well, I remind the Senator who raised the question that Senator PRYOR, from the State of Arkansas, had a hearing on this matter and was so motivated after listening to the testimony that he is a cosponsor of this legislation.

Mr. President, we heard from some of our colleagues an appeal for the small

business person who wants to engage in a gun trading business, and the assertion was made that perhaps a visit to the gun store might change someone's mind. I also submit to you, Mr. President, that a visit to the front in a war might be persuasive in terms of seeing what guns do. If one wants to talk in a vacuum about not having visited the gun store, one should have also talked about not visiting a war. One does not have to be there to see the death and the mayhem that may result from that, Mr. President.

I submit that I have heard some amazing arguments on this floor, but I have never heard one that talks in such sympathetic terms about the deprivation of the small business opportunities for illegitimate gun dealers who have lots of guns in their trunk, who will sell them to anybody who has the money to pay for them, or under the kitchen table or behind the counter of a store.

Mr. President, this amendment's time has come, and we ought to move ahead with it. I hope my colleagues will support this amendment.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. SMITH. Parliamentary inquiry, Mr. President. Are we switching sides here? I have been on the floor.

The PRESIDING OFFICER. The rule is that the Chair recognize the first person who he sees seeking recognition. I apologize to the Senator if I overlooked him.

When I walked into the Chamber, the Senator from Illinois was standing there when I took the chair.

Mr. SMITH. I was standing here before the Senator from Illinois came in.

The PRESIDING OFFICER. I apologize.

The Senator from Illinois is recognized.

Ms. MOSELEY-BRAUN. Thank you, Mr. President. I apologize to my colleague for any inconvenience. I do not use a lot of words, so I will not take a real long time. He will get a chance to make his statement.

I want to also commend my senior Senator for his leadership in this area. I could not have asked for a better mentor and friend than Senator PAUL SIMON. This is such an important area that his leadership really is to be commended. I think we owe him a great debt of gratitude for bringing this issue to the attention of this body.

Mr. President, I had occasion to stand here and listen to some of the debate around this matter. Once again, I heard our precious Constitution bandied around and conversation about what the second amendment to the Constitution does and does not say. So I made it a point, as a preface to my remarks in support of this amendment, to pull out the second amendment. I would like to read it and talk about it in the context of Senator SIMON's proposal.

The second amendment says:

> A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

The second amendment—I point out to my colleague who was on the floor a minute ago talking about this—says nothing about the right to sell arms. The second amendment says nothing about the right to be a gun dealer. The second amendment says nothing about the right to make money from selling guns off of the kitchen table or out of the trunk of a car.

My colleague also talked about the fact that there is a conspiracy to get rid of the second amendment by these people who do not want guns.

I will preface my remarks further to point out that I come from a law enforcement family. My father was in law enforcement before he passed. My only uncle was in law enforcement before he retired. My only living brother is, right now, a homicide detective with the Chicago Police Department. I come out of a law enforcement background, and I know what it is like to grow up in a household where guns are the rule as opposed to the exception.

My father was a hunter, as were many of his friends. So I had the privilege, as a little girl, of going out with my family, with my dad, and hunting as a girl. I even hunted with a bow and arrow. But that is another story. I grew up with guns in my household, with honorable people who felt strongly about the Constitution and about the second amendment, and who felt strongly about their right to own and have and keep guns in the house.

But I submit, Mr. President, that precisely because of that law enforcement background, I can speak to this issue as somebody who understands and, hopefully, can speak for the position of responsible gun owners, of people who recognize that there is no inconsistency between the second amendment and our efforts on this floor to restrict the flow of illicit guns, to restrict the availability of weapons into hands that should not have them, and to respond to the carnage, tragedy, and shame that illicit gun sales have wreaked on our Nation.

It is responsible, it seems to me, in a response by responsible gun owners, to ask that people who trade in guns pay their fair share.

Thirty dollars a year is less than what my hair dresser pays for a license. Thirty dollars a year is less than what a hotdog salesman in Chicago pays for a license.

It seems to me at least that the support of regulatory effort, the review effort undertaken by BATF would be an appropriate contribution, if you will, from those who make money selling weapons.

The second amendment does not prohibit and, frankly, does not even speak to regulations in the public interest that go to monitoring a commercial activity such as gun sales.

There is some conversation about the fact—I am sorry; it is even less than that. It is $30 for 3 years. So it is $10 a year, which I guess is probably more—well, I have already mentioned my hairdresser. I cannot make it anymore stark than that, I suppose.

The fact of the matter is that there have been hearings and have been discussions and, if anything, this debate has gone on and on. And what we are facing is some obstreperousness on the issue. I suppose the notion is that you open the door one little step, and who knows what will happen next. Maybe possibly we will get Uzis out of the hands of teenagers. The horror, the horror.

The fact of the matter is that the second amendment does not fly in the face of and does not close the door on responsible regulation in this area.

I started to talk about the hearings. There has been a hearing and has been testimony. I want to share with you for a moment the testimony of Mr. Higgins, the Director of the BATF, on June 17, 1993, and I think it goes directly to the letter of what this amendment is about. This gentleman testified:

> The current licensing system encourages persons to file applications who have no intent of actually engaging in a firearms business. According to our Operation Snapshot results, a vast majority of the dealers, 73 percent, buy or sell less than 10 guns a year. Unless an applicant is statutorily prohibited, we must issue a license. Although most licensees do not contribute to our crime problem, the sheer volume of dealers is obstructive in determining the focus of our compliance program.

And then he goes on to say:

> Whether criminals buy guns directly or through straw purchasers or from traffickers who buy the guns for resale, virtually all guns ending up in the hands of criminals flow through licensed dealers.

And he goes on to say:

> Since 1992, 187 firearms dealers had been subject to criminal prosecution.

Clearly, that is out of the huge number, the 280,000 number of licensees that we presently have.

It seems to me that Senator SIMON has made a modest, conservative, prudent proposal that we at least allow BATF the capacity to undertake the kind of review of this conduct without having the taxpayers reach further into our already strained budgets to subsidize this commercial activity.

Finally, Mr. President, as I promised my colleague I was not going to talk long—and I want to get to the end of my remarks—I wish to say that coming from a law enforcement family, I have a very real concern, I have a very real concern that responsible gun owners support reasonable, prudent conservative regulation in this area that will

give us the ability to get the guns out of the hands of the criminals so that honest gun owners will not continue to be subject to this debate that leads nowhere.

I come from the perspective of and I consider myself a child of a police family. And I think it is significant that Senator SIMON has pointed out to this body that the Fraternal Order of Police support this measure. The FOP support this measure; as a matter of fact, strongly support it.

I am going to read—and I do not know if Senator SIMON has already—the letter from Dewey Stokes, the national president of the Fraternal Order of Police. He says:

In summary, we strongly support the imposition of an annual user fee in the range of $375 to $500 for issuance of Federal firearms licenses for the following reasons:

Point one, the U.S. taxpayer should not be subsidizing the cost of establishing and maintaining firearms businesses.

Point 2, a $375-$500 annual user fee would reduce the current number of licensees—

Which he puts at 280,000.

to an estimated 40 to 70,000.

Well, to break in and make my own side comment, it seems to me 40- to 70,000 gun dealers in the United States is not too small a number and would not greatly impair Johnny's ability to go out and get a used rifle for hunting. But I will go back to the letter. The next point:

By directing the funds resulting from the $375-$500 user fee to BATF, all new and renewal FFL applicants would be expected to ensure compliance with the law.

That is critically important, because it is the police that are out there on the front line having to face off on all these illegal and illicit weapons on the street. That is why people from the law enforcement community feel so strongly about this.

Finally, he goes on to say:

The increased fee will not affect firearms dealers that engage in a business as a primary source of income.

It is very clear, Mr. President, that we are talking about a commercial activity, one that does not fly in the face of, to use the second amendment's language, having to do with the right of the people to keep and bear arms, and it is a reasonable, prudent, conservative amendment.

I not only ask for support of Senator SIMON's amendment, but I ask unanimous consent that I be added as an original cosponsor of this amendment.

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

The Senator from New Hampshire [Mr. SMITH] is recognized.

Mr. SMITH. Mr. President, listening to the debate and comments of some of my colleagues and responding specifically to my colleague who just spoke, it is true that in the second amendment it does not say anything about selling firearms. But I think we can make a reasonable assumption here that if the second amendment allows us to own guns, it certainly is reasonable to think that somebody ought to be able to sell them to us.

If we cannot sell guns and people cannot legitimately buy them, then I see no alternative except to steal them, and I certainly do not think anybody wants to advocate that.

As I listened to the debate here, unfortunately, this debate is being couched in what we would call a budget argument.

I, too, would be opposed to subsidizing gun dealers, as well as I oppose subsidies on most everything else. But that is not the issue here.

This is another assault on the second amendment by many who continue to do this day after day, month after month, year after year in this body. It is as assault on the second amendment to the Constitution of the United States.

There is not any other amendment that is any cleaner than the second amendment. It is very simple and has already been stated on the floor. I will not repeat it. It is only a sentence and it is clear. Everybody knows what it means. We have constitutional experts and legal scholars and all kinds of people who can read all kinds of things in that amendment.

I submit to you, if we are going to have a right to own guns in this country, which we do, someone ought have a right to sell them to us. So that is part of the issue.

The way this amendment is designed, it is a very sinister amendment. It is designed to raise the price of Federal firearms licenses in order to drive the small dealers out of business. That is exactly what it is designed to do. There is no way that you can describe it other than that.

Perhaps the Senator from Illinois has a good idea. Maybe we ought to charge $25,000 for abortions in this country and eliminate abortions on demand. Maybe he has the right idea.

But the point is that it is absolutely preposterous to impose this kind of a mandate, to impose this kind of restriction on honest, hardworking men and women—as Senator GRAMM has already testified on the floor in his remarks—all over America who sell these, who are honest, hardworking, law abiding citizens, who do not sell these weapons to criminals, as has been testified to here. If gun control works so well, why is the crime so high in Washington, DC? It has the toughest gun control law in the world, and it has more murders than any other place per capita in the world. Maybe something ought to be said about that.

But the simple truth is that the overwhelming majority of Federal firearms license dealers are honest and they try to obey the law, both the letter and spirit of the law. And there is an attack on them. That is exactly what it is. It is an attack on their integrity, an attack on how they do business. They are not selling guns to criminals deliberately, and I think the Senator from Illinois knows that.

In particular, there is no question, and it has already been stated, that there are a few country stores or backwoods mom and pop operations, if you will, who keep an FFL license so they can supply this very limited demand for firearms for perhaps the gentleman who lives down the road, the old gentleman who may want to hunt in his retirement, or perhaps the young boy whose father wants to buy him a rifle for his birthday. That is what we are talking about, the odd shotgun or deer rifle sale that comes in before, say, hunting season starts.

The point is, what is wrong with that? Why not give the revenue to somebody local in the community who is an honest, law-abiding citizen rather than ship it over to some large department store somewhere or some mail order house to buy the same weapon?

It is these law-abiding, but marginally, I agree, FFL holders who are going to be hurt. It will not be K-Mart or WalMart or Sears or any other of the big multimillion dollar resale outfits for whom this nominal fee is insignificant. They do not care; raise it up to $400, raise it up to $1,000, they are just going to pass it on to you so. When you buy it in the store, they will pass it on to you and write it off as another business expense.

Meanwhile, thousands of law-abiding young men and women who are struggling to make a few extra dollars to send the kids to college, or whatever the case may be, or to buy some other item that they may not otherwise be able to buy, they are the ones who are going to suffer. They are going to be the ones who are going to lose their jobs and income.

When the system for regulating federally licensed firearms was first instituted in 1968, the fee was $10 for a yearly license. By regulation, BATF has since changed this to $30 for a 3-year license; still $10 a year.

I am not going to suggest this is a great increase or that it is unfair to increase the licensing fee. I think there is certainly a reasonable argument there to be made that we should recover the actual cost of conducting a thorough background check on Federal firearm licenses and on the applicants.

But, in point of the fact, we ought to be willing to consider increased fees that are reasonable, not unreasonable.

I am told that in two different hearings there has been some misinformation—somebody has some misinformation and I am not sure who; hopefully it is not me—but I am told at two different hearings, the FFL reform this year before the Government Operations Subcommittee on Crime and Criminal

Justice, the Director of BATF, Steven Higgins, whose name was invoked here a few times, testified that the normal cost of processing FFL applicants for a license might be in the neighborhood of $100.

I heard the figure of $375.

Mr. SIMON. Will my colleague yield?

Mr. SMITH. On that point, yes.

Mr. SIMON. Yes. I appreciate that, because the Senator from Idaho questioned that also.

The testimony was that the current examination costs $100 per applicant, but that they are not able to do the kind of examination that they ought to do. They are not able to go to local police. The local police will not give information by phone. They cannot do that; they cannot go there and look at the guns. And you have the paper trail.

So the answer is, the current cost is $100, but if they are going to do it right, they say it will cost $375 to $500. I took the more conservative of those two figures.

Mr. SMITH. Well, I thank the Senator for that point.

I will just say, in all honesty, to my friend, I think it is important that that kind of evidence be produced—perhaps the appropriate place to do that would be in a hearing—that the increase you are requesting is justified, that there has been a study done on the issue.

Has GAO or OTA or CBO or any of the other numbers crunchers around here calculated what it cost to issue Federal firearms licenses? This figure, as requested by ATF, on what basis are they justifying such an increase? Absent such documentation, I do not think it is responsible, with all due respect to my colleague, to bring this matter to the floor at this point and ask for an increase which many believe is exorbitant.

As I said earlier, I am not opposed to recovering the actual cost of that license, and I do not think the licensee is either. I do not believe adequate justification has been given for this increase, and that is why I oppose the amendment.

Now, let me just conclude on two or three quick points and I will yield the floor.

Mr. GRAMM. Will the Senator yield before he gets into his conclusion? I want to ask him a couple of questions.

Mr. SMITH. Yes.

Mr. GRAMM. Mr. President, I wanted to ask our dear colleague from New Hampshire, after having listened to the speeches, obviously a concern here is this argument we hear that we supposedly need this amendment because there continue to be firearm violations.

I know the distinguished Senator from New Hampshire pointed out that gun controls obviously do not work, because the Federal city has the most stringent gun control laws in the Nation and yet it is the gun murder capital of the county.

Would it be the Senator's view that, if our colleagues are really concerned about gun violations, maybe what we ought to be voting on is mandatory minimum sentencing for gun violations instead of trying to put people out of business; people who are part-time gun collectors who go to gun shows and who supplement their income and who are in business over their kitchen table?

What have we come to in America when we cast aspersions on people doing business over their kitchen table? I am stunned by this argument that there is something wrong with people doing business out of their homes.

Does that bother the Senator from New Hampshire?

Mr. SMITH. I think the Senator from Texas has hit the proverbial nail on the head with that. The people that we ought to be legislating out of business are the criminals, the people who use the gun to violate the law, to take innocent lives, and to threaten people and wound and maim people throughout this country almost at will because we do not have the intestinal fortitude here to pass those tough mandates, standards, that the Senator from Texas has just referred to.

I think if we were to do that, we would be putting the right people out of business instead of focusing on thousands of men and women throughout this country who are listening to this debate right now who have not done anything wrong and would not do anything wrong under any circumstances. All they are trying to do is make a living by abiding by the Constitution and selling perhaps a .22 rifle or shotgun to somebody out there who may want to use it for target practice. And they are now treated as if they are common criminals in this debate.

Mr. GRAMM. If the Senator will yield one more time, what I plan to do—we are going to enter into a unanimous-consent request here to set a limit on the debate. Apparently there will be a point of order raised, and then we will go to other business and come back to this debate.

It would be my intention, when we come back, to offer an amendment that would mandate 10 years in prison without parole for possessing a firearm during a drug felony or a violent crime, 20 years for discharging it with intent to do bodily harm, life imprisonment for killing somebody, or the death penalty in an aggravated case.

Now, when I offer this amendment as an alternative to putting 50,000 to 70,000 small business people out of business, I assume that the Senator from New Hampshire would be supportive of that effort.

Mr. SMITH. I would like the Senator from Texas to place my name alongside his as a cosponsor to that amendment.

Mr. GRAMM. I will do that.

I thank my dear colleague for his leadership.

Mr. SMITH. Mr. President, let me just conclude by saying I think that the amendment of my colleague from Illinois is premised on the notion that the increased cost is to recover both the issuance and oversight of the license. That is justified. But it does not provide any independent analysis of how or why the increases are justified.

I think it is important that we look at that. I think most responsible people who are so-called proponents of guns in this country would agree with that, as would the people who sell them.

But based on the figures given in the Simon amendment, as I understand them, of an approximate increase of, let us say, $375, which is what his amendment calls for, the money that is projected to be recovered from these fees means there is an expectation here, and that expectation is that 230,000 current Federal firearms license holders are going to have to surrender their licenses. That is a terrible premise to an amendment, to assume you are going to put 230,000 people out of business in order to accomplish a goal.

BATF has previously testified, as I said, it currently inspects approximately 10 percent of all Federal firearms licensees each year in normal compliance inspections. That is what they do. Of this total they ultimately revoke less than 1 percent, as I understand it—less than 1 percent of all licensees, because of serious infractions.

So this is hardly indicative of a serious problem that would require a doubling of compliance capability with such an attack on legitimate FFL dealers who will be driven out of business. If BATF requires an increase in funding, it ought to be justified in relation to manpower resources or missions goals, as other agencies have to do every other day. As all sides agree reforms are necessary, any changes to the process ought to be considered in the context of an overall reform package.

I say to the Senator from Illinois, in conclusion, if those facts are borne out and a fee is justified, whether it is a firearms dealer or anyone else who in some way is being subsidized unfairly, I support his amendment. My hope is we will take the opportunity to review this in more detail and get the facts, since there have been differing facts being bandied about on the floor.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I am very honored tonight to join my colleagues, particularly the senior Senator from Illinois, cosponsoring and offering this amendment and, even more important, bringing this debate out in

the open, in front of the American people, so they can start to listen to what the statistics are.

Violence is a problem today. It scares our kids, it scares our families, it scares our senior citizens, and it is time for us to have a realistic debate about how we are going to deal with this incredibly important issue that is confronting us today.

Firearms are involved in about 60 percent of the homicides and suicides in this Nation. In 1991, in Washington State, 2,079 people were killed with firearms. That same year, a National Crime Survey found that guns are used annually in 800,000 violent cirmes—10 times the number used in self-defense. In King County, WA, only 2 percent of the gunshot deaths involving guns kept at home were in self-defense.

Despite these grim statistics, gunowners say guns do not kill people, people do. They say guns are necessary for self-defense. A May 1993 report by the Centers for Disease Control found that among our young people, the impulse to commit a violent act is facilitated by ready access to a firearm. A recent Louis Harris Poll found that 60 percent of the kids in grades 6–12 said they could get a gun quickly if they wanted to.

I invite my colleagues in the coming recess to go out into your schools and talk to kids and ask them what they see and what they fear in their schools. A dark curtain of gun violence is coming down over our society.

Ready access to firearms, especially for young people, is at the heart of the problem. Federally licensed—but largely unregulated—gun dealers, facilitate that access.

In Washington, there are 5,600 federally licensed gun dealers. That's more gun dealers than grocery stores, 2,092, or taverns 1,067, or drug stores, 840. King County has the second highest number of gun dealers per capita of all the counties in this country. That sad statistic is beaten by only one other county in this Nation. I saw my colleague from Arizona here earlier. He might want to know that his county, Maricopa County, in Phoenix, beat us out. They have 99 dealers per 100,000 residents. That is not a statistic anyone of us wants to have.

The $10 annual fee for a Federal gun license is a huge part of the problem. Compare that to the $2,000 liquor license fee for restaurants in Washington State.

The $10 fee has not changed in 25 years. It hardly pays for copying the license application, let alone allowing personal interviews with the applicant. Since 1980, the number of licensed gun dealers has jumped 65 percent, but the number of inspectors has fallen 13 percent. Gun dealer license applications are running at about 6,000 a month, yet fewer than 10 percent of them actually undergo a personal interview or onsite visit. Federal inspectors audit dealers only once every 20 years.

The point is, no one really knows who is selling guns in this country. If we do not know who is selling guns, how do we know they are being sold legally? How do we know guns are not being sold to kids or to convicted criminals?

Gunowners argue the Constitution gives them the right to keep and bear arms. However, the Constitution does not require American taxpayers to subsidize the dealers who sell them the guns. Right now, taxpayers foot the lion's share of the bill for gun dealer licensing. This amendment would end that subsidy, and assure that the dealers pay the full share of the costs.

In April, I introduced legislation, S. 868, to raise gun dealer license fees and excise taxes on guns. The money would go to help offset the cost of uncompensated health care for gunshot victims. A new study by the University of California's School of Nursing puts the total cost of firearm injuries at $20.4 billion, including $17.5 billion for fatalities, $2.8 billion for hospitalized injuries, and $100 million for nonhospitalized injuries. Eighty-five percent of the hospital costs for firearm injuries are uncompensated, forcing taxpayers to pay for this violence through higher taxes and higher insurance premiums. It is my hope that any excess fees are used to help offset the health care cost of gun violence.

Our amendment provides that any fees collected in excess of the amount needed by BATF for gun dealer license processing and inspection be deposited in the Treasury as miscellaneous receipts. As the Senator knows, 85 percent of the health care costs from gun violence in this Nation are uncompensated. Taxpayers subsidize the health care costs of gun violence through higher State taxes or higher insurance premiums. I would hope that the Secretary of the Treasury, in consultation with the Secretary of Health and Human Services, would consider establishing a trust fund that would use excess gun dealer license fees to help offset uncompensated health care costs from gun violence, as provided in S. 868.

Mr. SIMON. Mr. President, our amendment does provide for the deposit of excess fees as miscellaneous receipts in the Treasury, and as a cosponsor of S. 868, I would join the Senator in urging the Secretary of the Treasury, in consultation with the Secretary of Health and Human Services, to consider using these funds to help offset uncompensated health care costs from gun violence.

Mr. President, as I said earlier, I hear over and over from gunowners that people kill people, not guns. But guns do not grow on trees. Someone makes them and someone sells them. It is tougher to get a driver's license than a Federal gun dealer license.

It is time for taxpayers to retake control.

I heard my colleague before me say it is unfortunate that this debate has turned to talk about subsidizing gun dealers. It is not unfortunate, it is true. It is time to stop subsidizing this system that costs our society thousands of lives and billions of dollars in health care costs each year. It is time to make sure the Federal Government knows exactly who is selling guns and not just rubber stamping 6,000 licenses a month. It is time to pass this amendment to raise the gun dealer license fee.

I urge my colleagues to have the courage to vote with us.

The PRESIDING OFFICER (Mrs. FEINSTEIN). The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, I think we are a few moments away from trying to gain a unanimous consent so we can finalize debate this evening and move into it tomorrow.

There are some important points I think are necessary for us to examine as we examine the amendment of the Senator from Illinois. I am not in any way questioning the reason of the Senator from Illinois. I know him. I trust his judgment. But I think he and I have something in common that is missed by this amendment: A desire to create legitimate reform in gun dealer licensing through the Bureau of Alcohol, Firearms and Tobacco.

The reason I say that is because what he is proposing is, in my opinion, in direct conflict with the very reason we originally attempted to create a licensure process at the Federal level. It was originally created to facilitate legal sales of guns. That is why we had a license process. We wanted to create a paper trail so BATF could track legal sales.

In 1968 we struck down interstate sales of handguns to make sure no State would dominate, so that BATF would have a major role in playing in this process of establishing a paper trail for action.

I believe the Simon amendment, in part, is contrary to reason in this Federal firearms license process that was originally created. He will move more transactions underground. He will move more transactions into the black market, and that in itself could well put more guns in the hands of criminals and unqualified people.

Let me give you a reason why I believe that is true. Not only did we create the license process to create the paper trail, but BATF has previously testified before committees in the Senate that they currently inspect approximately 10 percent of all of the Federal firearms license holders each year in a normal compliance inspection. I think that was argued tonight.

I think we agree on that figure. If there is 230,000, 10 percent a year is

23,000, and then my colleague from Washington said about one inspection comes along every 20-plus years. So those math figures are about right.

What do they find when they inspect that 10 percent annually? They find that less than 1 percent, by their own facts and figures, are out of compliance. They revoke less than 1 percent of the licenses. Are we to assume that 99 percent are operating in a legal fashion? One percent of 200,000-plus is 2,300. That is within the margin of error. That does not in any way suggest that everyone who holds a Federal firearms license is somehow dealing under the table. BATF, by their own admission, says 1 percent or less, and not all of those are illegal. They just failed to comply and meet the standards. So the numbers are substantially less than that.

If those are facts, and that is what BATF suggests, then why are we doing this tonight? Why are we raising money when this administration has suggested in their own budgets that we cut appropriations to BATF? If we see a decline in inspectors for license or process and this is such an alarming problem, why is this administration, which speaks out so clearly against crime control, cutting budgets in an area that is being proposed tonight on this floor as a major thrust to get illegal guns off the streets?

What I am attempting to do is to bring this whole debate into some degree of perspective. The Senate should not believe that a raise of $375, or two $375 in the cost of a Federal firearms license is for some reason going to make the streets of America a safer place. The statistics do not bear it out because less than 1 percent on annual inspection are found to be in some form of noncompliance and their licenses are jerked.

Stephen Higgins, the Director of the Bureau of Alcohol, Tobacco and Firearms was here on the Hill in June and said:

> Most licensees do not contribute to our crime problem.

That is a quote from the Director.

> Most licensees do not contribute to our crime problem.

So when my colleagues tonight talk about that average person who has a Federal firearms license because they are a small-time collector, because they are exercising their constitutional rights, they are absolutely correct because Director Higgins went on to say that 73 percent of those who hold Federal firearms licenses buy 10 guns or less a year.

Yet, we heard our colleague from New Jersey tonight talking about all of those kinds of dramatic sales that are going on in the streets of America. He gave quotes tonight about a fellow buying guns and selling them to drug dealers. You and I both know that goes on, and we ought to try to stop it. This will not stop it.

But our colleague tonight who made that statement says this is a way of getting low-cost guns off the streets. Let me tell you, the guns that drug dealers buy illegally are not cheap guns. By the very illegal black-market process that they move through to get into the hands of the drug dealer, those guns cost hundreds of dollars, but then again, you have to remember, drug dealers do not drive Chevrolets either.

In other words, what we are saying is we are going to raise the cost of guns and in doing so, the poor people of America who use them as a major tool of self-defense are going to be without that tool. We will forget that 65,000 potential rapes, murders, and violations of one's rights were stopped last year because someone owned and threatened to use a gun when their rights were violated. Those are the facts. That is the reality we are dealing with.

Now, of course, my colleague from Illinois has already suggested the $375 is not just for licensing, it is for administration. In other words, he is proposing a major user fee increase, a major tax increase to go to BATF. That means that there will be more inspections, and that is excellent. But my guess is the statistics will not change. He will cause that person who lives in Phoenix, AZ—and by the way, those figures from Phoenix, why are there a high number of Federal firearms licenses there, because there are a phenomenally high number of retired people who own those licenses, who travel the gun shows and buy as collectors.

That is the fact. It does not mean that Phoenix, AZ, is loaded up with a bunch of illegal gun dealers, it means that that is where people seek to find their retirement because of the climate, and those are retired people. I have been to gun shows in Phoenix and let me tell you, I know from which I talk.

So you cannot use those statistics in a way they are used tonight and expect them to have any basis of validity, because they are not valid, that is why. When you look at the demographics of those figures, you find out an entirely different makeup of the kind of people we are dealing with. Those are the retired people who our colleague from Texas talked about, who travel to gun shows, who are the collectors.

We are going to put a lot of people out of owning a license. We are going to put a lot of people out of the business of collecting because by their own admission, BATF suggests that it will drop a lot of people off their rolls in great numbers, even though 1 percent of all these license holders might in some form have some degree of serious infraction.

Now, those are the facts. I would ask my colleague from Illinois to join with me in moving toward real reform in the licensing process, real reform that does not convolute and send underground into the black market even more gun dealing so that legitimate people do not have firearms but the drug dealers and those who would want to perpetrate crime on the streets of America do.

And if you go against current law or you create an imbalance, as I suggest he will through the reforms of the 1968 act, that is what is at risk.

I know my colleague from Illinois is sincere and does not want that to happen. But that is what will happen, and that is why I have to stand tonight in such strong opposition to this approach.

The gunowners I know and the gun dealers I know want reform, because they want to retain credibility to a Federal firearm license. They want reasonable inspection—and reasonable inspection probably is inspecting 25 or 30 percent annually to find out that only 1 percent of the total ownership may to some degree be in serious violation or infraction, and they must be taken off the streets and out of the business.

But I will tell you that that will not happen with this bill. The statistics will not change. The inspections will increase. There will be fewer. And what will happen is exactly what our colleague from New Jersey suggested, that this will become a factor in controlling guns, because it is not by accident that all who have been quoted tonight in support of this amendment are also in support of gun control and the Brady bill and all of those kinds of other issues at hand that deal in any way with restricting the right of the citizen of this country from owning a firearm.

Well, we will have adequate time tomorrow to debate this issue, but I think it is important to recognize that this ought not be disguised for anything more than it is, a rather stylish new approach toward gaining some modicum of control over gun ownership in this country.

Now, if my colleague from Illinois truly wants to reform, let us sit down together; let us make sure we do not distort the market. Let us not drive gun dealing underground even more than it already is.

But I suggest in the end that will be the result because there is simply too much money in the illegal handling of drugs, in the illegal handling of guns, and there is too much profit to be made and that will be made because of the challenge involved.

Legitimate people will comply, as they always have. Responsible gun owners under the second amendment will live within the law. But everything we have talked about tonight is dealing with the criminal. And for some reason we are still caught under the illusion, Madam President, that if we create a new law the criminal will comply. If we just somehow stack up

the laws a little higher, that somehow the criminal cannot step over them.

I will tell you who never steps over the law—the law-abiding citizen, your friend and mine, those who respect the law. Strangely enough, the criminal by definition is a person who violates the law. So it will not take guns out of the hands of criminals. It will not stop the illegal sales of guns. It will simply do exactly what my colleague from Texas suggested. Those who are collectors and legitimate dealers will not have that license to go and buy a few guns a year—10, 12, 14—at different gun shows as are necessary under the laws today.

Those are my concerns. We will resume this debate tomorrow because it is fundamentally a very important debate. We must bring, as best we can, some degree of law and order to the streets of this country. We all know it is a phenomenally important issue. But I suggest to you tonight this proposed law change will not accomplish that.

Mr. MURKOWSKI. Madam President, the hour is late, and I will be brief in my statement. I rise in opposition to the amendment of my good friend from Illinois.

There is an effort here to make a certain presumption that somehow the business of dealing in guns is like dealing in drugs or some other inappropriate activity. I happen to come from a western state. In the State of Alaska we have a number of firms that deal in guns, a legitimate business—hardware stores, sporting goods stores. Most of these individuals are conservationists, as a consequence of their commitment toward the renewability of the natural game resources of our State in which we are very rich.

What the proposal of my good friend from Illinois results in is simply increasing the cost of business by increasing the licensing fee from its current figure in the area of $10 to approximately $300.

So as a consequence, for those dealers, they are simply going to have to eat that additional cost of doing business. But it does not address the concern we all have, and that is what to do about criminals who have guns, what to do about our children who obtain guns either from their parents as a consequence of lack of parental supervision in some cases, a lack of taking the time to train a young person with regard to the reality that a gun is not a toy, or those who obtain guns from other children, steal them, get them from criminals. And of course guns, knifes, automobiles, what have you, all are weapons of destruction in the hands of irresponsible people.

I would be inclined to look toward some type of activity which would address this cancer on our country relative to the reality that we find, indeed, guns are used more often than perhaps any other weapon in crimes. But to simply increase the taxation on our gun dealers does not achieve that. This simply generates an increase in fees. And to extend the time of the debate under the guise that somehow we are going to address the problem of criminal activity in the State, that those who have and use guns in criminal acts are going to be somehow reduced by increasing the penalty for selling guns I think bears no reflection on reality.

I would be happy to debate the merits of that statement further, because I think we have to recognize that while there are some unscrupulous dealers in firearms, most are legitimate business persons and take pride in their business activity and the manner in which they serve the public and their customers.

I recognize that may be distasteful in the minds of some, but we have such gun dealers in this country. That somehow this is less than a responsible business is simply not the case. I think all my colleagues would reflect on the reality that, indeed, the vast majority, 99 and 99/100ths percent of these people are legitimate. But like in all groups we have the exceptions.

So in conclusion, I would say to my good friend from Illinois, if there were a methodology to suggest that somehow this increase of fees would reduce the criminal activity associated with the commission of crimes, I would be the first one to come on board. But I simply cannot see that we are doing anything more than forcing the increased cost of business on gun dealers to generate a modest amount of revenue that probably in most part will be taken up in the process of administering the oversight associated with this activity. This is not where the problem is.

Madam President, I thank the Chair. I yield the floor.

Mr. SIMON. Madam President, on one point, I agree with my friend from Idaho and my friend from Alaska. That is, the large majority of the gun dealers are responsible people. But we do have a problem.

I am going to be responding to my friends tomorrow morning in debate tomorrow morning. I hope they will take the time to listen, and I hope our other colleagues will, also. We have a serious problem. We have to face up to that serious problem.

Madam President, I yield the floor.

FUNDING OF BANKRUPTCY JUDGES

Mr. MACK. Mr. President, last year I strongly supported legislation authorizing 35 additional bankruptcy judges. Hearings on this legislation demonstrated the dire need for these new judges. This is particularly true in my own State of Florida where the bankruptcy caseload has reached crisis proportions.

Because Florida's bankruptcy caseload has consistently exceeded the national average the authorizing legislation, based on findings by the Judicial Conference on the United States, included six additional judgeships in Florida.

In light of the importance of the Federal Judiciary in our Nation and the resources necessary for the Judiciary to carry out its duties. I urge the conferees and the Administrative Office of the U.S. courts to fully fund these much needed bankruptcy judgeships.

JUVENILE MONITORING PROGRAM

Mr. COATS. Mr. President, I am pleased to rise today to voice my strong support for the Juvenile Mentoring Program [JUMP], which receives essential funding in this legislation. This innovative program will link at-risk youth in high crime areas with local law enforcement officials.

One-to-one mentoring program have long records of success in providing positive role models for our young people. The JUMP Program builds on this model, and specifically attempts to bridge the gap between law enforcement officials and many children in our Nation's high-crime neighborhoods. The program promises real hope in building understanding and community good will as well as providing our children the attention and guidance critical for their development.

I am pleased to note the active support of the Big Brothers/Big Sisters of America for the JUMP Program. Big Brothers/Big Sisters are pioneers in 1-to-1 mentoring and the experience gained in their programs will be invaluable in building a thriving JUMP Program.

I comment the leadership of the Senator of New Jersey [Mr. LAUTENBERG] in making the JUMP Program a reality.

OPERATOR SERVICES AND LONG-DISTANCE CALLING CARDS

Mr. BURNS. Mr. President, I rise today in support of the amendment offered by my good friend and colleague on the Senate Commerce Committee, Senator PRESSLER.

Mr. President, the telecommunications industry has undergone tremendous changes over the past decade as new entrants have introduced revolutionary products, technologies, and applications. The quality and availability of telecommunications services and products have dramatically improved during the past decade due to the ability of service providers to compete in the marketplace.

Operator services is one of the last strongholds of monopoly control and while competition in the operator services marketplace over the last several years brought consumers an array of new services, it also brought forth confusion and concerns for consumers, industry participants, and policymakers. However, the introduction of competition in a previously regulated market-

place generally brings an element of confusion for the purchasers and users of innovative products and services. For instance, one can reflect on the issues surrounding the advent of competition in the long-distance market and identify parallels to the operator services marketplace.

I have been following these issues for many years since we first considered in the Telephone Operator Consumer Service Improvement Act of 1990. I was an original cosponsor of the bill that resulted in the Telephone Operator Act. I supported the legislation because it protects a consumer's right to choose, yet avoids a premature imposition of rates and commissions penalties.

Among other matters, in that law, we attempted to ensure that consumers would be able to easily reach the long-distance carrier of their choice when making credit card calls from phones in airports, hotels, and the like. Unfortunately, the advent and widespread use of so-called proprietary cards since we passed the Telephone Operator Act has continued to frustrate consumer access to long-distance carriers. Many in this body have had personal experiences where we could not easily make credit card phone calls from certain locations when we are travelling. Millions of our fellow citizens face the same difficulty every day.

Indeed, just last fall, this calling card issue was before the Federal Communications Commission during its consideration of the 0+ public domain docket. Instead of forthrightly dealing with the opportunity to require all carriers to permit billing of their cards from every location, the FCC simply asked carriers to better educate their consumers about various access arrangements. The result, of course, is that to place a call, some consumers literally have to dial dozens of numbers.

This amendment will guarantee that the FCC addresses this calling card issue in the near future in a way which better reflects Congress' intent in the Telephone Operator Act. Various solutions have advantages and disadvantages. This amendment requires the Commission to weigh which solutions will bring the most benefits to consumers, will be most cost effective, and also will continue to promote competition in this telecommunications service sector.

With the advent of competition in the operator services industry, we have seen an array of services that the new entrants into this operator services marketplace have brought and made available to the traveler—like multilingual operators, billing options to various credit cards, voice mail, message forwarding, and being able to have conference calls from remote facilities—and we are now seeing the larger, more established companies having to respond to this competition. For that, I think we are all better off.

In conclusion, Mr. President, I would note that anytime you take a government sanctioned monopoly and dissolve it and open that new market to competition—as is the case with operator services market—you are going to have consumer, industry, and policymaker confusion as to what is going on in the marketplace. But I think that over time you will see that the American consumer and the American telecommunications industry will be better served by this procompetitive policy. Such a procompetitive policy will bring about a vibrant and competitive market in the United States for our consumers and will allow our domestic companies to be better positioned to compete in the international market.

I congratulate my friend from South Dakota for bringing this matter to the Senate's attention and I urge adoption of the amendment.

Thank you, Mr. President. I yield the floor.

MORNING BUSINESS

Mr. FORD. Madam President, I do not see any other Senators who wish to speak tonight.

I ask unanimous consent that we go to morning business, with Senators allowed to speak therein.

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

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

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

RECONCILIATION

Mr. LIEBERMAN. Mr. President, I rise today to raise questions about the journey we are taking in crafting a credible reconciliation bill that will do what we have told the American people we are going to do—cut the deficit, cut spending and provide incentives for investing and creating jobs. I am very troubled by some of the directions in which the House and Senate conferees seem to be heading. We should be moving toward a package that gives the economy a jump start up front and attacks the deficit methodically and meaningfully over the long haul. Put simply, we should create immediate reasons to invest, expand, and hire. For long-term growth we should cut Government spending as well as the deficit.

From what we hear from the conference, I am afraid we may be getting only part of this equation right. We will be front-loading what we take out of the economy in the first year when what we should be doing is front-loading what we put into the economy. I do not mean in terms of government spending on make-work programs—we have been down that road far too many times. No this is the time to be serious about providing reasons to invest in the people, and the machines, and the research and the leading edge companies that will determine whether we succeed or fail, whether we have to fire or need to hire.

As I understand it, the administration originally proposed a plan which took $36 billion out of the economy in taxes in year one. It offset this with its stimulus appropriation program which this Senate killed and with a program of tax incentives. The President strove for a balance in short-term growth and longer term deficit reduction. However, the Senate bill took out $52 billion in taxes in year 1 and deleted the investment and incentives provisions which were designed to get the economy, in the face of defense cuts and manufacturing contraction, out of the slump we are in. All of this would be further exacerbated if indeed the conferees are serious about a proposal to make the rate increases retroactive to March of 1993, which I find very disturbing.

Mr. President, we should take a step back and reconsider what we are trying to do. Yes, it's the economy. It is the economy in both the short and the long term.

I am very concerned that the conference is eroding the incentive side of this package. Let me briefly outline where I think we should be heading on the investment incentives I have mentioned.

First, with the permanent downsizing in so many of our big companies, with the loss of jobs for so many of our skilled workers, we have seen an explosion in layoffs of highly skilled workers. And, since many of these companies have downsized permanently, these workers won't be hired back, at least not by the companies where they were employed. Where can they find good new jobs? New and small firms are the only answer. What can we do to help create the next Nike, the next Intel, the next Federal Express? We can start by adopting the full-targeted capital gains tax incentive proposed by Senator BUMPERS. In the context of a $500 billion package this is a small ticket item with a big ticket return. We need the investment in new companies that this proposal will encourage. However, I'm concerned that the full Bumpers provision won't be included by the conferees, only a watered-down version.

Second, we also need to raise, and raise significantly, the cap on the small business write-offs for capital equipment. Let's adopt the House proposal which would raise this cap to

$25,000 and encourage small businesses to buy the equipment they need to upgrade their factories and create jobs. Here again, I am troubled that the conferees are cutting back on the level of expensing.

Third, there is talk that all but one of the so-called extenders will not be extended permanently by the conference. This creates a very uncertain economic atmosphere for business in critical areas of opportunity. I am particularly troubled that the mortgage revenue bond extender which promotes the financing and construction of low-income housing and the research and development tax credit which we so badly need to encourage investment in the R&D will not be extended beyond 1 year prospectively. If we want real growth this problem has to be fixed by the conferees.

Fourth, I would urge the conferees to take a long, hard look at the alternative minimum tax provision they are apparently about to adopt. The Senate bill helps short-lived assets but does little to provide much-need relief to longer-lived productive assets. After the destructive emphasis on short-term investment of the past decade, we absolutely need to encourage longer-term capital investments? The conferees should ensure that the final product contained in the conference bill provide equal relief for both types of assets. From what I hear, I am very concerned about whether this will be done and whether the funding for this incentive will be cut from the House level.

Fifth, finally, enterprise zones. The administration has acknowledged the importance of providing tax incentives for investing and hiring in economically depressed urban and rural areas. But based on my experience with this issue and after extensive analysis, I have concluded that the proposal currently pending in the conference committee, is deeply flawed for the following reasons:

First, the proposal provides far too much tax subsidy for only a handful of zones so it will be underutilized and inefficient;

Second, nearly all small businesses will not have sufficient tax liability—income—to utilize the credits;

Third, the credits as currently written will provide a windfall of benefits to existing companies without encouraging net new economic activity; and

Fourth, there is no provision in this proposal which addresses access to capital, which is critical to small firms and startup businesses likely to enter zones.

I'm very concerned that unless we fix these problems, substantially increasing the numbers of zones to at least 50 with a much better mix of capital as well as labor incentives, we will not have a genuine enterprise zone proposal, and therefore will leave our poorest areas languishing without hope.

Everywhere I look at the economic investment incentives the President proposed, I see serious erosion in the conference committee. The conference is eliminating the balance between growth and deficit reduction that we must maintain.

I want very much to help the President and my colleagues in Congress to pass a budget, but I will not vote for a proposal that does not do enough to grow our economy and protect and create the jobs we so clearly need.

HOW TECHNOLOGY CAN CREATE JOBS

Mr. HATCH. Mr. President, many of our colleagues have supported President Clinton's economic plan as a way to create jobs. I believe they will be sorely disappointed if this plan is enacted. Increased taxes simply do not create jobs.

Mr. President, the way to increase jobs in our country is to encourage innovation and risk-taking. The way to create jobs is to encourage research and development of new products, services, and processes and to make them available in the marketplace via new business ventures.

My home State of Utah is doing some remarkable things in the way of public-private partnerships to incubate the new ideas that lead to new businesses. I am reminded of an article that appeared in the New York Times after the 102d Congress adjourned. I would like to share that article with my colleagues at this time. I believe it is relevant to our debate on economic policy; and, of course, I always appreciate an opportunity to highlight the accomplishments of Utahns.

Mr. President, I ask unanimous consent that an article from the November 25, 1992, issue of the New York Times be printed in the RECORD.

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

NEW CHALLENGE FOR STATES: MAKING, NOT TAKING, JOBS

(By Joel Brinkley)

In state capitals across the nation, just as in Washington, government leaders are casting about for approaches, new and old, to reinvigorate their economies. And the key to that, wherever it is tried, is creating jobs.

For decades, most states have taken the easy, politically expedient approach. They have offered lucrative tax incentives, a proven technique that lures businesses away from neighboring states, enabling politicians to put hundreds or thousands of their constituents to work before the next elections.

Amoung the states relying on this approach even today are Arkansas, the home state of President-elect Bill Clinton, and Kentucky, which has perhaps the most generous such program.

TO MEET COMPETITION

But here in Utah, as in a handful of other states, officials are trying new methods. Utah is looking to its own people for creative ideas that can be turned into marketable inventions. When one emerges, the state helps to turn it into a business venture, creating home-grown enterprises that sell new high-tech products.

Economic development experts say that if the nation is to remain competitive internationally, Washington cannot rely only on large-scale Federal public works projects and tax incentives to create jobs. They say the Government should also encourage the creation of innovative businesses, as Utah does. Even though most of these start quite small, such new companies, with patented, cutting-edge products, hold the greatest potential to keep the nation competitive.

One such enterprise may have been born at a meeting of scientists, engineers, venture capitalists and marketing specialists who had been brought together here this month by Utah economic development officials.

Dr. Paul Savello, a professor at Utah State University, told the group that in five years, "there will be no more whole milk for sale in grocery stores."

He explained: "People are concerned about the fat, and in 15 or 20 years people are going to want to move away from 2 percent milk, too. But the problem is, they just don't like the taste and the appearance of skim milk. It's watery."

"It looks blue," an investor, Lee Smith, interjected with a dismissive laugh.

"Well," Dr. Savello went on, "we have firmly developed a way to make skim milk indistinguishable from 2 percent milk in blind taste tests. We don't add anything; it's still regular skim milk. All we're doing is manipulating the protein structure."

That caught everyone's attention, and the investors immediately peppered Dr. Savello with questions about marketing, distribution, costs. He didn't have many answers. "I'm just a scientist," he said, almost as an apology. But he did say, "the cost of the process is probably under one-tenth of a penny per gallon."

With that, a businessman, Jim Dreyfous, exclaimed, "This could be the Nutrasweet of milk!" And within a week Dr. Savello had heard from several eager suitors, venture capitalists and others eager to join forces with him to start a company, build the equipment, hire employees and begin licensing the technology to local dairies nationwide.

"We're really excited about this," Rick Sherle, an Utah entrepreneur who was a breakfast guest, said later. "We're putting together a business plan."

Down the street, at Utah's economic development department a few days later, Michael Alder, head of the state's job creation office, was smiling. He is the one who organized the breakfast. And now, Mr. Alder said, "it looks like the skim milk is taking off."

Mr. Alder's office had helped finance Dr. Savello's research; over the last two years the state had given him almost $200,000. Dr. Savello and Dr. Ault are just two of several dozen scientists and engineers at Utah's universities who have been given $16.5 million for research in the last six years, grants that have been matched 10 to 1 by the Federal Government, foundations and private companies.

The state money is awarded with the clear instruction that it must be used to produce cutting-edge commercial products. Economic development experts say this program is among the nation's most innovative projects for creating jobs. About two-dozen other states offer aid to inventors in universities, said Walter Plosila, an economic development official in Maryland who was hired to

evaluate Utah's program last year. "But very few of them are oriented to moving the inventions into industry," he said.

Now with Dr. Savello's work, once again Utah appeared ready to create jobs in an innovative field, jobs that might never have been created without the state government's help.

A MISTAKE—'I DID OVERDO IT,' CLINTON ADMITS

Among economists, social scientists and others, state economic development programs are generally held in low regard. Most do not create jobs. Usually they simply shift them from one place to another, often at great cost.

To many states, economic development means tax rebates and other costly incentives to lure businesses away from their neighbors—"smokestack chasing," it is called.

But those tax breaks, while often successful at attracting low-tech businesses in search of bargains, can at the same time deprive State governments of revenue they need. Without that money, States often cannot improve their schools and universities, enhance their roads, bridges and other elements of the infrastructure—or in general prepare themselves for the high-technology industries the nation needs to remain competitive in the world.

Tax incentives were the key to Mr. Clinton's economic development program in Arkansas. In the last decade, it produced impressive growth in basic manufacturing jobs, as Mr. Clinton often noted in his campaign speeches.

But most of the new jobs were in new, expanded or relocated plants that generally hired low-wage workers. And even with all those new taxpaying employees in Arkansas, the business-tax rebates insured that Mr. Clinton still had to cut state spending to balance the budget and then raise other taxes to pay for school improvements and other social programs.

In his book "Laboratories of Democracy" (Harvard Business School Press, 1990), David Osborne profiled Mr. Clinton's administration. This study, otherwise generous with praise for Mr. Clinton, criticized the Governor for the size of the tax credits he gave businesses, noting that they cost Arkansas at least $10 million in 1986 alone.

"I asked Clinton about this once," Mr. Osborne said in an interview. "And he said: 'Yup, I plead guilty. It was a mistake.'" In Mr. Osborne's book, Mr. Clinton is quoted as telling the author several years ago: "In 1983, unemployment was 13 percent, and for three years I was desperate to do anything to keep manufacturing jobs. But I think I did overdo it."

LARGESS—MOST AGGRESSIVE IN TAX INCENTIVES

Kentucky is similar to Arkansas in many ways. Half Southern, half Mid-western, it is largely rural and poor. By many national measures of wealth and education, Kentucky, like Arkansas, ranks not far from the bottom when compared with other states.

Last summer Kentucky began what may be the nation's most generous tax-incentive program to recruit new businesses, and it has already attracted several hundred jobs. But it also touched off a regional war.

The most visible part of Kentucky's program is the television advertisements. Since late summer, the State has been running 30-second commercials on CNN showing Gov. Brereton C. Jones leaning toward the camera from behind a polished, dark-wood desk.

"As Governor, I'm asking you to consider Kentucky for your business location," he says. "Locate your white collar jobs in Kentucky, and the state will pay half your rent for 10 years and up to half your start-up costs."

In another ad, the Governor promises: "Locate your manufacturing plant in Kentucky, and the state will reimburse your entire investment. In Kentucky, we're serious about jobs!"

OTHER STATES CRY FOUL

The lucrative tax rebates were Lieut. Gov. Paul E. Patton's idea. His elected position has no duties, so early this year Mr. Jones appointed him head of the state's economic development cabinet as well. Very quickly he drafted the tax incentive plan, the legislature passed the bill and the new law took effect in July. Officials in Ohio and Tennessee promptly cried foul.

"It's the most vicious piece of legislation I have ever seen," Mayor Dwight Tillery of Cincinnati complained.

Almost immediately, Ohio's General Assembly prepared its own generous economic incentive bill, and at the hearings in August, one state senator summed up the general sentiments when he said: "Ohio can't stand by and be a patsy."

After Gov. George Voinovich told the state Senate this was a "must pass" bill, it was enacted. So now Ohio, too, has a generous tax-rebate program—along with all the economic burdens it brings along.

In Jackson, Tenn., meanwhile, officials were preparing to announce late last summer that the International Paper Company was going to build a plant there. It would employ 400 people manufacturing paper labels for cans.

But just before the announcement, International Paper heard about Kentucky's new program and reconsidered. The company's project manager, Kris Schmaling, told the Nashville Business Journal that Kentucky's tax incentives were worth $39 million to International Paper, so "we literally took the Jackson construction plans and modified them for Bowling Green," in southwestern Kentucky.

That was not the only new plant Tennessee lost to Kentucky, and economic development officials were furious. They, too, began lobbying that state's legislature to enact similar incentives.

But at Middle Tennessee State University, Tony Eff, a professor of regional economics, warned Tennessee not to join the regional smokestack chase.

"That was a good strategy 20 years ago, when what made us competitive was low-cost, hard-working workers," he said. "But if employers want that now, they can go to Mexico." And in fact, several states that have used temporary tax-rebate programs to lure businesses are finding that as soon as their rebates expire, some of the companies move away to take advantage of incentives elsewhere.

Now, Dr. Eff says, Tennessee must begin manufacturing new, high-technology products that other countries cannot easily produce. Businesses of that sort usually are not after tax rebates. They look for states with attributes like strong universities, educated and well-trained citizens and advanced communications.

As for tax incentives, Dr. Eff says, "I don't think we can afford it."

Lieutenant Governor Patton says he has heard the argument that Kentucky cannot really afford the incentives, either. But he argues that even though large tax benefits are given to the companies, the state still gains revenue. The new employees "pay sales taxes, property taxes, gasoline taxes," he said.

At the same time, however, these people and their children fill more classrooms, add traffic to the highways, make additional demands on the state Medicaid program. The list goes on. So determining whether the state wins or loses in the end is difficult if not impossible.

"Some people say it's the wrong way to go, that we are eroding our tax base," Mr. Patton acknowledged. "But in Kentucky's situation, we still have high employment, and as long as we bring in jobs for local people, it's helping us."

A BIG SCORE—KENTUCKY LANDS TOYOTA'S PLANT

Kentucky generally prospered in the latter half of the 1980's, largely a result of several lucky strikes. The most notable was Toyota's decision to build an assembly plant in Georgetown, after the state offered $140 million in incentives.

But the economic consulting firm DRI-Mcgraw Hill projects that Kentucky will rank 34th in the nation in job creation next year. The Corporation for Economic Development, another national consulting firm, ranks Kentucky 39th, and its annual report card on the states gives Kentucky D's for both economic performance and development capacity.

The same two firms rank Utah 10th and 8th respectively in job creation. And in the same two categories the report card gives Utah two A's. This is largely because Utah puts most of its energy into a different approach.

Mr. Alder's office, the Centers of Excellence program, is a central part of that. It seeks out promising research in university laboratories in the state—professors with projects that ordinarily might produce interesting articles in academic journals but seldom much more.

PROFESSORS THINKING COMMERCIAL

The state encourages these professors to refocus their work toward commercial applications. And then twice a year, professors across the state can enter a competition of sorts for state financing up to $300,000 a year that must be used to move their work from university labs to new commercial ventures.

Start-up businesses of this sort generally take several years to get going. But since the program was begun in 1986, it has led to the creation of 65 high-tech companies employing almost 1,500 people, plus about 1,000 more people hired to carry out additional work in the associated university labs. Not all of these companies will survive. But those that do provide jobs that were not simply shifted here from other states. They did not exist before, and most of them pay higher than average wages.

A SUCCESS

UTAH SEEKS OUT CUTTING EDGE

In northeast Salt Lake City, right beside the university campus, the entrance sign to a modern industrial park reads: "University of Utah Research Park: Technology, Creating Industry, Creating Jobs."

Inside are rows of squat, red-brick industrial buildings housing more than 50 start-up concerns, all of them born of research in the university's labs, many of them financed in part with money from Mr. Alder's program.

Not many universities encourage their professors to start businesses; in fact the whole idea seems contrary to the philosophy of academia. But "this institution has a view that we are an important part of the regional and local economy, and one thing we can do for the state is commercialize our research," said Richard Koehn, the University of Utah's vice president for research.

That's not just an altruistic view; by a variety of arrangements the university shares in the profits from commercial ventures born in the school's labs. "Last year we took in $1.3 million," Dr. Koehn said.

And it is also true that his university is known for unorthodox experiments. It was here in 1989 that two researchers announced that they had achieved cold nuclear fusion, a claim that was later largely discredited. And it was here, seven years earlier, that Dr. William DeVries implanted the first permanent artificial heart in a patient, Barney Clark. He died three months later.

On a trial production line in one of the industrial-park buildings, a wide strip of special, porous plastic material rolls past, and steel nozzles just above spit small globs of clear gel at designated intervals, 70 of them a minute. A few inches farther along, another layer of plastic is laid on top, a punching device cuts the sheets into individual two-inch squares. And then these little patches of medication are dumped into a basket ready for packaging—the first products in a new market with an estimated potential value of $1 billion.

The squares are transdermal patches of testosterone, the male sex hormone. They are like the nicotine patches many people use to help them quit smoking, though far more sophisticated. Pasted most anywhere on the body of a patient suffering from malfunctioning gonads, they dispense testosterone through the skin to replace the testosterone the body should be producing on its own, under a new, patented process unknown before it was pioneered in a University of Utah laboratory.

FIELD DIDN'T EXIST BEFORE

Creation of the process was financed in part by more than $1 million from the state, Dr. Sung Wan Kim, one of the inventors, said. With encouragement from both the university and Mr. Alder's office, he founded a company. Theratec Inc., which produces the patches and several other novel drug delivery technologies.

Theratec made a public offering of its shares early this year, and the over-the-counter stock has grown to be a darling of some financial analysts. "The unappreciated gem of the drug delivery area," an analysis by Vector Securities said early this year. Last month, Kidder, Peabody & Company said "the uniqueness and proven benefits of these products gives us confidence in the company's profitability."

Now Theratec employs 80 people in a field that did not exist just a few years ago. And the company is almost certain to grow after it gains Food and Drug Administration approval for its initial products. Already, the average salary of Theratec's employees exceeds $40,000 a year. But like most speculative new companies, Theratec's early days were not easy.

"It would have been tough getting going without that money from the state," says Dinesh C. Patel, the company's president. "The state stepped in where most new companies fail."

Dr. Kim said, "Because of the state funding, we were able to initiate many new areas of research," adding that the Clinton Administration should look to Utah for ideas.

"The new Government in Washington has to stimulate small technologies like ours," he said.

Stephen C. Jacobsen has a similar view. He is a professor of engineering at the same university, and with help from the state, among others, he created a successful robotics company now employing 120 people. He put it this way: "People like us create the headwaters of innovation that can enable this country to stay ahead of Japan. But in the beginning, it's a minefield, and that's where the state helps."

If the Federal Government "doesn't do something to help entrepreneurs, something like the state does here, then we'll be in trouble."

BREAST AND CERVICAL CANCER PREVENTION PROGRAM

Mr. RIEGLE. Mr. President, I would like to express my support for reauthorization of the CDC's Breast and Cervical Cancer Prevention Program. I am proud to be cosponsoring this legislation with Senator KENNEDY.

Breast and cervical cancer are among the leading causes of death in women. Survival rates for women with both of these cancers increase dramatically, however, when they are detected by screening in their early, most curable stages.

The Breast and Cervical Cancer Prevention Program establishes screening services in communities with large numbers of women who are at risk for breast or cervical cancer, and it provides funding for educational programs on the value of early screening. Last year 30 States, including Michigan, were part of the program.

The Department of Public Health in Michigan has been a participant in this program for 2 years. In Michigan alone over 4,500 women have received mammograms through the program and over 4,700 have received Pap tests. More than 500 of these women have had abnormal test results and have been referred for followup services. This kind of detection is essential to giving women the greatest chances for overcoming these conditions.

I believe the value of these services to the health of women is indisputable, and I would like to urge my colleagues to support this legislation and to extend this very important program.

IN HONOR OF DONALD G. HARD, MAJOR GENERAL, USAF

Mr. LEAHY. Mr. President, I would like to pay tribute to Maj. Gen. Donald G. Hard, on the occasion of his upcoming retirement on August 1, 1993. Vermont is proud that General Hard, who grew up on a farm in Sunderland, VT, has served his country with such distinction.

General Hard culminated a remarkable 31-year career as Director of Space Programs in the Office of the Assistant of Air Force for Acquisition. I am pleased to have the opportunity, Mr. President, of sponsoring a flag to be flown over the U.S. Capitol Building on August 1, 1993, to commemorate Gen. Don Hard's retirement. I wish General Hard, his wife June, and his daughters Jennifer, Amy, and Julie the very best of luck and Godspeed.

FOR THE RELIEF OF OLGA D. ZHONDETSKAYA

Mr. MURKOWSKI. Madam President, I send the enclosed bill to the desk on behalf of Senator COHEN, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1311) for the relief of Olga D. Zhondetskaya.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

The PRESIDING OFFICER. If there is no objection, the bill is deemed read three times and passed.

The bill (S. 1311) was passed, as follows:

S. 1311

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

SEC. 1. WAIVER OF CERTAIN NATURALIZATION REQUIREMENTS FOR OLGA D. ZHONDETSKAYA.

(a) IN GENERAL.—Notwithstanding the inability of Olga D. Zhondetskaya to meet the requirements of section 312 of the Immigration and Nationality Act or the requirements of section 316 of such Act that relate to residence and physical presence in the United States, if otherwise qualified, she shall be considered eligible for naturalization and, upon filing an application for naturalization and being administered the oath of renunciation and allegiance pursuant to section 337 of such Act, shall be naturalized as a citizen of the United States.

(b) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsection (a) shall apply only if the application for naturalization is filed with appropriate fees within 1 year after the date of the enactment of this Act.

Mr. MURKOWSKI. Madam President, I move to reconsider the vote by which the bill was passed.

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

The motion to lay on the table was agreed to.

TO WAIVE THE PROVISIONS OF THE LEGISLATIVE REORGANIZATION ACT OF 1970

Mr. FORD. Madam President, on behalf of the majority leader, I send to the desk a concurrent resolution (S. Con. Res. 33), and ask for its immediate consideration; and I ask unanimous consent that the concurrent resolution be agreed to, and that the motion to reconsider be laid upon the table.

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

The concurrent resolution (S. Con. Res. 33) was agreed to as follows:

S. CON. RES. 33

Resolved by the Senate (the House of Representatives concurring), That notwithstanding the provisions of section 132(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 198), as amended by section 461 of the

Legislative Reorganization Act of 1970 (Public Law 91-510; 84 Stat. 1193), the Senate and the House of Representatives shall not adjourn for a period in excess of three days, or adjourn sine die, until both Houses of Congress have adopted a concurrent resolution providing either for an adjournment (in excess of three days) to a day certain, or for adjournment sine die.

GOVERNMENT SECURITIES ACT AMENDMENTS OF 1993

Mr. FORD. Madam President, on behalf of the majority leader, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar 161, S. 422, a bill to amend the Securities Exchange Act, to ensure the efficient and fair operation of the Government securities market; that the bill be deemed read three times, passed, and the motion to reconsider be laid upon the table; that any statements relative to this measure appear in the RECORD at the appropriate place.

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

There being no objection, the Senate proceeded to consider the bill (S. 422) to amend the Securities Exchange Act of 1934 to ensure the efficient and fair operation of the Government securities market, in order to protect investors and facilitate Government borrowing at the lowest possible cost to taxpayers, and to prevent false and misleading statements in connection with offerings of Government securities, which had been reported from the Committee on Banking, Housing, and Urban Affairs, with an amendment on page 5, line 23, to strike "such",

So as to make the bill read:

S. 422

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Government Securities Act Amendments of 1993".

SEC. 2. FINDINGS.

The Congress finds that—

(1) the liquid and efficient operation of the government securities market is essential to facilitate government borrowing at the lowest possible cost to taxpayers;

(2) the fair and honest treatment of investors will strengthen the integrity and liquidity of the government securities market;

(3) rules promulgated by the Secretary of the Treasury pursuant to the Government Securities Act of 1986 have worked well to protect investors from unregulated dealers and maintain the efficiency of the government securities market; and

(4) extending the authority of the Secretary and providing new authority will ensure the continued strength of the government securities market.

SEC. 3. EXTENSION OF TREASURY RULEMAKING AUTHORITY.

Section 15C of the Securities Exchange Act of 1934 (15 U.S.C. 78o-5) is amended by striking subsection (g).

SEC. 4. SALES PRACTICE RULEMAKING AUTHORITY.

(a) RULES FOR FINANCIAL INSTITUTIONS.—Section 15C(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78o-5(b)) is amended—

(1) by redesignating paragraphs (3), (4), (5), and (6) as paragraphs (4), (5), (6), and (7), respectively; and

(2) by inserting after paragraph (2) the following new paragraph:

"(3)(A) With respect to any financial institution that has filed notice as a government securities broker or government securities dealer or that is required to file notice under subsection (a)(1)(B), the appropriate regulatory agency for such government securities broker or government securities dealer may issue such rules and regulations with respect to transactions in government securities as may be necessary to prevent fraudulent and manipulative acts and practices and to promote just and equitable principles of trade, if the Secretary has not determined that the rule or regulation, if implemented would, or as applied does—

"(i) adversely affect the liquidity or efficiency of the market for government securities; or

"(ii) impose any burden on competition not necessary or appropriate in furtherance of the purposes of this section.

"(B) The appropriate regulatory agency shall consult with and consider the views of the Secretary prior to approving or amending a rule or regulation under this paragraph, except where the appropriate regulatory agency determines that an emergency exists requiring expeditious and summary action and publishes its reasons therefor. If the Secretary comments in writing to the appropriate regulatory agency on a proposed rule or regulation that has been published for comment, the appropriate regulatory agency shall respond in writing to such written comment before approving the proposed rule or regulation.

"(C) In promulgating rules under this section, the appropriate regulatory agency shall consider the sufficiency and appropriateness of then existing laws and rules applicable to government securities brokers, government securities dealers, and persons associated with government securities brokers and government securities dealers.".

(b) RULES BY REGISTERED SECURITIES ASSOCIATIONS.—Section 15A(f)(2) of the Securities Exchange Act of 1934 (15 U.S.C. 78o-3(f)(2)) is amended—

(1) by striking "and" at the end of subparagraph (E); and

(2) by striking the period at the end of subparagraph (F) and inserting ", and (G) with respect to transactions in government securities, to prevent fraudulent and manipulative acts and practices and to promote just and equitable principles of trade.".

(c) OVERSIGHT OF REGISTERED SECURITIES ASSOCIATIONS.—Section 19 of the Securities Exchange Act of 1934 (15 U.S.C. 78s) is amended—

(1) in subsection (b), by adding at the end the following new paragraphs:

"(5) The Commission shall consult with and consider the views of the Secretary of the Treasury prior to approving a proposed rule filed by a registered securities association pursuant to section 15A(f)(2)(G), except where the Commission determines that an emergency exists requiring expeditious or summary action and publishes its reasons therefor. If the Secretary of the Treasury comments in writing to the Commission on a proposed rule that has been published for comment, the Commission shall respond in writing to such written comment before approving the proposed rule. The Commission may approve [such] a rule *under this paragraph* if the Secretary of the Treasury has not determined that the rule, if implemented, would, or as applied does—

"(A) adversely affect the liquidity or efficiency of the market for government securities; or

"(B) impose any burden on competition not necessary or appropriate in furtherance of the purposes of this section.

"(6) In approving rules filed by a registered securities association pursuant to section 15A(f)(2)(G), the Commission shall consider the sufficiency and appropriateness of then existing laws and rules applicable to government securities brokers, government securities dealers, and persons associated with government securities brokers and government securities dealers."; and

(2) in subsection (c), by adding at the end the following new paragraph:

"(5) With respect to rules adopted pursuant to section 15A(f)(2)(G), the Commission shall consult with and consider the views of the Secretary of the Treasury before abrogating, adding to, and deleting from such rules, except where the Commission determines that an emergency exists requiring expeditious or summary action and publishes its reasons therefor.".

SEC. 5. DISCLOSURE BY GOVERNMENT SECURITIES BROKERS AND GOVERNMENT SECURITIES DEALERS WHOSE ACCOUNTS ARE NOT INSURED BY THE SECURITIES INVESTOR PROTECTION CORPORATION.

Section 15C(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78o-5(a)) is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following:

"(4) No government securities broker or government securities dealer that is not a member of the Securities Investor Protection Corporation shall effect any transaction in any security in contravention of such rules as the Commission shall prescribe pursuant to this subsection to assure that its customers receive complete, accurate, and timely disclosure of the inapplicability of Securities Investor Protection Corporation coverage to their accounts.".

SEC. 6. TECHNICAL AMENDMENT.

Section 15C(d)(2) of the Securities Exchange Act of 1934 (15 U.S.C. 78o-5(d)(2)) is amended to read as follows:

"(2) Information received by any appropriate regulatory agency or the Secretary from or with respect to any government securities broker or government securities dealer or with respect to any person associated with a government securities broker or a government securities dealer may be made available by the Secretary or the recipient agency to the Commission, the Secretary, any appropriate regulatory agency, any self-regulatory organization, or any Federal Reserve bank.".

SEC. 7. AMENDMENTS TO DEFINITIONS.

Section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)) is amended—

(1) in paragraph (34)(G), by amending clauses (ii), (iii), and (iv) to read as follows:

"(ii) the Board of Governors of the Federal Reserve System, in the case of a State member bank of the Federal Reserve System, a foreign bank, an uninsured State branch or State agency of a foreign bank, a commercial lending company owned or controlled by a foreign bank (as such terms are used in the International Banking Act of 1978), or a corporation organized or having an agreement with the Board of Governors of the Federal Reserve System pursuant to section 25 or section 25(a) of the Federal Reserve Act;

"(iii) the Federal Deposit Insurance Corporation, in the case of a bank insured by

the Federal Deposit Insurance Corporation (other than a member of the Federal Reserve System or a Federal savings bank) or an insured State branch of a foreign bank (as such terms are used in the International Banking Act of 1978);

"(iv) the Director of the Office of Thrift Supervision, in the case of a savings association (as defined in section 3(b) of the Federal Deposit Insurance Act) the deposits of which are insured by the Federal Deposit Insurance Corporation;"; and

(2) by amending paragraph (46) to read as follows:

"(46) The term 'financial institution' means—

"(A) a bank (as defined in paragraph (6));

"(B) a foreign bank (as such term is used in the International Banking Act of 1978); and

"(C) a savings association (as defined in section 3(b) of the Federal Deposit Insurance Act) the deposits of which are insured by the Federal Deposit Insurance Corporation.".

SEC. 8. STUDY RELATING TO GOVERNMENT SECURITIES INFORMATION.

(a) IN GENERAL.—The Secretary of the Treasury, the Securities and Exchange Commission, and the Board of Governors of the Federal Reserve System shall monitor and evaluate the effectiveness of private sector efforts to disseminate government securities price and volume information, and determine whether such efforts—

(1) assure the prompt, accurate, reliable, and fair reporting, collection, processing, distribution, and publication of information with respect to quotations for and transactions in government securities and the fairness and usefulness of the form and content of such information;

(2) assure that all government securities information processors may, for purposes of distribution and publication, obtain on fair and reasonable terms such information with respect to quotations for and transactions in government securities as is reported, collected, processed, or prepared for distribution or publication by any processor of such information (including self-regulatory organizations) acting in an exclusive capacity; and

(3) assure that all government securities brokers, government securities dealers, government securities information processors, and other appropriate persons may obtain on terms which are not unreasonably discriminatory such information with respect to quotations for and transactions in government securities as is published or distributed.

(b) REPORT.—A report describing any findings made under this section and any recommendations for legislation shall be submitted to Congress not later than 18 months after the date of enactment of this Act.

SEC. 9. OFFERINGS OF GOVERNMENT SECURITIES.

Section 15(c) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(c)) is amended by adding at the end the following new paragraph:

"(7) In connection with any bid for or purchase of a government security related to an offering of government securities by or on behalf of an issuer, no government securities broker, government securities dealer, or bidder for or purchaser of securities in such offering shall knowingly or willfully make any false or misleading written statement or omit any fact necessary to make any written statement made not misleading.".

GOVERNMENT SECURITIES ACT AMENDMENTS OF 1993

Mr. DODD. Madam President, I rise in support of S. 422, the Government Securities Act Amendments of 1993. This is legislation I introduced earlier this year with Senators RIEGLE, D'AMATO, SHELBY, KERRY, and MURRAY. The text of the bill is identical to measures that Senator GRAMM and I developed in the last Congress, and which passed the Senate by unanimous consent.

This legislation is needed to restore the Treasury's rulemaking authority over Government securities dealers. That authority expired October 1, 1991, when the House failed to move legislation passed by the Senate. The Treasury cannot go forward with critical rulemaking initiatives related to capital standards, risk assessment, and customer protection until its rulemaking authority is reinstated. We need to move this legislation expeditiously, and I am grateful for the support of Chairman RIEGLE, Senator D'AMATO, Senator GRAMM, and my other colleagues.

In brief, this legislation would: Reauthorize Treasury's rulemaking authority under the Government Securities Act; provide a structure for sales practice rules for Government securities dealers—something State and local officials have told us is necessary to protect investors; direct further study of private sector efforts to disseminate price and volume information for Government securities dealers; authorize the SEC to write rules requiring that Government securities dealers who do not have SIPC insurance coverage for their customers must disclose their lack of coverage; prohibit making false written statements in Treasury auctions or in other offerings of Government securities; and make further technical amendments to the Government Securities Act.

The legislation was based on studies by the Treasury, the Federal Reserve and the SEC, as well as an extensive hearing record developed by the Securities Subcommittee in the last Congress. Experts and market regulators recommended that Congress reauthorize Treasury's rulemaking authority and make further amendments to the Government Securities Act.

The scandal in the Treasury securities market in 1991 resulted in heightened scrutiny over this market and led to the adoption of major reforms. The SEC levied hefty fines and brought civil actions against one of the largest primary dealers and its top officers. The Treasury, the Federal Reserve, the SEC, and the CFTC established a surveillance group to ensure that trading activity in the market is closely monitored. The Treasury has implemented a long list of reforms designed to keep the market fair, honest, and efficient. Government securities dealers have strengthened their own internal controls to prevent future violations. It is noteworthy that today, there is more price and volume information in this market than ever before.

Many reforms have been implemented, and wrongdoers have been punished. However, the legislation we are considering today is critical to implement reforms that require further statutory authority.

Let me close by noting that every taxpayer in this country is affected by this legislation. The market for Treasury securities is the largest securities market in the world, and conditions in the Treasury market determine the cost to the taxpayer of financing U.S. Government operations.

It is essential that we maintain the fairness and efficiency of this market so that Government funds are raised with the least possible cost to the American taxpayer, and that investors—whether they are individuals, mutual funds, or State and local governments—have confidence in this market and believe it is fair and honest.

I am hopeful the House will take up this measure soon. I look forward to meeting with our colleagues in the House and feel confident that we will see this legislation enacted into law this year.

The PRESIDING OFFICER. Without objection, the committee amendment is agreed to.

So the bill (S. 422), as amended, was passed as follows:

S. 422

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Government Securities Act Amendments of 1993".

SEC. 2. FINDINGS.

The Congress finds that—

(1) the liquid and efficient operation of the government securities market is essential to facilitate government borrowing at the lowest possible cost to taxpayers;

(2) the fair and honest treatment of investors will strengthen the integrity and liquidity of the government securities market;

(3) rules promulgated by the Secretary of the Treasury pursuant to the Government Securities Act of 1986 have worked well to protect investors from unregulated dealers and maintain the efficiency of the government securities market; and

(4) extending the authority of the Secretary and providing new authority will ensure the continued strength of the government securities market.

SEC. 3. EXTENSION OF TREASURY RULEMAKING AUTHORITY.

Section 15C of the Securities Exchange Act of 1934 (15 U.S.C. 78o–5) is amended by striking subsection (g).

SEC. 4. SALES PRACTICE RULEMAKING AUTHORITY.

(a) RULES FOR FINANCIAL INSTITUTIONS.—Section 15C(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78o–5(b)) is amended—

(1) by redesignating paragraphs (3), (4), (5), and (6) as paragraphs (4), (5), (6), and (7), respectively; and

(2) by inserting after paragraph (2) the following new paragraph:

"(3)(A) With respect to any financial institution that has filed notice as a government securities broker or government securities dealer or that is required to file notice under subsection (a)(1)(B), the appropriate regulatory agency for such government securities broker or government securities dealer may issue such rules and regulations with respect to transactions in government securities as may be necessary to prevent fraudulent and manipulative acts and practices and to promote just and equitable principles of trade, if the Secretary has not determined that the rule or regulation, if implemented would, or as applied does—

"(i) adversely affect the liquidity or efficiency of the market for government securities; or

"(ii) impose any burden on competition not necessary or appropriate in furtherance of the purposes of this section.

"(B) The appropriate regulatory agency shall consult with and consider the views of the Secretary prior to approving or amending a rule or regulation under this paragraph, except where the appropriate regulatory agency determines that an emergency exists requiring expeditious and summary action and publishes its reasons therefor. If the Secretary comments in writing to the appropriate regulatory agency on a proposed rule or regulation that has been published for comment, the appropriate regulatory agency shall respond in writing to such written comment before approving the proposed rule or regulation.

"(C) In promulgating rules under this section, the appropriate regulatory agency shall consider the sufficiency and appropriateness of then existing laws and rules applicable to government securities brokers, government securities dealers, and persons associated with government securities brokers and government securities dealers.".

(b) RULES BY REGISTERED SECURITIES ASSOCIATIONS.—Section 15A(f)(2) of the Securities Exchange Act of 1934 (15 U.S.C. 78o-3(f)(2)) is amended—

(1) by striking "and" at the end of subparagraph (E); and

(2) by striking the period at the end of subparagraph (F) and inserting ", and (G) with respect to transactions in government securities, to prevent fraudulent and manipulative acts and practices and to promote just and equitable principles of trade.".

(c) OVERSIGHT OF REGISTERED SECURITIES ASSOCIATIONS.—Section 19 of the Securities Exchange Act of 1934 (15 U.S.C. 78s) is amended—

(1) in subsection (b), by adding at the end the following new paragraphs:

"(5) The Commission shall consult with and consider the views of the Secretary of the Treasury prior to approving a proposed rule filed by a registered securities association pursuant to section 15A(f)(2)(G), except where the Commission determines that an emergency exists requiring expeditious or summary action and publishes its reasons therefor. If the Secretary of the Treasury comments in writing to the Commission on a proposed rule that has been published for comment, the Commission shall respond in writing to such written comment before approving the proposed rule. The Commission may approve a rule under this paragraph if the Secretary of the Treasury has not determined that the rule, if implemented, would, or as applied does—

"(A) adversely affect the liquidity or efficiency of the market for government securities; or

"(B) impose any burden on competition not necessary or appropriate in furtherance of the purposes of this section.

"(6) In approving rules filed by a registered securities association pursuant to section 15A(f)(2)(G), the Commission shall consider the sufficiency and appropriateness of then existing laws and rules applicable to government securities brokers, government securities dealers, and persons associated with government securities brokers and government securities dealers."; and

(2) in subsection (c), by adding at the end the following new paragraph:

"(5) With respect to rules adopted pursuant to section 15A(f)(2)(G), the Commission shall consult with and consider the views of the Secretary of the Treasury before abrogating, adding to, and deleting from such rules, except where the Commission determines that an emergency exists requiring expeditious or summary action and publishes its reasons therefor.".

SEC. 5. DISCLOSURE BY GOVERNMENT SECURITIES BROKERS AND GOVERNMENT SECURITIES DEALERS WHOSE ACCOUNTS ARE NOT INSURED BY THE SECURITIES INVESTOR PROTECTION CORPORATION.

Section 15C(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78o-5(a)) is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following:

"(4) No government securities broker or government securities dealer that is not a member of the Securities Investor Protection Corporation shall effect any transaction in any security in contravention of such rules as the Commission shall prescribe pursuant to this subsection to assure that its customers receive complete, accurate, and timely disclosure of the inapplicability of Securities Investor Protection Corporation coverage to their accounts.".

SEC. 6. TECHNICAL AMENDMENT.

Section 15C(d)(2) of the Securities Exchange Act of 1934 (15 U.S.C. 78o-5(d)(2)) is amended to read as follows:

"(2) Information received by any appropriate regulatory agency or the Secretary from or with respect to any government securities broker or government securities dealer or with respect to any person associated with a government securities broker or a government securities dealer may be made available by the Secretary or the recipient agency to the Commission, the Secretary, any appropriate regulatory agency, any self-regulatory organization, or any Federal Reserve bank.".

SEC. 7. AMENDMENTS TO DEFINITIONS.

Section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)) is amended—

(1) in paragraph (34)(G), by amending clauses (ii), (iii), and (iv) to read as follows:

"(ii) the Board of Governors of the Federal Reserve System, in the case of a State member bank of the Federal Reserve System, a foreign bank, an uninsured State branch or State agency of a foreign bank, a commercial lending company owned or controlled by a foreign bank (as such terms are used in the International Banking Act of 1978), or a corporation organized or having an agreement with the Board of Governors of the Federal Reserve System pursuant to section 25 or section 25(a) of the Federal Reserve Act;

"(iii) the Federal Deposit Insurance Corporation, in the case of a bank insured by the Federal Deposit Insurance Corporation (other than a member of the Federal Reserve System or a Federal savings bank) or an insured State branch of a foreign bank (as such terms are used in the International Banking Act of 1978);

"(iv) the Director of the Office of Thrift Supervision, in the case of a savings association (as defined in section 3(b) of the Federal Deposit Insurance Act) the deposits of which are insured by the Federal Deposit Insurance Corporation;"; and

(2) by amending paragraph (46) to read as follows:

"(46) The term 'financial institution' means—

"(A) a bank (as defined in paragraph (6));

"(B) a foreign bank (as such term is used in the International Banking Act of 1978); and

"(C) a savings association (as defined in section 3(b) of the Federal Deposit Insurance Act) the deposits of which are insured by the Federal Deposit Insurance Corporation.".

SEC. 8. STUDY RELATING TO GOVERNMENT SECURITIES INFORMATION.

(a) IN GENERAL.—The Secretary of the Treasury, the Securities and Exchange Commission, and the Board of Governors of the Federal Reserve System shall monitor and evaluate the effectiveness of private sector efforts to disseminate government securities price and volume information, and determine whether such efforts—

(1) assure the prompt, accurate, reliable, and fair reporting, collection, processing, distribution, and publication of information with respect to quotations for and transactions in government securities and the fairness and usefulness of the form and content of such information;

(2) assure that all government securities information processors may, for purposes of distribution and publication, obtain on fair and reasonable terms such information with respect to quotations for and transactions in government securities as is reported, collected, processed, or prepared for distribution or publication by any processor of such information (including self-regulatory organizations) acting in an exclusive capacity; and

(3) assure that all government securities brokers, government securities dealers, government securities information processors, and other appropriate persons may obtain on terms which are not unreasonably discriminatory such information with respect to quotations for and transactions in government securities as is published or distributed.

(b) REPORT.—A report describing any fundings made under this section and any recommendations for legislation shall be submitted to Congress not later than 18 months after the date of enactment of this Act.

SEC. 9. OFFERINGS OF GOVERNMENT SECURITIES.

Section 15(c) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(c)) is amended by adding at the end the following new paragraph:

"(7) In connection with any bid for or purchase of a government security related to an offering of government securities by or on behalf of an issuer, no government securities broker, government securities dealer, or bidder for or purchaser of securities in such offering shall knowingly or willfully make any false or misleading written statement or omit any fact necessary to make any written statement made not misleading.".

SECURITIES EXCHANGE AMENDMENTS ACT OF 1934

Mr. FORD. Madam President, I ask unanimous consent that the Senate

proceed to the immediate consideration of Calendar No. 63, H.R. 616, a bill to amend the Securities Exchange Act to permit members of the national securities exchange to effect certain transactions with respect to accounts for which such members exercise investment discretion; that the bill be deemed read three times and passed; that the motion to reconsider be laid upon the table; that any statement relative to this measure appear in the RECORD at the appropriate place.

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

The bill (H.R. 616) to amend the Securities Exchange Act of 1934 to permit members of national securities exchanges to effect certain transactions with respect to accounts for which such members exercise investment discretion was considered, ordered to a third reading, deemed read the third time, and passed.

Mr. DODD. Madam President, I am pleased that the Senate has today passed and will send to the President for his signature, H.R. 616, a bill that amends the managed account restrictions currently imposed by section 11(a) of the Securities Exchange Act of 1934.

This measure, which was originally introduced by Senator KERRY in the last Congress as a free-standing bill, was added to the Investment Advisers Oversight Act of 1992, which passed the Senate in the 102d Congress. The House and Senate were not able to resolve their differences in the broader investment adviser legislation, so, unfortunately, Congress adjourned without enacting the managed account restrictions provision.

H.R. 616, which was introduced by Representative MARKEY in the House earlier this session, contains the same language that passed both Chambers in the last Congress. On May 4, 1993, the House of Representatives passed H.R. 616 by unanimous consent.

Let me briefly discuss this legislation. Section 11(a), which was adopted in 1975, limits the ability of affiliates of investment companies and other institutional investors to execute trades on the floor of a registered securities exchange for accounts which they manage. In practice, an independent floor broker must be used to execute these trades. This adds additional costs, which are passed on to investors.

This bill would permit members of a registered securities exchange to execute transactions on the exchange for their managed accounts, without having to use another broker. Based upon studies conducted by the Securities Industry Association and the New York Stock Exchange, passage of this provision could result in savings of hundreds of millions of dollars for investors.

The bill also provides the SEC with authority to assure that appropriate investor protections are provided to prevent potential conflicts of interests. In order for institutional investors to execute trades on the floor of the exchange for accounts that they manage, they must obtain prior authorization from the person authorized to transact business for the managed account.

In addition, the bill authorizes the SEC to prescribe rules requiring disclosure of the compensation received by the affiliated broker. The SEC may prescribe rules specifying, for example, the form of authorization required in order to execute trades for managed accounts, the person that may give the authorization, and the manner and frequency of disclosure of compensation received by the exchange member.

Madam President, I believe these safeguards will ensure that the intent of section 11(a) is carried out. At the same time, this legislation will provide significant cost savings for investors.

SENATOR LAUTENBERG ADDED AS A CONFEREE TO H.R. 2519

Mr. FORD. Madam President, earlier today, following the final passage of H.R. 2519, the Commerce, Justice, and State, Judiciary and related agencies appropriations bill for fiscal year 1994, Senator LAUTENBERG's name was inadvertently omitted from the list of conferees.

I therefore ask unanimous consent that Senator LAUTENBERG be added to the Senate conferees for the bill.

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

MEASURE REFERRED TO ENVIRONMENTAL AND PUBLIC WORKS COMMITTEE—S. 1302

Mr. FORD. Madam President, on behalf of the majority leader, I ask unanimous consent that S. 1302, a bill to designate the Federal building in Jacksonville, FL, as the "Charles E. Bennett Federal Building," be discharged in the Governmental Affairs Committee and referred to the Environmental and Public Works Committee.

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

REPORT OF THE ARCTIC RESEARCH PLAN BIENNIAL REVISION: 1994–1995—MESSAGE FROM THE PRESIDENT—PM 37

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Governmental Affairs.

To the Congress of the United States:

Pursuant to the provisions of the Arctic Research and Policy Act of 1984, as amended (15 U.S.C. 4108(a)), I hereby transmit the third biennial revision (1994–1995) to the United States Arctic Research Plan.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 29, 1993.*

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Edwin R. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 4:05 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House disagrees to the amendments of the Senate to the bill (H.R. 2348) making appropriations for the legislative branch for the fiscal year ending September 30, 1994, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. FAZIO, Mr. OBEY, Mr. MORAN, Mr. MURTHA, Mr. CARR, Mr. CHAPMAN, Mr. NATCHER, Mr. YOUNG of Florida, Mr. PACKARD, Mr. TAYLOR of North Carolina, and Mr. MCDADE as the managers of the conference on the part of the House.

ENROLLED BILLS SIGNED

The message also announced that the Speaker has signed the following enrolled bills:

H.R. 63. An act to establish the Spring Mountains National Recreation Area in Nevada, and for other purposes; and

H.R. 2683. An act to extend the operation of the migrant student record transfer system.

The enrolled bills were subsequently signed by the President pro tempore [Mr. BYRD].

MEASURES REFERRED

The Committee on Governmental Affairs was discharged from further consideration of the following measure which was referred to the Committee on Environment and Public Works:

S. 1302. A bill to designate the Federal building in Jacksonville, Florida, as the "Charles E. Bennett Federal Building."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INOUYE, from the Committee on Indian Affairs, without amendment:

S. 1078. A bill to confirm the Federal relationship with the Jena Band of Choctaw Indians of Louisiana (Rept. No. 103–116).

By Mr. KENNEDY, from the Committee on Labor and Human Resources, with an amendment in the nature of a substitute:

S. 636. A bill to amend the Public Health Service Act to permit individuals to have freedom of access to certain medical clinics and facilities, and for other purposes (Rept. No. 103–117).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. BIDEN, from the Committee on the Judiciary:

Ruth Bader Ginsburg, of New York, to be an Associate Justice of the Supreme Court of the United States.

By Mr. PELL, from the Committee on Foreign Relations:

John Francis Maisto, of Pennsylvania, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Nicaragua;

Nominee: John Francis Maisto.

Post: Ambassador to Nicaragua.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self: John F. Maisto, none.

2. Spouse: Maria Consuelo G. Maisto, $25, October 1992, Clinton-Gore campaign.

3. Children and spouses names: John J. Maisto, none; Karen Nelson, none; Maria Consuelo Maisto, none; M. Cristina Maisto, $15, July 1992, Lenora Fulani for President.

4. Parents names: John Maisto, deceased; Mary P. Maisto, none.

5. Grandparents names: Elpedio Maisto, deceased; Louise Maisto, deceased; Luigi Tomaino, deceased; Petronilla Tomaino, deceased.

6. Brothers and spouses names: Albert L. Maisto, none; Mary Jean Maisto, none.

7. Sisters and spouses names: None.

David Laurence Aaron, of New York, to be the Representative of the United States of America to the Organization for Economic Cooperation and Development, with the rank of Ambassador;

Nominee: David L. Aaron.

Post: Ambassador to OECD.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self: None.

2. Spouse: Chloe W., none.

3. Children and spouses, names: Timothy W., none.

4. Parents names: Audrey Aaron, none, Abe Aaron (stepfather) deceased; Michael Gorman, deceased.

5. Grandparents names: FNU Gorman, deceased; FNU Scollon, deceased.

6. Brothers and spouses names: None

7. Sisters and spouses names: Sonia Draper (stepsister), none; Jack Draper, none.

Robin Lynn Raphel, of Washington, a Career Member of the Senior Foreign Service, Class of Counselor, to be Assistant Secretary of State for South African Affairs;

Alan H. Flanigan, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of El Salvador;

Nominee: Alan H. Flanigan.

Post: Ambassador to El Salvador.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self: None.

2. Spouse: None.

3. Children and spouses names Katherine J. Flanigan, none. Alan T. Flanigan, none.

4. Parents names: mother, Leola F. Flanigan, none, father Addison A. Flanigan, deceased.

5. Grandparents names: None surviving.

6. Brothers and spouses names: David A. Flanigan, none; Yvonne Flanigan, spouse, none.

7. Sisters and spouses names: Faith Lee, none; Jesse R. Lee, spouse, none.

James J. Blanchard, of Michigan, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Canada;

Nominee: James J. Blanchard.

Post: U.S. Ambassador to Canada.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self: James J. Blanchard, $325, May 20, 1991, Conyers for Congress; $125, September 24, 1991, Kildee for Congress; $200, October 5, 1991, Democratic Congressional Campaign Committee; $1,500, October 21, 1991, Democratic Senate Campaign Committee; $500, October 23, 1991, Clinton for President; $250, November 13, 1991, Clinton for President; $125, December 2, 1991, Levin for Congress Committee; $2,000, January 1, 1992, Great Lakes 1992 Fund; $250, March 17, 1992, Clinton for President; $125, March 23, 1992, Congressman Kildee Committee; $250, April 24, 1992, Bonior for Congress; $500, May 5, 1992, AuCoin for Senate; $200, May 25, 1992, Committee of Elect Cong. Richardson; $300, June 3, 1992, Conyers for Congress; $125, June 9, 1992, Martin Frost Campaign Committee; $60, June 12, 1992, Bonior for Congress; $1,000, July 22, 1992, Don Hare for Congress Committee; $500, August 28, 1992, Bonior of Congress; $1,000, September 9, 1992, DNC Victory Fund; $250, October 1, 1992, Harkin for President; $500, October 27, 1992, Congressman Kildee Committee; $500, October 27, 1992, Friends of Bob Carr; $500, April 19, 1993, Congressman Kildee Committee.

2. Spouse: Janet Blanchard, $500, October 23, 1991, Clinton for President; $250, November 13, 1991, Clinton for President; $250, March 17, 1992, Clinton for President; $1,000, September 9, 1992, DNC Victory Fund.

3. Children and spouses: James J. Blanchard, Jr., none.

4. Parents: Rosalie Webb, mother, $100, March 5, 1990, National Committee for an Effective Congress; $100, September 14, 1991, National Committee for an Effective Congress; $100, December 17, 1991, National Committee for an Effective Congress; $100, July 3, 1992, National Committee for an Effective Congress.

5. Grandparents: Deceased.

6. Brothers and spouses: None.

7. Sister and spouses: Suzanne Brook, sister, $100, September 14, 1992, Braun for Senate. Robert Brook, spouse, $30, July 24, 1990, Friends of Carl Levin; $50, September 15, 1990, Friends of Carl Levin; $100, February 23, 1991, AAP-Plan.

Jeffery Davidow, of Virginia, Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Venezuela;

Nominee: Jeffrey Davidow.

Post: Venezuela.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self: None.

2. Spouse: None.

3. Children and spouses names: Gwen Davidow (21), none; Audrey Davidow (19), none.

4. Parents names: Alfred Davidow (deceased 1978); Henrietta Davidow, none.

5. Grandparents names: Sigmund and Mary Wuff (deceased 1944, 1965); Abraham and Fanny Davidow (deceased 1926, 1954).

6. Brothers and spouses names: None.

7. Sisters and spouses names: Ann (Davidow) and Harvey Bornstein, none.

Thomas J. Dodd, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Oriental Republic of Uruguy;

Nominee: Thomas J. Dodd.

Post: Ambassador to the Oriental Republic of Uruguay.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount date and donee:

1. Self: Thomas J. Dodd, none.

2. Spouse: Divorced.

3. Children and spouses names: Abaigeal, Alison, Justin, none.

4. Parents names: Thomas J. Dodd (deceased; Grace Dodd, deceased.

5. Grandparents names: Mr. and Mrs. Thomas J. Dodd, deceased; Mr. and Mrs. John H. Murphy, deceased.

6. Brothers and spouses names: Jeremy (single), none; Christopher (single), none; Nicholas (single), none.

7. Sisters and spouses names: Carolyn (single) none. Martha Dodd & Bernard Buonanno, 1988, $200, Bruce Sundlun for Governor of R.I.; $150, Senator Claiborne Pell; $200, Fred Lippett for Mayor of Providence; $270, Scott Wolf for Congressman from R.I.; 1989, $1,000, Senator Claiborne Pell; 1990, $1,000, Senator Claiborne Pell; 1991, $250,

Governor Bruce Sundlun; $500, Congressman John Reed; 1992, $625, Frank Flaherty for Governor of R.I.; $250, James O'Neil for Attorney General of R.I.; $1,000, Senator Christopher Dodd; 1993, $1,000, Senator John Chafee.

Stuart E. Eizenstat, of Maryland, to be Representative of the United States of America to the European Communities, with the rank and status of Ambassador Extraordinary and Plenipotentiary;

Nominee: Stuart E. Eizenstat.

Post: Ambassador to the European Community.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self:

1992—$500, National Jewish Democratic Council; $250, Friends of Derrick Butler; $50, Cathy Steinberg for Congress; $250, Glickman for Congress; $250, Idahoans for Stallings; $250, Friends of Ham Fish, Jr.; $250, Sanford for Senate; $250, Friends of Byron Dorgan; $250, Mary Rose Oakar for Congress; $250, Citizens for Downey; $250, Citizens Committee for Ernest F. Hollings; $250, Ackerman for Congress; $250, Friends of Les Aspin; $100, Wellstone Fund for Congress; $100, Friends of Congressman Bob Carr; $1,200, Democratic National Committee; $100, Levin for Congress; $50, Geri Serat for Senate; $100, Feinstein for Senate; $100, Steve Solarz for Congress; $100, John Rauh for Senate; $500, Mel Levine for Congress; $250, Friends of Jim Harmon; $500, Clinton for President; $250, Clinton for President; $100, Bob Kerry.

1991—$500, National Jewish Democratic Council; $50, Bennett Johnston for Congress; $50, Feinstein for Senate; $100, Abrams for Senate; $250, Harkin for President; $50, Mikulski for Senate; $250, Clinton for President; $250, Kerry for President; $250, Citizens for Wofford; $35, Rosa DeLauro for Congress; $250, Fowler for Senate; $150, Senator Leahy for Senate.

1990—$25, Maryland Democratic Party; $100, Paul Wellstone Fund; $100, Democratic National Committee; $100, Gephardt for Congress; $100, Steve Neal for Congress; $100, Dick Swett for Congress; $50, Clinton for Governor; $100, Cuomo for Governor; $100, Johnston Senate Committee; $100, Citizens for Biden; $250, Mike Synar for Congress; $100, Friends of Senator Carl Levin; $100, Friends of Al Gore; $100, Doug Walgren for Congress Committee; $200, Harry Gantt for Senate; $50, Sam Gejdenson for Congress; $100, Chiles/McKay Campaign; $100, Dennis Eckhart for Congress; $100, Young Working for Georgia.

1989—$100, MD Democrat Party; $100, Bruce Adams; $100, Democratic National Committee; $150, Joint Action Committee for Political Affairs; $100, Committee for a Service Consensus; $250, David Boner; $250, Carl Levin; $100, Doug Wilder for Governor; $100, John Kerry for Senate; $100, Friends of Pat Apodoca; $250, John Kenny; $50, Lynn Cutler for Vice Chairman; $25, Friends of Max Cleland.

1988—$100, Citizens for Biden; $250, Herb Kohl for Senate; $100, Cong. Steve Neal for Congress; $250, Democrats for the 1980's; $300, Don Bonker for Senate; $250, Skip Humphrey for Senate; $200, Gore for President; $100, Gore for President; $25, Friends of Max Cleland; $125, Sam Gejdenson for Congress; $100, Bruce Babbit for President; $100, Dick Gephardt for Congress.

2. Spouse: Frances Carol Eizenstat.

3. Children and spouses names: Jay Eizenstat, Brian Eizenstat, none.

4. Parents names: Leo Eizenstat (deceased); Sylvia Eizenstat.

5. Grandparents names: Deceased.

6. Brothers and spouses names: None.

7. Sisters and spouses names: None.

Donald C. Johnson, of Texas, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Mongolia;

Nominee: Donald Crandall Johnson.

Post: Mongolia.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self: Donald Crandall Johnson, none.

2. Spouse: Nelda Sabillon Johnson, none.

3. Children and spouses: Robert E. Johnson, none; Stephen C. Johnson, none.

4. Parents: Edson Johnson Jr., none; Sidney L. Johnson, none.

5. Grandparents: Edson Johnson (deceased) none; Ethel Johnson (deceased) none; Hovey Crandall (deceased) none; Opal Brandt (deceased) none.

6. Brothers and spouses: Robert C. Johnson (deceased) none; Thomas C. Johnson, none; Rosalinda Johnson, none; James C. Johnson, none; Julie Johnson, none; David C. Johnson, none; Bonfilia Johnson, none; Paul C. Johnson, none; Angie Johnson, none.

7. Sisters and spouses: Melinda B. Johnson, none; A.H. Najmi, none.

Mary M. Raiser, of the District of Columbia, for the rank of Ambassador during her tenure of service as Chief of Protocol for the White House.

Richard Menifee Moose, of Virginia, to be Under Secretary of State for Management.

Walter F. Mondale, of Minnesota, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Japan.

Nominee: Walter F. Mondale.

Post: Ambassador to Japan.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contribution, amount, date, and donee:

1. Walter F. Mondale: $250, December 17, 1992, Minge for Congress; $50, November 17, 1992, University of Minnesota Students for Clinton/Gore; $200, November 3, 1992, Elaine Baxter for Congress; $250, August 19, 1992, Kerrey for President; $200, July 23, 1992, Sikorski for Congress; $150, June 2, 1992, Friends of the House Speaker; $1,000 May 5, 1992, Clinton for President; $1,000, April 29, 1992, Feinstein Volunteer Committee; $300, April 14, 1992, Marjorie Margolies-Mezvinsky for Congress; $100, May 21, 1991, Presidential Inaugural Committee; $100, May 21, 1991, Hollings for Senate; $250, August 9, 1990, Ferraro for Senate Volunteer Committee; $250, August 9, 1990, Sabo for Congress Volunteer Committee; $250, September 25, 1990, Collin Peterson 1990 Committee; $2,000, August 5, 1988, Victory Fund 1988.

2. Joan Adams Mondale (spouse): $150, 1993, Friends of Pat Williams; $100, February 10, 1993, Emily's List; $150, April 27, 1992, Sabo for Congress Volunteer Committee; $100, September 25, 1991, Emily's List; $100, February 30, 1990, Friends of Rosa DeLaurio; $100, April 1, 1989, Emily's List.

3. Theodore A. Mondale (son) (spouse: Pamela Burris Mondale, $750, May 1992, Clinton Presidential Campaign; Eleanor Jane Mondale (daughter), none; William H. Mondale (son), none.

4. Theodore Sigurd Mondale (father), deceased; Claribel Cowan Mondale (mother), deceased.

5. Ole Mondale (paternal grandfather, deceased; Tarand Sevatson (parental grandmother) deceased; Robert Cowan (maternal grandfather) deceased; Clara Belle (Morton) Cowan (maternal grandmother) deceased.

6. Clarence Mondale (brother), $25, 1988, Dukakis Presidential Campaign; $50, 1990, Wellstone Senate Campaign; (spouse: Virginia Aceto Mondale), none; William Morton Mondale (brother), $50, 1988, Dukakis Presidential Campaign; $50, 1992, Clinton Presidential Campaign; $25, 1992, Moran Congressional Campaign; unknown contributions to Democratic National Committee; (spouse: Elaine Wood Mondale), none.

The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

Mr. PELL. Mr. President, for the Committee on Foreign Relations, I also report favorably a nomination list in the Foreign Service which was printed in full in the CONGRESSIONAL RECORD of July 13, 1993, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

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–1310. A communication from the President of the United States, transmitting, a report of a request for emergency fiscal year 1993 supplemental appropriations; to the Committee on Appropriations.

EC–1311. A communication from the President of the United States, transmitting, a report of a request for the Federal Emergency Management Agency; to the Committee on Appropriations.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–214. A resolution adopted by the Retired Public Employees of Nevada, Carson City, Nevada relative to Social Security; to the Committee on Finance.

POM–215. A resolution adopted by the Board of Commissioners of Martin County, North Carolina relative to the tax on cigarettes; to the Committee on Finance.

POM-216. A resolution adopted by the House of Delegates of the American Bar Association, Chicago, Illinois relative to the adoption of juveniles; to the Committee on Finance.

POM-217. A resolution adopted by the Oil and Gas Study Committee of the House of the Legislature of the State of Alabama relative to energy taxes; to the Committee on Finance.

POM-218. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Finance.

"ASSEMBLY JOINT RESOLUTION NO. 7

"Whereas, The provisions set forth in 42 U.S.C. §415 for determining the primary insurance amount of a person receiving social security were amended in 1977 by Public Law 95-216; and

"Whereas, That amendment resulted in disparate benefits according to when a person initially becomes eligible for benefits; and

"Whereas, Persons who were born during the years 1917 to 1926, inclusive, and who are commonly referred to as "notch babies," receive lower benefits than persons who were born before that time; and

"Whereas, The payment of benefits under the social security system is not based on need or other considerations related to welfare, but on a program of insurance based on contributions by a person and his employer; and

"Whereas, The discrimination between persons receiving benefits is totally inequitable and contrary to the principles of justice and fairness; and

"Whereas, The Social Security Trust Fund has adequate reserves to eliminate this gross inequity; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of Nevada, jointly*, That Congress is hereby urged to enact legislation to eliminate inequities in the payment of social security benefits to persons based on the year in which they initially become eligible for such benefits; and be it further

"*Resolved*, That Congress eliminate these inequities without reducing the benefits of persons who were born before 1917; and be it further

"*Resolved*, That a copy of this resolution be transmitted by the Chief Clerk of the Assembly to the Vice President of the United States as presiding officer of the Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

"*Resolved*, That this resolution becomes effective upon passage and approval."

POM-219. A concurrent resolution adopted by the Legislature of the State of Louisiana; to the Committee on Finance.

"SENATE CONCURRENT RESOLUTION NO. 187

"Whereas, Medicare provides important drug therapies for over 600,000 persons in this state; and

"Whereas, prescription drugs represent only seven cents out of each health care dollar in this state and only five cents out of each health care dollar nationally; and

"Whereas, there is a proposed amendment to OBRA 1990 pending in the United States Congress which would impose restrictions on Medicaid patient access to prescription drugs; and

"Whereas, restrictive health care formularies increase costs in terms of hospital stays, emergency room visits, and loss of productivity, and deny access to important prescription medicine to those with the greatest need; and

"Whereas, the proposed amendment would have a devastating impact on children, the elderly, the sick, the impoverished and the impaired of this state; and

"Whereas, the proposal to restrict Medicaid patient access to important drug therapies failed as a cost containment measure in this state and will likely not realize cost savings nationally.

"*Therefore, be it resolved*, That the Legislature of Louisiana hereby memorializes the Congress of the United States to oppose all efforts to diminish or remove the prohibition against restrictive formularies contained in the Omnibus Budget Reauthorization Act of 1990, Medicaid prescription drug provisions.

"*Be it further resolved*, That a copy of this Resolution be transmitted to each member of the Louisiana delegation of the United States Congress, the clerk of the United States House of Representatives, and to the secretary of the United States Senate."

POM-220. A resolution adopted by the Mayor and Court of Common Council of the City of Hartford, Connecticut relative to nuclear testing; to the Committee on Foreign Relations.

POM-221. A joint resolution adopted by the Legislature of the State of California; to the Committee on Foreign Relations.

"ASSEMBLY JOINT RESOLUTION NO. 28

"Whereas, The Republic of Armenia was among the first independent democracies to emerge from the former Soviet Union and to join with the United States in a broad array of international agreements and cooperative undertakings; and

"Whereas, The Republic of Armenia is not at war with any other country, nor does it make any territorial claim against any other country; and

"Whereas, The Republic of Armenia is the victim of an economic blockade that prevents food and heating fuel from reaching its more than 3.5 million inhabitants and that is causing untold human suffering from freezing and starvation; and

"Whereas, The blockade of the republic of Armenia constitutes an act of war or aggression prohibited by the Charter of the United Nations and violates numerous international legal accords for human rights and for the protection of populations of landlocked countries; and

"Whereas, The blockade is being perpetrated by Azerbaijan to further its siege of the independent, ethnically Armenian enclave of Nagorno Karabagh in denial of the rights of Karabagh to self-determination; and

"Whereas, Turkey, a NATO ally of the United States, is tacitly assisting Azerbaijan's blockade by impeding transit shipments through Turkey to Armenia through interminable delays, extortionary fees and other impermissible measures; and

"Whereas, California is vitally concerned with the survival and well being of the democratic Republic of Armenia and its people; and

"Whereas, California is unwilling to bear witness to a second genocide of Armenians in this century, especially at a time when the United States can exercise significant influence on Azerbaijan and turkey to comport their conduct with international law; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly*, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to take immediate steps necessary to cause Azerbaijan to cease its illicit blockade of Armenia and calls upon that country and Turkey to resume honoring transit rights for shipments of food and fuel to the neighboring people of the republic of Armenia; and be it further

"*Resolved*," That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

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. D'AMATO:

S. 1305. A bill to clarify the tariff treatment of certain footwear; to the Committee on Finance.

S. 1306. A bill to extend until January 1, 1997, the previous suspension of duty on certain infant nursery intercoms and monitors; to the Committee on Finance.

S. 1307. A bill to correct the Harmonized Tariff Schedule of the United States as it applies to certain electric toothbrushes and parts thereof; to the Committee on Finance.

By Mr. DURENBERGER:

S. 1308. A bill to suspend until January 1, 1995, the duty on certain machinery used to recycle mercury; to the Committee on Finance.

By Mr. ROTH:

S. 1309. A bill to provide for the conservation and management of Weakfish, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. MIKULSKI (for herself, Mr. KENNEDY, Mrs. KASSEBAUM, Mr. DODD, and Mr. RIEGLE):

S. 1310. A bill to amend the Public Health Service Act to revise and extend the program of grants relating to preventive health measures with respect to breast and cervical cancer, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. COHEN:

S. 1311. A bill for the relief of Olga D. Zhondetskaya; considered and passed.

By Mr. METZENBAUM (for himself and Mrs. KASSEBAUM):

S. 1312. A bill to amend the Employee Retirement Income Security Act of 1974 in order to provide for the availability of remedies for certain former pension plan participants and beneficiaries; to the Committee on Labor and Human Resources.

By Mr. KERRY (for himself and Mr. KENNEDY):

S. 1313. A bill to authorize a certificate of documentation for the vessel MYSTIQUE; to the Committee on Commerce, Science, and Transportation.

By Mr. LIEBERMAN:

S. 1314. A bill to designate the United States Courthouse located in Bridgeport, Connecticut as the "Brien McMahon Federal Building"; to the Committee on Environment and Public Works.

By Mr. ROCKEFELLER (for himself, Mr. DURENBERGER, and Mr. PRYOR):

S. 1315. A bill to establish a national policy respecting medical residency training programs and the health care workforce, and for other purposes; to the Committee on Finance.

By Mr. KERREY:

S. 1316. A bill to suspend temporarily the duty on tefluthrin; to the Committee on Finance.

By Mr. HATCH (for himself, Mr. KENNEDY, Ms. MIKULSKI, Mr. DURENBERGER, and Mr. DODD):

S. 1317. A bill to amend the Public Health Service Act to require that certain entities provide information concerning breast and cervical cancer, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. KENNEDY (for himself, Ms. MIKULSKI, Mr. HATCH, Mr. WELLSTONE, Mr. RIEGLE, Mr. DODD, and Mr. WOFFORD):

S. 1318. A bill to amend the Public Health Service Act to extend the program of grants regarding the prevention and control of tuberculosis and sexually transmitted diseases, to revise and extend certain injury control programs, and to revise the program of grants relating to preventive health measures with respect to breast and cervical cancer, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. KENNEDY (for himself, Mrs. KASSEBAUM, Mr. DODD, and Mr. WELLSTONE):

S. 1319. A bill to amend the Public Health Service Act to extend the program of grants regarding the prevention and control of sexually transmitted diseases, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. KENNEDY (for himself, Mrs. KASSEBAUM, Mr. DODD, and Mr. WELLSTONE):

S. 1320. A bill to amend title III of the Public Health Service Act to revise and extend certain injury control programs, 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 Mr. ROTH:

S. Res. 135. A resolution entitled "German and Japanese membership in the United Nations Security Council"; to the Committee on Foreign Relations.

By Mr. DOMENICI:

S. Con. Res. 32. A concurrent resolution setting forth the budget for the United States Government for fiscal years 1994, 1995, 1996, 1997, and 1998; to the Committee on the Budget.

By Mr. FORD (for Mr. MITCHELL):

S. Con. Res. 33. A concurrent resolution to waive the provisions of the Legislative Reorganization Act of 1970 which require the adjournment of the House and Senate by July 31st; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. D'AMATO:

S. 1305. A bill to clarify the tariff treatment of certain footwear; to the Committee on Finance.

S. 1306. A bill to extend until January 1, 1997, the previous suspension of duty on certain infant nursery intercoms and monitors; to the Committee on Finance.

S. 1307. A bill to correct the Harmonized Tariff Schedule of the United States as it applies to certain electric toothbrushes and parts thereof; to the Committee on Finance.

TARIFF LEGISLATION

• Mr. D'AMATO. Mr. President, today I am introducing three tariff bills. I am introducing these for consideration as part of any Senate action on a miscellaneous tariff bill during this Congress.

The first bill clarifies tariff treatment of certain footwear. The second bill extends a previous suspension of duty on certain infant nursery intercoms and monitors until January 1, 1997. The third bill amends the tariff schedule as it applies to certain electric toothbrushes and parts thereof.

Mr. President, I ask unanimous consent that the text of the bills be printed in the RECORD.

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

S. 1305

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

SECTION 1. TARIFF TREATMENT OF CERTAIN FOOTWEAR.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, upon proper request filed with the appropriate customs officer within 1 year after the date of the enactment of this Act, any entry—

(1) that was made after December 31, 1988, and before July 1, 1991;

(2) that consisted of articles of footwear that, if entered on July 1, 1991, would have been classified under subheading 9905.64.10 of the Harmonized Tariff Schedule of the United States; and

(3) with respect to which there would have been a lesser duty if the applicable rate applied to such entry;

shall be liquidated or reliquidated as though the applicable rate applied to such entry.

(B) APPLICABLE RATE.—For purposes of subsection (a), the term "applicable rate" means—

(1) 4.7% ad valorem if the entry was made after December 31, 1988, and before January 1, 1990;

(2) 4.2% ad valorem if the entry was made after December 31, 1989, and before January 1, 1991; and

(3) 3.7% ad valorem if the entry was made after December 31, 1990, and before July 1, 1991.

(c) ENTRY DEFINED.—For purposes of this section, the term "entry" includes a withdrawal from warehouse for consumption.

S. 1306

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

SECTION 1. CERTAIN INFANT NURSERY INTERCOMS AND MONITORS.

Headings 9902.85.25 and 9902.85.26 of the Harmonized Tariff Schedule of United States (relating to certain infant nursery intercommunication systems and monitor systems, respectively) are each amended by striking "12/31/92" and inserting "12/31/96".

S. 1307

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

SECTION 1. CERTAIN ELECTRIC TOOTHBRUSHES.

Chapter 85 of the Harmonized Tariff Schedule of the United States is amended by striking subheading 8509.80.00 and inserting in numerical sequence the following new subheadings, with the superior heading for subheading 8509.80 having the same degree of indentation as the superior heading for subheading 8507.90 and the article descriptions for subheadings 8509.80.10 and 8509.80.20 each having the same degree of indentation as the article description in subheading 8507.90.40:

"8509.80	Other appliances			
"8509.80.10	Electric toothbrushes ..	0.2¢ each + 3.4%	Free (A, E, IL, CA)	2¢ each + 50%
"8509.80.20	Other	4.2%	Free (A, E, IL) 2.5% (CA)	40%".

SEC. 2. CERTAIN PARTS OF ELECTRIC TOOTHBRUSHES.

Chapter 85 of the Harmonized Tariff Schedule of the United States, as amended by section 1, is amended by inserting in numerical sequence the following new subheading with the article description in subheading 8509.90.10 having the same degree of indentation as the article description in subheading 8507.90.40:

"8509.80.10	Parts of electric toothbrushes.	0.2¢ each + 3.4%	Free (A, E, IL, CA)	2¢ each + 50%".

SEC. 3. STAGED RATE REDUCTIONS.

Any staged rate reduction of a rate of duty set forth in subheading 9603.21.00 of the Harmonized Tariff Schedule of the United States that was proclaimed by the President before the date of the enactment of this Act and that takes effect after such date of enactment shall also apply to the corresponding rates of duty set forth in subheadings 8509.80.10 and 8509.90.10 (as added by section 1 and section 2 of this Act).

SEC. 4 EFFECTIVE DATE.

(a) IN GENERAL.—The amendments made by section 1 and section 2 shall apply with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

(b) RELIQUIDATION.—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, upon a request filed with the appropriate customs officer before the 90th day after the date of the enactment of this Act, any entry, or withdrawal from warehouse for consumption, of an article described in subheading 8509.80.10 of the Harmonized Tariff Schedule of the United States (as added by section 1) or subheading 8509.90.10 of the Harmonized Tariff Schedule of the United States (as added by section 2) that was made—

(1) after December 31, 1988; and

(2) before the 15th day after the date of the enactment of this Act;

shall be liquidated or reliquidated as though such entry occurred on such 15th day.•

By Mr. DURENBERGER:

S. 1308. A bill to suspend until January 1, 1995, the duty on certain machinery used to recycle mercury; to the Committee on Finance.

DUTY SUSPENSION LEGISLATION

• Mr. DURENBERGER. Mr. President, the legislation that I am introducing today would suspend until January 1, 1995 the duty on equipment used to recycle mercury and other parts of fluorescent light bulbs.

Such equipment enables companies to separate each of the parts of a fluorescent light bulb. The glass, metal and

caps, and the mercury contaminated fluorescent powder can all be separated. Upon separation each of the items can then be returned to industry to be reused. However, in order to reuse the mercury, the mercury must first undergo one additional step, it must be distilled from the fluorescent powder. The only equipment capable of separating each of the parts and distilling mercury pure enough to be reused by industry is currently manufactured in Sweden, and that Swedish company currently holds several United States patents on the equipment.

EPA regulations state that mercury containing lights can no longer be placed into landfills, this fact necessitates equipment capable of separating the pollutants. In addition to compliance with EPA regulations, I feel strongly that it is important for U.S. companies to strive to be as environmentally friendly as possible. Further, I believe we in the Congress must work hard to facilitate such actions by U.S. companies. The passage of this legislation would enable U.S. companies to comply with EPA regulations, and work harder to prevent unnecessary pollution. Meanwhile, not being unduly punished through duties on goods unavailable from domestic manufacturers.●

By Mr. ROTH:

S. 1309. A bill to provide for the conservation and management of weakfish, and for other purposes; to the Committee on Commerce, Science, and Transportation.

WEAKFISH CONSERVATION ACT OF 1993

Mr. ROTH. Mr. President, I rise today to introduce legislation which provides for the proper management and conservation of weakfish. This fish has significant spawning activity in the Delaware Bay and frequents the Atlantic Coast from New York to Florida where it was a popular target for recreational and commercial fishermen.

During the last Congress former Congressman Carper introduced H.R. 2588. This bill was a comprehensive interjurisdictional fisheries bill. After a series of hearings and compromises in the House of Representatives, the House reported this bill with an amendment. The Senate did not act on a similar measure during the 102d Congress. The amendment would have modified the Atlantic Striped Bass Conservation Act and added weakfish as a species that should receive similar protective measures as striped bass does now.

The bill I am introducing today is similar to the measure that was passed by the House last year.

Mr. President, fisheries that occur predominantly within State waters, yet migrate between States present a potential problem for regulation. The fisheries often cannot be effectively managed because there must be a cooperation between States to enact management plans. Historically there has been little cooperation between the States in drafting and implementing conservation measures.

It is difficult for States to coordinate their regulations for management goals because mechanisms for enacting regulations vary from State to State and because regulatory measures such as size limits and moratoriums are unpopular with sportsmen and commercial fishermen alike.

Fishery management plans in State waters along the east coast of the continental United States are coordinated through the Atlantic States Fishery Management Commission [ASMFC]. It is the commission's responsibility to ensure that all States are in compliance with the fishery management plans over fisheries occurring predominantly in State waters. Unfortunately, if a State chooses not to be in compliance with a plan the ASFMC does not have a mandate to force compliance, except for striped bass.

Under current law if a State fails to comply with a striped bass conservation plan the Federal Government may impose a moratorium on fishing for striped bass. My legislation would allow the Federal Government to also impose a moratorium on weakfish. In the past such a measure has been very successful to entice recalcitrant States into compliance with the plan. There are several reasons why we must take action to ensure the long term survival of this delicate fish.

It has been heavily overfished in the past decades. The spawning stock are currently first- and second-year fish. For a viable population to exist the spawning population should be 3- and 4-year-old fish. Current biological data indicate that the stock is in worse shape now than striped bass was when we enacted similar legislation for striped bass. The dockside value of weakfish has decreased dramatically and the fish are smaller and there are less of them. Some 80 percent of the fish are caught in State waters, when originally up to 40 percent were caught in Federal waters.

Finally, Mr. President, there has been a severe decline in the recreational fishery for this species.

I ask unanimous consent that a copy of this bill be printed in the RECORD.

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

S. 1309

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Weakfish Conservation Act of 1993".

SEC. 2. IMPROVED COOPERATIVE FISHERY MANAGEMENT PROGRAM FOR WEAKFISH.

(a) SHORT TITLE.—Section 1 of the Atlantic Striped Bass Conservation Act (16 U.S.C. 1851 note) is amended by inserting "and Weakfish" after "Bass".

(b) FINDINGS AND PURPOSES.—Section 2 of the Atlantic Striped Bass Conservation Act (16 U.S.C. 1851 note) is amended—

(1) by inserting "and weakfish" after "bass" each place it appears;

(2) in paragraph (3)—

(A) by striking "range of the Atlantic striped bass," and inserting "range of either Atlantic striped bass or weakfish", and

(B) by striking "the species" and inserting "these species"; and

(3) in paragraph (4) by striking "this species" and inserting "these species".

(c) DEFINITIONS.—Section 3 of the Atlantic Striped Bass Conservation Act (16 U.S.C. 1851 note) is amended—

(1) in paragraph (4) by striking subparagraph (A) and inserting the following:

"(A)(i) for purposes of section 4, Pennsylvania and each State of the United States bordering on the Atlantic Ocean north of the State of South Carolina; or

"(ii) for purposes of section 8, Pennsylvania and each State bordering on the Atlantic Ocean.";

(2) in paragraph (6) by inserting "or weakfish" after "bass" each place it appears;

(3) in paragraph (7) by inserting "for Atlantic striped bass" after "fishing"; and

(4) by adding at the end the following:

"(10) The term 'weakfish' means members of a stock or population of the species Cynoscion regalis, commonly referred to as 'seatrout'.

"(11) The term 'Weakfish Plan' means the Interstate Fisheries Management Plan for Weakfish, dated October 1985, prepared by the Commission, and all amendments thereto related to fishing for weakfish that are formally adopted as an amendment to the Weakfish Plan of October 1985.".

(d) CLARIFICATION OF EXISTING COMMISSION FUNCTIONS.—Section 4 of the Atlantic Striped Bass Conservation Act (16 U.S.C. 1851 note) is amended—

(1) by striking the heading for the section and inserting the following:

"SEC. 4. ATLANTIC STRIPED BASS CONSERVATION.";

(2) in the heading for subsection (a) by inserting "OF STRIPED BASS PLAN" after "ENFORCEMENT".

(e) IMPROVED COOPERATION AMONG COASTAL STATES FOR THE MANAGEMENT OF WEAKFISH.—Section 8 of the Atlantic Striped Bass Conservation Act (16 U.S.C. 1851 note) is amended to read as follows:

"SEC. 8. WEAKFISH CONSERVATION.

"(a) MONITORING OF IMPLEMENTATION AND ENFORCEMENT OF WEAKFISH PLAN.—

"(1) DETERMINATION OF IMPLEMENTATION AND ENFORCEMENT.—By January 1, 1994, and annually thereafter, and at any other time that the Commission considers it necessary, the Commission shall determine whether—

"(A) each coastal State has adopted all regulatory measures necessary to fully implement the Weakfish Plan in its coastal waters; and

"(B) the enforcement of the Weakfish Plan by each such coastal State is satisfactory.

"(2) CONSULTATION.—If a fishery management plan for weakfish is in effect under title III of the Magnuson Act, the Commission shall consult with the regional fishery management councils which prepared such plan in making a determination under paragraph (1)(A).

"(3) SATISFACTORY ENFORCEMENT.—Enforcement by a coastal State shall not be considered satisfactory by the Commission for purposes of paragraph (1)(B) if the Commission

determines that the enforcement is being carried out in such a manner that the implementation of the Weakfish Plan within the coastal waters of that coastal State is being, or will likely be, substantially or adversely affected.

"(4) NOTIFICATION OF SECRETARY.—The Commission shall immediately notify the Secretaries of each negative determination made by it under paragraph (1).

"(b) SECRETARIAL ACTION AFTER NOTIFICATION.—

"(1) IN GENERAL.—Within 30 days after notification from the Commission under subsection (a)(4) that a coastal State has not taken the action described in paragraph (1) of that subsection, the Secretaries—

"(A) shall determine jointly whether the coastal State is in compliance with the Weakfish Plan; and

"(B) declare jointly a moratorium on fishing for weakfish in the coastal waters of the coastal State, if they determine that the State is not in compliance with the Weakfish Plan.

"(2) CONSIDERATIONS.—In making determinations under paragraph (1)(A) for a coastal State, the Secretaries shall carefully consider and review the comments of—

"(A) the Commission;

"(B) the appropriate regional fishery management councils under the Magnuson Act; and

"(C) the coastal State.".

(f) MORATORIUM.—Section 5 of the Atlantic Striped Bass Conservation Act (16 U.S.C. 1851 note) is amended—

(1) in subsection (a)(1) by inserting "or section 8(b)" after "(4)(b)"; and

(2) in subsection (a)(2)—

(A) by inserting "a" before "moratorium" the second place it appears; and

(B) by inserting "or section 8(b)" after "4(b)";

(3) in subsection (b)(1)—

(A) by inserting "for the fishery resource that is subject to the moratorium" after "fishing"; and

(B) by striking "the" and inserting "(a)";

(4) in subsection (b)(2) by inserting "or weakfish" after "bass";

(5) in subsection (b)(3)—

(A) by inserting "or weakfish" after "bass"; and

(B) by inserting "or section 8(b), respectively," after "4(b)";

(6) in subsection (b)(4)—

(A) by inserting "or Weakfish" after "bass" each place it appears;

(B) by striking "the" the second place it appears and inserting "(a)";

(7) in subsection (d)(2) by inserting a close parenthesis after "1806(c)-(e)";

(8) in subsection (e)(1)—

(A) by inserting after "(1)" the following: "IN GENERAL.—";

(B) by moving paragraph (1) down so as to begin on the line below the heading for subsection (e);

(C) by moving paragraph (1) 2 ems to the right, so that the left margin of the paragraph is aligned with the left margins of paragraphs (2) and (3); and

(D) by inserting "or section 8(b)" after "4(b)"; and

(9) in subsection (e)(2) by inserting "or section 8(b)" after "4(b)".

(g) CONFORMING AMENDMENTS.—The Atlantic Striped Bass Conservation Act (16 U.S.C. 1851 note) is amended by striking "Plan" each place it appears and inserting "Striped Bass Plan".

(h) EFFECTIVE DATE.—Notwithstanding section 9 of the Atlantic Striped Bass Conservation Act, section 8 of such Act, as amended by this Act, shall take effect on the date of the enactment of this Act.

By Ms. MIKULSKI (for herself, Mr. KENNEDY, Mrs. KASSEBAUM, Mr. DODD, and Mr. RIEGLE):

S. 1310. A bill to amend the Public Health Service Act to revise and extend the program of grants relating to preventive health measures with respect to breast and cervical cancer, and for other purposes; to the Committee on Labor and Human Resources.

BREAST AND CERVICAL CANCER AMENDMENTS OF 1993

Ms. MIKULSKI. Mr. President, I rise today with great enthusiasm and no small measure of pride, to introduce a bill of great importance to millions of American women, the reauthorization of the Breast and Cervical Cancer Early Detection Program.

I believe that this legislation, originally enacted in 1990, has proven to be a model program, showing us how to build a preventive health care system using the community-level public/private partnerships which will be critical to the health care reform agenda in America.

I'm proud of that, having had a hand in the enactment of this legislation, and I remain more committed than ever to the objective of this bill—to save women's lives which are needlessly lost to these dreaded diseases.

We have unfinished business here.

We've made a good start but many States have no screening program whatever and many others are just getting started. Even the States with the most effective programs are providing only a fraction of the screenings needed. As I said, we have unfinished business here.

The reauthorization of this program deserves the full endorsement of this body. There is no greater preventable health risk for America's women.

Many people in this town are obsessed with cutting the deficit, and I certainly agree with the importance of that objective, but if you get too caught up in wearing those green eyeshades you can get blinded to reality. I'm obsessed with cutting the death rate, and I'm proud of the effectiveness of this legislation in moving in that direction.

But moving in that direction is far from enough. The fact is that breast cancer will strike more than 1 in 8 women at some point in their lifetimes. Cervical cancer will strike fewer, but death from that cancer is 100 percent preventable.

All women are at risk, in fact 50,000 mothers, daughters, relatives, and friends will die from these diseases this year alone. But the women most at risk are also those who are most defenseless—older women, women of color, and women of limited income.

These are the women this bill seeks to save. The uninsured, the women who choose to spend this critical $50 on food for the children or rent for the landlord while letting their own health take a lower priority—so low in fact that it gets no priority at all.

Sadly, we do not know the cause of either breast cancer or cervical cancer—though we have increased funding at NIH for research into these killers—but we do know how to save many of these lives. This bill is about doing what it takes.

What it takes is regular screening for women over 40 using mammograms and regular screening for women over 18 using Pap tests. All women should hear this message. All women should think of these tests the way the national cancer institute has urged, "once a year for a lifetime."

For the fortunate majority of America's women following through on that message is not too much to ask.

But for the aged and poor who are most at risk it is not even possible except for this bill.

Now that it is time to reauthorize this legislation, we have been working hard to improve this program. We have held hearings, we have listened to the women who have been touched by the program, we have consulted with the experts and we have worked closely with the States.

In total we are proposing five important changes to expand the life-saving effectiveness of this legislation:

First, we propose to extend the program for another 5 years and increase the authorization level for fiscal year 1994 to $200 million.

This reflects a badly needed increase in funding but—given budget constraints leaves us far short of full funding.

Second, we propose to count donated outreach, diagnostic and treatment services in the calculation of State matching funds.

This will provide good guy and good gal bonus points and create a valuable community building incentive for pro bono support.

Third, we propose to permit the States to contract with private entities for screening services.

This will improve access to these services for rural and remote parts of many States and bring more people into the program's support system.

Fourth, we propose to permit the CDC to provide grants directly to native American tribes and organizations.

This will improve access to people with significant need of these services who have been difficult to reach using traditional means.

Fifth, we propose a number of technical improvements involving quality standards, evaluation requirements, demonstration programs, and time for building effective infrastructures, which will all serve to assure the program is operating in the best possible way.

Mr. President, I believe that these changes represent real progress for this critical program, and I urge the full support of the Senate in bringing them to reality.

Mr. President, I will not rest and this body should not rest until the day that no women turns away from the decision to have one of these screenings because of a lack of funds or access to these services. This legislation will advance that noble cause and for that reason it deserves reauthorization. America's women deserve no less.

Mr. President, I ask unanimous consent that the full text of that bill be printed in the RECORD.

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

S. 1310

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Breast and Cervical Cancer Amendments of 1993".

SEC. 2. REVISIONS IN PROGRAM OF STATE GRANTS REGARDING BREAST AND CERVICAL CANCER.

(a) LIMITED AUTHORITY REGARDING FOR-PROFIT ENTITIES.—

(1) IN GENERAL.—Section 1501(b) of the Public Health Service Act (42 U.S.C. 300k(b)) is amended—

(A) by striking "STATES.—A State" and all that follows through "may expend" and inserting the following: "STATES.—

"(1) IN GENERAL.—A State receiving a grant under subsection (a) may, subject to paragraphs (2) and (3), expend"; and

(B) by adding at the end the following paragraphs:

"(2) LIMITED AUTHORITY REGARDING OTHER ENTITIES.—In addition to the authority established in paragraph (1) for a State with respect to grants and contracts, the State may provide for screenings under subsection (a)(1) through entering into contracts with private entities.

"(3) PAYMENTS FOR SCREENINGS.—The amount paid by a State to an entity under this subsection for a screening procedure under subsection (a)(1) may not exceed the amount that would be paid under part B of title XVIII of the Social Security Act if payment were made under such part for furnishing the procedure to a woman enrolled under such part.".

(2) CONFORMING AMENDMENT.—Section 1505(3) of the Public Health Service Act (42 U.S.C. 300n-1(3)) is amended by inserting before the semicolon the following: "(and additionally, in the case of services and activities under section 1501(a)(1), with any similar services or activities of private entities)".

(b) SPECIAL CONSIDERATION FOR GRANTS.—Section 1501 of the Public Health Service Act (42 U.S.C. 300k) is amended by adding at the end thereof the following new subsection:

"(c) SPECIAL CONSIDERATION.—In making grants under subsection (a) after the date of enactment of this subsection, the Secretary shall give special consideration to projects that have been peer reviewed and approved and that involve areas that—

"(1) have high cervical or breast cancer mortality rates; or

"(2) have a high incidence of cervical or breast cancer.".

(c) EXEMPTION FROM MATCHING REQUIREMENTS.—Section 1502(b)(1) of the Public Health Service Act (42 U.S.C. 3001(b)(1)) is amended to read as follows:

"(1) TYPES OF CONTRIBUTIONS.—

"(A) GENERAL RULE.—Non-Federal contributions required in subsection (a) may be in cash or in kind, fairly evaluated, including equipment or services (and excluding indirect or overhead costs). Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

"(B) DONATED TREATMENT SERVICES.—In meeting the non-Federal contribution requirement of this section, the State involved—

"(i) may, with respect to a grant awarded for a program under paragraph (1) or (2) of section 1501(a), use the value of any donated outreach services associated with the delivery of breast and cervical cancer screenings conducted under the program, and the value of any additional donated breast or cervical cancer diagnostic or treatment services provided subsequent to the screening conducted under the program; and

"(ii) may not, with respect to a grant awarded for a program under paragraph (3), (4), (5) or (6) of section 1501(a), include the value of any donated breast or cervical cancer outreach, diagnosis, or treatment services.".

(d) QUALITY ASSURANCE REGARDING SCREENING PROCEDURES.—

(1) IN GENERAL.—Section 1503 of the Public Health Service Act (42 U.S.C. 300m) is amended—

(A) in subsection (a)—

(i) in paragraph (1), to read as follows:

"(1) to ensure that, after a limited period of time and thereafter throughout the period during which amounts are received pursuant to the grant, except for the period of the first year when a 50 percent minimum shall apply, not less than 60 percent of the grant is expended to provide each of the services or activities described in paragraphs (1) and (2) of section 1501(a), including making available screening procedures for both breast and cervical cancers;"; and

(ii) in paragraph (4), to read as follows:

"(4) to ensure that not more than 40 percent of the grant is expended to provide the services or activities described in paragraphs (3) through (6) of section 1501(a), except in the case of the first year during which the maximum expended for these purposes shall not exceed 50 percent of the grant."; and

(B) by striking subsections (c) through (e) and inserting the following:

"(c) QUALITY ASSURANCE REGARDING SCREENING PROCEDURES.—The Secretary may not make a grant under section 1501 unless the State involved agrees that the State will, in accordance with applicable law, assure the quality of screening procedures conducted pursuant to such section.".

(2) TRANSITION RULE REGARDING MAMMOGRAPHIES.—With respect to the screening procedure for breast cancer known as a mammography, the requirements in effect on the day before the date of the enactment of this Act under section 1503(c) of the Public Health Service Act remain in effect (for an individual or facility conducting such procedures pursuant to a grant to a State under section 1501 of such Act) until there is in effect for the facility a certificate (or provisional certificate) issued under section 354 of such Act.

(e) STATEWIDE PROVISION OF SERVICES.—Section 1504(c) of the Public Health Service Act (42 U.S.C. 300n(c)) is amended by adding at the end the following paragraph:

"(3) GRANTS TO TRIBES AND TRIBAL ORGANIZATIONS.—

"(A) The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may make grants to tribes and tribal organizations (as such terms are used in paragraph (1)) for the purpose of carrying out programs described in section 1501(a). This title applies to such a grant (in relation to the jurisdiction of the tribe or organization) to the same extent and in the same manner as such title applies to a grant to a State under section 1501 (in relation to the jurisdiction of the State).

"(B) If a tribe or tribal organization is receiving a grant under subparagraph (A) and the State in which the tribe or organization is located is receiving a grant under section 1501, the requirement established in paragraph (1) for the State regarding the tribe or organization is deemed to have been waived under paragraph (2).".

(f) EVALUATIONS AND REPORTS.—Section 1508 of the Public Health Service Act (42 U.S.C. 300n-4) is amended—

(1) in subsection (a), by adding at the end the following sentence: "Such evaluations shall include evaluations of the extent to which States carrying out such programs are in compliance with section 1501(a)(2) and with section 1504(c)."; and

(2) in subsection (b), by inserting before the period the following: ", including recommendations regarding compliance by the States with section 1501(a)(2) and with section 1504(c)".

(g) TECHNICAL CORRECTIONS.—Title XV of the Public Health Service Act (42 U.S.C. 300k et seq.) is amended—

(1) in section 1501(a), in the matter preceding paragraph (1), by striking "Control," and inserting "Control and Prevention,"; and

(2) in section 1505—

(A) in paragraph (3), by striking "nonprivate" and inserting "nonprofit private"; and

(B) in paragraph (4), by inserting "will" before "be used".

SEC. 3. ESTABLISHMENT OF DEMONSTRATION PROGRAM OF GRANTS FOR ADDITIONAL PREVENTIVE HEALTH SERVICES FOR WOMEN.

(a) IN GENERAL.—Title XV of the Public Health Service Act (42 U.S.C. 300k et seq.) is amended—

(1) by redesignating section 1509 as section 1510; and

(2) by inserting after section 1508 the following section:

"SEC. 1509. SUPPLEMENTAL GRANTS FOR ADDITIONAL PREVENTIVE HEALTH SERVICES.

"(a) DEMONSTRATION PROJECTS.—In the case of States receiving grants under section 1501, the Secretary, acting through the Director of the Centers for Disease Control and Prevention, may make grants to not more than 3 such States to carry out demonstration projects for the purpose of—

"(1) providing preventive health services in addition to the services authorized in such section, including screenings regarding blood pressure and cholesterol, and including health education;

"(2) providing appropriate referrals for medical treatment of women receiving services pursuant to paragraph (1) and ensuring, to the extent practicable, the provision of appropriate follow-up services; and

"(3) evaluating activities conducted under paragraphs (1) and (2) through appropriate surveillance or program-monitoring activities.

"(b) STATUS AS PARTICIPANT IN PROGRAM REGARDING BREAST AND CERVICAL CANCER.—The Secretary may not make a grant under

subsection (a) unless the State involved agrees that services under the grant will be provided only through entities that are screening women for breast or cervical cancer pursuant to a grant under section 1501.

"(c) APPLICABILITY OF PROVISIONS OF GENERAL PROGRAM.—This title applies to a grant under subsection (a) to the same extent and in the same manner as such title applies to a grant under section 1501.

"(d) FUNDING.—

"(1) IN GENERAL.—Subject to paragraph (2), for the purpose of carrying out this section, there are authorized to be appropriated $3,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998.

"(2) LIMITATION REGARDING FUNDING WITH RESPECT TO BREAST AND CERVICAL CANCER.—The authorization of appropriations established in paragraph (1) is not effective for a fiscal year unless the amount appropriated under section 1510(a) for the fiscal year equals or exceeds $100,000,000.".

(b) CONFORMING AMENDMENT.—Section 1510(a) of the Public Health Service Act, as redesignated by subsection (a)(1) of this section, is amended in the heading for the section by striking "**FUNDING.**" and inserting "**FUNDING FOR GENERAL PROGRAM.**".

SEC. 4. FUNDING FOR GENERAL PROGRAM.

Section 1510(a) of the Public Health Service Act (as redesignated by section 3(a)(2)) is amended—

(1) by striking "and" after "1991,"; and

(2) by inserting before the period the following: ", $200,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998".

By Mr. METZENBAUM (for himself and Mrs. KASSEBAUM):

S. 1312. A bill to amend the Employee Retirement Income Security Act of 1974 in order to provide for the availability of remedies for certain former pension plan participants and beneficiaries; to the Committee on Labor and Human Resources.

PENSION ANNUITANTS PROTECTION ACT OF 1993

• Mr. METZENBAUM. Mr. President, today Senator KASSEBAUM and I are introducing emergency legislation to provide legal protection to the tens of thousands of workers and retirees whose pension plans have purchased financially shaky retirement annuities in violation of the Employee Retirement Income Security Act of 1974, known as ERISA. Significantly, this legislation will protect the 84,000 workers and retirees whose retirement security has been jeopardized by the insolvency of the Executive Life Insurance Co.

During the 1980's, hundreds of employers terminated their well-funded federally insured pension plans and bought speculative retirement annuities from a variety of insurance companies, including the Executive Life Insurance Co. In most cases, the employers directly benefited by recouping money from the pension plan through the purchase of cheaper insurance annuities. The affected workers and retirees had no say in the choice of insurance carrier. In some cases, they were not even notified that their pension benefits had been converted to insurance annuities. In the Executive Life cases, the workers and retirees had their retirement benefits reduced for 1 year and though their benefits currently are being paid, their future is still uncertain. It is criminal that 2 years after the bankruptcy of Executive Life, these workers and retirees still have no assurances that their hard-earned retirement benefits will be paid.

This legislation is needed because of an unexpected decision by the U.S. Supreme Court 2 months ago. The Court by a 5 to 4 majority in Mertens versus Hewitt Associates severely narrowed the legal protections available to workers and retirees under ERISA. The Court held that ERISA did not clearly define the relief available for violations of the pension and welfare benefits law, and therefore relief was limited to such remedies as injunctions and disgorgement of profits. The Court ruled that monetary damages are not available for violations of ERISA and cast doubt on whether ERISA provides a cause of action against individuals who knowingly and actively participate in a breach of the law. Once again, the Supreme Court has chosen to take the most narrow reading of a statute, clearly contrary to the intent of Congress. In light of the Mertens decision, workers and retirees now have less protection than they enjoyed before the enactment of ERISA in 1974.

As a result of the Mertens case, the Department of Labor believes that approximately half of its enforcement efforts may be impaired. In addition, the Department believes that its efforts to enforce the law in the Executive Life case are now in jeopardy. Many of these cases are close to being decided and therefore, need to be protected as soon as possible. The legislation introduced today by Senator KASSEBAUM, and myself makes clear that in cases where a pension plan fiduciary purchases insurance annuities in violation of ERISA, the Court may award appropriate relief, including the purchase of a back-up annuity to remedy the breach. In addition, I plan to introduce comprehensive legislation to protect workers' pension rights in September.

On Monday August 2, the Senate Subcommittee on Labor, which I chair, will hold hearings on this issue. Senator KASSEBAUM and I plan to move quickly to have the Senate pass this legislation. I ask unanimous consent that the full text of the bill be included in the RECORD.

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

S. 1312

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Pension Annuitants Protection Act of 1993".

SEC. 2. CIVIL ENFORCEMENT OF ERISA.

Section 502(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132(a)) is amended—

(1) by striking the semicolon at the end of paragraph (5),

(2) by striking the period at the end of paragraph (6) and inserting "; or", and

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

"(7)(A) in the event that the purchase of an insurance contract or insurance annuity in connection with termination of an individual's status as a participant covered under a pension plan with respect to all or any portion of the participant's pension benefit under such plan constitutes a violation of part 4 of this title or the terms of the plan, by the Secretary, by an individual who was a participant or beneficiary at the time of the alleged violation, or by a fiduciary, to obtain appropriate relief, including the posting of security if necessary, to assure receipt by the participant or beneficiary of the amounts provided by such insurance contract or annuity, plus reasonable prejudgment interest on such amounts.".

SEC. 3. WAIVER OR REDUCTION OF CIVIL PENALTY.

Section 502(1)(3)(B) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132(1)(3)(B)) is amended by inserting "(or to provide the relief ordered pursuant to subsection (a)(7))" after "to restore all losses to the plan".

SEC. 4. EFFECT ON OTHER PROVISIONS.

Nothing in this Act shall be construed to limit the legal standing of individuals to bring a civil action as participants or beneficiaries under section 502(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132(a)), and nothing in this Act, other than the relief authorized in section 2 of this Act, shall affect the responsibilities, obligations, or duties imposed upon fiduciaries by title I of the Employee Retirement Income Security Act of 1974.

SEC. 5. EFFECTIVE DATE.

The amendments made by this act shall apply to any legal proceeding pending, or brought, on or after May 31, 1993.•

• Mrs. KASSEBAUM. Mr. President, during the floor consideration of the budget reconciliation bill, Senator METZENBAUM, Senator KENNEDY, and I reached an agreement providing for the removal of provisions relating to civil money penalties and liabilities under the Employee Retirement Income Security Act [ERISA] from the bill.

As I mentioned during the floor debate, several members of the Senate Committee on Labor and Human Resources who voted against inclusion of the broad ERISA provision during the committee's markup of the budget reconciliation bill stated their willingness to address the Executive Life retirement annuity situation in a separate piece of legislation and to do so on an expedited basis.

Consequently, as part of the agreement to withdraw the broad ERISA provisions from the budget reconciliation bill, Senator METZENBAUM, Senator KENNEDY, and I pledged that we would seek to address the Executive Life annuity situation in a targeted manner and on expedited basis. I believe that the legislation we are introducing today achieves this goal, and I

look forward to working mutually toward its swift enactment.●

By Mr. LIEBERMAN:

S. 1314. A bill to designate the U.S. courthouse located in Bridgeport, CT, as the "Brien McMahon Federal Building"; to the Committee on Environment and Public Works.

BRIEN MC MAHON FEDERAL BUILDING ACT OF 1993

● Mr. LIEBERMAN. Mr. President, I introduce a bill to name the Federal courthouse in Bridgeport, CT, after a distinguished former Member of this body, Senator Brien McMahon. A native of nearby Norwalk, Senator McMahon was first elected to the Senate in 1944, and was reelected in 1950. His Senate career tragically was cut short by his untimely passing on July 28, 1952, at the age of 48.

Dispite serving in the Senate for only 8 years, Senator McMahon left his mark on our country. As a freshman Senator, Brien McMahon was one of the first to grasp the importance of atomic energy. He introduced and passed to provide for the study of atomic energy and the governmental controls that could be necessary in the postwar era. His efforts lead to passage of the McMahon Act, which was also known as the Atomic Energy Act of 1946. In 1948 he became chairman of the Joint Committee on Atomic Energy, where he was extremely well regarded. He also worked behind the scenes to support the weapons program that would become the free world's security blanket for the next four decades.

The use of the atom was not the only area in which Brien McMahon made great contributions. In the arena of foreign relations, for example, Senator McMahon was the first Member of Congress to venture behind the Iron Curtain, where he negotiated an aid program with Marshal Tito, who had just broken with Stalin.

Senator McMahon was also a man of principle. He was one of the first Members of this body to challenge the activities of the late Senator Joseph McCarthy. Senator McCarthy even went to Connecticut to campaign against Senator McMahon.

It is particularly appropriate to name a courthouse for Senator McMahon. Before being elected to the Senate, he had a distinguished legal career. A graduate of Yale Law School, he practiced law in Norwalk, CT where he became a judge off the city court in 1933. Later that same year, he was appointed special assistant to U.S. Attorney General Cummings. In 1935, Senator McMahon was appointed Assistant Attorney General in charge of the Criminal Division of the Department of Justice, where he served for 4 years.

For all these reasons, it would be extremely fitting to honor Senator Brien McMahon by naming the Federal courthouse in his memory.

I ask unanimous consent that a copy of the bill be printed in the RECORD.

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

S. 1314

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States Courthouse located at 915 Lafayette Boulevard in Bridgeport, Connecticut shall be designated as the "Brien McMahon Federal Building". Any reference in a law, regulation, map, document, record, or other paper of the United States to that building shall be deemed to be a reference to the Brien McMahon Federal Building.●

By Mr. ROCKEFELLER (for himself, Mr. DURENBERGER, and Mr. PRYOR):

S. 1315. A bill to establish a national policy respecting medical residency training programs and the health care workforce, and for other purposes; to the Committee on Finance.

PRIMARY CARE WORKFORCE ACT OF 1993

● Mr. ROCKEFELLER. Mr. President, I am pleased to have introduced today along with Senator DURENBERGER and Senator PRYOR, the Primary Care Workforce Act of 1993. This bill, which has been developed in close cooperation with Representative HENRY WAXMAN of California, one of the true leaders in the Congress on this and other health care issues, is the culmination of several years of work by numerous groups and commissions and two hearings held before the Subcommittee on Medicare and Long Term Care of the Senate Finance Committee. It also reflects the outstanding work of several foundations who have studied this problem, including the Robert Wood Johnson Foundation and the W.K. Kellogg Foundation's community-based primary care project, which I am proud to say has been active in West Virginia and with the Alliance for Health Reform. It represents our determined effort to correct the serious imbalance present in our health care system with respect to those who provide this care to our Nation's people. It represents our effort to address a fundamental aspect of this system that will have to be corrected if health care reform is to succeed. It represents our effort to be certain that the expenditure of Federal health care dollars is in keeping with the real needs of the America people.

Mr. President, one need only to look to the State of West Virginia to begin to understand the need for this bill. Despite all that we have done in this Congress over the last two decades to train more doctors and to encourage them to pursue careers in primary care, we have counties in my State with no physicians whatsoever, counties where people have to travel for over an hour to receive any kind of health care. The National Health Service Corps was created by the Congress to help address some of these shortages, yet this program has been decimated by funding cuts over the last 12 years, and now two-thirds of the designated sites for placement of corps physicians in West Virginia go unfilled.

Nationally, the figures showing the extent of this problem are similarly distressing. There are now over 600,000 physicians in practice in this country, and by all indications we are heading for an over-supply of doctors by the end of this century. Yet only 30 percent of doctors identify themselves as primary care practitioners, and that translates into a shortage of these providers of as many as 50,000. This is based on the rule of thumb that there should be one primary care practitioner for every 1,200 to 1,500 people. There are about 43 million Americans living in areas designated by the Department of Health and Human Services as health professional shortage areas, defined as having fewer than one practitioner for every 3,000 people. It would take at least 6,000 more primary care physicians just to alleviate this part of the problem. And this is before we address the challenge of providing care to the 37 million Americans currently without health insurance. And this is before national health care reform causes the creation of organized systems of care which will depend even more heavily on primary care providers.

It is not enough to look at this only in terms of the problems many Americans have gaining access to health care. For the twin problem of the costs of care are similarly bedeviled by the imbalance of specialists and generalists. A series of recent studies are most telling on this score: A report in the New England Journal of Medicine showed that primary care providers hospitalize their patients less frequently than do specialists, with no difference in outcome. Another study in the Journal of Family Practice showed that primary care physicians used fewer tests and fewer referrals in treating hospitalized patients, and thus ran up smaller bills, again with no ill effect. It is estimated that if 50 percent of American physicians were primary care practitioners, total national expenditures for physician services would be 39 percent less than what we are currently spending.

But we are far from a 50–50 ratio of primary care providers to specialists, a ratio that is the rule in other industrialized countries. In fact we last had 50 percent of physicians in primary care practice in 1961, and the decline has been inexorable since. Currently only 14 percent of graduating medical students indicate an interest in this type of practice. And most dramatically, even if by some action we were to begin this year to convince half of all graduating medical students to choose a career in primary care, we would not achieve the more desirable 50–50 ratio of generalists to specialists until the year 2040.

It is not surprising that this complex problem has multiple underlying causes. Increasingly sophisticated technology dominates our health care system, and this is the very attractive domain of the medical specialists. This reaches its zenith in the teaching hospitals, also the site of most medical training. The academic health center has become the source of an incredible array of discoveries and innovations that have benefited society. However, primary care as an academic discipline has become a more and more difficult pursuit in our medical schools. Students often lack the needed role models to encourage them toward primary care.

The Federal Government has been an accomplice in this trend. Despite the Congress' efforts in passing the new Medicare physician payment system, specialty medicine is still reimbursed well beyond primary care services. In addition, our Government spends over $6 billion in support of graduate medical education, most often in a way which only serves to reward teaching hospitals for increasing the number of students being trained for highly specialized care. Finally, as the cost of education has risen, medical student debt has risen. This now averages over $50,000 at graduation, hardly what would encourage students to choose careers in the lower paying primary care disciplines.

Previous attempts to address this problem have largely failed. In the 1960's and 1970's we assumed that if we trained more doctors there would be an inevitable diffusion into primary care and into our seriously underserved regions. The number of first-year medical students increased from just over 8,000 in 1961 to almost 16,000 to 1990. At the same time the number of foreign medical graduates entering the United States exploded. Yet the proportion of primary care practitioners actually decreased. Other programs, such as the support of training of nurse practitioners and the National Health Service Corps, have not been able to fulfill their missions because of the substantial budget cuts these programs endured during the 1980's.

As my colleagues know, I have been very concerned about this issue for several years. We have heard testimony from numerous experts, including from the Physician Payment Review Commission which was charged by the Congress to advise it on this issue, from several academic and physician organizations, and from private foundations with interest in this matter. And the legislation we are introducing today is our effort to translate the best of their recommendations into effective public policy.

And as my colleagues also know, this has been the subject of intense scrutiny by the White House's Health Care Reform Task Force. Mrs. Clinton has spoken often and eloquently about the need to provide a more appropriate health care workforce for our Nation's needs.

The bill we are introducing has a number of initiatives which will have the effect of increasing the number of primary health care providers in this country. First and possibly most important is our intention to limit the payments provided by the Medicare program for graduate medical education. Only programs that comply with Federal policy that restricts the number of practitioners trained to be more in line with the number of graduates of medical schools in the United States will receive support from Medicare, and half those trained should be in programs for primary care. We expect this policy to be fully implemented within 3 years, a short period of time to be sure but one that reflects the seriousness of this problem and the seriousness of our intent.

There is no doubt that achieving this policy goal will be difficult, and we must enlist the help and expertise of the private organizations that know and understand medical education. It is for this reason that the legislation calls for the creation of a national health care professional workforce advisory board to advise the Secretary of Health and Human Services on the development and implementation of this policy. But lest this become another self-perpetuating Federal commission, we direct it to be terminated in 5 years. We believe that by this time the policy will be well along in its implementation, and national health care reform will already be having its substantial effect on the market for health care professionals.

It is clear that there needs to be a number of programs which increase the attractiveness of primary care for fledgling physicians. Therefore another initiative in this bill will allow Medicare funds used for medical education to be directed not only to the tertiary care hospitals that so dominate graduate medical education but also to sites such as community health centers and HMO's so that physicians will have experiences in this kind of care during their training. There will be enhanced support for those entering training in primary care such as improved terms for loan repayment. And there will be enhanced support for the Agency for Health Care Policy and Research so that more research aimed at issues of primary care will be carried out in our Nation's medical schools.

In crafting this legislation we have also recognized the critical role being played by advanced practice nurses and physician assistants in providing primary care. There are now approximately 25,000 nurse practitioners and a similar number of physician assistants, with an additional 5,000 nurse midwives providing important services to women. These practitioners can provide as much as 80 percent of a primary care physician's services, and this bill provides increased support for the training of these essential professionals.

Another program of great interest will be demonstration programs for the retraining of specialist physicians for primary care. It has been suggested that this sort of retraining could be a very useful—and relatively quick—source of primary care physicians. Yet we know little about how to do this, how much it should cost, and how long it should take. Well focused projects overseen by the Public Health Service should answer these important questions.

Finally, as I mentioned earlier, the National Health Service Corps has over the last 12 years been kept from fulfilling its promise to provide more practitioners for our most needy populations. We propose to provide full funding to the corps by the year 2000 and to expand a program of jointly funded community scholarships designed to provide incentives for hometown recruitment and retention of physicians and nurses. And in keeping with the President's extraordinary commitment to reviving the idea of national service, we are directing the Secretary to appoint a commission on obligated service to study and make recommendations on requiring a period of national service for all students who graduate from health professions schools that receive Federal support.

I am pleased by the reaction we have received to this proposal from the medical education community. Supportive letters have been received from the American Academy of Family Physicians and the Federated Council for Internal Medicine. The latter group is comprised of five leading organizations of internal medicine, including the leaders from the academic community.

Mr. President, this legislation is complex, multifaceted, far-reaching, and very demanding of our health professions education system. It is one tough bill. Yet this only reflects the seriousness of the challenge, the depth of our commitment to address this challenge, and the complexity that we recognize to be inherent in this problem. There will be those who might suggest that these problems be addressed as part of the national health care reform effort on which we will soon embark. I believe that this is too urgent an issue to wait, however, and all of the provisions I have cited today are efforts that will only enhance our ability to achieve meaningful health care reform. I urge my colleagues to support this important legislation.

Mr. President, I ask unanimous consent that the text of the bill and an outline be printed in the RECORD.

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

S. 1315

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Primary Care Workforce Act of 1993".

SEC. 2. DEFINITIONS.

In this Act, the following definitions shall apply:

(1) The term "approved medical residency training program" has the meaning given such term in section 1886(h)(5)(A) of the Social Security Act.

(2) The term "entry position" means, with respect to a medical residency training program, a position as a resident in the initial year of study in the program.

(3) The term "primary care resident" means (in accordance with criteria established by the Secretary) a resident being trained in a distinct program of primary health care (as defined in section 723(d)(5) of the Public Health Service Act).

(4) The term "resident" has the meaning given such term in section 1886(h)(5)(H) of the Social Security Act.

(5) The term "Secretary" means the Secretary of Health and Human Services.

(6) The term "State" has the meaning given such term under section 799(9) of the Public Health Service Act.

(7) The term "United States medical graduate" means a resident who is a graduate of—

(A) a school of medicine accredited by the Liaison Committee on Medical Education of the American Medical Association and the Association of American Medical colleges (or approved by such Committee as meeting the standards necessary for such accreditation); or

(B) a school of osteopathy accredited by the American Osteopathic Association, or approved by such Association as meeting the standards necessary for such accreditation.

SEC. 3. ESTABLISHMENT AND ENFORCEMENT OF NATIONAL POLICY FOR APPROVED MEDICAL RESIDENCY TRAINING PROGRAMS.

(a) IN GENERAL.—The Secretary of Health and Human Services shall establish a national policy respecting the number of positions in each State in each approved medical residency training program of the different medical specialties conducted in the State.

(b) SPECIFIC DISTRIBUTION RULES.—

(1) LIMIT ON TOTAL NUMBER OF POSITIONS.—The national policy established under subsection (a) shall provide that, with respect to residents who begin an initial residency period on or after June 1, 1998, the total number of entry positions in approved medical residency training programs in the United States in which residents may enroll without having previously completed another medical residency training program may not for any fiscal year exceed 110 percent of the number of United States medical graduates.

(2) DISTRIBUTION OF PRIMARY CARE AND NON-PRIMARY CARE POSITIONS.—

(A) GENERAL RULE.—The national policy established under subsection (a) shall provide that, after a 3-year transition period beginning on June 1, 1995, the number of entry positions in all approved medical residency training programs in a State for residents who begin an initial residency period on or after June 1, 1998, who are not primary care residents may not exceed 50 percent of the total number of entry positions in all such programs in a State for all residents who are United States medical graduates.

(B) WAIVER FOR CERTAIN STATES.—The Secretary may waive the application of the general rule described in subparagraph (A) to a State if the Secretary finds that the application of the rule to the State is not practicable.

(c) TIMETABLE.—

(1) PUBLICATION OF INTERIM FINAL REGULATION.—The Secretary shall publish an interim final regulation carrying out the national policy referred to in subsection (a) not later than 60 days after the National Health Professional Workforce Advisory Board submits its recommendations to the Secretary regarding such national policy pursuant to section 3(b).

(2) USE OF BOARD'S RECOMMENDATIONS AS DEFAULT POLICY.—If the Secretary does not meet the requirements of paragraph (1), the recommendations of the National Health Professional Workforce Advisory Board submitted to the Secretary pursuant to section 3(b) shall, for purposes of this Act and the amendments made by this Act, be deemed to be the national policy established by the Secretary under subsection (a) respecting the number of positions in each State in the approved medical residency training programs of the different medical specialties conducted in the State.

(d) ASSURING CONFORMITY OF MEDICARE PAYMENTS FOR MEDICAL EDUCATION WITH NATIONAL POLICY.—

(1) PAYMENT FOR DIRECT MEDICAL EDUCATION.—Section 1886(h)(5)(A) of the Social Security Act (42 U.S.C. 1395ww(h)(5)(A)) is amended—

(A) by striking "means" and inserting "means, with respect to a hospital,"; and

(B) by striking the period at the end and inserting the following: ", but only if (with respect to residents who begin an initial residency period on or after June 1, 1995) entry positions in each such program of the hospital are in accordance with the national policy established by the Secretary under section 3(a) of the Primary Care Workforce Act of 1993 respecting the number of positions in such program.".

(2) PAYMENT FOR INDIRECT MEDICAL EDUCATION.—Section 1886(d)(5)(B) of such Act (42 U.S.C. 1395ww(d)(5)(B)) is amended by adding at the end the following new clauses:

"(v) In determining such adjustment, the Secretary may not take into account the services of any interns and residents in a medical residency training program for a specialty or subspecialty unless, with respect to interns and residents who begin an initial residency period (as defined in subsection (h)(5)(F)) on or after June 1, 1995, entry positions in each such program of the hospital are in accordance with the national policy established by the Secretary under section 3(a) of the Primary Care Workforce Act of 1993 respecting the number of positions in such program.

"(vi) With respect to payments during each of the first 5 fiscal years for which clause (v) is in effect, the application of such clause may not result in a reduction of the additional payment amount made to the hospital under this subparagraph during the fiscal year to an amount that is less than—

"(I) in the case of a hospital receiving an additional payment amount under subparagraph (F) during the fiscal year that is computed under clause (vii)(I) of such subparagraph, 95 percent of the additional payment amount made to the hospital under this subparagraph during the previous fiscal year; or

"(II) in the case of any other hospital, 90 percent of the additional payment amount made to the hospital under this subparagraph during the previous fiscal year.".

SEC. 4. NATIONAL HEALTH PROFESSIONAL WORKFORCE ADVISORY BOARD.

(a) ESTABLISHMENT; COMPOSITION.—There is hereby established the National Health Professional Workforce Advisory Board (hereafter in this section referred to as the "Board"), to be composed of the Secretary of Health and Human Services, the Secretary of Veterans' Affairs, and 7 other members appointed by the President not later than 3 months after the date of the enactment of this Act, of whom—

(1) at least 1 shall be a dean of a school of medicine;

(2) at least 1 shall be a health care professional who is not a physician;

(3) at least 1 shall be the program director of an approved medical residency training program;

(4) at least 1 shall be the chief executive officer of a hospital that operates an approved medical residency training program;

(5) at least 1 shall be the vice-president or vice-chancellor for health affairs of a multidisciplinary academic health center; and

(6) at least 1 shall represent the general public.

(b) DUTIES.—

(1) IN GENERAL.—The Board shall—

(A) prepare initial recommendations regarding the national policy referred to in section 3(a) for the number of positions in approved medical residency training programs of the different medical specialties (subject to the requirements of section 3(b) regarding the total number of entry positions in such programs and the distribution of such positions under such programs among primary care and non-primary care residents at various sites), and submit such recommendations to the Secretary not later than 1 year after the date of the enactment of this Act;

(B) submit recommendations to the Secretary regarding the supply and role of providers of primary care services who are not physicians;

(C) with respect to funds available pursuant to title XVIII of the Social Security Act for direct graduate medical education for the clinical training of physicians and nurses, study the appropriateness of expending such funds to make reimbursements under such title for the clinical training in primary care of additional practitioners;

(D) submit annual reports to Congress and the Secretary on the implementation of such national policy; and

(E) provide the Secretary with such technical and other assistance regarding such national policy as the Secretary may request.

(2) CRITERIA FOR RECOMMENDATIONS.—In preparing its recommendations under paragraph (1), the Board shall take into consideration—

(A) the quality of graduate medical residency training programs;

(B) the need to maintain the operation of such programs that have demonstrated success in recruiting, retaining, and promoting minority practitioners;

(C) the need to assure that the distribution of entry positions in such programs is not inequitable in relation to the States and hospitals in urban and rural areas that are qualified to offer such programs;

(D) the need to assure the provision of primary care and other health care services to medically underserved communities; and

(E) such other criteria as the Board (in consultation with the accrediting bodies referred to in subsection (c)) considers appropriate.

(c) ROLE OF ACCREDITING BODIES AND CERTIFYING BOARDS.—In preparing its recommendations regarding the national policy referred to in section 3(a), the Board shall—

(1) request each accrediting body for approved medical residency training programs for a specialty or subspecialty, and each certification board for such specialty or subspecialty, to prepare and submit a plan that provides for the achievement of such national policy with respect to approved medical residency training programs for such specialty or subspecialty;

(2) analyze the extent to which the Board may adopt such plans as the basis for its recommendations; and

(3) maintain close consultation with such bodies and boards throughout the process of preparing its recommendations.

(d) CHAIRPERSON; ADDITIONAL DUTIES.—The President shall designate a Chairperson from among the members, who (subject to the approval of the Board) may—

(1) employ and fix the compensation of an Executive Director and such other personnel (not to exceed 25) as may be necessary to carry out the Board's duties;

(2) seek such assistance and support as may be required in the performance of the Board's duties from appropriate Federal departments and agencies;

(3) enter into contracts or make other arrangements, as may be necessary for the conduct of the work of the Board (without regard to section 3709 of the Revised Statutes (41 U.S.C. 5));

(4) make advance, progress, and other payments which relate to the work of the Commission;

(5) provide transportation and subsistence for persons serving without compensation; and

(6) prescribe such rules and regulations as the Board deems necessary with respect to its internal organization and operation.

(e) COMPENSATION.—Members of the Board who are full-time officers or employees of the United States may not receive additional pay, allowances, or benefits by reason of their service on the Board, but may receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(f) TERMINATION.—The Board shall terminate upon the expiration of the 6-year period that begins on the date of the enactment of this Act. Section 14(a) of the Federal Advisory Committee Act (5 U.S.C. App.; relating to the termination of advisory committees) shall not apply to the Board.

(g) CONFORMING AMENDMENT REPEALING COUNCIL ON GRADUATE MEDICAL EDUCATION.—Effective on the date of the enactment of this Act, section 301 of the Health Professions Education Extension Amendments of 1992 (Public Law 102-408) is repealed.

SEC. 5. REVISIONS TO MEDICARE METHODOLOGY FOR DETERMINING PAYMENTS FOR MEDICAL RESIDENCY.

(a) PAYMENTS FOR DIRECT MEDICAL EDUCATION COSTS OF NON-HOSPITAL PROVIDERS.—Title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) is amended by inserting after section 1889 the following new section:

"GRADUATE MEDICAL EDUCATION PAYMENTS FOR NON-HOSPITAL PROVIDERS

"SEC. 1890. (a) IN GENERAL.—Notwithstanding any other provision of this title, in the case of any entity (other than a hospital) eligible to receive payments under this title that operates an approved medical residency training program, in addition to any other payments that may be made to the entity under this title, the Secretary shall provide for payment to the entity for direct graduate medical education costs in accordance with subsection (b).

"(b) DETERMINATION OF AMOUNT OF PAYMENT.—

"(1) IN GENERAL.—The amount of payment made to an entity under this section for direct medical education for a fiscal year is equal to the product of—

"(A) the aggregate approved amount (as defined in paragraph (2)) for the year; and

"(B) the entity's medicare patient load (as defined in subsection (d)(2)) for the year.

"(2) AGGREGATE APPROVED AMOUNT.—In paragraph (1), the term 'aggregate approved amount' means, for a fiscal year, the product of—

"(A) the approved FTE resident amount (determined under paragraph (3)) for the year; and

"(B) the weighted average number of full-time equivalent residents (as determined by the Secretary in a manner similar to the manner used to determine the number of such residents under section 1886(h)(4)) in the entity's approved medical residency training programs in the year.

"(3) DETERMINATION OF APPROVED FTE RESIDENT AMOUNT.—

"(A) IN GENERAL.—For each approved medical residency training program, the Secretary shall determine an approved FTE resident amount for each fiscal year (beginning with fiscal year 1995) equal to the applicable percentage (as defined in subparagraph (C)) of the national average salary for the year (as defined in subparagraph (B)(ii)).

"(B) DETERMINATION OF NATIONAL AVERAGE SALARY.—

"(i) DETERMINATION OF BASE AMOUNT.—The Secretary shall determine a base salary amount equal to the Secretary's estimate (using the most recent available audited cost reports) of the national average salary, including fringe benefits, for a full-time-equivalent resident in an approved medical residency training program during fiscal year 1990, increased (in a compounded manner) by the sum of the estimated percentage changes in the consumer price index during the 12-month periods between the midpoint of fiscal year 1990 and the midpoint of fiscal year 1994.

"(ii) NATIONAL AVERAGE SALARY DEFINED.—In this paragraph, the 'national average salary' for a fiscal year is equal to—

"(I) for fiscal year 1995, the base amount determined under clause (i) updated through the midpoint of the year by projecting the estimated percentage change in the consumer price index during the 12-month period ending at that midpoint (with appropriate adjustments to reflect previous under- or over-estimations under this subparagraph in the projected percentage change in the consumer price index); and

"(II) for a subsequent fiscal year, the amount determined under this clause for the previous fiscal year updated through the midpoint of the year by projecting the estimated percentage change in the consumer price index during the 12-month period ending at that midpoint (with appropriate adjustments to reflect previous under- or over-estimations under this subparagraph in the projected percentage change in the consumer price index).

"(C) APPLICABLE PERCENTAGE.—In subparagraph (A), the 'applicable percentage' is—

"(i) in the case of a primary care residency training program, 200 percent; or

"(ii) in the case of medical residency training program that is not a primary care residency training program, 150 percent.

"(c) ALLOCATION OF PAYMENTS AMONG TRUST FUNDS.—In providing for payments under this section, the Secretary shall provide for an allocation of such payments between part A and part B (and the trust funds established under the respective parts) as reasonably reflects the proportion of direct graduate medical costs of entities associated with the provision of services under each respective part.

"(d) DEFINITIONS.—In this section:

"(1) The terms 'approved medical residency training program', 'consumer price index', 'direct graduate medical education costs', and 'resident' have the meaning given such terms under section 1886(h)(5).

"(2) The term 'medicare patient load' means, with respect to a entity for a year, the fraction of the entity's services during the year which are attributable to individuals entitled to benefits under this title (based on such measure of services as the Secretary determines to be appropriate for purposes of this section).

"(3) The term 'primary care medical residency training program' means an approved medical residency training program consisting of a distinct program of primary health care (as defined in section 723(d)(5) of the Public Health Service Act).".

(b) PAYMENT FOR HOSPITAL COSTS OF INDIRECT MEDICAL EDUCATION PROVIDED OFF-SITE.—Section 1886(d)(5)(B)(iv) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(B)(iv)) is amended by inserting by striking the period at the end and inserting the following: ", without regard to the setting in which the services are furnished (if the hospital incurs all, or substantially all, of the costs of the services furnished to the hospital by such interns and residents).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to cost reporting periods (or portions thereof) beginning on or after October 1, 1994.

SEC. 6. CERTAIN PRIMARY CARE PROGRAMS UNDER PUBLIC HEALTH SERVICE ACT.

(a) INCREASE IN FUNDING FOR SCHOLARSHIP AND LOAN REPAYMENT PROGRAMS OF NATIONAL HEALTH SERVICE CORPS.—Section 338H(b)(1) of the Public Health Service Act (42 U.S.C. 254q(b)(1)) is amended—

(1) by striking "and" after "1991,";

(2) by striking "through 2000" and inserting "and 1993"; and

(3) by inserting before the period the following: ", $226,000,000 for fiscal year 1994, $294,000,000 for fiscal year 1995, $381,000,000 for fiscal year 1996, $496,000,000 for fiscal year 1997, $644,000,000 for fiscal year 1998, $837,000,000 for fiscal year 1999, and $1,089,000,000 for fiscal year 2000".

(b) DEMONSTRATION GRANTS TO STATES FOR COMMUNITY SCHOLARSHIP PROGRAMS.—Section 338L(1)(1) of the Public Health Service Act (42 U.S.C. 254t(1)(1)) is amended—

(1) by striking "and" after "1992,"; and

(2) by inserting before the period the following: ", and $5,000,000 for each of the fiscal years 1994 through 2000".

(c) NATIONAL RESEARCH SERVICE AWARDS.—Section 487(d)(3) of the Public Health Service Act (42 U.S.C. 288(d)(3)), as amended by section 1641(2) of Public Law 103-43, is amended—

(1) by striking "1 percent" the first place such terms appear and inserting "2 percent"; and

(2) by striking "Awards which (A) are made" and all that follows through "(B) are for research in primary medical care;" and inserting the following: "Awards made for research in primary medical care;".

(d) HEALTH CARE POLICY AND RESEARCH.—

(1) FUNDING.—Section 926 of the Public Health Service Act (42 U.S.C. 299c-5), as

amended by section 10 of Public Law 102-410 (106 Stat. 2101), is amended by adding at the end the following subsection:

"(f) ALLOCATION REGARDING PRIMARY CARE.—Of the amounts made available for a fiscal year for carrying out this title, the Secretary shall obligate not less than 15 percent for carrying out section 902 with respect to primary care.".

(2) RETRAINING PROGRAMS.—Section 902 of the Public Health Service Act (42 U.S.C. 299a), as amended by section 2 of Public Law 102-410 (106 Stat. 2094), is amended by adding at the end the following subsection:

"(f) RETRAINING OF SPECIALISTS.—With respect to physicians who are in a specialty, the Administrator shall, in carrying out subsection (a), conduct or support programs for training such physicians in primary care.".

(e) COMMISSION ON OBLIGATED SERVICE.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, there shall be established in accordance with this subsection an advisory commission to carry out the duties described in paragraph (2).

(2) DUTIES.—The duties referred to in paragraph (1) are making recommendations to the President and the Secretary on Health and Human Services on whether and to what extent students attending health professions schools pursuant to direct or indirect federal financial assistance (for the students or for the schools, or both) should, as a condition of such attendance, be contractually required to complete a period of providing health services to medically underserved individuals. Recommendations under the preceding sentence shall include recommendations with respect to establishing such a requirement for each student who attends a health professions school pursuant to such assistance.

(3) MEMBERSHIP.—The advisory commission established under paragraph (1) shall be comprised of five individuals appointed by the President.

(4) ADMINISTRATIVE PROVISIONS.—The advisory commission established under paragraph (1) shall be established within the Department of Health and Human Services. The Secretary shall provide to the commission such staff, quarters, information, and other assistance as may be necessary for the commission to carry out paragraph (2).

OUTLINE OF PRIMARY CARE WORKFORCE ACT OF 1993

1. ESTABLISHMENT AND ENFORCEMENT OF NATIONAL POLICY FOR ACCREDITED GRADUATE MEDICAL EDUCATION PROGRAMS

a. The Secretary of Health and Human Services shall establish a national policy respecting the number of positions in accredited graduate medical education training programs.

b. Specific Distribution Rules:

1. Limit total number of entry positions to not greater than 110 percent of U.S. medical school graduates for those beginning their initial residency training on or after June 1, 1998.

2. Distribution of primary care and nonprimary care positions to be 50:50 after three year transition period.

3. Secretary may waive distribution rules when deemed appropriate.

c. Secretary to publish interim final regulation carrying out the national policy not later than 60 days after receiving recommendations from the Presidential appointed National Health Care Professional Workforce Advisory Board.

d. Assuring Conformity of Medicare Payments for Medical Education with National Policy:

1. Medicare to provide graduate medical education support for a program's positions only if the program is in compliance with the national policy established by the Secretary.

2. Indirect medical education support also will be available only if the programs are in compliance with national policy; for the first five years that this is in effect the hospital's additional payment amount will be reduced to no less than 90 percent of the prior fiscal year's amount; for disproportionate share hospitals the payment amount will be reduced to no less than 95 percent of the prior year's amount.

e. Primary care resident is defined per the Public Health Service Act (currently general internal medicine, general pediatrics, and family practice).

2. NATIONAL HEALTH PROFESSIONAL WORKFORCE ADVISORY BOARD

a. Establishment; Composition: To include Secretary HHS, Secretary of Veterans Affairs, and seven other members appointed by the President, including a dean of a medical school, a health care professional who is not a physician, a residency program director, a C.E.O. of a hospital operating a residency training program, a representative of an academic health center, and one member of the public.

b. Duties:

1. In General:

a. To prepare initial recommendations regarding the national policy, submitted to the Secretary of HHS not later than 1 year after the enactment of this Act;

b. study the appropriateness of using Medicare dollars to train other primary care providers;

c. make recommendations regarding the need to increase the numbers of other health care professionals;

d. submit annual reports to the Secretary and the Congress on the implementation of the policy;

e. provide the Secretary technical and other assistance as requested.

2. Criteria for Recommendations:

a. The need to consider the quality of different training programs;

b. the need to maintain programs with demonstrated success in recruiting, retaining, and promoting minority practitioners;

c. the need to assure that the distribution of positions in such programs is not inequitable in relation to geographic distribution, urban and rural areas, and hospitals that are qualified to offer such programs;

d. the need to assure the provision of primary care and other health care services to medically underserved communities;

e. such other criteria as the Board considers appropriate.

c. Role of Accrediting Bodies and Specialty Organizations: The Board shall request each accrediting body and appropriate speciality organizations to submit a plan that provides for the achievement of the national policy and maintain close consultation with these bodies throughout the process of preparing its recommendations.

d. The Board shall terminate six years after the passage of this act.

e. The Council on Graduate Medical Education is repealed.

3. REVISIONS TO MEDICARE METHODOLOGY FOR DETERMINING DIRECT MEDICAL EDUCATION PAYMENTS FOR MEDICAL EDUCATION TO OFF-SITE SETTINGS.

a. Payment for Direct Medical Education Costs of Non-Hospital Providers Operating Residency Training Programs (establishes criteria for determining amount of payment based on an average per-resident amount times the Medicare patient load, with primary care positions receiving a greater amount, primary care defined as family practice, general internal medicine, and general pediatrics).

b. Payment for Hospital Costs of Indirect Medical Education Provided Off-Site (clarifies that hospitals may continue to include residents in F.T.E. count when residents are off-site if the hospital incurs all, or substantially all, of the costs of the resident).

c. Effective Date October 1, 1994.

4. PUBLIC HEALTH SERVICE ACT

a. Increased funding authorized for the National Health Service Corps to a $1,089,000,000 by the year 2000.

b. Jointly funded community scholarship program designed to provide specific incentives for home town recruitment and retention of physicians and nurses funded at $5 million per year for the years 1994 to 2000.

c. Training grants for primary care investigators through the Health Resources and Services Administration.

d. Enhanced support for the Agency for Health Care Policy and Research:

1. Increase research grants in primary care.

2. Establish programs for retraining practicing specialist physicians for primary care.

e. The President will establish a Commission on Obligated Service to study and make recommendations on requiring a period of national service for all students attending health professions schools.●

● Mr. DURENBERGER. Mr. President, I am pleased to join my colleague from West Virginia, JAY ROCKEFELLER, in introducing legislation to increase the number of primary care physicians in our health care delivery system.

We all know the vast number of issues that are considered part of health reform. The list is long—medical liability, antitrust, workers compensation, insurance reform, long term care, and so forth. However, I don't need to tell you, Mr. President, that some issues are simply more fundamental than others and simply cannot be overlooked if we want successful reform. The numbers of physicians, the kinds of specialties they choose, and where these doctors practice, represent such a core issue. If we do not solve these problems, we will not succeed in health reform.

It is that simple. Or so it seems, until we begin to look at this problem in more detail. I have looked at this subject since I came to the Senate in 1978. And, Mr. ROCKEFELLER and I have both tackled the issue during our time on the Finance Subcommittee on Medicare and Long-term Care. Furthermore, the problems of physician supply were addressed by our predecessors in the 1960's and early 1970's.

So why then are we still grappling with this issue now? Because Federal policy failed to define the overall problem and failed to articulate a work force policy that would meet future needs. Instead our medical education, our health care delivery infrastructure, and our reimbursement system all

gang up to discourage students who wish to be primary care physicians or physicians who wish to practice in underserved areas.

Congress first became concerned about specialty and geographic maldistribution in 1970. We passed the Comprehensive Health Manpower Training Act of 1971. This bill assisted schools in addressing these problems on a voluntary basis. It authorized payments based on mutually agreed upon targets for primary care residency programs. The goal was 35 percent primary care for 1977 and was to reach 50 percent by 1980.

There is no question that we failed. In 1981, 37.3 percent of graduates entered primary care. That number has fallen in 1992 to 14.6 percent. In other words, we are farther than ever away from realizing our goals.

Physician work force is the pivotal issue in health reform. Congress' attempts to reform the health care delivery system will not succeed unless a national policy directed at encouraging more primary care physicians is developed. Work force is an essential piece in making the system more productive. Availability of primary care has a leading role in cost containment, access to services, and quality of care.

We cannot assume that price controls, global budgets, or reimbursement freezes are going to contain our rate of cost increase in the wake of health reform. Physicians supply has a direct relationship to utilization of speciality services.

Physicians generate about 80 percent of all the costs for care. It is not just what they are paid—but the costs of all the services that they perform. Having more physicians than you need, and especially more specialists creates tremendous pressure for expenditures. Physicians are the entree to our delivery system.

As health reform expands access to care for the uninsured, the already strong demand for primary care will increase. We saw utilization levels jump after Medicare and Medicaid were enacted in the 1960's. This will happen again when we extend coverage to the currently uninsured.

When we reform the delivery system, the forces of the market may help correct our current imbalance of specialists. Integrated delivery systems or accountable health plans will actively recruit primary care physicians. This increased demand will boost interest by graduates in primary care fields.

Oversupply of specialists affects the quality of care. If there is no Federal policy redirecting our work force, primary care services will increasingly be provided by subspecialists who will have had little or no education in primary care. Likewise, subspecialists providing more generalist services will devote less time to their areas of expertise. In addition, primary care physicians contribute to patient education, preventive care, decrease the amount of unnecessary services and prevent more serious problems from being deferred until major symptoms appear and a specialist is needed.

Maldistribution of physicians affects access to care. Increasing specialization will result in a growing discrepancy between the rural and urban physician work force because specialists tend to practice in urban areas.

Although the market could correct the mix of physicians over time, physician oversupply will likely impede any transition to managed competition. While I am generally reluctant to propose Government solutions, it is clear that we must in some way assist in the transition. History has taught us that if left unassisted, it will be difficult for individual physicians to make the necessary adjustments to meet the market's demand.

If we want to achieve health reform, we must begin. Tackling this problem is not easy.

Earlier this year, the Physician Payment Review Commission [PPRC] made recommendations to congress regarding graduate medical education. Today, in response to this proposal and a desire to address this fundamental area of health reform, my distinguished colleague and I are introducing the Primary Care Workforce Act of 1993. This bill will provide some foundation for health reform legislation.

The bill addresses the current and projected primary care physician shortage. The first component is for the establishment and implementation of a national policy for graduate medical education training programs. The Secretary of Health and Human Services will establish a national policy to determine the number of positions. This distribution of residencies will be limited to 110 percent of current U.S. medical school graduates. Therefore, allowing all graduating medical students a residency slot. The additional 10 percent would allow for the training of foreign personnel or graduates who had taken the year after graduation off for some reason.

Second, a National Health Care Professional Workforce Advisory Board will be instituted. Although there are already organizations such as the Prospective Payment Assessment Commission [ProPAC], the Physician Payment Review Commission [PPRC], and the Council on Graduate Medical Education [COGME], this board's emphasis will be on medical education exclusively.

Since one of the reasons for the decline in primary care physicians may be lack of primary care residency location sites, this bill will provide revisions to the current Medicare methodology for determining direct medical education payments for medical education to offsite settings. This is intended to increase the number of nonhospital providers providing direct medical education. This would include ambulatory sites in both rural and urban settings; for example, community health centers.

In addition, the Primary Care Workforce Act of 1993 will provide for the full funding of the National Health Service Corps through the year 2000. And finally, within this legislation is enhanced support for the Agency for Health Care Policy and Research. This support will translate into research grants in primary care, training grants, and demonstration grants for retraining practicing specialist physicians for primary care.

Some of these initiatives have already begun in States like Minnesota. The University of Minnesota Medical School has been recognized repeatedly for its success in turning out primary care physicians and keeping them in rural areas. The university has maintained a near equal primary care—specialty care mix. We should learn from their example.

The University of Minnesota successes can be enumerated. The State of Minnesota has 35 percent of its family practitioners in nonurban settings compared to a national average of 26.9 percent. In 1969, a 2-year school of medicine at the University of Minnesota at Duluth was established to train physicians in family practice, especially for rural areas. It now draws nearly 70 percent of its students from communities of 20,000 or fewer. The University of Minnesota at Duluth can boast that 75 percent of its students go into primary care, 60 percent who eventually practice in nonurban settings.

However, in spite of their accomplishments, Minnesota has not yet met its own objectives. State health reform legislation passed last year directed the university campuses in Duluth and Minneapolis to increase the supply of primary care physicians by 20 percent by the year 2000. To help do this a Task Force on Primary Care Education has been formed.

The Finance Committee had a hearing on this issue in July 1992 and again this past May. Last July, I said that we needed three things to solve this problem: Vision, leadership, and some action. We now have a vision of what our national health care system should look like. With President and Mrs. Clinton we have leadership. Therefore, it is time for action.

Most importantly, my colleague and I have introduced this bill to initiate discussions on this crucial aspect of health care reform. However, I have serious reservations about the use of States as boundaries for the implementation of a national work force policy. States are not relevant boundaries for determining distribution of residency training slots. For example, the Mayo Clinic has residents who rotate to sites

in five States: Minnesota, Wisconsin, Iowa, Florida, and Arizona. The distribution should be focused on the quality of the programs, and the training sites will flow to many areas as networks evolve. I will continue to work with Mr. ROCKEFELLER on this issue to better accommodate the unique needs of the various programs.

Mr. President, this legislation is a step in the right direction. I invite comments on the issue of educating primary care physicians. Together with my distinguished colleague from West Virginia, I hope this bill will stimulate productive discussions about our efforts in health care reform.

We have the talent and creativity among our medical educators, our practitioners, and I hope our legislators to tackle this problem. If we do, we can reach our goals of health reform. If we do not, we cannot hope to accomplish our goals of higher quality care at a lower cost.●

By Mr. HATCH (for himself, Mr. KENNEDY, Ms. MIKULSKI, Mr. DURENBERGER, and Mr. DODD):

S. 1317. A bill to amend the Public Health Service Act to require that certain entities provide information concerning breast and cervical cancer, and for other purposes; to the Committee on Labor and Human Resources.

BREAST AND CERVICAL CANCER INFORMATION ACT OF 1993

Mr. HATCH. Mr. President, 46,000 women, 1 out of 9, are expected to die from breast cancer this year. Fifteen years ago the rate was 1 out of 13. The eradication of this disease must be a national priority.

The Breast and Cervical Cancer Information Act of 1993 is a simple and noncostly way to increase early detection of these diseases for treatment. The legislation requires that all federally supported clinics make appropriate breast and cervical cancer information, screening, and referral services available.

The language has been carefully crafted to ensure that clinics have the full freedom to provide whatever information they feel appropriate to whomever they feel is appropriate. For this reason, I do not feel that it would drain resources away from federally supported clinics, most of which I recognize are strapped for funds.

I am grateful for the support of several members in this endeavor, including Senator KENNEDY, Senator MIKULSKI, Senator DURENBERGER, and Senator DODD, all of whom are cosponsors on this legislation.

Mr. President, I think it is important, in fact, critical, that the Federal Government send the signal that breast and cervical cancer prevention, detection, and treatment remain a high priority. I commend S. 1317 to the attention of my colleagues.

By Mr. KENNEDY (for himself, Mrs. KASSEBAUM, Ms. MIKULSKI, Mr. HATCH, Mr. WELLSTONE, Mr. RIEGLE, Mr. DODD, and Mr. WOFFORD):

S. 1318. A bill to amend the Public Health Service Act to extend the program of grants regarding the prevention and control of tuberculosis and sexually transmitted diseases, to revise and extend certain injury control programs and to revise the program of grants relating to preventive health measures with respect to breast and cervical cancer, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. KENNEDY (for himself, Mrs. KASSEBAUM, Mr. DODD, and Mr. WELLSTONE):

S. 1319. A bill to amend the Public Health Service Act to extend the program of grants regarding the prevention and control of sexually transmitted diseases, and for other purposes; to the Committee on Labor and Human Resources.

S. 1320. A bill to amend title III of the Public Health Service Act to revise and extend certain injury control programs, and for other purposes; to the Committee on Labor and Human Resources.

HEALTH CARE LEGISLATION

Mr. KENNEDY. Mr. President, today I am introducing the Early Detection and Preventive Health Act of 1993. The legislation reauthorizes several vital public health programs and launches needed new initiatives in these areas.

The Tuberculosis Prevention and Control Amendments of 1993 will support development of an improved diagnostic TB test. It will upgrade the capability of TB laboratories, ensure that TB services are provided to needy populations, and maintain effective TB public health, follow-up and evaluation activities and treatment compliance. The bill authorizes $130 million for programs at the CDC, $46 million for basic research activities at NIH, and $5 million for an FDA program on tuberculosis drug and device research program. These authorizations represent an investment in our efforts to prevent and eliminate tuberculosis in the United States. The legislation will help State and major city health departments to identify persons with TB and those at highest risk of acquiring the disease. Programs will be better targeted for treatment and prevention, and their effectiveness will be evaluated.

The Injury Control and Violence Prevention Act of 1993 authorizes $60 million for the Injury Prevention and Control Program of the Centers for Disease Control and Prevention. This measure will support research and other programs on injuries resulting from motor vehicle accidents, falls, poisonings, burns, drownings, and causes of violence, including homicide and suicide. These funds will establish a family and personal violence prevention program and identify effective strategies to prevent violence within the family and among acquaintances.

This bill will also support a national campaign to prevent violence against women. It will build upon existing efforts by the CDC to create a comprehensive violence prevention program. This campaign will be a vital step toward reducing violence targeted at women by demonstrating and evaluating promising intervention strategies, by conducting a nationwide education, training, and public awareness effort, and by expanding our knowledge base through data collection and research.

The Breast and Cervical Cancer Amendments of 1993 authorizes $200 million for the early detection breast and cervical cancer. These funds will enable States to provide life-saving breast and cervical cancer screening services for women at risk, particularly low-income, elderly, and minority women. In addition, these amendments will establish mechanisms through which the States can monitor the quality and interpretation of screening procedures.

The Sexually Transmitted Diseases Amendments of 1993 authorize $132 million for the CDC Sexually Transmitted Diseases Program, enabling the CDC to implement a new accelerated prevention campaign. This measure will strengthen the qualify of STD services, and allow critical re-evaluation and innovation in STD prevention programs. This initiative will implement and evaluate interventions to change sexual and health-related behaviors that increase the risk of STD's. The program will improve systems to monitor STD's and develop infrastructure to identity relevant research needs.

Each of these measures is justified by sound public health considerations. Early detection and prevention of injury and illness can play a vital role in improving public health, especially the health of women. In the areas of violence against women, injury, TB, and sexually transmitted diseases, prevention is a key component of any successful health care strategy.

The rapid rise of tuberculosis over the past 4 years has placed an enormous burden on the health care system. Over 30,000 new active cases are reported each year in the United States, with over 1,700 deaths.

In the 1950's science thought it had TB under control. The disease rates were dropping and the available drugs were working well. America was lulled into a false sense of security. Money for basic and applied research on TB dwindled. Applicants stopped for new drug research in a market that already had four successful anti-TB drugs.

Today we face an epidemic of TB now capable of resisting every drug we have, and we are armed only with the basic disease knowledge of the 1950's.

The problem is exacerbated by the fact that the public health infrastructure has deteriorated in recent years due to the economic recession. Funding cutbacks at the Federal, State, and local levels have worsened the situations for the poor, the homeless, and the unemployed. These cuts have led to overcrowding in hospitals, homeless shelters and prisons, with persons often sleeping in rooms with poor ventilation and environment highly conducive to the transmission of TB.

Injury prevention and control is finally gaining the attention it deserves as a public health issue. Injury is the leading cause of premature death. In 1987, 2.3 million years of life were prematurely taken by unintentional injuries. Estimated total lifetime costs of all injuries in 1985 exceeded $158 billion. In 1990, 150,000 Americans died from injuries. Millions more were incapacitated or permanently disabled, with immeasurable emotional cost for families and loved ones.

One category of injury merits special attention and special action: intentional injury. As the second leading cause of death for young adults, it is clear that violence is a public health problem we must do more to combat. Violence and intentional injury against women presents an especially serious challenge. Studies on sexual assault estimate that one in every four women will suffer a violent sexual attack during her lifetime.

The CDC National Center for Injury Prevention and Control has applied a public health approach to this epidemic of violence, using prevention, acute care, and rehabilitation strategies with encouraging results. Although progress is being made in confronting the problem, more must be done. New injury prevention initiatives must spotlight domestic violence, acquaintance rape, date rape, and all forms of violence which target women.

Breast cancer and cervical cancer present another serious public health challenge. It is estimated that 2 million American women will be diagnosed with breast or cervical cancer in the 1990's, and that half a million women will die from these cancers. Breast cancer is the second leading cause of cancer death, an the most commonly diagnosed cancer in women.

Most deaths of this kind are preventable if diagnosed in time. Screening by mammography and the Pap test are widely available for early detection of breast cancer and cervical cancer. However, these vital tools are widely underused, and they are often inaccessible in medically underserved communities.

The National Breast and Cervical Cancer Early Detection Program provides access to mammograms and Pap tests for poor women. The program is dedicated to helping States develop comprehensive breast and cervical cancer early detection programs, as well as quality assurance, public education, training centers, and provider education. At current funding levels, only 30 States can participate in the program. As a result, at-risk women in 20 States who cannot afford to pay for mammograms or Pap smears, and have no access to effective screening. Underprivileged women in these States are dying from cancer because the early detection that could have saved their lives is not available.

Virtually all deaths from cervical cancer—and more than 30 percent of deaths from breast cancer—could be prevented through the widespread use of mammography and Pap testing. We are making progress in reducing the economic, geographic, and other barriers that still deny too many women access to these lifesaving techniques. With the Congress and administration working together, I am confident that much more rapid progress will be made in the years ahead.

Finally, sexually transmitted diseases continue to pose a grave health threat to women, adolescents, and infants. The incidence of STD's in America is among the highest of industrialized nations; 12 million Americans will acquire an STD this year, at a cost of approximately $5 billion. That's a mind-numbing 33,000 people every day.

Sexually transmitted diseases deserve special attention as a women's health issue. Each year, over 1 million women suffer serious and life-threatening complications of STD's that could have been treated if screening and treatment services were readily available. The CDC Sexually Transmitted Disease Program provides assistance to States, local health agencies, and community-based organizations to prevent the spread of STD's.

I look forward to working with Congress and the administration to enact these measures as soon as possible. Much progress has been made in addressing these critical health concerns, and we must not lose momentum. Reauthorization of these CDC programs is an essential step in meeting our public health needs, and I urge Congress to expedite their enactment.

Mr. President, I ask unanimous consent that the text of the bills be printed in the RECORD.

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

S. 1318

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Early Detection and Preventive Health Act of 1993".

TITLE I—TUBERCULOSIS

SEC. 101. SHORT TITLE.

This title may be cited as the "Tuberculosis Prevention and Control Amendments of 1993".

SEC. 102. FINDINGS.

Congress finds that—

(1) between 10,000,000 and 15,000,000 people in the United States have been infected with tuberculosis, nearly 26,000 new active cases are reported each year, and over 1,700 tuberculosis-related deaths occur each year;

(2) the number of reported cases of tuberculosis has risen from 22,201 in 1985 to 26,673 in 1992, representing 51,000 more cases than those that would have been expected since 1985;

(3) a recent national survey discovered that 14.4 percent of all active tuberculosis cases were resistant to at least one drug;

(4) drug resistant tuberculosis strains can cost more than $150,000 to treat, and even then, between 40 and 60 percent of the patients receiving such treatment die;

(5) in 1992, tuberculosis cases were reported to the Centers for Disease Control and Prevention by all 50 States, and cases resistant to one or more tuberculosis drugs were reported in at least 36 States, the District of Columbia and Puerto Rico;

(6) in 1992, 27 percent of the reported cases of tuberculosis occurred in foreign-born persons;

(7) one third of the world's population harbors tuberculosis; and

(8) among infectious diseases tuberculosis is still the number one killer in the world with an estimated 8,000,000 new cases each year and 2,900,000 deaths.

SEC. 103. PROGRAMS OF CENTERS FOR DISEASE CONTROL AND PREVENTION.

(a) PROVISION OF SERVICES FOR PREVENTION, CONTROL, AND ELIMINATION.—Section 317(j)(2) of the Public Health Service Act (42 U.S.C. 247b(j)(2)) is amended in the first sentence by striking "and" after "1991," and all that follows through "1995" and inserting the following: ", $104,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1997".

(b) STATE TUBERCULOSIS PLAN.—Section 317(j) of the Public Health Service Act (42 U.S.C. 247b(j)) is amended by adding at the end thereof the following new paragraph:

"(3)(A) With respect to an application submitted by a State for a grant under this section for the prevention, control and elimination of tuberculosis, such application shall contain a State plan that demonstrates that amounts received under the grant will be expended in a manner that ensures that tuberculosis services will be provided to those at the highest risk of contracting tuberculosis, or in those areas with the highest rates of tuberculosis infection.

"(B) Such plans shall demonstrate that the applicant will work closely with and provide support to entities receiving funds under sections 329, 330, 340, 340A, or titles V or XIX, and to correctional facilities, and nongovernmental organizations such as community-based organizations.

"(C) Such plans shall demonstrate that grant funds will be used for directly observed therapy or other effective interventions with respect to populations with the highest rates of active infection with tuberculosis.".

(c) RESEARCH, DEMONSTRATION PROJECTS, EDUCATION, AND TRAINING.—

(1) IN GENERAL.—Section 317(k)(2) of the Public Health Service Act (42 U.S.C. 247b(k)(2)) is amended—

(A) by redesignating subparagraphs (A) through (D) as clauses (i) through (iv), respectively;

(B) by inserting "(A)" after the paragraph designation; and

(C) by adding at the end thereof the following new subparagraphs:

"(B) In support of grants referred to in subparagraph (A), the Secretary may conduct or support applied research and training regarding the surveillance, diagnostic methodologies, prevention, control, and treatment of tuberculosis, including intramural projects and extramural projects.

"(C) For the purpose of carrying out subparagraph (A), there are authorized to be appropriated $26,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1997. The authorization of appropriations established in the preceding sentence is in addition to the authorization of appropriations established in subsection (j)(2) for carrying out this paragraph.".

(2) TECHNICAL AMENDMENT.—Section 317(j)(2) of the Public Health Service Act (42 U.S.C. 247b(j)(2)) is amended by striking the last sentence.

SEC. 104. RESEARCH THROUGH NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES.

(a) CERTAIN DUTIES.—

(1) IN GENERAL.—Subpart 6 of part C of title IV of the Public Health Service Act (42 U.S.C. 285f) is amended by inserting after section 446 the following section:

"RESEARCH AND RESEARCH TRAINING REGARDING TUBERCULOSIS

"SEC. 447. In carrying out section 446, the Director of the Institute shall conduct or support basic research and research training regarding the cause, diagnosis, early detection and treatment of tuberculosis.".

(2) CONFORMING AMENDMENT.—Section 446 of the Public Health Service Act (42 U.S.C. 285f) is amended by inserting after "Diseases" the following: "(hereafter in this subpart referred to as the 'Institute')".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 408(a) of the Public Health Service Act (42 U.S.C. 284c(a)) is amended by adding at the end the following new paragraph:

"(3) For the purpose of carrying out section 447 (relating to research on tuberculosis through the National Institute on Allergy and Infectious Diseases), there are authorized to be appropriated $46,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1997. The authorization of appropriations established in the preceding sentence may not be construed as terminating the availability for such purpose of any other authorization of appropriations.".

SEC. 105. RESEARCH THROUGH THE FOOD AND DRUG ADMINISTRATION.

Chapter V of the Food, Drug and Cosmetic Act is amended by inserting after section 512 (21 U.S.C. 360b) the following new section:

"SEC. 512A. TUBERCULOSIS DRUG AND DEVICE RESEARCH.

"(a) AUTHORITY.—The Commissioner of Food and Drugs shall implement a tuberculosis drug and device research program under which the Commissioner shall—

"(1) provide assistance to other Federal agencies for the development of tuberculosis protocols;

"(2) review and evaluate medical devices designed for the diagnosis and control of airborne tuberculosis; and

"(3) conduct research concerning drugs or devices to be used in diagnosing, controlling and preventing tuberculosis.

"(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $5,000,000 for each fiscal year.".

TITLE II—SEXUALLY TRANSMITTED DISEASES

SEC. 201. SHORT TITLE.

This title may be cited as the "Sexually Transmitted Diseases Amendments of 1993".

SEC. 202. EXTENSION OF PROGRAM OF GRANTS REGARDING PREVENTION AND CONTROL OF SEXUALLY TRANSMITTED DISEASES.

(a) EXTENSION OF PROGRAM.—Section 318(d)(1) of the Public Health Service Act (42 U.S.C. 247c(d)(1)) is amended in the first sentence—

(1) by striking "(b) and (c)" and inserting "(b) and (c) of this section and section 318B"; and

(2) by striking "there are authorized" and all that follows and inserting the following: "there are authorized to be appropriated $132,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1997.".

(b) TECHNICAL CORRECTIONS.—Section 318 of the Public Health Service Act (42 U.S.C. 247c) is amended—

(1) in subsection (b)(3), by striking ", and" and inserting "; and"; and

(2) in subsection (d)(5)—

(A) in subparagraph (A), by striking "form, or" and inserting "form; or"; and

(B) in subparagraph (B), by striking "purposes," and inserting "purposes;".

SEC. 203. EXTENSION OF PROGRAM REGARDING PREVENTABLE CASES OF INFERTILITY ARISING AS RESULT OF SEXUALLY TRANSMITTED DISEASES.

(a) TECHNICAL CORRECTION.—Section 318A of the Public Health Service Act (42 U.S.C. 247c-1), as added by section 304 of Public Law 102-531 (106 Stat. 3490), is amended in subsection (o)(2) by striking "subsection (s)" and inserting "subsection (q)".

(b) EXTENSION OF PROGRAM.—Section 318A of the Public Health Service Act (42 U.S.C. 247c-1), as added by section 304 of Public Law 102-531 (106 Stat. 3490), is amended—

(1) in subsection (q), by striking "and 1995" and inserting "through 1997"; and

(2) in subsection (r)(2), by striking "through 1995" and inserting "through 1998".

SEC. 204. SEXUALLY TRANSMITTED DISEASE ACCELERATED PREVENTION CAMPAIGNS.

Part B of title III of the Public Health Service Act is amended by inserting after section 318A (42 U.S.C. 247c-1) the following new section:

"SEC. 318B. SEXUALLY TRANSMITTED DISEASE ACCELERATED PREVENTION CAMPAIGNS.

"(a) GRANTS.—The Secretary is authorized to award grants to States and political subdivisions of States for the development, implementation, and evaluation of innovative, interdisciplinary approaches to the prevention and control of sexually transmitted diseases and their sequelae by—

"(1) expanding access to sexually transmitted disease services through collaborations with other public health programs and with nongovernmental partners;

"(2) implementing community-based behavioral interventions to prevent disease transmission; and

"(3) establishing collaborations between health departments and university-based experts to strengthen sexually transmitted diseases prevention programs.

"(b) APPLICATION.—To be eligible to receive a grant under subsection (a), a State or political subdivision of a State, shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

"(c) PRIORITY.—In awarding grants under subsection (a), the Secretary shall give priority to applications that seek to conduct activities with grant funds that focus on the prevention of sexually transmitted diseases among women and other populations that are disproportionately affected by these diseases.".

TITLE III—INJURY CONTROL AND VIOLENCE PREVENTION

SEC. 301. SHORT TITLE.

This title may be cited as the "Injury Control and Violence Prevention Act of 1993".

SEC. 302. FINDINGS.

Congress finds that—

(1) violence or the threat of violence has adverse effects on the health and safety of Americans of all ages, races, ethnicities and economic conditions;

(2) the majority of homicides and violent assaults are committed by people who have relationships with their victims and are not committed by strangers;

(3) violence is being committed in private as well as public, in homes, schools, and neighborhoods;

(4) interventions by law enforcement and criminal justice systems have limited ability to prevent violence;

(5) family and interpersonal violence represent serious threats to the health and well-being of millions of women in the United States;

(6) violence against women has serious health consequences for its victims, including fatality, severe trauma, repeated physical injuries, and chronic stress-related disorder;

(7) violence against women has serious mental health consequences for its victims, including substance abuse, severe psychological trauma, and suicide;

(8) fewer than 5 percent of injured women are correctly diagnosed by medical personnel as being victims of domestic violence;

(9) hospitals and clinics do not have a uniform set of protocols for the identification and referral of victims of family and interpersonal violence, or for the training of health care professionals to perform such functions;

(10) a national surveillance system for monitoring the health effects of injury should be established to determine the nature and extent of family and interpersonal violence in the United States; and

(11) the Surgeon General has identified domestic violence as a public health problem to which all health care providers must actively and vigorously respond.

SEC. 303. FAMILY AND INTERPERSONAL VIOLENCE PREVENTION.

Section 393 of the Public Health Service Act (42 U.S.C. 280b-2) is amended to read as follows:

"SEC. 393. PREVENTION OF FAMILY AND INTERPERSONAL VIOLENCE.

"(a) RESEARCH AND TECHNICAL ASSISTANCE.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may conduct research and provide technical assistance to appropriate public and nonprofit private entities and to academic institutions to assist such entities in performing research in, and conducting training and public health programs for, the prevention of injuries and deaths associated with family and interpersonal violence.

"(b) GRANTS.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may award grants to States, political subdivisions of States, and any other public and nonprofit private entity for—

"(1) the conduct of research into identifying effective strategies to prevent interpersonal violence within the family and among acquaintances;

"(2) the development, implementation, and evaluation of demonstration projects for the prevention of interpersonal violence within families and among acquaintances;

"(3) the implementation of public information and education programs for prevention of family and interpersonal violence and to broaden public awareness of the public health consequences of family and interpersonal violence; and

"(4) the provision of education, training and clinical skills improvement programs for health care professionals to—

"(A) Routinely interview and identify individuals whose medical condition or statements indicate that the individuals are victims of domestic violence or sexual assault; and

"(B) refer the individuals to entities that provide services regarding such violence and assault, including referrals for counseling, housing, legal services, and services of community organizations.

"(c) INJURY SURVEILLANCE PROGRAM.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall support the establishment of national systematic surveillance of injuries, including those caused by family and interpersonal violence.

"(d) DEFINITION.—As used in this section, the term 'interpersonal violence within families and acquaintances' means any intentional violence, controlling, or coercive behavior or pattern of behavior by an individual who is currently or who was previously, in an intimate or acquaintance relationship with the victim. Such behavior may occur at any stage of the lifecycle and may encompass single acts or a syndrome of actual or threatened physical injury, sexual assault, rape, psychological abuse, or neglect. Such term includes behavior which currently may be described as 'child neglect', 'child abuse', 'spousal abuse', 'domestic violence', 'woman battering', 'partner abuse', 'elder abuse', and 'date rape'.

"(e) APPLICATION.—To be eligible to receive assistance under subsection (a) or (b), an entity shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.".

SEC. 304. ADVISORY COMMITTEE; REPORTS.

Part J of title III of the Public Health Service Act (as amended by Public Law 103-43) is amended by inserting after section 393 (42 U.S.C. 280b-2) the following new section:

"SEC. 393A. GENERAL PROVISIONS.

"(a) ADVISORY COMMITTEE.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall establish an advisory committee to advise the Secretary and such Director with respect to the prevention and control of injuries.

"(b) REPORT.—Not later than February 1 of 1994 and of every second year thereafter, the Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the activities carried out under this part during the preceding 2 fiscal years. Such report shall include a description of such activities that were carried out with respect to domestic violence and sexual assault and with respect to rural areas.".

SEC. 305. TECHNICAL CORRECTIONS.

(a) TERMINOLOGY.—Part J of title III of the Public Health Service Act (42 U.S.C. 280b et seq.) (as amended by Public Law 103-43) is amended—

(1) in the heading for such part, by striking "INJURY CONTROL" and inserting "PREVENTION AND CONTROL OF INJURIES"; and

(2) in section 392—

(A) in the heading for such section, by inserting "PREVENTION AND" before "CONTROL ACTIVITIES";

(B) in subsection (a)(1), by inserting "and control" after "prevention"; and

(C) in subsection (b)(1), by striking "injuries and injury control" and inserting "the prevention and control of injuries".

(b) PROVISIONS RELATING TO PUBLIC LAW 102-531.—Part J of title III of the Public Health Service Act (42 U.S.C. 280b et seq.) (as amended by Public Law 103-43 (106 Stat. 3482), is amended—

(1) in section 392(b)(2), by striking "to promote injury control" and all that follows and inserting "to promote activities regarding the prevention and control of injuries; and"; and

(2) in section 391(b), by adding at the end the following sentence: "In carrying out the preceding sentence, the Secretary shall disseminate such information to the public, including through elementary and secondary schools.".

SEC. 306. AUTHORIZATION OF APPROPRIATIONS.

Section 394 of the Public Health Service Act (42 U.S.C. 280b-3) is amended—

(1) by striking "391 and 392" and inserting "391, 392, and 393"; and

(2) by striking "$10,000,000" and all that follows through the period and inserting "$60,000,000" for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998.".

TITLE IV—BREAST AND CERVICAL CANCER AMENDMENTS

SEC. 401. SHORT TITLE.

This title may be cited as the "Breast and Cervical Cancer Amendments of 1993".

SEC. 402. REVISIONS IN PROGRAM OF STATE GRANTS REGARDING BREAST AND CERVICAL CANCER.

(a) LIMITED AUTHORITY REGARDING FOR-PROFIT ENTITIES.—

(1) IN GENERAL.—Section 1501(b) of the Public Health Service Act (42 U.S.C. 300k(b)) is amended—

(A) by striking "STATES.—A State" and all that follows through "may expend" and inserting the following: "STATES.—

"(1) IN GENERAL.—A State receiving a grant under subsection (a) may, subject to paragraphs (2) and (3), expend"; and

(B) by adding at the end the following paragraphs:

"(2) LIMITED AUTHORITY REGARDING OTHER ENTITIES.—In addition to the authority established in paragraph (1) for a State with respect to grants and contracts, the State may provide for screenings under subsection (a)(1) through entering into contracts with private entities.

"(3) PAYMENTS FOR SCREENINGS.—The amount paid by a State to an entity under this subsection for a screening procedure under subsection (a)(1) may not exceed the amount that would be paid under part B of title XVIII of the Social Security Act if payment were made under such part for furnishing the procedure to a woman enrolled under such part.".

(2) CONFORMING AMENDMENT.—Section 1505(3) of the Public Health Service Act (42 U.S.C. 300n-1(3)) is amended by inserting before the semicolon the following: "(and additionally, in the case of services and activities under section 1501(a)(1), with any similar services or activities of private entities)".

(b) SPECIAL CONSIDERATION FOR GRANTS.—Section 1501 of the Public Health Service Act (42 U.S.C. 300k) is amended by adding at the end thereof the following new subsection:

"(c) SPECIAL CONSIDERATION.—In making grants under subsection (a) after the date of enactment of this subsection, the Secretary shall give special consideration to projects that have been peer reviewed and approved and that involve areas that—

"(1) have high cervical or breast cancer mortality rates; or

"(2) have a high incidence of cervical or breast cancer.".

(c) EXEMPTION FROM MATCHING REQUIREMENTS.—Section 1502(b)(1) of the Public Health Service Act (42 U.S.C. 3001(b)(1)) is amended to read as follows:

"(1) TYPES OF CONTRIBUTIONS.—

"(A) GENERAL RULE.—Non-Federal contributions required in subsection (a) may be in cash or in kind, fairly evaluated, including equipment or services (and excluding indirect or overhead costs). Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

"(B) DONATED TREATMENT SERVICES.—In meeting the non-Federal contribution requirement of this section, the State involved—

"(i) may, with respect to a grant awarded for a program under paragraph (1) or (2) of section 1501(a), use the value of any donated outreach services associated with the delivery of breast and cervical cancer screenings conducted under the program, and the value of any additional donated breast or cervical cancer diagnostic or treatment services provided subsequent to the screening conducted under the program; and

"(ii) may not, with respect to a grant awarded for a program under paragraph (3), (4), (5) or (6) of section 1501(a), include the value of any donated breast or cervical cancer outreach, diagnosis, or treatment services.".

(d) QUALITY ASSURANCE REGARDING SCREENING PROCEDURES.—

(1) IN GENERAL.—Section 1503 of the Public Health Service Act (42 U.S.C. 300m) is amended—

(A) in subsection (a)—

(i) in paragraph (1), to read as follows:

"(1) to ensure that, after a limited period of time and thereafter throughout the period during which amounts are received pursuant to the grant, except for the period of the first year when a 50 percent minimum shall apply, not less than 60 percent of the grant is expended to provide each of the services or activities described in paragraphs (1) and (2) of section 1501(a), including making available screening procedures for both breast and cervical cancers;"; and

(ii) in paragraph (4), to read as follows:

"(4) to ensure that not more than 40 percent of the grant is expended to provide the services or activities described in paragraphs (3) through (6) of section 1501(a), except in the case of the first year during which the maximum expended for these purposes shall not exceed 50 percent of the grant."; and

(B) by striking subsections (c) through (e) and inserting the following:

"(c) QUALITY ASSURANCE REGARDING SCREENING PROCEDURES.—The Secretary may not make a grant under section 1501 unless the State involved agrees that the State

will, in accordance with applicable law, assure the quality of screening procedures conducted pursuant to such section.".

(2) TRANSITION RULE REGARDING MAMMOGRAPHIES.—With respect to the screening procedure for breast cancer known as a mammography, the requirements in effect on the day before the date of the enactment of this Act under section 1503(c) of the Public Health Service Act remain in effect (for an individual or facility conducting such procedures pursuant to a grant to a State under section 1501 of such Act) until there is in effect for the facility a certificate (or provisional certificate) issued under section 354 of such Act.

(e) STATEWIDE PROVISION OF SERVICES.—Section 1504(c) of the Public Health Service Act (42 U.S.C. 300n(c)) is amended by adding at the end the following paragraph:

"(3) GRANTS TO TRIBES AND TRIBAL ORGANIZATIONS.—

"(A) The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may make grants to tribes and tribal organizations (as such terms are used in paragraph (1)) for the purpose of carrying out programs described in section 1501(a). This title applies to such a grant (in relation to the jurisdiction of the tribe or organization) to the same extent and in the same manner as such title applies to a grant to a State under section 1501 (in relation to the jurisdiction of the State).

"(B) If a tribe or tribal organization is receiving a grant under subparagraph (A) and the State in which the tribe or organization is located is receiving a grant under section 1501, the requirement established in paragraph (1) for the State regarding the tribe or organization is deemed to have been waived under paragraph (2).".

(f) EVALUATIONS AND REPORTS.—Section 1508 of the Public Health Service Act (42 U.S.C. 300n-4) is amended—

(1) in subsection (a), by adding at the end the following sentence: "Such evaluations shall include evaluations of the extent to which States carrying out such programs are in compliance with section 1501(a)(2) and with section 1504(c).": and

(2) in subsection (b), by inserting before the period the following: ", including recommendations regarding compliance by the States with section 1501(a)(2) and with section 1504(c)".

(g) TECHNICAL CORRECTIONS.—Title XV of the Public Health Service Act (42 U.S.C. 300k et seq.) is amended—

(1) in section 1501(a), in the matter preceding paragraph (1), by striking "Control," and inserting "Control and Prevention,"; and

(2) in section 1505—

(A) in paragraph (3), by striking "nonprivate" and inserting "nonprofit private"; and

(B) in paragraph (4), by inserting "will" before "be used".

SEC. 403. ESTABLISHMENT OF DEMONSTRATION PROGRAM OF GRANTS FOR ADDITIONAL PREVENTIVE HEALTH SERVICES FOR WOMEN.

(a) IN GENERAL.—Title XV of the Public Health Service Act (42 U.S.C. 300k et seq.) is amended—

(1) by redesignating section 1509 as section 1510; and

(2) by inserting after section 1508 the following section:

"SEC. 1509. SUPPLEMENTAL GRANTS FOR ADDITIONAL PREVENTIVE HEALTH SERVICES.

"(a) DEMONSTRATION PROJECTS.—In the case of States receiving grants under section 1501, the Secretary, acting through the Director of the Centers for Disease Control and Prevention, may make grants to not more than 3 such States to carry out demonstration projects for the purpose of—

"(1) providing preventive health services in addition to the services authorized in such section, including screenings regarding blood pressure and cholesterol, and including health education;

"(2) providing appropriate referrals for medical treatment of women receiving services pursuant to paragraph (1) and ensuring, to the extent practicable, the provision of appropriate follow-up services; and

"(3) evaluating activities conducted under paragraphs (1) and (2) through appropriate surveillance or program-monitoring activities.

"(b) STATUS AS PARTICIPANT IN PROGRAM REGARDING BREAST AND CERVICAL CANCER.—The Secretary may not make a grant under subsection (a) unless the State involved agrees that services under the grant will be provided only through entities that are screening women for breast or cervical cancer pursuant to a grant under section 1501.

"(c) APPLICABILITY OF PROVISIONS OF GENERAL PROGRAM.—This title applies to a grant under subsection (a) to the same extent and in the same manner as such title applies to a grant under section 1501.

"(d) FUNDING.—

"(1) IN GENERAL.—Subject to paragraph (2), for the purpose of carrying out this section, there are authorized to be appropriated $3,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998.

"(2) LIMITATION REGARDING FUNDING WITH RESPECT TO BREAST AND CERVICAL CANCER.—The authorization of appropriations established in paragraph (1) is not effective for a fiscal year unless the amount appropriated under section 1510(a) for the fiscal year equals or exceeds $100,000,000.".

(b) CONFORMING AMENDMENT.—Section 1510(a) of the Public Health Service Act, as redesignated by subsection (a)(1) of this section, is amended in the heading for the section by striking "**FUNDING.**" and inserting "**FUNDING FOR GENERAL PROGRAM.**".

SEC. 404. FUNDING FOR GENERAL PROGRAM.

Section 1510(a) of the Public Health Service Act (as amended by section 403(a)(2)) is amended—

(1) by striking "and" after "1991,"; and

(2) by inserting before the period the following: ", $200,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1997".

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. EVALUATIONS.

Section 2711 of the Public Health Service Act (42 U.S.C. 300aaa-10) is amended to read as follows:

"EVALUATION OF PROGRAMS

"SEC. (a) IN GENERAL.—Such portion as the Secretary shall determine, but not less than .2 percent nor more than 1 percent, of any amounts appropriated for programs authorized under this Act for any fiscal year beginning after September 20, 1993, shall be made available for the evaluation (directly, or by grants of contracts) of the implementation and effectiveness of such programs.

"(b) REPORT ON EVALUATIONS.—

"(1) IN GENERAL.—To provide information for legislative deliberations concerning Federal health programs, the Secretary shall, not later than January 1 of each year, prepare and submit to the Committee on Labor and Human Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that identifies and synthesizes the findings of the evaluations conducted under subsection (a) by program area. Such report shall also include the plans of the Secretary for the subsequent year's evaluations, including programs and issue areas.

"(2) FIVE YEAR REVIEW.—A report submitted under paragraph (1) shall contain a description of the findings of the Secretary with respect to evaluations conducted under subsection (a) or other provisions of law, during the 5-year period prior to the year for which the report is being submitted. Such description shall provide the Committees referred to in paragraph (1) with information concerning program changes that the Secretary intends to implement in response to such findings in order to improve the health of the American people and their receipt of needed and effective public health services.".

SEC. 502. FEDERAL BENEFITS FOR OVERSEAS ASSIGNEES.

Section 307 of the Public Health Service Act (42 U.S.C. 242l) is amended by adding at the end thereof the following new subsection:

"(c) The Secretary may provide to personnel appointed or assigned by the Secretary to serve abroad, allowances and benefits similar to those provided under chapter 9 of title I of the Foreign Service Act of 1990 (22 U.S.C. 4081 et seq.). Leaves of absence for personnel under this subsection shall be on the same basis as that provided under subchapter I of chapter 63 of title 5, United States Code to individuals serving in the Foreign Service.".

SEC. 503. LOAN REPAYMENT PROGRAM.

Part J of title III of the Public Health Service Act (as amended by section 2008 of Public Law 103-43) is amended by inserting after section 393 the following new section:

"SEC. 393A. LOAN REPAYMENT PROGRAM.

"(a) IN GENERAL.—

"(1) AUTHORITY.—Subject to paragraph (2), the Secretary may carry out a program of entering into contracts with appropriately qualified health professionals under which such health professionals agree to conduct prevention activities, as employees of the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry, in consideration of the Federal Government agreeing to repay, for each year of such service, not more than $20,000 of the principal and interest of the educational loans of such health professionals.

"(2) LIMITATION.—The Secretary may not enter into an agreement with a health professional pursuant to paragraph (1) unless such professional—

"(A) has a substantial amount of educational loans relative to income; and

"(B) agrees to serve as an employee of the Centers for Disease Control and Prevention or the Agency for Toxic Substances and Disease Registry for purposes of paragraph (1) for a period of not less than 3 years.

"(b) APPLICABILITY OF CERTAIN PROVISIONS.—With respect to the National Health Service Corps Loan Repayment Program established in subpart III of part D of title III of this Act, the provisions of such subpart shall, except as inconsistent with subsection (a), apply to the program established in this section in the same manner and to the same extent as such provisions apply to the National Health Service Corps Loan Repayment Program.".

SEC. 504. ESTABLISHMENT OF REQUIREMENT OF BIENNIAL REPORT ON NUTRITION AND HEALTH.

Title XVII of the Public Health Service Act (42 U.S.C. 300u et seq.), as amended by

section 302 of Public Law 102-531 (106 Stat. 3483), is amended by adding at the end the following section:

"BIENNIAL REPORT REGARDING NUTRITION AND HEALTH

"SEC. 1709. (a) BIENNIAL REPORT.—The Secretary shall require the Surgeon General of the Public Health Service to prepare biennial reports on the relationship between nutrition and health. Such reports may, with respect to such relationship, include any recommendations of the Secretary and the Surgeon General regarding the public health.

"(b) SUBMISSION TO CONGRESS.—The Secretary shall ensure that, not later than February 1 of 1995 and of every second year thereafter, a report under subsection (a) is submitted to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate.

"(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1994 through 1997.".

SEC. 505. ALIGNMENT OF CURRENT CENTERS FOR DISEASE CONTROL AND PREVENTION REAUTHORIZATION SCHEDULE.

(a) PROSTATE CANCER PREVENTION.—Section 317D((1)(1) of such Act (42 U.S.C. 247b-5(1)(1)) is amended by striking "through 1996" and inserting "through 1997".

(b) CANCER REGISTRIES.—Section 399L(a) of such Act (42 U.S.C. 280e-4(a)) (as amended by section 2003(1) of Public Law 103-43) is amended by striking "through 1996" and inserting "through 1997".

(c) HEALTH PROMOTION AND DISEASE PREVENTION RESEARCH AND DEMONSTRATION CENTERS.—Section 1706(e) of such Act (42 U.S.C. 300u-5(e)) is amended by striking "through 1996" and inserting "through 1997".

(d) SENSE OF CONGRESS.—It is the sense of Congress that, beginning on the date of enactment of this Act and continuing through fiscal year 1997, all Acts regarding the authorization or reauthorization of Centers for Disease Control and Prevention programs should be authorized only through fiscal year 1997. Beginning in fiscal year 1997, Congress should reauthorize the Centers for Disease Control and Prevention and its programs in one comprehensive Act. After fiscal year 1997, reauthorization of such Centers and its programs should occur on a regular cyclical basis.

S. 1319

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Sexually Transmitted Diseases Amendments of 1993".

SEC. 2. EXTENSION OF PROGRAM OF GRANTS REGARDING PREVENTION AND CONTROL OF SEXUALLY TRANSMITTED DISEASES.

(a) EXTENSION OF PROGRAM.—Section 318(d)(1) of the Public Health Service Act (42 U.S.C. 247c(d)(1)) is amended in the first sentence—

(1) by striking "(b) and (c)" and inserting "(b) and (c) of this section and section 318B"; and

(2) by striking "there are authorized" and all that follows and inserting the following: "there are authorized to be appropriated $132,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998.".

(b) TECHNICAL CORRECTIONS.—Section 318 of the Public Health Service Act (42 U.S.C. 247c) is amended—

(1) in subsection (b)(3), by striking ", and" and inserting "; and"; and

(2) in subsection (d)(5)—

(A) in subparagraph (A), by striking "form, or" and inserting "form; or"; and

(B) in subparagraph (B), by striking "purposes," and inserting "purposes;".

SEC. 3. EXTENSION OF PROGRAM REGARDING PREVENTABLE CASES OF INFERTILITY ARISING AS RESULT OF SEXUALLY TRANSMITTED DISEASES.

(a) TECHNICAL CORRECTIONS.—

(1) AMENDATORY INSTRUCTIONS.—Section 304 of Public Law 102-531 (106 Stat. 3490) is amended—

(A) by striking "Part A of title III" and inserting "Part B of title III"; and

(B) by striking "241 et seq." and inserting "243 et seq.".

(2) CROSS-REFERENCE.—Section 318A of the Public Health Service Act (42 U.S.C. 247c-1), as added by section 304 of Public Law 102-531 (106 Stat. 3490), is amended in subsection (o)(2) by striking "subsection (s)" and inserting "subsection (q)".

(b) EXTENSION OF PROGRAM.—Section 318A of the Public Health Service Act (42 U.S.C. 247c-1), as added by section 304 of Public Law 102-531 (106 Stat. 3490), is amended—

(1) in subsection (q), by striking "and 1995" and inserting "through 1998"; and

(2) in subsection (r)(2), by striking "through 1995" and inserting "through 1998".

SEC. 4. SEXUALLY TRANSMITTED DISEASE ACCELERATED PREVENTION CAMPAIGNS.

Part B of title III of the Public Health Service Act is amended by inserting after section 318A (42 U.S.C. 247c-1) the following new section:

"SEC. 318B. SEXUALLY TRANSMITTED DISEASE ACCELERATED PREVENTION CAMPAIGNS.

"(a) GRANTS.—The Secretary is authorized to award grants to States and political subdivisions of States for the development, implementation, and evaluation of innovative, interdisciplinary approaches to the prevention and control of sexually transmitted diseases and their sequelae by—

"(1) expanding access to sexually transmitted disease services through collaborations with other public health programs and with nongovernmental partners;

"(2) implementing community-based behavioral interventions to prevent disease transmission; and

"(3) establishing collaborations between health departments and university-based experts to strengthen sexually transmitted diseases prevention programs.

"(d) APPLICATION.—To be eligible to receive a grant under subsection (a), a State or political subdivision of a State, shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

"(c) PRIORITY.—In awarding grants under subsection (a), the Secretary shall give priority to applications that seek to conduct activities with grant funds that focus on the prevention of sexually transmitted diseases among women and other populations that are disproportionately affected by these diseases.".

S. 1320

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Injury Control and Violence Prevention Act of 1993".

SEC. 2. FINDINGS.

Congress finds that—

(1) violence or the threat of violence has adverse effects on the health and safety of Americans of all ages, races, ethnicities and economic conditions;

(2) the majority of homicides and violent assaults are committed by people who have relationships with their victims and are not committed by strangers;

(3) violence is being committed in private as well as public, in homes, schools, and neighborhoods;

(4) interventions by law enforcement and criminal justice systems have limited ability to prevent violence;

(5) family and interpersonal violence represent serious threats to the health and well-being of millions of women in the United States;

(6) violence against women has serious health consequences for its victims, including fatality, severe trauma, repeated physical injuries, and chronic stress-related disorder;

(7) violence against women has serious mental health consequences for its victims, including substance abuse, severe psychological trauma, and suicide;

(8) fewer than 5 percent of injured women are correctly diagnosed by medical personnel as being victims of domestic violence;

(9) hospitals and clinics do not have a uniform set of protocols for the identification and referral of victims of family and interpersonal violence, or for the training of health care professionals to perform such functions;

(10) a national surveillance system for monitoring the health effects of injury should be established to determine the nature and extent of family and interpersonal violence in the United States; and

(11) the Surgeon General has identified domestic violence as a public health problem to which all health care providers must actively and vigorously respond.

SEC. 3. FAMILY AND INTERPERSONAL VIOLENCE PREVENTION.

Section 393 of the Public Health Service Act (42 U.S.C. 280b-2) is amended to read as follows:

"SEC. 393. PREVENTION OF FAMILY AND INTERPERSONAL VIOLENCE.

"(a) RESEARCH AND TECHNICAL ASSISTANCE.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may conduct research and provide technical assistance to appropriate public and nonprofit private entities and to academic institutions to assist such entities in performing research in, and conducting training and public health programs for, the prevention of injuries and deaths associated with family and interpersonal violence.

"(b) GRANTS.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may award grants to States, political subdivisions of States, and any other public and nonprofit private entity for—

"(1) the conduct of research into identifying effective strategies to prevent interpersonal violence within the family and among acquaintances;

"(2) the development, implementation, and evaluation of demonstration projects for the prevention of interpersonal violence within families and among acquaintances;

"(3) the implementation of public information and education programs for prevention of family and interpersonal violence and to broaden public awareness of the public health consequences of family and interpersonal violence; and

"(4) the provision of education, training and clinical skills improvement programs for health care professionals to—

"(A) appropriately interview and identify individuals whose medical condition or statements indicate that the individuals are victims of domestic violence or sexual assault; and

"(B) refer the individuals to entities that provide services regarding such violence and assault, including referrals for counseling, housing, legal services, and services of community organizations.

"(c) INJURY SURVEILLANCE PROGRAM.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall support the establishment of national systematic surveillance of injuries, including those caused by family and interpersonal violence.

"(d) DEFINITION.—As used in this section, the term 'interpersonal violence within families and acquaintances' means any intentional violence, controlling, or coercive behavior or pattern of behavior by an individual who is currently or who was previously, in an intimate or acquaintance relationship with the victim. Such behavior may occur at any stage of the lifecycle and may encompass single acts or a syndrome of actual or threatened physical injury, sexual assault, rape, psychological abuse, or neglect. Such term includes behavior which currently may be described as "child neglect", "child abuse", "spousal abuse", "domestic violence", "woman battering", "partner abuse", "elder abuse", and "date rape".

"(e) APPLICATION.—To be eligible to receive assistance under subsection (a) or (b), an entity shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.".

SEC. 4. ADVISORY COMMITTEE; REPORTS.

Part J of title III of the Public Health Service Act (as amended by Public Law 103-43) is amended by inserting after section 393 (42 U.S.C. 280b-2) the following new section.

"SEC. 393A. GENERAL PROVISIONS.

"(a) ADVISORY COMMITTEE.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall establish an advisory committee to advise the Secretary and such Director with respect to the prevention and control of injuries.

"(b) REPORT.—Not later than February 1 of 1994 and of every second year thereafter, the Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the activities carried out under this part during the preceding 2 fiscal years. Such report shall include a description of such activities that were carried out with respect to domestic violence and sexual assault and with respect to rural areas.".

SEC. 5. TECHNICAL CORRECTIONS.

(a) TERMINOLOGY.—Part J of title III of the Public Health Service Act (42 U.S.C. 280b et seq.) (as amended by Public Law 103-43) is amended—

(1) in the heading for such part, by striking "INJURY CONTROL" and inserting "PREVENTION AND CONTROL OF INJURIES"; and

(2) in section 392—

(A) in the heading for such section, by inserting "PREVENTION AND" before "CONTROL ACTIVITIES";

(B) in subsection (a)(1), by inserting "and control" after "prevention"; and

(C) in subsection (b)(1), by striking "injuries and injury control" and inserting "the prevention and control of injuries".

(b) PROVISIONS RELATING TO PUBLIC LAW 102-531.—Part K of title III of the Public Health Service Act (42 U.S.C. 280b et seq.), as amended by section 301 of Public Law 102-531 (106 Stat. 3482), is amended—

(1) in section 392(b)(2), by striking "to promote injury control" and all that follows and inserting "to promote activities regarding the prevention and control of injuries; and"; and

(2) in section 391(b), by adding at the end the following sentence: "In carrying out the preceding sentence, the Secretary shall disseminate such information to the public, including through elementary and secondary schools.".

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

Section 394 of the Public Health Service Act (42 U.S.C. 280b-3) is amended—

(1) by striking "391 and 392" and inserting "391, 392, and 393"; and

(2) by striking "$10,000,000" and all that follows through the period and inserting "$60,000,000" for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998.".

ADDITIONAL COSPONSORS

S. 327

At the request of Mr. MURKOWSKI, the names of the Senator from Hawaii [Mr. INOUYE], the Senator from Mississippi [Mr. LOTT], the Senator from Tennessee [Mr. SASSER], and the Senator from Alaska [Mr. STEVENS] were added as cosponsors of S. 327, a bill to amend the Internal Revenue Code of 1986 to permit rollovers into individual retirement accounts of separation pay from the Armed Services.

S. 384

At the request of Mr. D'AMATO, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of S. 384, a bill to increase the availability of credit to small businesses by eliminating impediments to securitization and facilitating the development of a secondary market in small business loans, and for other purposes.

S. 469

At the request of Mr. WARNER, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 469, a bill to require the Secretary of the Treasury to mint coins in commemoration of the Vietnam Women's Memorial.

S. 648

At the request of Mr. GREGG, the names of the Senator from Texas [Mrs. HUTCHISON] and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of S. 648, a bill to provide Federal payments for Federal mandates imposed upon State and local governments.

S. 839

At the request of Mr. HOLLINGS, the name of the Senator from Washington [Mrs. MURRAY] was added as a cosponsor of S. 839, a bill to establish a program to facilitate development of high-speed rail transportation in the United States, and for other purposes.

S. 1063

At the request of Mr. HATCH, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 1063, a bill to amend the Employee Retirement Income Security Act of 1974 to clarify the treatment of a qualified football coaches plan.

S. 1151

At the request of Mr. DOLE, the names of the Senator from Montana [Mr. BURNS] and the Senator from South Carolina [Mr. THURMOND] were added as cosponsors of S. 1151, a bill to facilitate the flow of credit to small business by easing certain regulatory burdens on depository institutions, to require analysis of such burdens and their effectiveness, and for other purposes.

S. 1196

At the request of Mr. GRASSLEY, his name was added as a cosponsor of S. 1196, a bill to amend the Immigration and Nationality Act to increase criminal penalties for persons smuggling aliens into the United States.

S. 1209

At the request of Mr. KEMPTHORNE, the name of the Senator from North Carolina [Mr. FAIRCLOTH] was added as a cosponsor of S. 1209, a bill to provide for a delay in the applicability of certain regulations to certain municipal solid waste landfills under the Solid Waste Disposal Act, and for other purposes.

S. 1266

At the request of Mr. MACK, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 1266, a bill to amend title XIX of the Social Security Act to improve the Federal medical assistance percentage used under the Medicaid program, and for other purposes.

SENATE JOINT RESOLUTION 9

At the request of Mr. THURMOND, the name of the Senator from North Carolina [Mr. FAIRCLOTH] was added as a cosponsor of Senate Joint Resolution 9, a joint resolution proposing an amendment to the Constitution of the United States relating to voluntary school prayer.

SENATE JOINT RESOLUTION 113

At the request of Mr. DECONCINI, the name of the Senator from New Jersey [Mr. BRADLEY] was added as a cosponsor of Senate Joint Resolution 113, a joint resolution designating October 1993 as "Italian-American Heritage and Culture Month."

SENATE CONCURRENT RESOLUTION 30

At the request of Mr. MOYNIHAN, the name of the Senator from Georgia [Mr. NUNN] was added as a cosponsor of Senate Concurrent Resolution 30, a concurrent resolution congratulating the Anti-Defamation League on the celebration of its 80th anniversary.

SENATE RESOLUTION 90

At the request of Mr. DURENBERGER, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of Senate Resolution 90, a resolution to express the sense of the Senate concerning the exercise of rights secured under the First Amendment to the Constitution.

SENATE CONCURRENT RESOLUTION 32—RELATIVE TO THE CONGRESSIONAL BUDGET FOR THE U.S. GOVERNMENT

Mr. DOMENICI submitted the following concurrent resolution; which was referred to the Committee on the Budget:

S. CON. RES. 32

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 1994.

(a) DECLARATION.—The Congress determines and declares that this resolution is the concurrent resolution on the budget for fiscal year 1994, including the appropriate budgetary levels for fiscal years 1995, 1996, 1997, and 1998, as required by section 301 of the Congressional Budget Act of 1974 (as amended by the Budget Enforcement Act of 1990).

(b) TABLE OF CONTENTS.—The table of contents for this concurrent resolution is as follows:

Sec. 1. Concurrent resolution on the budget for fiscal year 1994.
Sec. 2. Recommended levels and amounts.
Sec. 3. Debt increase as a measure of deficit.
Sec. 4. Social security.
Sec. 5. Major functional categories.
Sec. 6. Reconciliation.
Sec. 7. Social security fire wall point of order in the Senate.
Sec. 8. Enforcement procedures.
Sec. 9. Sense of the Congress on a mandatory cap.
Sec. 10. Sense of the Congress on paying for the stimulus package.
Sec. 11. Sense of the Congress on a Balanced Budget.
Sec. 12. Sense of the Congress on Budget Enforcement.

SEC. 2. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for the fiscal years 1994, 1995, 1996, 1997, and 1998:

(1) FEDERAL REVENUES.—(A) For purposes of comparison with the maximum deficit amount under sections 601(a)(1) and 606 of the Congressional Budget Act of 1974 and for purposes of the enforcement of this resolution—

(i) The recommended levels of Federal revenues are as follows:

Fiscal year 1994: $878,100,000,000.
Fiscal year 1995: $933,300,000,000.
Fiscal year 1996: $979,600,000,000.
Fiscal year 1997: $1,019,600,000,000.
Fiscal year 1998: $1,069,900,000,000.

(ii) The amounts by which the aggregate levels of Federal revenues should be increased are as follows:

Fiscal year 1994: $0.
Fiscal year 1995: $0.
Fiscal year 1996: $0.
Fiscal year 1997: $0.
Fiscal year 1998: $0.

(iii) The amounts for Federal Insurance Contributions Act revenues for hospital insurance within the recommended levels of Federal revenues are as follows:

Fiscal year 1994: $87,500,000,000.
Fiscal year 1995: $92,700,000,000.
Fiscal year 1996: $97,800,000,000.
Fiscal year 1997: $102,300,000,000.
Fiscal year 1998: $106,800,000,000.

(B) For purposes of section 710 of the Social Security Act (excluding the receipts and disbursements of the Hospital Insurance Trust Fund)—

(i) The recommended levels of Federal revenues are as follows:

Fiscal year 1994: $790,600,000,000.
Fiscal year 1995: $840,600,000,000.
Fiscal year 1996: $881,800,000,000.
Fiscal year 1997: $917,300,000,000.
Fiscal year 1998: $963,100,000,000.

(ii) The amounts by which the aggregate levels of Federal revenues should be increased are as follows:

Fiscal year 1994: $0.
Fiscal year 1995: $0.
Fiscal year 1996: $0.
Fiscal year 1997: $0.
Fiscal year 1998: $0.

(2) NEW BUDGET AUTHORITY.—(A) For purposes of comparison with the maximum deficit amount under sections 601(a)(1) and 606 of the Congressional Budget Act of 1974 and for purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 1994: $1,212,000,000,000.
Fiscal year 1995: $1,262,400,000,000.
Fiscal year 1996: $1,297,800,000,000.
Fiscal year 1997: $1,340,500,000,000.
Fiscal year 1998: $1,397,600,000,000.

(B) For purposes of section 710 of the Social Security Act (excluding the receipts and disbursements of the Hospital Insurance Trust Fund), the appropriate levels of total new budget authority are as follows:

Fiscal year 1994: $1,125,000,000,000.
Fiscal year 1995: $1,162,200,000,000.
Fiscal year 1996: $1,189,800,000,000.
Fiscal year 1997: $1,221,400,000,000.
Fiscal year 1998: $1,265,600,000,000.

(3) BUDGET OUTLAYS.—(A) For purposes of comparison with the maximum deficit amount under sections 601(a)(1) and 606 of the Congressional Budget Act of 1974 and for purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 1994: $1,209,100,000,000.
Fiscal year 1995: $1,250,200,000,000.
Fiscal year 1996: $1,274,900,000,000.
Fiscal year 1997: $1,279,200,000,000.
Fiscal year 1998: $1,322,300,000,000.

(B) For purposes of section 710 of the Social Security Act (excluding the receipts and disbursements of the Hospital Insurance Trust Fund), the appropriate levels of total budget outlays are as follows:

Fiscal year 1994: $1,123,800,000,000.
Fiscal year 1995: $1,154,300,000,000.
Fiscal year 1996: $1,168,200,000,000.
Fiscal year 1997: $1,160,700,000,000.
Fiscal year 1998: $1,190,700,000,000.

(4) DEFICITS.—(A) For purposes of comparison with the maximum deficit amount under sections 601(a)(1) and 606 of the Congressional Budget Act of 1974 and for purposes of the enforcement of this resolution, the amounts of the deficits are as follows:

Fiscal year 1994: $331,000,000,000.
Fiscal year 1995: $316,900,000,000.
Fiscal year 1996: $295,300,000,000.
Fiscal year 1997: $259,600,000,000.
Fiscal year 1998: $252,400,000,000.

(B) For purposes of section 710 of the Social Security Act (excluding the receipts and disbursements of the Hospital Insurance Trust Fund), the amounts of the deficits are as follows:

Fiscal year 1994: $333,200,000,000.
Fiscal year 1995: $313,700,000,000.
Fiscal year 1996: $286,400,000,000.
Fiscal year 1997: $243,400,000,000.
Fiscal year 1998: $227,600,000,000.

(5) PUBLIC DEBT.—The appropriate levels of the public debt are as follows:

Fiscal year 1994: $4,746,500,000,000.
Fiscal year 1995: $5,119,500,000,000.
Fiscal year 1996: $5,485,700,000,000.
Fiscal year 1997: $5,824,200,000,000.
Fiscal year 1998: $6,151,300,000,000.

(6) DIRECT LOAN OBLIGATIONS.—The appropriate levels of total new direct loan obligations are as follows:

Fiscal year 1994: $11,700,000,000.
Fiscal year 1995: $12,200,000,000.
Fiscal year 1996: $24,300,000,000.
Fiscal year 1997: $37,500,000,000.
Fiscal year 1998: $38,700,000,000.

(7) PRIMARY LOAN GUARANTEE COMMITMENTS.—The appropriate levels of new primary loan guarantee commitments are as follows:

Fiscal year 1994: $149,800,000,000.
Fiscal year 1995: $149,400,000,000.
Fiscal year 1996: $141,700,000,000.
Fiscal year 1997: $133,300,000,000.
Fiscal year 1998: $135,600,000,000.

SEC. 3. DEBT INCREASE AS A MEASURE OF DEFICIT.

The amounts of the increase in the public debt subject to limitation are as follows:

Fiscal year 1994: $387,700,000,000.
Fiscal year 1995: $373,000,000,000.
Fiscal year 1996: $366,200,000,000.
Fiscal year 1997: $338,500,000,000.
Fiscal year 1998: $327,100,000,000.

SEC. 4. SOCIAL SECURITY.

(a) SOCIAL SECURITY REVENUES.—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of revenues of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 1994: $336,300,000,000.
Fiscal year 1995: $356,400,000,000.
Fiscal year 1996: $375,700,000,000.
Fiscal year 1997: $393,000,000,000.
Fiscal year 1998: $410,500,000,000.

(b) SOCIAL SECURITY OUTLAYS.—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 1994: $274,700,000,000.
Fiscal year 1995: $286,300,000,000.
Fiscal year 1996: $297,200,000,000.
Fiscal year 1997: $308,200,000,000.
Fiscal year 1998: $319,100,000,000.

SEC. 5. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority, budget outlays, new direct loan obligations, new primary loan guarantee commitments, and new secondary loan guarantee commitments for fiscal years 1994 through 1998 for each major functional category are:

(1) National Defense (050):

Fiscal year 1994:

(A) New budget authority, $273,500,000,000.
(B) Outlays, $284,300,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $500,000,000.

Fiscal year 1995:

(A) New budget authority, $271,600,000,000.
(B) Outlays, $278,300,000,000.
(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $500,000,000.
Fiscal year 1996:
(A) New budget authority, $261,800,000,000.
(B) Outlays, $269,900,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $500,000,000.
Fiscal year 1997:
(A) New budget authority, $251,400,000,000.
(B) Outlays, $251,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $500,000,000.
Fiscal year 1998:
(A) New budget authority, $254,100,000,000.
(B) Outlays, $252,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $500,000,000.
(2) International Affairs (150):
Fiscal year 1994:
(A) New budget authority, $18,400,000,000.
(B) Outlays, $18,400,000,000.
(C) New direct loan obligations, $2,700,000,000.
(D) New primary loan guarantee commitments, $16,900,000,000.
Fiscal year 1995:
(A) New budget authority, $17,400,000,000.
(B) Outlays, $17,500,000,000.
(C) New direct loan obligations, $2,800,000,000.
(D) New primary loan guarantee commitments, $17,300,000,000.
Fiscal year 1996:
(A) New budget authority, $16,100,000,000.
(B) Outlays, $16,200,000,000.
(C) New direct loan obligations, $2,800,000,000.
(D) New primary loan guarantee commitments, $17,800,000,000.
Fiscal year 1997:
(A) New budget authority, $15,500,000,000.
(B) Outlays, $15,500,000,000.
(C) New direct loan obligations, $2,800,000,000.
(D) New primary loan guarantee commitments, $18,200,000,000.
Fiscal year 1998:
(A) New budget authority, $15,100,000,000.
(B) Outlays, $14,900,000,000.
(C) New direct loan obligations, $2,900,000,000.
(D) New primary loan guarantee commitments, $18,700,000,000.
(3) General Science, Space, and Technology (250):
Fiscal year 1994:
(A) New budget authority, $17,100,000,000.
(B) Outlays, $17,200,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1995:
(A) New budget authority, $17,100,000,000.
(B) Outlays, $17,200,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1996:
(A) New budget authority, $17,100,000,000.
(B) Outlays, $17,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1997:
(A) New budget authority, $17,100,000,000.
(B) Outlays, $17,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1998:
(A) New budget authority, $17,100,000,000.
(B) Outlays, $17,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(4) Energy (270):
Fiscal year 1994:
(A) New budget authority, $4,500,000,000.
(B) Outlays, $3,700,000,000.
(C) New direct loan obligations, $1,800,000,000.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1995:
(A) New budget authority, $5,100,000,000.
(B) Outlays, $3,700,000,000.
(C) New direct loan obligations, $1,800,000,000.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1996:
(A) New budget authority, $4,000,000,000.
(B) Outlays, $3,300,000,000.
(C) New direct loan obligations, $1,800,000,000.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1997:
(A) New budget authority, $3,700,000,000.
(B) Outlays, $3,100,000,000.
(C) New direct loan obligations, $1,800,000,000.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1998:
(A) New budget authority, $3,400,000,000.
(B) Outlays, $2,400,000,000.
(C) New direct loan obligations, $1,800,000,000.
(D) New primary loan guarantee commitments, $0.
(5) Natural Resources and Environment (300):
Fiscal year 1994:
(A) New budget authority, $18,800,000,000.
(B) Outlays, $21,000,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1995:
(A) New budget authority, $18,900,000,000.
(B) Outlays, $20,300,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1996:
(A) New budget authority, $18,100,000,000.
(B) Outlays, $19,400,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1997:
(A) New budget authority, $17,900,000,000.
(B) Outlays, $18,400,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1998:
(A) New budget authority, $17,100,000,000.
(B) Outlays, $17,300,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New primary loan guarantee commitments, $0.
(6) Agriculture (350):
Fiscal year 1994:
(A) New budget authority, $15,100,000,000.
(B) Outlays, $14,400,000,000.
(C) New direct loan obligations, $600,000,000.
(D) New primary loan guarantee commitments, $7,000,000,000.
Fiscal year 1995:
(A) New budget authority, $13,500,000,000.
(B) Outlays, $12,200,000,000.
(C) New direct loan obligations, $600,000,000.
(D) New primary loan guarantee commitments, $7,000,000,000.
Fiscal year 1996:
(A) New budget authority, $12,400,000,000.
(B) Outlays, $10,600,000,000.
(C) New direct loan obligations, $600,000,000.
(D) New primary loan guarantee commitments, $7,000,000,000.
Fiscal year 1997:
(A) New budget authority, $12,000,000,000.
(B) Outlays, $10,300,000,000.
(C) New direct loan obligations, $7,000,000,000.
(D) New primary loan guarantee commitments, $7,100,000,000.
Fiscal year 1998:
(A) New budget authority, $11,800,000,000.
(B) Outlays, $10,200,000,000.
(C) New direct loan obligations, $700,000,000.
(D) New primary loan guarantee commitments, $7,100,000,000.
(7) Commerce and Housing Credit (370):
Fiscal year 1994:
(A) New budget authority, $16,700,000,000.
(B) Outlays, $8,500,000,000.
(C) New direct loan obligations, $2,700,000,000.
(D) New primary loan guarantee commitments, $78,100,000,000.
Fiscal year 1995:
(A) New budget authority, $16,400,000,000.
(B) Outlays, $12,500,000,000.
(C) New direct loan obligations, $2,700,000,000.
(D) New primary loan guarantee commitments, $80,100,000,000.
Fiscal year 1996:
(A) New budget authority, $12,900,000,000.
(B) Outlays, $2,700,000,000.
(C) New direct loan obligations, $2,800,000,000.
(D) New primary loan guarantee commitments, $82,100,000,000.
Fiscal year 1997:
(A) New budget authority, $8,400,000,000.
(B) Outlays, −$11,600,000,000.
(C) New direct loan obligations, $2,900,000,000.
(D) New primary loan guarantee commitments, $84,100,000,000.
Fiscal year 1998:
(A) New budget authority, $8,600,000,000.
(B) Outlays, −$8,800,000,000.
(C) New direct loan obligations, $2,900,000,000.
(D) New primary loan guarantee commitments, $86,300,000,000.
(8) Transportation (400):
Fiscal year 1994:
(A) New budget authority, $39,900,000,000.
(B) Outlays, $36,100,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1995:
(A) New budget authority, $39,700,000,000.
(B) Outlays, $35,800,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1996:
(A) New budget authority, $40,100,000,000.
(B) Outlays, $36,300,000,000.
(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.
Fiscal year 1997:
(A) New budget authority, $42,200,000,000.
(B) Outlays, $36,500,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1998:
(A) New budget authority, $42,800,000,000.
(B) Outlays, $36,500,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New primary loan guarantee commitments, $0.
(9) Community and Regional Development (450):
Fiscal year 1994:
(A) New budget authority, $8,300,000,000.
(B) Outlays, $8,600,000,000.
(C) New direct loan obligations, $2,100,000,000.
(D) New primary loan guarantee commitments, $2,400,000,000.
Fiscal year 1995:
(A) New budget authority, $7,600,000,000.
(B) Outlays, $8,000,000,000.
(C) New direct loan obligations, $2,100,000,000.
(D) New primary loan guarantee commitments, $2,500,000,000.
Fiscal year 1996:
(A) New budget authority, $7,500,000,000.
(B) Outlays, $7,400,000,000.
(C) New direct loan obligations, $2,200,000,000.
(D) New primary loan guarantee commitments, $2,500,000,000.
Fiscal year 1997:
(A) New budget authority, $7,400,000,000.
(B) Outlays, $7,300,000,000.
(C) New direct loan obligations, $2,300,000,000.
(D) New primary loan guarantee commitments, $2,600,000,000.
Fiscal year 1998:
(A) New budget authority, $7,400,000,000.
(B) Outlays, $7,200,000,000.
(C) New direct loan obligations, $2,300,000,000.
(D) New primary loan guarantee commitments, $2,600,000,000.
(10) Education, Training, Employment, and Social Services (500):
Fiscal year 1994:
(A) New budget authority, $50,900,000,000.
(B) Outlays, $50,800,000,000.
(C) New direct loan obligations, $500,000,000.
(D) New primary loan guarantee commitments, $21,300,000,000.
Fiscal year 1995:
(A) New budget authority, $49,600,000,000.
(B) Outlays, $49,000,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New primary loan guarantee commitments, $22,600,000,000.
Fiscal year 1996:
(A) New budget authority, $47,300,000,000.
(B) Outlays, $43,000,000,000.
(C) New direct loan obligations, $12,800,000,000.
(D) New primary loan guarantee commitments, $11,700,000,000.
Fiscal year 1997:
(A) New budget authority, $45,800,000,000.
(B) Outlays, $45,400,000,000.
(C) New direct loan obligations, $25,700,000,000.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1998:
(A) New budget authority, $46,100,000,000.
(B) Outlays, $45,500,000,000.
(C) New direct loan obligations, $26,800,000,000.
(D) New primary loan guarantee commitments, $0.
(11) Health (550):
Fiscal year 1994:
(A) New budget authority, $118,000,000,000.
(B) Outlays, $118,000,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $400,000,000.
Fiscal year 1995
(A) New budget authority, $130,300,000,000.
(B) Outlays, $130,000,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $400,000,000.
Fiscal year 1996:
(A) New budget authority, $143,400,000,000.
(B) Outlays, $142,800,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $500,000,000.
Fiscal year 1997:
(A) New budget authority, $157,200,000,000.
(B) Outlays, $156,400,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $500,000,000.
Fiscal year 1998:
(A) New budget authority, $172,600,000,000.
(B) Outlays, $171,700,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $500,000,000.
(12) Medicare (570):
Fiscal year 1994:
(A) New budget authority, $151,100,000,000.
(B) Outlays, $149,700,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1995:
(A) New budget authority, $171,400,000,000.
(B) Outlays, $167,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1996:
(A) New budget authority, $183,900,000,000.
(B) Outlays, $182,700,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1997:
(A) New budget authority, $201,200,000,000.
(B) Outlays, $200,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1998:
(A) New budget authority, $220,000,000,000.
(B) Outlays, $220,500,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(13) For purposes of section 710 of the Social Security Act, Federal Supplementary Medical Insurance Trust Fund:
Fiscal year 1994:
(A) New budget authority, $51,100,000,000.
(B) Outlays, $51,400,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1995:
(A) New budget authority, $58,400,000,000.
(B) Outlays, $58,400,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1996:
(A) New budget authority, $63,800,000,000.
(B) Outlays, $63,900,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1997:
(A) New budget authority, $71,300,000,000.
(B) Outlays, $71,300,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1998:
(A) New budget authority, $79,200,000,000.
(B) Outlays, $80,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(14) Income Security (600):
Fiscal year 1994:
(A) New budget authority, $206,400,000,000.
(B) Outlays, $209,900,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1995:
(A) New budget authority, $212,000,000,000.
(B) Outlays, $216,700,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1996:
(A) New budget authority, $222,500,000,000.
(B) Outlays, $220,700,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1997:
(A) New budget authority, $234,700,000,000.
(B) Outlays, $229,400,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1998:
(A) New budget authority, $239,900,000,000.
(B) Outlays, $237,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(15) Social Security (650)
Fiscal year 1994:
(A) New budget authority, $6,100,000,000.
(B) Outlays, $6,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1995:
(A) New budget authority, $6,700,000,000.
(B) Outlays, $6,700,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1996:
(A) New budget authority, $7,300,000,000.
(B) Outlays, $7,300,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1997:
(A) New budget authority, $7,900,000,000.
(B) Outlays, $7,900,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1998:
(A) New budget authority, $8,600,000,000.
(B) Outlays, $8,700,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(16) Veterans Benefits and Services (700):
Fiscal year 1994:
(A) New budget authority, $34,500,000,000.
(B) Outlays, $36,100,000,000.
(C) New direct loan obligations, $1,100,000,000.

(D) New primary loan guarantee commitments, $23,700,000,000.
Fiscal year 1995:
(A) New budget authority, $34,700,000,000.
(B) Outlays, $34,900,000,000.
(C) New direct loan obligations, $19,500,000,000.
(D) New primary loan guarantee commitments, $19,500,000,000.
Fiscal year 1996:
(A) New budget authority, $34,900,000,000.
(B) Outlays, $33,600,000,000.
(C) New direct loan obligations, $1,100,000,000.
(D) New primary loan guarantee commitments, $20,100,000,000.
Fiscal year 1997:
(A) New budget authority, $34,900,000,000.
(B) Outlays, $35,000,000,000.
(C) New direct loan obligations, $1,100,000,000.
(D) New primary loan guarantee commitments, $20,800,000,000.
Fiscal year 1998:
(A) New budget authority, $34,900,000,000.
(B) Outlays, $35,000,000,000.
(C) New direct loan obligations, $1,100,000,000.
(D) New primary loan guarantee commitments, $20,400,000,000.
(17) Administration of Justice (750):
Fiscal year 1994:
(A) New budget authority, $14,800,000,000.
(B) Outlays, $15,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1995:
(A) New budget authority, $14,800,000,000.
(B) Outlays, $15,300,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1996:
(A) New budget authority, $14,700,000,000.
(B) Outlays, $15,000,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1997:
(A) New budget authority, $14,700,000,000.
(B) Outlays, $14,800,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1998:
(A) New budget authority, $14,600,000,000.
(B) Outlays, $14,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(18) General Government (800):
Fiscal year 1994:
(A) New budget authority, $12,900,000,000.
(B) Outlays, $13,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1995:
(A) New budget authority, $12,400,000,000.
(B) Outlays, $13,800,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1996:
(A) New budget authority, $12,300,000,000.
(B) Outlays, $13,000,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1997:
(A) New budget authority, $12,300,000,000.
(B) Outlays, $12,700,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1998:
(A) New budget authority, $12,200,000,000.
(B) Outlays, $12,500,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(19) Net Interest (900):
Fiscal year 1994:
(A) New budget authority, $240,200,000,000.
(B) Outlays, $240,200,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1995:
(A) New budget authority, $261,500,000,000.
(B) Outlays, $261,500,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1996:
(A) New budget authority, $281,700,000,000.
(B) Outlays, $281,700,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1997:
(A) New budget authority, $299,300,000,000.
(B) Outlays, $299,300,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1998:
(A) New budget authority, $315,800,000,000.
(B) Outlays, $315,800,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(20) For purposes of section 710 of the Social Security Act, Net Interest (900):
Fiscal year 1994:
(A) New budget authority, $250,700,000,000.
(B) Outlays, $250,700,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(A) New budget authority, $271,800,000,000.
(B) Outlays, $271,800,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1996:
(A) New budget authority, $291,300,000,000.
(B) Outlays, $291,300,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1997:
(A) New budget authority, $307,500,000,000.
(B) Outlays, $307,500,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1998:
(A) New budget authority, $321,900,000,000.
(B) Outlays, $321,900,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(21) Allowances (920):
Fiscal year 1994:
(A) New budget authority, −$9,900,000,000.
(B) Outlays, −$4,700,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1995:
(A) New budget authority, −$7,700,000,000.
(B) Outlays, −$17,900,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1996:
(A) New budget authority, −$9,400,000,000.
(B) Outlays, −$15,300,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1997:
(A) New budget authority, −$11,800,000,000.
(B) Outlays, −$37,700,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1998:
(A) New budget authority, −$12,700,000,000.
(B) Outlays, −$56,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(22) Undistributed Offsetting Receipts (950):
Fiscal year 1994:
(A) New budget authority, −$30,500,000,000.
(B) Outlays, −$32,200,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1995:
(A) New budget authority, −$30,600,000,000.
(B) Outlays, −$32,400,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1996:
(A) New budget authority, −$30,800,000,000.
(B) Outlays, −$32,500,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1997:
(A) New budget authority, −$31,300,000,000.
(B) Outlays. −$32,300,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1998:
(A) New budget authority, −$31,800,000,000.
(B) Outlays, −$32,800,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(23) For purposes of section 710 of the Social Security Act, Undistributed Offsetting Receipts (950):
Fiscal year 1994:
(A) New budget authority, −$28,000,000,000.
(B) Outlays, −$29,700,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1995:
(A) New budget authority, −$28,100,000,000.
(B) Outlays, —$29,900,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1996:
(A) New budget authority, −$28,300,000,000.
(B) Outlays, −$30,000,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1997:
(A) New budget authority, −$28,700,000,000.
(B) Outlays, −$29,700,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1998:
(A) New budget authority, −$29,100,000,000.
(B) Outlays, −$30,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

SEC. 6. RECONCILIATION.

(a) IN GENERAL.—Not later than May 14, 1993, the committees named in subsections

(b) and (c) of this section shall submit their recommendations to the Committee on the Budget of their respective Houses. After receiving those recommendations, the Committees on the Budget shall each report to their respective Houses a reconciliation bill carrying out all such recommendations without any substantive revision.

(b) SENATE COMMITTEES.—

(1) COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY.—The Senate Committee on Agriculture, Nutrition, and Forestry shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) sufficient to reduce outlays: $88,000,000 in fiscal year 1994; and $2,976,000,000 for the period of fiscal years 1994 through 1998.

(2) COMMITTEE ON ARMED SERVICES.—(A) The Senate Committee on Armed Services shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) sufficient to reduce outlays: $0 in fiscal year 1994; and $0 for the period of fiscal years 1994 through 1998.

(3) COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS.—The Senate Committee on Banking, Housing, and Urban Affairs shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) sufficient to reduce outlays: $338,000,000 in fiscal year 1994; and $1,770,000,000 for the period of fiscal years 1994 through 1998.

(4) COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION.—(A) The Senate Committee on Commerce, Science, and Transportation shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) sufficient to reduce outlays: $1,700,000,000 in fiscal year 1994; and $7,405,000,000 for the period of fiscal years 1994 through 1998.

(B) The Senate Committee on Commerce, Science, and Transportation shall report changes in laws within its jurisdiction sufficient to increase revenues: $0 in fiscal year 1994; and $0 for the period of fiscal years 1994 through 1998.

(5) COMMITTEE ON ENERGY AND NATURAL RESOURCES.—(A) The Senate Committee on Energy and Natural Resources shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) sufficient to reduce outlays: $125,000,000 in fiscal year 1994; and $1,124,000,000 for the period of fiscal years 1994 through 1998.

(B) The Senate Committee on Energy and Natural Resources shall report changes in laws within its jurisdiction sufficient to increase revenues: $0 in fiscal year 1994; and $0 for the period of fiscal years 1994 through 1998.

(6) COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS.—(A) The Senate Committee on Environment and Public Works shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) sufficient to reduce outlays: $13,000,000 in fiscal year 1994; and $1,254,000,000 for the period of fiscal years 1994 through 1998.

(B) The Senate Committee on Environment and Public Works shall report changes in laws within its jurisdiction sufficient to increase revenues: $0 in fiscal year 1994; and $0 for the period of fiscal years 1994 through 1998.

(7) COMMITTEE ON FINANCE.—The Senate Committee on Finance shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) sufficient to reduce outlays: $2,453,000,000 in fiscal year 1994; and $37,956,000,000 for the period of fiscal years 1994 through 1998.

(8) COMMITTEE ON GOVERNMENTAL AFFAIRS.—The Senate Committee on Governmental Affairs shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) sufficient to reduce outlays: $46,000,000 in fiscal year 1994; and $10,294,000,000 for the period of fiscal years 1994 through 1998.

(9) COMMITTEE ON THE JUDICIARY.—The Senate Committee on the Judiciary shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) sufficient to reduce outlays: $0 in fiscal year 1994; and $345,000,000 for the period of fiscal years 1994 through 1998.

(10) COMMITTEE ON LABOR AND HUMAN RESOURCES.—(A) The Senate Committee on Labor and Human Resources shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) sufficient to reduce outlays: $66,000,000 in fiscal year 1994; and $6,697,000,000 for the period of fiscal years 1994 through 1998.

(B) The Senate Committee on Labor and Human Resources shall report changes in laws within its jurisdiction sufficient to increase revenues: $0 in fiscal year 1994; and $0 for the period of fiscal years 1994 through 1998.

(11) COMMITTEE ON SMALL BUSINESS.—The Senate Committee on Small Business shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) sufficient to reduce outlays: $0 in fiscal year 1994; and $0 for the period of fiscal years 1994 through 1998.

(12) COMMITTEE ON VETERANS' AFFAIRS.—The Senate Committee on Veterans' Affairs shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) sufficient to reduce outlays: $266,000,000 in fiscal year 1994; and $2,580,000,000 for the period of fiscal years 1994 through 1998.

(c) HOUSE COMMITTEES.—

(1) COMMITTEE ON AGRICULTURE.—The House Committee on Agriculture shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) sufficient to reduce outlays: $88,000,000 in fiscal year 1994; and $2,976,000,000 for the period of fiscal years 1994 through 1998.

(2) COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS.—(A) The House Committee on Banking, Finance and Urban Affairs shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) sufficient to reduce outlays: $202,000,000 in fiscal year 1994; and $1,415,000,000 for the period of fiscal years 1994 through 1998.

(B) The House Committee on Banking, Finance and Urban Affairs shall report changes in laws within its jurisdiction sufficient to increase revenues: $0 in fiscal year 1994; and $0 for the period of fiscal years 1994 through 1998.

(3) COMMITTEE ON EDUCATION AND LABOR.—The House Committee on Education and Labor shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) sufficient to reduce outlays: $66,000,000 in fiscal year 1994; and $6,697,000,000 for the period of fiscal years 1994 through 1998.

(4) COMMITTEE ON ENERGY AND COMMERCE.—The House Committee on Energy and Commerce shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) sufficient to reduce outlays: $1,886,000,000 in fiscal year 1994; and $16,210,000,000 for the period of fiscal years 1994 through 1998.

(4A) COMMITTEE ON GOVERNMENT OPERATIONS.—The House Committee on Government Operations shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) sufficient to reduce outlays: $0 in fiscal year 1994; and $693,000,000 for the period of fiscal years 1994 through 1998.

(5) COMMITTEE ON INTERIOR AND INSULAR AFFAIRS.—The House Committee on Interior and Insular Affairs shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) sufficient to reduce outlays: $110,000,000 in fiscal year 1994; and $996,000,000 for the period of fiscal years 1994 through 1998.

(6) COMMITTEE ON THE JUDICIARY.—The House Committee on the Judiciary shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) sufficient to reduce outlays: $0 in fiscal year 1994; and $345,000,000 for the period of fiscal years 1994 through 1998.

(7) COMMITTEE ON MERCHANT MARINE AND FISHERIES.—The House Committee on Merchant Marine and Fisheries shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) sufficient to reduce outlays: $0 in fiscal year 1994; and $205,000,000 for the period of fiscal years 1994 through 1998.

(8) COMMITTEE ON POST OFFICE AND CIVIL SERVICE.—The House Committee on Post Office and Civil Service shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) sufficient to reduce outlays: $46,000,000 in fiscal year 1994; and $9,601,000,000 for the period of fiscal years 1994 through 1998.

(9) COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION.—The House Committee on Public Works and Transportation shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) sufficient to reduce outlays: $31,000,000 in fiscal year

1994; and $296,000,000 for the period of fiscal years 1994 through 1998.

(10) COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY.—The House Committee on Science, Space, and Technology shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) sufficient to reduce outlays: $0 in fiscal year 1994; and $0 for the period of fiscal years 1994 through 1998.

(11) COMMITTEE ON VETERANS' AFFAIRS.—The House Committee on Veterans' Affairs shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) sufficient to reduce outlays: $266,000,000 in fiscal year 1994; and $2,580,000,000 for the period of fiscal years 1994 through 1998.

(12) COMMITTEE ON WAYS AND MEANS.—The House Committee on Ways and Means shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) sufficient to reduce budget authority and outlays: $2,391,000,000 in fiscal year 1994; and $30,166,000,000 for the period of fiscal years 1994 through 1998.

SEC. 7. SOCIAL SECURITY FIRE WALL POINT OF ORDER IN THE SENATE.

(a) ACCOUNTING TREATMENT.—Notwithstanding any other provision of this resolution, for the purpose of allocations and points of order under sections 302 and 311 of the Congressional Budget Act of 1974, the levels of social security outlays and revenues for this resolution shall be the current services levels.

(b) APPLICATION OF SECTION 301(i).—Notwithstanding any other rule of the Senate, in the Senate, the point of order established under section 301(i) of the Congressional Budget Act of 1974 shall apply to any concurrent resolution on the budget for any fiscal year (as reported and as amended), amendments thereto, or any conference report thereon.

SEC. 8. ENFORCEMENT PROCEDURES.

(a) PURPOSE.—The Congress declares that it is essential to—

(1) ensure compliance with the deficit reduction goals embodied in this resolution;

(2) extend the system of discretionary spending limits set forth in section 601 of the Congressional Budget Act of 1974;

(3) extend the pay-as-you-go enforcement system;

(4) prohibit the consideration of direct spending or receipts legislation that would decrease the pay-as-you-go surplus that the reconciliation bill pursuant to section 7 of this resolution will create under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985;

(5) adopt as part of this concurrent resolution such of the enforcement procedures set forth in this subsection as this concurrent resolution may constitutionally include; and

(6) enact, during this session of Congress, such of the enforcement procedures set forth in this subsection as only statute may constitutionally include.

(b) DISCRETIONARY SPENDING LIMITS.—

(1) DEFINITION.—As used in this section, for the discretionary category, the term "discretionary spending limit" means—

(A) with respect to fiscal year 1996:

$475,858,000,000 in new budget authority and $513,706,000,000 in outlays;

(B) with respect to fiscal year 1997:

$465,273,000,000 in new budget authority and $490,399,000,000 in outlays; and

(C) with respect to fiscal year 1998:

$462,953,000,000 in new budget authority and $488,877,000,000 in outlays.

(2) POINT OF ORDER IN THE SENATE.—

(A) Except as provided in subparagraph (B), it shall not be in order in the Senate to consider any concurrent resolution on the budget for fiscal year 1995, 1996, 1997, or 1998 (or amendment, motion, or conference report on such a resolution) that would exceed any of the discretionary spending limits in this section.

(B) This subsection shall not apply if a declaration of war by the Congress is in effect or if a joint resolution pursuant to section 258 of the Balanced Budget and Emergency Deficit Control Act of 1985 has been enacted.

(c) ENFORCING PAY-AS-YOU-GO.—At any time after the enactment of the reconciliation bill pursuant to section 7 of this resolution, it shall not be in order to consider any bill, joint resolution, amendment, motion, or conference report, that would increase the deficit in this resolution for any fiscal year through fiscal year 2003 as measured by the sum of—

(1) all applicable estimates of direct spending and receipts legislation applicable to that fiscal year, other than any amounts resulting from—

(A) full funding of, and continuation of, the deposit insurance guarantee commitment in effect on the date of enactment of the Budget Enforcement Act of 1990; and

(B) emergency provisions as designated under section 252(e) of that Act; and

(2) the estimated amount of savings in direct spending programs applicable to that fiscal year resulting from the prior year's sequestration under that Act, if any (except for any amounts sequestered as a result of a net deficit increase in the fiscal year immediately preceding the prior fiscal year).

(d) WAIVER.—This section may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(e) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the concurrent resolution, bill, or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(f) DETERMINATION OF BUDGET LEVELS.—For purposes of this section, the levels of new budget authority, outlays, new entitlement authority, and revenues for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the Senate or the Committee on the Budget of the House of Representatives, as the case may be.

(g) EXERCISE OF RULEMAKING POWERS.—Congress adopts the provisions of this section—

(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such they shall be considered as part of the rules of each House, respectively, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change those rules (so far as they relate to that House) at any time, in the same manner, and to the same extent as in the case of any other rule of such House.

SEC. 9. SENSE OF THE CONGRESS ON A MANDATORY CAP.

(a) It is the Sense of the Congress that legislation should be enacted that—

(1) caps the growth of mandatory spending for all programs except Social Security at a level that allows for beneficiary and inflation growth;

(2) prohibits, through a super-majority point of order, the consideration of congressional budget resolutions or direct spending legislation that would cause the mandatory cap to be exceeded; and

(3) provides processes, including reconciliation and sequestration procedures, to provide for orderly restraint in mandatory spending growth except Social Security if such spending exceeds the cap.

(b) It is the sense of the Congress that the conference report on this concurrent resolution on the budget should—

(1) include spending limits on aggregate mandatory spending excluding Social Security, at levels that allow for inflation and beneficiary growth;

(2) include spending limits on defense and non-defense discretionary spending for fiscal years 1994 through 1998; and,

(3) include reconciliation instructions to restrain mandatory spending growth to meet the mandatory cap.

SEC. 10. SENSE OF THE CONGRESS ON PAYING FOR THE STIMULUS PACKAGE.

It is the Sense of the Congress that the budget effects of the President's economic stimulus package should not be exempted from the Congressional budget process and that if such legislation is enacted it should abide by "pay-as-you-go" and not cause an increase in the deficit.

SEC. 11. SENSE OF THE CONGRESS ON A BALANCED BUDGET.

It is the Sense of the Congress that the budget should be balanced and that legislation should be adopted mandating a balanced budget.

SEC 12. SENSE OF THE CONGRESS ON BUDGET ENFORCEMENT.

It is the sense of the Congress that budget enforcement procedures should be enacted including:

(a) individual statutory caps on defense and non-defense discretionary spending enforced by points of order and sequester orders;

(b) pay-as-you-go discipline for mandatory spending programs enforced by super-majority points of order and sequester orders; and,

(c) fixed statutory maximum deficit amounts that are enforced by super-majority points of order and sequester orders.

SENATE CONCURRENT RESOLUTION 33—RELATIVE TO THE LEGISLATIVE REORGANIZATION ACT OF 1970

Mr. FORD (for Mr. MITCHELL) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 33

Resolved by the Senate (the House of Representatives concurring), That notwithstanding the provisions of section 132(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 198), as amended by section 461 of the Legislative Reorganization Act of 1970 (Public Law 91-510; 84 Stat. 1193), the Senate and

the House of Representatives shall not adjourn for a period in excess of three days, or adjourn sine die, until both Houses of Congress have adopted a concurrent resolution providing either for an adjournment (in excess of three days) to a day certain, or for adjournment sine die.

SENATE RESOLUTION 135—RELATIVE TO THE U.N. SECURITY COUNCIL

Mr. ROTH submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 135

Whereas, in the post-cold war period, the international community expects the United Nations to play a larger role, particularly in peacekeeping operations that may, on occasion, require the use of force against determined aggressors;

Whereas, in the past five years the United Nations has engaged in more peacekeeping operations than in the preceding forty years, and given the changed security environment resulting from the end of the cold war, the numbers of such operations could continue to grow in future years;

Whereas the United Nations structure and the roster of permanent members of the Security Council have remained unchanged since the organization's foundation;

Whereas Japan and Germany, as the world's second and third largest economies, respectively, have attained levels of global reach and global influence equal to or surpassing other permanent members of the United Nations Security Council;

Whereas any country accorded the status of permanent membership in the Security Council must be willing to accept the responsibilities of such status, including full participation in United Nations military operations;

Whereas Japan has taken a first step toward assuming such responsibilities by enacting legislation which permitted the country's Self-Defense Forces to play a useful but severely circumscribed role in the United Nations Transitional Authority in Cambodia;

Whereas both Japan and Germany must take significant political action before either can fully participate in United Nations operations requiring the use of force against aggressor states; and

Whereas, in Japan's case, such political action will require the country to come to terms with its conduct during World War II and closely consult with Japan's asian neighbors who suffered during that period: Now, therefore, be it

Resolved, That—

(1) The United States Government should support German and Japanese permanent membership in the United Nations Security Council; but

(2) No action should be taken to further such an initiative unless and until Japan and Germany have taken political action to permit them to discharge the full range of responsibilities attending permanent membership status.

Mr. ROTH. Mr. President, I have come to the floor today to introduce into the CONGRESSIONAL RECORD a letter which my colleague from North Dakota, Senator CONRAD, and I sent to the President last week, a letter concerning his administration's support for permanent German and Japanese membership in the United Nations Security Council. I also wish to enter into the RECORD a resolution on this same subject.

As our letter notes, our permanent representative to the United Nations, Madeleine Albright, has announced that the United States supports the expansion of the U.N. Security Council and that, in the United States view, Germany and Japan should be accorded permanent membership in that body.

Mr. President, in principle I support the elevation of Germany's and Japan's status in the security council. Depriving major economic powers such as Germany and Japan of permanent membership makes little or no sense.

However, it must be noted that neither Germany nor Japan are, as yet, constitutionally prepared for permanent security council membership. The central constitutional problem which both countries must confront is their current inability to play a significant role in international peacekeeping operations, an inability which both governments believe to be rooted in their respective constitutions.

The Government of Germany, under both christian democratic and social democratic leadership, has maintained that the basic law prevents Germany's armed forces from being deployed off German soil, except in accordance with articles 5 and 6 of the North Atlantic Treaty which, in turn, it interprets as applying only to the physical territory of NATO members.

Happily, most NATO members now are turning away from the latter, overly restrictive interpretation of the NATO charter. NATO has, in its Oslo declaration, made its forces available to the U.N. for peacekeeping purposes and the U.N. has given the alliance the task of enforcing the so-called no-fly zone over Bosnia. This departure left Germany caught between the provisions of its basic law, which it interpreted as outlawing overseas military activity, and its contradictory, but clear, duty to contribute to the no fly operation as a member of NATO. In the event, the German high court in Karlsruhe declared that German airmen could, indeed, take part in enforcing the no fly operation and later, German soldiers could assist the U.N.'s peacekeeping effort in Somalia. However, it would be unwise to extrapolate too much from these court decisions. The fundamental, indispensable political action which would enable Germany to be a dependable and regular participant in international peacekeeping operations has yet to be taken.

Japan's situation closely resembles that of Germany. The American Drafters of Japan's constitution explicitly held that it did not prevent Japan's participation in regional security arrangements or U.N. peacekeeping operations. Moreover, amendments preferred by the Japanese to the draft constitution provided the government of Japan the flexibility to participate in collective security arrangements, if it so chose. However, in order to focus the country's limited resources on economic recovery, Prime Minister Yoshida and his successors sought to avoid being drawn into any overseas commitments whatsoever. They repeatedly asserted the nation was, indeed, constitutionally prevented from security activity overseas and began constructing an elaborate set of policies to buttress that assertion.

Tokyo's subsequent inactivity in certain international undertakings, most notably operations Desert Shield and Desert Storm, exposed the country to considerable international criticism. In response, Tokyo enacted legislation permitting its self-defense forces to participate in so-called blue helmet operations under a U.N. mandate. However, the many compromises the government made to ensure passage of the legislation robbed it of much of its value. In particular, the law limits Japan's participation in U.N. peacekeeping missions to noncombat support activities, requires that a ceasefire agreement among warring parties exist before Japan participate and mandates that the Japanese contingent be withdrawn when a cease-fire is nullified. These limitations have three important consequences. First, they prevent Japanese forces from playing a full role in U.N. peacekeeping operations. Second, as demonstrated by Japan's experience in Cambodia, they render Japanese resolve in seeing any peacekeeping operation through suspect: Earlier this year when a guerilla offensive launched by the Khmer Rough led to the death of a Japanese police officer and, arguably, the end of the Cambodian ceasefire, persistent calls were heard in key Japanese quarters for withdrawal of Japan's peacekeepers. Finally, the law does not permit Japanese participation in the type of U.N. peacekeeping operations which will probably typify future U.N. activities in this area, that is to say, operations where U.N. forces are obliged to resort to force. Indeed, due to prevailing interpretations of Japan's constitution, participation in such peace-making operations will require fundamental political action.

The current German debate on overseas military deployments reveals that many figures within that nation's political establishment similarly aspire to circumscribe any amendment to the basic law so closely as to rob it of much of its value. Specifically, it has been proposed that German forces be available only for blue helmet operations.

I ask my colleagues, do any of us foresee much of a future for blue helmet operations? As the United Nation's experience in Bosnia and Angola has made all too clear, Blue helmets and

fond wishes are no match for heavily armed, determined aggressors. Washington and Moscow can no longer tame aggressor parties with stern warnings. The international security environment is much more diverse. Those who would threaten the peace are independent operators and, if international law and the sancity of borders are to be upheld, the international Community will have to have the capacity militarily to deter and, when deterrence fails punish national aggressors.

Japan and Germany alike need to confront this issue squarely. Their permanent presence on the U.N. Security Council—as well as their addition to the military staff committee by virtue of permanent status—will be of little benefit to the international community if the two countries are capabile only of participating in a type of peacekeeping activity which proves increasingly rare and outmoded. Moreover, the international community in general, and the security council members in particular, would be doing themselves a major disservice if they allowed Germany and Japan to vote on and assist in directing U.N. military operations which could endanger the lives of United States servicemen, but in which German and Japanese armed forces would play no part. If Germany and Japan aspire to full security council membership, they must shoulder the responsibilities incumbent on other council members, without restriction or qualification.

I should stress, before I close, that I do support both Japan and Germany's full permanent membership in the U.N. Security Council. The long term exclusion of these two economically potent nations makes little sense. However the causes for these exclusions can be found in Bonn and Tokyo, not in Washington or New York. Both countries must dismantle the barriers which they have built to their permanent security council membership. Unless and until they do so, neither this government nor this body should support the expansion of the security council.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

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

UNITED STATES SENATE,
Washington, DC, July 16, 1993.

The President,
The White House,
Washington, DC.

DEAR MR. PRESIDENT. The U.S. Permanent Representative to the United Nations, Madeleine Albright, has announced that your administration supports the extension of permanent Security Council membership to Germany and Japan. Since the U.N.'s Secretary-General, Mr. Boutros Boutros-Ghali, has requested national views on the expansion of the Security Council, we are writing to inform you that, in our opinion, the U.S. should strongly support the principle of German and Japanese membership, but no action should be taken to further this initiative until both nations have taken fundamental political actions which would enable them to discharge their full responsibilities as permanent Security Council members.

Both Germany and Japan have burgeoned economically over the past twenty years but their strength in the international marketplace has not translated into a commensurate level of political influence. This failing is largely self-administered, because both countries have chosen to interpret their respective constitutions as preventing them from participating fully in international peacekeeping and military operations.

The government of Germany, under both Christian Democratic and Social Democratic leadership, has traditionally maintained that the Basic Law prevents the Bundeswehr from being deployed off German soil, except in accordance with articles 5 and 6 of the North Atlantic Treaty which, in turn, it interprets as applying only to the actual territory of NATO members.

Many of us cannot discern any such restrictions, either in the Basic Law or the North Atlantic Treaty. Indeed, having made NATO forces available to the U.N. for peacekeeping purposes via the Oslo Declaration and having agreed to enforce the "no fly zone" over Bosnia, NATO members have implicitly recognized that their forces can operate outside NATO territory. That said, we are obliged to admit that the presence in the Basic Law of restrictions on the use of the Bundeswehr has been asserted so often and so routinely that, if Germany is now to play its proper role in international peacekeeping, some form of political action will be required.

Japan's position parallels Germany's in many respects. The American drafters of the Japanese constitution held that it did not prevent Japan's full participation in regional security arrangements or in United Nations activities. However, Prime Minister Yoshida and his successors set about constructing an elaborate set of policies to buttress their assertion—which came to be widely accepted—that the constitution prevented Japan's involvement in any overseas security commitments.

Japan's consequent failure to play an international role commensurate with its international economic standing has subjected it to considerable international criticism, criticism which reached a peak in the aftermath of Japan's failure to provide personnel support in addition to financial assistance to Operation Desert Storm. In response to this criticism, Japan launched a year-long effort to enact legislation which would allow its Self-Defense Forces personnel to participate in U.N. peacekeeping operations. While the bill permitted Japan to make very significant contributions to the United Nations Transitional Authority in Cambodia, the many compromises which the government accepted in order to achieve passage gutted the legislation of much of its value. In particular, it will not permit Japan to play a useful role in the type of peacekeeping operations which will probably typify future U.N. activities of this kind.

The debate over participation in United Nations peacekeeping operations in the German Bundestag appears to be evolving along lines similar to those in the Japanese Diet. Many members of the Bundestag assert that they favor amending the Basic Law but then wish to circumscribe the amendment so closely as to render it valueless. Specifically, it has been proposed that the German armed forces should be available only to the U.N. and only for the so-called "blue helmet" operations undertaken with the U.N. mandate. Japan has legislated similar restrictions, along with requirements that Japanese forces be deployed in a U.N. operation only after the cease fire is in effect.

But the days of the blue helmet operation appear to be ending. Such non-combat operations were useful during the Cold War when the U.S. and Soviet Union were capable of halting warfare between their respective allies, and U.N. forces could subsequently come into the war zone to monitor a ceasefire conceived in Washington and Moscow. But we no longer inhabit a bipolar world. As recent conflicts in Bosnia, Angola and Cambodia have demonstrated, parties can wage fierce conflicts absent any support from Washington or Moscow and, consequently, the aggressor parties are free to press ahead with their depredations even in the face of condemnation from both sides of the old Cold War lines. If conflicts of this type are to be ended and, hopefully, deterred, our concept of the term "peacekeeping" will have to be considerably more muscular than it has been in the past: it will, on occasion, have to encompass the use of force against a determined aggressor.

Until German and Japanese political leaders are willing to confront this issue squarely (and for Japan, which has failed to come to terms with its wartime record, this will involve not only domestic debate, but close consultation with the country's Asian neighbors) neither country will be able to participate in the type of peacekeeping operation outlined above, just as neither participated in Operations Desert Shield or Desert Storm. Until Bonn and Tokyo resolve this problem, it is difficult to see how these governments can press for membership in the Security Council, particularly since such membership would allow the two countries to vote in favor of U.N. military operations which could endanger the lives of American servicemen but in which their own armed forces would play no part.

In closing, we must stress that we do strongly support a permanent Japanese and German presence, with full voting rights, in the Security Council. The exclusion of two such potent nations makes little sense. However, the fundamental causes of these exclusions were manufactured in Bonn and Tokyo, not in New York. Bonn and Tokyo must now dismantle the obstacles to their Security Council membership which they, themselves, have manufactured. Then New York should move ahead and welcome both nations to full and permanent membership in the United Nations Security Council.

Sincerely,

KENT CONRAD.
WILLIAM V. ROTH, Jr.

AMENDMENTS SUBMITTED

NATIONAL SERVICE TRUST ACT OF 1993 DOMESTIC VOLUNTEER SERVICE ACT AMENDMENTS OF 1993

DOMENICI AMENDMENTS NOS. 717–718

(Ordered to lie on the table.)

Mr. DOMENICI submitted two amendments intended to be proposed

by him to the bill (S. 919) to amend the National and Community Service Act of 1990 to establish a Corporation for National Service, enhance opportunities for national service, and provide national service educational awards to persons participating in such service, and for other purposes, as follows:

AMENDMENT NO. 717

On page 49, line 15, strike "or".

On page 49, line 19, strike the period and insert "; or".

On page 48, between lines 19 and 20, insert:

"(6) any not for profit organization, unless such service does not in any way relate to influencing legislation (within the meaning of section 4911(d) of the Internal Revenue Code of 1986).

AMENDMENT NO. 718

On page 29, line 10, strike "33 1/3 percent" and insert "55 percent".

On page 32, line 9, strike "33 1/3 percent" and insert "25 percent".

On page 34, line 2, strike "33 1/3 percent" and insert "25 percent".

McCONNELL AMENDMENT NO. 719

(Ordered to lie on the table.)

Mr. McCONNELL submitted an amendment intended to be proposed by him to the bill, S. 919, supra, as follows:

At the end of section 129(a) of the National and Community Service Act of 1990, as added by section 101(a) of the bill, add the following:

"(4) EFFECT OF STATE FAILURE TO LIMIT PARTICIPANT LIABILITY.—If, on a date determined by the Corporation that is not later than 2 years after the effective date of this subtitle, a State fails to have in effect (and to verify in its application under section 130 that the State has in effect) a limitation on liability that satisfies the requirements of title V of the National and Community Service Trust Act of 1993, the allotment for such State shall be reduced by 5 percent, and the Corporation shall use the amount of the reduction to make a reallotment to other States that have in effect (and so certify) such limitation.

At the end of the bill, add the following (and conform the table of contents of the bill accordingly):

TITLE V—LIMITATION ON LIABILITY OF VOLUNTEERS

SEC. 501. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds and declares that—

(1) within certain States, the willingness of volunteers to offer their services has been increasingly deterred by a perception that they thereby put personal assets at risk in the event of liability actions against the organization they serve;

(2) as a result of this perception, many public and private not-for-profit organizations and governmental entities, including voluntary associations, social service agencies, educational institutions, local governments foundations, and other civic programs, have been adversely affected through the withdrawal of volunteers from boards of directors and service in other capacities;

(3) the contribution of these programs to their communities is thereby diminished, resulting in fewer and higher cost programs than would be obtainable if volunteers were participating;

(4) the efforts of not-for-profit organizations, local government, States, and the Federal Government to promote voluntarism, and community and national service, are adversely affected by the withdrawal of volunteers from boards of directors and service in other capacities; and

(5) because Federal funds are expended on useful and cost-effective social service programs which depend heavily on volunteer participation, protection of voluntarism through clarification and limitation of the personal liability risks assumed by the volunteer in connection with such participation is an appropriate subject for Federal encouragement of State reform.

(b) PURPOSE.—The purposes of this title are to promote programs of community and national service, to promote the interests of social service program beneficiaries and taxpayers, and to sustain the availability of programs and not-for-profit organizations and governmental entities which depend on volunteer contributions, by encouraging reasonable reform of laws to provide protection from personal financial liability to volunteers serving with not-for-profit organizations and governmental entities for actions undertaken in good faith on behalf of such organizations.

SEC. 502. NO PREEMPTION OF STATE TORT LAW.

Nothing in this title shall be construed to preempt the laws of any State governing tort liability actions.

SEC. 503. LIMITATION ON LIABILITY FOR VOLUNTEERS.

(a) LIABILITY PROTECTION FOR VOLUNTEERS.—For purposes of satisfying the requirement specified in section 129(a)(5) of the National and Community Service Act of 1990, and except as provided in subsections (b), (c), and (d), a State shall provide by law that any volunteer of a not-for-profit organization or governmental entity shall incur no personal financial liability for any tort claim alleging damage or injury from any act or omission of the volunteer on behalf of the organization or entity if—

(1) such individual was acting in good faith and within the scope of such individual's official functions and duties with the organization or entity and such functions and duties are directly connected to the administration of a program described in section 122(a); and

(2) such damage or injury was not caused by willful and wanton misconduct by such individual.

(b) CONCERNING RESPONSIBILITY OF VOLUNTEERS WITH RESPECT TO ORGANIZATIONS.—Nothing in this section shall be construed to affect any civil action brought by any not-for-profit organization or any governmental entity against any volunteer of such organization or entity.

(c) NO EFFECT ON LIABILITY OF ORGANIZATION.—Nothing in this section shall be construed to affect the liability of any not-for-profit organization or governmental entity with respect to injury caused to any person.

(d) EXCEPTIONS TO VOLUNTEER LIABILITY PROTECTION.—A State may impose one or more of the following conditions on and exceptions to the granting of liability protection to any volunteer of an organization or entity required by subsection (a):

(1) The organization or entity must adhere to risk management procedures, including mandatory training of volunteers.

(2) The organization or entity shall be liable for the acts or omissions of its volunteers to the same extent as an employer is liable, under the laws of that State, for the acts or omissions of its employees.

(3) The protection from liability does not apply if the volunteer was operating a motor vehicle or was operating a vessel, aircraft, or other vehicle for which a pilot's license is required.

(4) The protection from liability does not apply in the case of a suit brought by an appropriate officer of a State or local government to enforce a Federal, State, or local law.

(5) The protection from liability shall apply only if the organization or entity provides a financially secure source of recovery for individuals who suffer injury as a result of actions taken by a volunteer on behalf of the organization or entity. A financially secure source of recovery may be an insurance policy within specified limits, comparable coverage from a risk pooling mechanism, equivalent assets, or alternative arrangements that satisfy the State that the entity will be able to pay for losses up to a specified amount. Separate standards for different types of liability exposure may be specified.

SEC. 504. DEFINITIONS.

For purposes of this title—

(1) the term "volunteer" means an individual performing services for a not-for-profit organization or a governmental entity who does not receive compensation, or any other thing of value in lieu of compensation, for such services (other than reimbursement for expenses actually incurred or honoraria not to exceed $300 per year for government service), and such term includes a volunteer serving as a director, officer, trustee, or direct service volunteer;

(2) the term "not-for-profit organization" means any organization described in section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code;

(3) the term "damage or injury" includes physical, nonphysical, economic, and noneconomic damage; and

(4) the term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, any other territory or possession of the United States, or any political subdivision of any such State, territory, or possession.

KENNEDY AMENDMENT NO. 720

(Ordered to lie on the table.)

Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill, S. 919, supra, as follows:

In the matter proposed to be inserted, strike line 24 on page 256 through line 13 on page 257, and insert the following:

"(2) SUBTITLES C, D, AND H.—

"(A) IN GENERAL.—There are authorized to be appropriated to provide financial assistance under subtitles C and H of title I, to provide national service educational awards under subtitle D of title I, and to carry out such audits and evaluations as the President or the Inspector General of the Corporation may determine to be necessary, $300,000,000 for fiscal year 1994, $500,000,000 for fiscal year 1995, and, subject to subparagraph (B), such sums as may be necessary for fiscal year 1996.

"(B) STUDY.—Prior to any appropriation under subparagraph (A) for fiscal year 1996, the Corporation shall submit the report described in section 193A(b)(10) to the Committee on Appropriations of the House of Representatives, the Committee on Education and Labor of the House of Representatives, the Committee on Appropriations of the Senate, and the Committee on Labor and Human Resources of the Senate, for the review of each of such committees.

"(C) PROGRAMS.—Of the amount appropriated under subparagraph (A) for a fiscal year, up to 15 percent shall be made available to provide financial assistance under sections 125 and 126 and under subtitle H of title I.

COHEN AMENDMENTS NOS. 721–722

(Ordered to lie on the table.)

Mr. COHEN submitted two amendments intended to be proposed by him to the bill, S. 919, supra, as follows:

AMENDMENT NO. 721

Beginning on page 77, strike line 20 and all that follows through page 78, line 7, and insert the following:

"(a) AMOUNT GENERALLY.—

"(1) FULL-TIME SERVICE.—Except as provided in subsection (b), an individual described in section 146(a) who successfully completes a required term of full-time service as provided in section 139(b)(1) in an approved national service position shall receive, for each of not more than 2 of such terms of service, a national service educational award between $0 and $5,000, depending on the expected family contribution for a student, calculated in accordance with part F of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087kk et seq.) as if the participant were a student at the time of such calculation.

"(2) PART-TIME SERVICE.—Except as provided in subsection (b), an individual described in section 146(a) who successfully completes a required term of part-time service as provided in section 139(b)(2) in an approved national service position shall receive, for each of not more than 2 of such terms of service, a national service educational award between $0 and $2,500, depending on the expected family contribution for a student, calculated in accordance with part F of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087kk et seq.) as if the participant were a student at the time of such calculation.

AMENDMENT NO. 722

Beginning on page 77, strike line 20 and all that follows through page 78, line 7, and insert the following:

"(a) AMOUNT GENERALLY.—

"(1) FULL-TIME SERVICE.—Except as provided in subsection (b), an individual described in section 146(a) who successfully completes a required term of full-term service as provided in section 139(b)(1) in an approved national service position shall receive, for each of not more than 2 of such terms of service, a national service educational award between $1,500 and $5,000, depending on the expected family contribution for a student, calculated in accordance with part F of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087kk et seq.) as if the participant were a student at the time of such calculation.

"(2) PART-TIME SERVICE.—Except as provided in subsection (b), an individual described in section 146(a) who successfully completes a required term of part-time service as provided in section 139(b)(2) in an approved national service position shall receive, for each of not more than 2 of such terms of service, a national service educational award between $750 and $2,500, depending on the expected family contribution for a student calculated in accordance with part F of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087kk et seq.) as if the participant were a student at the time of such calculation.

DEPARTMENT OF JUSTICE AND RELATED AGENCIES APPROPRIATIONS ACT, 1994; DEPARTMENT OF COMMERCE APPROPRIATIONS ACT, 1994; JUDICIARY APPROPRIATIONS ACT, 1994; DEPARTMENT OF STATE AND RELATED AGENCIES APPROPRIATIONS ACT, 1994; DEPARTMENT OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATION ACT, 1994

BRYAN AMENDMENT NO. 723

Mr. BRYAN proposed an amendment to the bill (H.R. 2519) making appropriations for the Department of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1994, and for other purposes, as follows:

At the appropriate place, insert the following:

SEC. . (a) FINDINGS.—The Senate finds that—

(1) the commission of fraud by financial institutions has reached epidemic proportions;

(2) more than 1,200 banks and savings and loan associations have collapsed over the past 3 years and the Resolution Trust Corporation has found that fraudulent activities have contributed to the insolvency of nearly 60 percent of the thrift failures it investigated;

(3) as of October 1992, the Federal Bureau of Investigation had 9,759 pending financial institution fraud cases against banks, savings and loan associations and credit unions; because of the staggering number of cases, United States Attorneys are unlikely to prosecute financial institution frauds involving losses of over $12,000,000,000; Federal courts ordered financial institution fraud cases, that involves less than a half million dollars; the percentage of FBI investigations closed after United States Attorneys declined prosecution has increased to 76 percent; and

(4) during fiscal years 1989 through 1992, the Department of Justice has convicted 3,297 defendants in major financial institution frauds involving losses of over $12,000,000,000; Federal courts ordered financial institution fraud offenders to pay restitution and fines totalling more than $1,107,000,000; as of July 1992, the Government had collected only 4.5 percent of that amount.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Department of Justice and the United States court system should make collection of fines and restitution and the effective operation of the National Fine Center a top priority;

(2) the Attorney General should report to Congress on methods to improve collection of fines and restitution, including the use of private resources; and

(3) the President should proceed expeditiously to fill the position of Special Counsel for Financial Institution Fraud in the Department of Justice.

DOLE AMENDMENT NO. 724

Mr. DOMENICI (for Mr. DOLE) proposed an amendment to the bill, H.R. 2519, supra, as follows:

At the appropriate place, insert the following:

SEC. . It is the sense of the Senate that funds made available under P.L. 102-391, the Foreign Operations Appropriations Act for Fiscal Year 1993, for the Economic Support Fund, which have been allocated for Nicaragua, be instead made available for emergency humanitarian assistance for Bosnia-Herzegovina.

BROWN AMENDMENT NO. 725

Mr. BROWN proposed an amendment to the bill, H.R. 2519, supra, as follows:

On page 87, between lines 20 and 21 insert the following new section:

SEC. 609. None of the funds made available by this Act shall be used for contributions to the International Coffee Organization.

BROWN AMENDMENT NO. 726

Mr. BROWN proposed an amendment to the bill, H.R. 2519, supra, as follows:

On page 83, line 16, before the period at the end insert the following: ": *Provided*, That none of the funds appropriated under this heading may be disbursed to grantees who have not reimbursed the National Endowment for Democracy, from nongovernmental funds, for disallowed expenditures by such grantees for first-class travel, alcohol and entertainment, identified in the March 1993 report of the Inspector General of the United States Information Agency".

HOLLINGS AMENDMENT NO. 727

Mr. HOLLINGS proposed an amendment to the bill, H.R. 2519, supra, as follows:

On page 71 of the bill on line 3, strike the sum "$1,000,000" and insert "$2,000,000".

On page 74, line 19 delete period and add: ", of which not more than $2,500,000 will be made available to reimburse the city of San Diego, California for treatment of Tijuana, Mexico sewage."

DOLE (AND KASSEBAUM) AMENDMENT NO. 728

Mr. DOMENICI (for Mr. DOLE for himself, and Mrs. KASSEBAUM) proposed an amendment to the bill, H.R. 2519, supra, as follows:

On page 3, line 16, before the ";" insert the following: ", of which $1,000,000 shall be made available as a grant to Wichita, Kansas, for a community policing demonstration project"

DOMENICI AMENDMENT NO. 729

Mr. DOMENICI proposed an amendment to the bill, H.R. 2519, supra, as follows:

On page 63, line 16, strike the colon and insert: ", and of which $5,000,000 shall be available only for a grant to the National Center for Genome Resources to provide technical assistance and information to small businesses and for related activities:

SIMON (AND OTHERS) AMENDMENT NO. 730

Mr. SIMON (for himself, Ms. MOSELEY-BRAUN, and Mr. RIEGLE) proposed an amendment to the bill, H.R. 2519, supra, as follows:

At the appropriate place, insert the following:

"SEC. 504 (f) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, is amended by inserting the following after "task forces,": "and for programs or projects to abate drug activity in residential and commercial buildings through community participation,"'"

PRESSLER AMENDMENT NO. 731

Mr. PRESSLER proposed an amendment to the bill, H.R. 2519, supra, as follows:

On page 87, between lines 20 and 21, insert the following new section 609:

SEC. 609. TELEPHONE CALLING CARD PROCEDURES.

(a) ANALYSIS.—Not later than 180 days after the date of enactment of this Act, the Federal Communications Commission shall submit an analysis to Congress outlining options for addressing telephone calling cards procedures which will maximize consumer benefits.

(b) CONTENTS.—The Analysis shall include—

(1) a discussion of the various options regarding the use of calling cards and telephone calling card procedures;

(2) the costs of implementation of the options submitted as part of the analysis containing methods of addressing telephone calling card procedures;

(3) the benefits of various telephone calling card procedures to consumers;

(4) the competitive effects of various telephone calling card procedures; both to inter-LATA (local access transport areas) and intra-LATA) to consumers;

(5) any anticipated technical and legal problems that might arise under the various options for telephone calling card procedure;

(6) the effect on aggregators, including pay phone owners, hotels, motels, prisons, universities, and similar entities;

(7) the need for a change in view of compliance with the Telephone Operator Consumers Services Improvement Act of 1990 (P.L. 101–435); and

(8) the steps to be taken, if any, to implement options submitted as part of the analysis involving calling card procedures and the time frame necessary to complete such steps.

HATCH AMENDMENT NO. 732

Mr. DOMENICI (for Mr. HATCH) proposed an amendment to the bill, H.R. 2519, supra, as follows:

On page 19, line 2, strike "$725,161,000" and insert "$727,161,000";

On page 13, line 10, delete "$337,808,000" and restore the matter stricken; and

On page 77, line 13, strike"$210,000,000" and insert "$206,000,000".

HOLLINGS AMENDMENT NO. 733

Mr. HOLLINGS proposed an amendment to the bill, H.R. 2519, supra, as follows:

1. An amendment to the NOAA operations and facilities account. On Page 38, insert after "Arkansas" on line 5, the following: ", and of which $10,000,000 shall be available for NOAA-wide efforts to conduct research on coastal development and population growth-associated problems, seafood safety, and remediation of environmental contamination and habitat restoration, including joint pilot projects between the National Oceanic and Atmospheric Administration and the National Institute of Standards and Technology to apply advanced sensor and environmental technologies for such purposes, particularly at military installations slated for closure"

TREASURY DEPARTMENT APPROPRIATIONS ACT, 1994 POSTAL SERVICE APPROPRIATIONS ACT, 1994 EXECUTIVE OFFICE APPROPRIATIONS ACT, 1994 INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1994 TREASURY, POSTAL SERVICE AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1994

DECONCINI AMENDMENT NO. 734

Mr. DECONCINI proposed an amendment to the bill (H.R. 2403) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1994, and for other purposes, as follows:

On page 6, line 6, line type "$9,748,000" and insert, "$11,539,000".

On page 18, line 23, strike "for" and insert in lieu thereof, "from".

At the appropriate place in the bill insert the following new section:

SEC. . (a) Notwithstanding any other provision of law, hereafter, for purposes of complying with Executive Order No. 12839 and guidance issued thereunder, the number of civilian personnel positions that the Department of the Treasury may be required to eliminate in fiscal year 1994 and in fiscal year 1995 shall not exceed a number determined for each year by multiplying a fiscal year 1993 base which excludes all exempt positions by the applicable percentages in Executive Order No. 12839.

(b) For the purposes of this section, "exempt position" means a personnel position in the Department of the Treasury which the Secretary of the Treasury determines to be primarily employed in drug control, law enforcement, trade facilitation, or services to the public.

On page 55 of the bill, on line 8 strike everything beginning with the word, "; *Provided*" through "101–508." on line 11, and insert in lieu thereof, ": *Provided*, That such lease shall be authorized only if it meets the criteria on an 'operating lease' as defined under the Budget Enforcement Act of 1990, Public Law 191–508."

NATIONAL SERVICE TRUST ACT OF 1993 DOMESTIC VOLUNTEER SERVICE ACT AMENDMENTS OF 1993

McCAIN AMENDMENT NO. 735

(Ordered to lie on the table.)

Mr. McCAIN submitted an amendment intended to be proposed by him to amendment No. 709 proposed by Mr. KENNEDY to the bill, S. 919, supra, as follows:

Beginning on page 77, strike line 20 and all that follows through page 78, line 7 and insert the following:

"(a) AMOUNTS GENERALLY.—

"(1) FULL-TIME SERVICE.—Except as provided in subsection (b), an individual described in section 146(a) who successfully completes a required term of full-time service as provided in section 139(b)(1) in an approved national service position shall receive a national service educational award having a value, for each of not more than 2 of such terms of service, equal to—

"(A) 12 times the monthly rate used for the calculation of basic educational assistance allowances under section 3015(a)(1) of title 38, United States Code, as in effect on the date of the completion of such term of service; multiplied by

"(B) 90 percent.

"(2) PART-TIME SERVICE.—Except as provided in subsection (b), an individual described in section 146(a) who successfully completes a required term of part-time service as provided in section 139(b)(2) in an approved national service position shall receive a national service educational award having a value, for each of not more than 2 of such terms of service, equal to 50 percent of the value of the award described in paragraph (1).

TREASURY-POSTAL SERVICE APPROPRIATIONS ACT FOR FISCAL YEAR 1994

LOTT (AND OTHERS) AMENDMENT NO. 736

Mr. LOTT (for himself, Mr. NICKLES, and Mr. COVERDELL) proposed an amendment to the bill, H.R. 2403, supra, as follows:

SEC. . Notwithstanding any other provision of this Act, each amount of budget authority for fiscal year 1994 provided in this Act for payments not required by law is reduced by 1.478 percent. Such reductions shall be applied ratably to each account, program, activity, and project provided for in this Act.

METZENBAUM (AND OTHERS) AMENDMENT NO. 737

Mr. METZENBAUM (for himself, Mr. BAUCUS, Mr. CHAFEE, Mr. COHEN, Mr. SIMPSON, Mr. DORGAN, Mr. BROWN, and Mr. MOYNIHAN) proposed an amendment to the bill, H.R. 2403, supra, as follows:

On page 45, line 10, after "prospectus:" insert the following: "*Provided further*, That no funds shall be made available for leases, line-item construction, repairs, or alterations projects in this Act that are subject to section 7(a) of the Public Buildings Act of 1959 (40 U.S.C. 606(a)) prior to February 1, 1994, unless the projects are approved by the Committee on Environment and Public Works of the Senate: *Provided further*, That in no case shall funds be made available for any lease, line-item construction, repair, or alterations project referred to in the preceding proviso if prior to February 1, 1994, the lease, line-item construction, repair, or alterations project has been disapproved by the Committee on Environment and Public Works of the Senate: *Provided further*, That the Administrator of General Services shall submit detailed information on each lease, line-item construction, repair, and alternations project in this Act that is subject to section 7(a) of the Public Buildings Act of 1959 (40 U.S.C. 606(a)) to the Committee on Environment and Public

Works of the Senate not later than 30 days after the date of enactment of this Act:".

McCAIN AMENDMENT NO. 738

Mr. McCAIN proposed an amendment to amendment No. 737 proposed by Mr. METZENBAUM to the bill, H.R. 2403, supra, as follows:

Strike all beginning on line 2 after the word "following" through the end of the amendment and insert in lieu thereof the following:

"*Provided further*, That funds shall not be available for leases, line-item construction, repairs or alterations projects in this Act that are subject to section 7(a) of the Public Buildings Act of 1959 if such projects have not been approved by the Senate Environment and Public Works Committee and the House Committee on Public Works and Transportation, the Senate and the House of Representatives and signed by the President: *Provided further*, That the Administrator of General Services shall submit detailed information on each lease, line-item construction, repair, and alterations project in this Act that is subject to section 7(a) of the Public Buildings Act of 1959 (40 U.S.C. 606(a)) to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives not later than 30 days after the date of enactment."

SIMON (AND OTHERS) AMENDMENT NO. 739

Mr. SIMON (for himself, Mrs. FEINSTEIN, Mr. LAUTENBERG, Mr. KENNEDY, Mr. KOHL, Mr. METZENBAUM, Mrs. MURRAY, Mr. PRYOR, Mrs. BOXER, Ms. MIKULSKI, Ms. MOSELEY-BRAUN, and Mr. KERRY) proposed an amendment to the bill, H.R. 2403, supra, as follows:

On page 31, on line 19, delete the period and insert: ": *Provided*," The Secretary of the Treasury or his delegate (hereinafter referred to in this section as the Secretary) shall establish and hereinafter administer a program requiring the payment of an annual fee of $375 for the processing of applications (including renewals) for licenses to engage in the business of dealing firearms, required by sections 923(3)(B) and (C) of the Gun Control Act (18 U.S.C.) and the regulations issued thereunder and all other compliance activities related to firearm dealers. The fees provided for herein shall be effective for applications filed 90 days from the date of the enactment of this Act: *Provided further*, That fees will be collected by the Secretary of the Treasury or his delegate pursuant to this section, of which not to exceed $19,700,000 shall be retained and used for the specific purpose of offsetting costs of the Bureau's Firearms Licensing and Compliance Program, notwithstanding 31 U.S.C. 3302(b), and any fees collected in excess of $19,700,000 shall be deposited as miscellaneous receipts in the Treasury: *Provided further*, That the sum appropriated in this Act for salaries and expenses of the Bureau of Alcohol, Tobacco and Firearms shall be reduced not more than $19,700,000 as fees are collected pursuant to this section so as to result in a final fiscal year appropriation estimated at $368,046,000: *Provided further*, That the Bureau of Alcohol, Tobacco and Firearms shall increase by a number not to exceed 300 its number of full-time equivalent positions in the firearms licensing and compliance program in fiscal year 1994."

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 on Thursday, July 29, 1993, at 2 p.m. in open session to consider the nominations of Dr. Sheila E. Widnall, to be Secretary of the Air Force; and Dr. Graham T. Allison, Jr., to be Assistant Secretary of Defense for Policy and Plans. The committee will also consider and act on Senate Joint Resolution 114, a joint resolution disapproving the recommendations of the Defense Base Closure and Realignment Commission, unless the committee has acted sooner.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 9:30 a.m., July 29, 1993.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Thursday, July 29, 1993, at 10 a.m. to hold a hearing on United States policy in Somalia.

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

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Thursday, July 29, 1993, at approximately 11 a.m. to hold a business meeting.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Thursday, July 29, 1993, beginning at 9:30 a.m., in 485 Russell Senate Office Building to consider for report to the Senate S. 1121, the National Indian Research Institute Act; and Senate Joint Resolution 19, a resolution to acknowledge the 100th anniversary of the January 17, 1893, overthrow of the Kingdom of Hawaii, to be followed immediately by an oversight hearing on tribal college telecommunications and facility needs.

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 hold a business meeting during the session of the Senate on Thursday, July 29, 1993, to consider the nomination of Ruth Bader Ginsburg to be Associate Justice to the Supreme Court.

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 Thursday, July 29, 1993, at 1 p.m. to hold a hearing on the nomination of Louis J. Freeh, to be Director of the Federal Bureau of Investigation.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. FORD. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, July 29, 1993, at 3:30 p.m. to hold a hearing on intelligence matters

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

SUBCOMMITTEE ON PUBLIC LANDS NATIONAL PARKS AND FORESTS

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 2 p.m., July 29, 1993.

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

SUBCOMMITTEE ON SECURITIES

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Securities of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate Thursday, July 29, 1993, at 10 a.m. to conduct a hearing on Securities and Exchange Commission authorizations.

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

SUBCOMMITTEE ON SUPERFUND, RECYCLING AND SOLID WASTE MANAGEMENT

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Superfund, Recycling and Solid Waste Management, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Thursday, July 29, 1993, beginning at 9:30 a.m., to conduct a hearing on the Environmental Protection Agency's proposal to extend the municipal landfill criteria compliance deadline.

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

ADDITIONAL STATEMENTS

YOUTH ON THE RISE

• Mr. DECONCINI. Mr. President, I rise today to share with the Senate an example of how the young people in Tucson, AZ, are working to solve the problem of youth violence. A group of

young people are working with my staff and several community groups to put together an event called Youth on the Rise, to be held on August 14 at Kennedy Park. This event is created by the youth of Tucson for the youth of Tucson. Many community leaders in Tucson have come together as a resource to assist these young people in this endeavor. An event such as this is important for young people because it provides them with a constructive diversion from the too often violent world in which they are living. Youth on the Rise will consist of an art contest, rap contest, car show, a dance with a DJ, a youth fair, and other activities to last throughout the day.

This occasion was proposed by some of the young people who participated in the Judiciary Committee field hearings I presided over in June, on youth violence. A recurring sentiment among the youth participants in the hearings was that in order for young people to have pride in what was being done to help them, they had to have a role in its creation. In this instance Mr. President, they have total responsibility for the creation and implementation of the event, thus guaranteeing that they will be able to take pride in it.

In closing Mr. President, I would like to comment the participants in Youth on the Rise. I am sure it will be a tremendous success, and will be a model for future youth events around the country.●

TRIBUTE TO THE McGREGOR CO., WAITSBURG, WA

● Mr. GORTON. Mr. President, I pay tribute today to a company that has established and maintained the highest standards for preserving and protecting the environment. And, in the process of crating a successful business, this outstanding company has achieved national recognition for its environmental stewardship. It is this leadership that provides a role model to guide other businesses in an effort to protect our pristine environment.

The McGregor Land & Livestock Co. has been doing business in Washington State for 112 years. In 1954 the McGregor family decided to become an agricultural retailer dealing in fertilizer and chemicals. They opened the doors of the McGregor Co. in Hooper, WA, and the organization now includes 22 facilities located throughout Washington, Oregon, and Idaho.

Mr. President, I have known Nancy and Bill McGregor for many years. I am proud to say that these accomplishments recognized today exemplify the integrity and visionary outlook with which the entire McGregor family has always conducted its business.

This week the McGregor's Waitsburg plant was chosen from hundreds of businesses across the country to receive the national Environmental Respect Award. This award is designed to recognize and promote environmental stewardship at the retail level.

The Waitsburg branch manager, Pat McConnell, and his 19 employees have set the highest standards for preserving and protecting the environment. They have achieved this by operating their plant in an environmentally sound manner to the benefit of their customers and the Waitsburg community.

The McGregor Co. draws special recognition because when this facility was first established, one of the core principles was to protect the environment; as a result, the management sought out the toughest regulations across the country and implemented them at this plant. Setting such high standards was not required by Washington State law. The management and employees simply believed it was good business to respect the environment. I believe this explains why the McGregor Co. has been honored with this important award.

Mr. President, farming is not an easy occupation. The McGregor Co. employees help farmers to grow the products which feed the Nation and the world. I applaud the efforts of this company and the strong initiative it has taken in assisting the farming community and respecting the environment.●

LIBERATING THE POOR FROM HUD'S HOUSE OF PRIVILEGE

● Mr. MACK. Mr. President, in recent years, the operations of the Department of Housing and Urban Development has been subject to intense scrutiny. Both the process by which its programs are implemented and the policies which guide its programs have drawn criticism.

In a recent paper distributed by the Alexis de Tocqueville Institution, Tom Humbert continues that criticism. Humbert, who was Deputy Assistant Secretary for Policy Development and Research at HUD from 1989–92, forcefully argues that HUD programs work against personal responsibility, empowerment, and entrepreneurial job creation.

Humpaper is a worthy addition to the debate about HUD, and I ask that it be printed in the RECORD.

The paper follows:

LIBERATING THE POOR FROM HUD'S HOUSE OF PRIVILEGE

(By Tom Humbert)

President Clinton's call to "abolish welfare as we know it" has proven to be one of the most popular promises of his campaign. If the Administration, however, is going to realize the true potential of its welfare agenda, its reforms must encompass not only welfare and training programs, but also the over $28 billion spent at the Department of Housing and Urban Development. The truth is that no agency is more in need of Clinton's promise to "reinvent government" than HUD.

Housing should be a platform for self sufficiency. Yet HUD has rarely taken its mission seriously to fight a war against poverty. A HUD report released in December 1992 concluded that major HUD programs "very seldom solve worse case needs" in housing—the most needy renters with incomes less than 50 percent of median and priority housing problems. To take one example, the Community Development Block Grant program—the spearhead of Clinton's economic stimulus program—devotes less than 7 percent of its funds to worse case housing needs even under optimistic assumptions.

Indeed, a close look at the major housing and community development programs demonstrates that the Department really isn't an anti-poverty agency. The really powerful forces behind many HUD programs are not poor people at all, but the big cities, bankers, public housing bureaucracies, and well-connected developers and builders who receive the lion's share of HUD's subsidies.

With powerful friends like that, it's not surprising that HUD has become a quagmire of special interest programs and pork barrel spending. When the Department has not forgotten the poor altogether—as in the CDBG program—its programs are often so bureaucratic and interest-group driven that they trap the poor in an almost iron-clad grip of disincentives, despair, powerlessness, and dilapidated housing.

The agency must not continue on its track of the last 25 years. Despite its high flying rhetoric and goals, the Department has lost its moral compass. After spending hundreds of billions in subsidies, the truth is that the Department has not solved poverty, it has not attacked poverty, it has not ameliorated poverty. Its conventional programs actually perpetuate and spread poverty. It must be radically changed not only because it is wasting money, but because it is wasting human lives.

Indeed, if President Clinton's claim of seeking fundamental change is to be taken seriously, he must advance a comprehensive opportunity agenda that abolishes the current top-down bureaucracy and replace it with a system that empowers poor people themselves with choice, homeownership, and opportunity. In short, he must aim to liberate the poor from what has become HUD's House of Privilege.

Ironically, Senator Dole has done President Clinton a favor by blocking the Administration's plans to pass the economic stimulus package. It forewarns the President that the public's tolerance for wasteful spending is dwindling, even when packaged as investment spending, and offers the Administration a second chance to rework, rethink, and reorganize its urban policy.

COMMUNITY DEVELOPMENT AS PORK BARREL

President Clinton's request for $2.5 billion in additional Community Development Block Grant (CDBG) program funding, for example, which HUD Secretary Cisneros recently described as "the most effective, successful, praised, bipartisan urban program in American history," instead offered Republicans an easy target as wasteful spending easily sacrificed to reduce the budget deficit.

For their part, the nation's big city mayors shot themselves in the foot when their list of critical "ready to go" urban projects included pork barrel spending schemes such as $1.2 million for an "arts center" in San Francisco, $250,000 for a "central compost facility" in Kalamazoo, MI, $400,000 for "carousel renovations" in Providence, RI, $360,000 for a pool in Columbia, S.C., and $200,000 for a "sports complex" and "historic mill" in Central Falls, RI. It was impossible to argue that these are emergency investment projects.

In reality, the CDBG program has long been a breeding ground for scandal, abuse, and waste. Recently, the Congressional Committee investigating the HUD scandals of the 1980s spotlighted local CDBG schemes like low-interest loans to a minor-league hockey team in Troy, NY, a Saudi sheik in Miami, and such corporate giants as Sears. The Committee reported that taxpayers funded $5 million in illegal expenses including over $10,000 for dinner at a country club, $3,000 for model airplanes, and $3,000 for a limousine ride.

The case against federal aid to cities goes well beyond the occasional boondoggle project. Federal block grants are understandably popular among big city mayors. All politicians love programs that allow them to cut ribbons on highly-visible projects without undertaking the pain of raising taxes or matching federal funding. But such grants virtually assure fiscal irresponsibility, naturally breeding overspending and waste at the local level.

Moreover, the CDBG program is poorly targeted to people in housing need. The December HUD report found that a recent $1 billion increase in CDBG would "have very little impact in reducing worst case needs because such a small share of CDBG funds have been used in ways that address worst case needs." This is hardly surprising since more than 870 cities and counties are eligible for block grant money, including such wealthy communities as Beverly Hills, Palm Beach, and Hyannis Port.

When President Clinton asked for more funding for CDBG, however, he justified the program as the cities' first defense against poverty. In HUD politics, these bait-and-switch tactics are hardly unusual. When former HUD Secretary Jack Kemp asked Congress to target the CDBG program to anti-poverty concerns and low-income families, no Congressman would even introduce the measure.

It's time for the cynical manipulation of the poor to end. In today's fiscal climate, the federal government simply has no extra revenues to share with wealthy communities and well-heeled families. Indeed, the over $4 billion requested for the CDBG program represents a perfect "downsizing" opportunity for deficit reduction.

THE HOME BLOCK GRANT: UNTARGETED SPENDING

The HOME housing block grant, which President Clinton has slated for $1.5 billion—a $500 million "investment" spending hike—should also undergo scrutiny. HOME was originally swallowed by the Bush Administration as one part of a compromise for passage of Kemp's HOPE program. Now that President Clinton's budget has slashed HOPE, HOME could become vulnerable. The HOME program is experiencing an enormous clogged spending pipeline: only 4 percent of the $2.5 billion in appropriated funds has been spent over the 3 year span since the program's inception in 1990. While redtape restrictions are in part to blame, the real problem is that many communities won't or can't come up with the local spending match and are facing intense resistance from neighborhoods who oppose more low-income housing. It's difficult to argue for higher spending when local communities can't even make good use of past appropriated funds.

Rather than large increases in spending, a significant downsizing of the HOME program would be defensible. In reality, the program mostly provides rich subsidies to fund big housing developers and non-needy families, explaining its strong support in Congress and among interest groups. According to HUD, more than 80 percent of HOME funds go to subsidize families who are not worst-case housing needs—i.e. the non-needy.

SUBSIDIES FOR THE RICH

By now, the poison has spread throughout virtually every HUD program, including the most popular and widely supported. The low-income housing tax credit (LIHTC) is one of the largest and most popular housing programs, yet it is also one of the most poorly targeted: fewer than 25 percent of the LIHTC units built or rehabilitated—and perhaps as few as 13 percent—are likely to serve worst case needs. In the words of the recent HUD report: "relatively few worst case households are likely to be served by LIHTC units in the absence of additional subsidy."

Of course, Wall Street bankers, builders and developers, and even non-profit groups gain rich returns from the LIHTC—sometimes skimming off 20-30 percent or more of federal subsidies in fat fees, underwriting costs, and developers' costs. These special interest groups, of course, help assure that the tax credit survives even the most bruising budget and tax fights in Congress.

PUBLIC HOUSING: WAREHOUSING THE POOR

Another cornerstone of conventional anti-poverty strategies is public housing, slated by the Clinton Administration for more than $7 billion in fiscal 1994. With rising vacancy rates, with horribly dilapidated housing unfit for human habitation, and with a record of shattered lives and pathological behavior, public housing is one of the clearest demonstrations of government policy gone awry.

Today, despite record funding, more than 100,000 units of public housing are empty. The reason why is clear: HUD provides subsidies to local authorities for even vacant and boarded up units—up to $150 million in operating subsidies in 1993 alone. With such lax management incentives, it is no wonder that more than one-fifth of public housing units don't even meet HUD's minimal habitable standards and are classified as severely distressed, suffering from an almost total breakdown in rent collection, rampant vacancies, shameful maintenance records, administrative overstaffing, and near bankruptcy conditions.

Take the Washington, D.C. PHA, as one typical example of perhaps the worst 23 housing agencies. It has suffered for years from over 20 percent vacancy rates, uncollected rents nearing 400 percent of total monthly rents due, unexpended modernization funds today totaling nearly $100 million, and 225 percent overstaffing of administrative personnel. Like most troubled PHAs, the District has gone through literally dozens of public housing directors in the last decades. Each has promised sweeping change and improvement only to see good intentions end in failure and gridlock. Directors however need not worry about their job security: they have the consolation of moving to other cities whose public housing directors are most likely experiencing the same revolving door politics.

Rather than try to change the system, public housing advocates clamor for more money, even though the pipeline is already clogged with more than $2 billion of unspent funds at the 23 most troubled public housing agencies. More money forced into a corrupt and bloated system will not work. It will simply waste taxpayer money and condemn the poor to yet another seemingly endless round of broken promises and shameful conditions.

Yet, President Clinton's Administration is asking for public housing funding at record levels. Is he oblivious to the harsh truths about life in the "projects?" Secretary Cisneros's pet reform is to bring middle income and working families into the projects as models. But the overwhelming number of poor people themselves are not to blame. The socialized management and deadened-incentives of the public housing system itself breed the worst sort of pathologies and despair. Secretary Cisneros's mixed income housing proposal, far from solving the problem, simply sidesteps it by wasting taxpayers' money on the non-needy at a time when millions of the truly needy are waiting in long lines for housing.

CONGRESS $25 BILLION OWNER BAILOUT

The so-called preservation/prepayment program could be dubbed Congress's $25 billion mistake. Due to an "oversight" in housing legislation passed during the seventies, Congress has permitted owners of subsidized housing to prepay their HUD mortgage and remove their projects from low-income housing restrictions after 20 years, in essence converting the housing to market rate rentals. Now to rectify that mistake, Congress seeks to spend $25 billion or more over the next decade to project owners for retaining this housing as low income. Besides paying a second time for housing that has already been heavily subsidized by the government with loans and grants, Congress has set compensation at such outrageous levels that it accumulates to $80,000 or more per unit, in many areas for aging and in some cases dilapidated projects. For this expense not one new unit would be added to the housing stock.

HUD's Inspector General reported that the real estate experts at a recent conference advised assisted housing owners to "get what you can now, sit at the table and feast." To his credit, Secretary Cisneros is asking for a cutback in the subsidy, but even with this decrease, the preservation program presents perhaps the area of greatest scandal, abuse, and sheer greed at HUD.

HOUSING VOUCHERS: THE NEGLECTED SOLUTION

There is a far better approach to housing the poor than the flawed programs of public housing, LIHTC, CDBG, and HOME. Indisputable studies prove that housing vouchers serve twice as many people for the same costs, serve them right away rather than after lengthy rehab or new construction efforts, and empower people by allowing them to decide where to live.

New housing construction is overwhelmingly not needed since more than three-fourths of the most needy renters suffer from high rent burdens alone—and don't otherwise suffer from lack of decent housing; the voucher's income supplement easily serves the bulk of worse case housing needs. Moreover, more than 90 percent of voucher funds are targeted directly to worst case housing needs; and with vouchers there is no need to house the poor in densely-packed projects. Poor people themselves vastly prefer vouchers over public housing. Anyone who has visited a big public housing project would know why.

Why doesn't Congress shift to the voucher strategy? The reality is that the well-connected lobbies prefer building more public and assisted housing because it creates more construction and public service jobs at union-mandated wages and generates big fees for developers, builders, and bankers. And nothing gives politicians more pleasure than striking poses as anti-poverty champions,

cutting ribbons on brand new housing projects, while collecting fat campaign contributions from construction and other special interests.

HUD indeed represents the triumph, perhaps the pinnacle, of special interest politics wrapped up in the rhetoric of compassion. The scale serves everyone's needs, except, it seems, the hard-pressed taxpayer and the poor themselves.

Isn't it time to recognize that HUD should subsidize poor people instead of buildings and developers? Isn't it time to judge HUD programs by one, and only one, standard: do they help poor people rebuild their lives and liberate themselves from poverty?

A SIX POINT EMPOWERMENT STRATEGY

If the Administration genuinely wants to abolish welfare as we know it, it should advance a six step strategy based on President Clinton's often expressed principles of job creation, empowerment, and personal responsibility.

First, a genuine anti-poverty vision demands the elimination of untargeted programs and unfocused block grants in favor of housing vouchers that offer choice, freedom, and mobility. HUD should fold funding for the CDBG program, the public housing new construction program, the public housing new construction program, the housing program for the elderly, the HOME block grant, and the low income housing tax credit and mortgage revenue bond program into an expanded housing voucher program.

With the same level of funding as these existing programs, more than 2 million additional worst case families could be served, out of the 5 million current unmet worst case housing needs, without a dime going to special interests. In other words, simply better income targeting of HUD programs within existing funding levels, can have dramatic effects on substantially reducing or eliminating worst case housing needs. This one proposal would literally reduce the severe housing needs of poor Americans by nearly half without additional net funding.

These vouchers should be distributed through states and cities so they can be combined with local social services for special needs populations, like the elderly, handicapped, and mentally-ill. Moreover, the recently passed Family Self-Sufficiency program offers a successful, compassionate model for true independence by requiring voucher assistance to end in five years of less.

Second, public housing authorities are the tools of the 1930s and are unable to do the job of the next generation. They should be dramatically transformed or put out of business by the year 2000. The HOPE program will help by promoting homeownership and resident management corporations in public housing, and it should be fully funded to maximize that potential. Congress should implement and fund legislation which give residents living in troubled public housing authorities the power to fire their public housing management in favor of non-profit or private management groups. By the year 2000, with a concerted effort by the Clinton Administration, public housing could be completely owned and managed by the residents with remaining non-participating residents give vouchers that allow them to live anywhere the choose.

Third, Secretary Cisneros should admit that the experiment with subsidizing building rather than people has been a big mistake, and not try to patch over the existing subsidized housing programs with yet one more owner bailout. By the year 2000, low income residents should be given vouchers and be able to choose whether to stay in their buildings or find alternative housing.

Fourth, we must recognize core homelessness as largely a mental health and substance abuse problem and deal with it aggressively, primarily through non-profit community groups and state and city governments who are responsible and compassionate providers of these services. The Shelter Plus Care program, first recommended by former HUD Secretary Kemp, already offers the model: use federal vouchers for housing, and ask in return that non-profits or state and city governments match that federal commitment with appropriate services. Using this approach and dramatically expanding the availability of vouchers, there is no reason that homelessness cannot be dramatically reduced.

ENTERPRISE ZONES THAT WORK

Fifth, President Clinton and Secretary Cisneros deserve credit for releasing an Enterprise Zone bill so early in the Administration. But, by primarily offering only wage credits in Enterprise Zones (or Empowerment Zones as they are now called), the Clinton Administration offers the wrong mix of incentives needed for distressed communities. These communities already offer employers a surplus of cheap labor. Making that labor even cheaper will have little impact on employment. Existing wage credits, such as the Targeted Jobs Tax Credit, have failed; most employers don't even use them for workers that are eligible for them. On top of that, the recently-expanded earned income tax credit has already dramatically reduced the cost of hiring lower income workers. A further deep reduction would not be the best incentive to spur employment.

The central Enterprise Zone strategy must be to create new businesses in distressed areas by recognizing that you can't create employees without creating more employers. Virtually every survey of small businesses demonstrates conclusively that what is most needed is access to seed capital to start new enterprises or expand operations. More business startup would force employers to hire more marginal workers and undertake job training and skills development.

The Administration's Enterprise Zone bill, as it now stands, is far too weak. It must be combined with a dramatic capital incentive, preferably the elimination of the capital gains tax and expensing of stock in new enterprises.

A RISING TIDE OF JOB CREATION AND ENTERPRISE

Sixth, President Clinton should offer a genuine economic growth and family plan that reduces tax rates on labor and capital, cuts the capital gains tax and indexes it for inflation. A reduction in the payroll tax, as Senator Moynihan has recommended, would be an important step to help small businesses expand employment. By contrast, President Clinton's current plan of relying on higher tax rates on the rich will only deepen the inner cities' capital anemia and ironically hurt poor people who most need the jobs and opportunities that additional capital would create.

President Clinton should also make good on his promise for a middle class tax cut by dramatically expanding the children's exemption to $6,000 or more, to help bolster the financial security and independence of the working poor.

RECOMMITMENT TO OPPORTUNITY

In short, President Clinton should put welfare reform and economic growth at the top of his agenda. But he will have to champion a different model than his initial budget recommends. The model should be the one Bill Clinton promised during the campaign and Jack Kemp championed at HUD—personal responsibility, empowerment, and entrepreneurial job creation. Above all, the Administration must recommit itself to the basic moral and economic goals that never have been taken seriously by HUD over the years—resisting special interests and liberating the poor from dependency.

It took more than 70 years before the communist empire collapsed from internal rot and complete lack of faith in and by the people. But once the forces of change began, there was nothing to hold up the entire system—it had no supports left. So it will be with the current poverty system. This hollow edifice will tumble suddenly and completely of its own weight, opening up a road to freedom for the poor to take advantage of growth, opportunity, and enterprise. People will only wonder why it took so long.•

TRIBUTE TO SHEEP GROWERS OF KENTUCKY

• Mr. McCONNELL. Mr. President, I rise today to pay tribute to the sheep growers of Kentucky for their efficient techniques and successful new marketing endeavors.

The National Wool Grower magazine recently highlighted the accomplishments of several Kentuckians in the sheep industry, and I wanted to bring these to my colleagues' attention.

Dorothy Haddix of Mount Sterling, KY, is working to increase the marketability of small farmers' meat lambs for sale to producers. In order to compete with the larger farmers, Ms. Haddix created a tele-auction and a lamb pool. With the lamb pool bringing together small farmers from across the State, farmers are able to consolidate sufficient numbers in order to market more effectively to area packers.

Annie Brown, of the Appalachian Fiber Crafters Guild in Mount Sterling, KY, is actively promoting the wares of the handspinning market. She has been successful in assembling a top-notch handspinning flock and is working with the guild to encourage the use of outstanding fleeces like hers in the market. Ms. Brown's efforts to increase the quality of the fleece and at the same time promote the spinning, weaving, and dying of wool will have a positive impact on the future of the wool industry in our Commonwealth.

Wigglesworth Farms, in Paris, KY, is a prime example of a sheep operation running at full capacity. Wigglesworth Farms is Kentucky's largest commercial sheep producer, and combines sheep and cattle farming with intensive crop production. Kathy Meyer, manager of Wigglesworth, utilizes her buildings and feedstuffs to the maximum, using the same barns to simultaneously hang tobacco and hold sheep. Ms. Meyer also waits to shear her ewes in October, when the barns are cleared of tobacco.

Mr. President, I would like to pay tribute to these and all of the sheep

farmers of Kentucky for the example they set with their efficient management methods and their innovative marketing strategies. I salute their progress, and wish them added success in the future.

Mr. President, I ask that the attached article be included in the RECORD.

The article follows:

[From the National Wool Grower, June 1993]

KENTUCKY: A LESSON IN DIVERSITY

(By Janice Grauberger)

In Kentucky, sheep and tobacco go together. At least that's what many of the state's foremost sheep enthusiasts have to say about the kinship between the two industries, which often exist side by side on the same farms.

Tobacco is almost an agricultural given if you live in Kentucky, says Kentucky Sheep Growers Past President Dorothy Haddix of Mt. Sterling, Ky., who explains that the case value of tobacco has always been a mainstay for Kentucky farmers.

Not so with the sheep industry, particularly after four years of record-low prices that have taken a bite out of the state's sheep numbers. But Haddix and other sheep-industry leaders in the state say that with the state's excellent forage resources, sheep are a natural for the Bluegrass State and will continue to be a vital industry as producers pull together some innovative and successful new marketing ventures.

As you visit Kentucky sheep farms, it's not uncommon to find the sheep standing in barns where the high rafters are hung with stalks of drying tobacco leaves, and the air is filled with the aroma of tobacco juices . . . "the smell of money." Haddix says with a laugh as she reaches up to check the crackle and crunch of the leaves that tells her just how close that "money" is to harvest. The tobacco, while taking up only 2 percent of Kentucky's farm ground, brings in about 50 percent of its farm income, topping the list of commodity money earners in the state.

Out in her pastures, farmed in large part by her own family for the last six generations, Haddix's sheep are grazing in the cold drizzle, which is only one of the climate extremes the Kentucky location can throw at her. The farm is set up to handle the sheep in a 15-acre rotational-grazing pattern designed for easy movement and access to the main barn for animal health routines. Every pasture includes low-roofed shade barns that let the sheep get out of the hot sun during summer months or out of the rain in winter weather.

Lush green pastures take careful management in any year to maintain their condition and best utilize the forage, mostly bluegrass, fescue and orchard grass. The fescue is a tough native grass that "withstands about anything." Haddix says. But it's a mixed blessing, she adds. "Part of the time you love it, the rest of the time you hate it. Too much fescue grass and the livestock won't breed, and you have foot problems."

Haddix grazes cattle and sheep together, capitalizing on their varied grazing habits to best use the pasture grasses. In 1992, droughty conditions put a premium on the hay markets and gave producers like Haddix some financial and management worries, she said. "Water is a problem in this part of the country. There are very few springs, and ponds must be dug on top of a hill because of sinkholes and hollows," she said. So sheep on her farm drink water stored in a 20,000-gallon above ground cistern that works on a gravity-flow basis.

She points her pickup across the pastures of the 150-acre farm, talking about the resources that depend solely on rain for water. It's a vulnerable position for a farmer, she says. Kentucky's lamb-marketing situation increases the vulnerability.

Haddix looks across her flock, talking about the need for length and width in meat lambs and the difficulty of marketing for the small producers across Kentucky. That issue spurred the Kentucky producers to form a lamb pool and tele-auction, designed to put together adequate numbers to market more effectively to area packers. Her home phone and its ever-present answering machine serve as the pool's central processing point.

"It works better when a producer runs the program," she said. "In Kentucky, people like to be talked to about their sheep. It just works better."

Young people and their interest in sheep is another project Haddix has taken to heart. She offers local 4-H and FFA youngsters project lambs and helps them learn about animal care and sheep industry. "Some of these kids don't have a lot. The kids love this and their parents too."

Haddix, a full-time farmer, is an exception in Kentucky where a large part of the sheep producers are part-timers.

Most have to be entrepreneurs of one kind or another to make sheep production work, Haddix says.

So is the case with Annie Brown, who is aiming her sheep enterprise at the spinning, weaving and craft market. Brown has her heart set on continued success in building a top-notch handspinning flock.

Her flock has grown to 77 from its start in 1986, and she has built a collection of individual animals which meet her needs for outstanding fleeces. Out in the pasture stand Columbias, Dorset, Corriedale and Romney crosses, and Rambouillets in a collection of fleece colors destined for handcrafts. Brown has drawn together a group of people interested in spinning, and as their knowledge and skills grew during their first year together, they began to talk about looking for value-added markets for their wares.

Now 17 people strong, Brown says the group called the Appalachian Fiber Crafters Guild is a wonderful boon to the wool industry. Some of its members have sheep, others do not, but all share a common love of the fiber industry and are active in promoting the skill of spinning, dyeing and weaving at area events.

The group is now recruiting weavers and knitters, with an eye on the mail-order business. "We are brainstorming the idea in our group," Brown says.

"When you are into the wool end, you look at things differently," Brown says. "We don't really look at what's underneath the wool," she says, adding that must change to benefit the entire industry.

Only a few hours away by local highways, Kathy Meyer manages Kentucky's largest commercial sheep operation. Wiglesworth Farms has a reputation in Kentucky for being all business, designed and managed for maximum forage management and production of lamb and wool in addition to the cow-calf operation. Three farms total 1,600 acres and support intensive crop and livestock production, which includes 1,000 ewes and 200 brood cows.

There, the sheep stand under tobacco leaves in barns that do double duty. "None of us here have sheep barns," Meyer says. "We just have barns we use for sheep."

The key at Wiglesworth is coordinating all the agricultural enterprises to best utilize all the buildings and feedstuffs, a challenge that Meyer believes is not only possible but essential for a farming enterprise to survive. One example is fall lambing for 400 ewes shorn in October when barn room is available and lambed in assembly-line fashion on another farm. Then they graze turnip tops or other crop aftermath for additional energy.

Replacement lambs go to market in the spring to the private buyers who know the farm's reputation for quality commercial sheep. "Wiglesworth is a model for other farms," Meyer says. "We keep the numbers here to do it efficiently, and the farm has always had good, progressive managers who believe in doing it right."

The farm's owner, Mr. Wiglesworth, is the mainstay behind the operation, supporting new ideas that are more efficient or cost saving, she says. "It was never his idea to be the biggest, but he wanted to be the most efficient farm in the state. Anything other than grass is considered supplemental feed here," she said. "We concentrate on the forages and their management."

The bottom line is where Meyer concentrates, saying the farm is a commercial enterprise that ultimately must survive on profit. "This farm must run to its most efficient capacity."

The farm has always included sheep, despite the fact they take more intensive management, Meyer said. "Sheep really go along with our conservation efforts here on the farm. They take more attention, but they can be more profitable."

Meyer manages the sheep and cattle together, grazing the species in rotation to best utilize the forage. "The sheep run behind the cattle or side by side, depending on the situation," she said.

Variety, diversity and flexibility are key to Kentucky sheep production. Its producers make the most of all three factors in their operations.●

UNANIMOUS-CONSENT AGREEMENT

Mr. FORD. Madam President, on behalf of the majority leader, I ask unanimous consent that the Senate resume consideration of H.R. 2403 at 9 a.m., Friday, July 30; that there be 2 hours for debate prior to a point of order being raised against the Simon amendment No. 739, with the time equally divided and controlled between Senators SIMON and CRAIG; further, that the previous unanimous consent regarding the cloture vote on the Kennedy substitute amendment No. 709, to the committee substitute to S. 919, be modified to reduce the time for debate prior to the vote to 20 minutes; that the other provisions of the previous order remain in effect; and that Senators be permitted to file second-degree amendments until the time of the vote.

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

Mr. FORD. Madam President, on behalf of the majority leader, I announce there will be no more votes this evening.

ORDERS FOR FRIDAY, JULY 30, 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 9 a.m., Friday, July 30; that following the prayer, the Journal of the proceedings be deemed approved to date; that the time for the two leaders be reserved for their use later in the day; that immediately after the Chair's announcement, the Senate resume consideration of H.R. 2403, the Treasury, Postal Service appropriations bill, as provided for under a previous unanimous-consent agreement.

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

RECESS UNTIL TOMORROW AT 9 A.M.

Mr. FORD. Madam President, if there is no further business to come before the Senate today, I ask unanimous consent that the Senate stand in recess, as previously ordered.

There being no objection, the Senate, at 9:36 p.m., recessed until Friday, July 30, 1993, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate July 29, 1993:

DEPARTMENT OF STATE

RICHARD HOLBROOKE, OF NEW YORK, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE FEDERAL REPUBLIC OF GERMANY.

JAMES T. LANEY, OF GEORGIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF KOREA.

DEPARTMENT OF JUSTICE

ERIC HIMPTON HOLDER, JR., OF THE DISTRICT OF COLUMBIA, TO BE U.S. ATTORNEY FOR THE DISTRICT OF COLUMBIA FOR THE TERM OF 4 YEARS VICE JAY B. STEPHENS, RESIGNED.

STEPHEN CHARLES LEWIS, OF OKLAHOMA, TO BE U.S. ATTORNEY FOR THE NORTHERN DISTRICT OF OKLAHOMA FOR THE TERM OF 4 YEARS VICE TONY MICHAEL GRAHAM, RESIGNED.

VICKI LYNN MILES-LAGRANGE, OF OKLAHOMA, TO BE U.S. ATTORNEY FOR THE WESTERN DISTRICT OF OKLAHOMA FOR THE TERM OF 4 YEARS VICE TIMOTHY D. LEONARD, RESIGNED.

THOMAS JUSTIN MONAGHAN, OF NEBRASKA, TO BE U.S. ATTORNEY FOR THE DISTRICT OF NEBRASKA FOR THE TERM OF 4 YEARS VICE RONALD D. LAHNERS.

JOHN W. RALEY, JR., OF OKLAHOMA, TO BE U.S. ATTORNEY FOR THE EASTERN DISTRICT OF OKLAHOMA FOR THE TERM OF 4 YEARS.

RANDALL K. RATHBUN, OF KANSAS, TO BE U.S. ATTORNEY FOR THE DISTRICT OF KANSAS FOR THE TERM OF 4 YEARS VICE MORRIS LEE THOMPSON, RESIGNED.

FREDERICK W. THIEMAN, OF PENNSYLVANIA, TO BE U.S. ATTORNEY FOR THE WESTERN DISTRICT OF PENNSYLVANIA FOR THE TERM OF 4 YEARS VICE THOMAS W. CORBETT, JR.

MICHAEL JOSEPH YAMAGUCHI, OF CALIFORNIA, TO BE U.S. ATTORNEY FOR THE NORTHERN DISTRICT OF CALIFORNIA FOR THE TERM OF 4 YEARS VICE JOSEPH P. RUSSONIELLO, RESIGNED.

DEPARTMENT OF LABOR

ANNE H. LEWIS, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF LABOR, VICE STEVEN I. HOFMAN, RESIGNED.

IN THE ARMY

THE FOLLOWING NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTIONS 624 AND 628, TITLE 10, UNITED STATES CODE.

MEDICAL CORPS

To be major

BENJE H. BOEDEKER, [redacted] DOMENICK E. DIRICO [redacted]
WAYNE T. FRANK [redacted]

MEDICAL SERVICE CORPS

To be major

PAUL R. HULKOVICH [redacted]

IN THE ARMY

THE FOLLOWING NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTION 624, TITLE 10, UNITED STATES CODE. THE OFFICERS INDICATED BY ASTERISK ARE ALSO NOMINATED FOR APPOINTMENT IN THE REGULAR ARMY IN ACCORDANCE WITH SECTION 531, TITLE 10, UNITED STATES CODE:

To be lieutenant colonel

ACKER, CHRISTOPHER [redacted]
ACKER, ROBERT H. [redacted]
ADAMS, FRANCIS H. [redacted]
ADAMS, GREGORY A. [redacted]
ADAMS, JEFFREY A. [redacted]
ADAMS, JOHN C. [redacted]
ADAMS, THOMAS H. [redacted]
AGOSTA, PAUL P. [redacted]
AHRENS, DAVID A. [redacted]
ALDERSON, FREDERICK [redacted]
ALFARO, MIGUEL JR. [redacted]
ALICEA, BRENDA L. [redacted]
ALICEA, JOSE L. [redacted]
ALLEN, CHARLES H. [redacted]
ALLEN, VIRGINIA A. [redacted]
ALLISON, RALPH E. JR. [redacted]
*ALTHOUSE, JAMES M. [redacted]
ALTOMARE, NICHOLAS [redacted]
ANDERSON, BRUCE W. [redacted]
ANDERSON, JAMES M. [redacted]
ANDERSON, LEVON [redacted]
ANDERSON, OSCAR R. [redacted]
ANDERSON, STEVEN M. [redacted]
ANDERSON, WALTER N. [redacted]
ANDREWS, KURT A. [redacted]
ANDRIANI, MICHAEL R. [redacted]
ANGEVINE, JOHN R. [redacted]
ANTAL, JOHN F. [redacted]
ARCHAMBAULT, RAOUL [redacted]
ARMBRISTER, SCOTT L. [redacted]
ARNESON, CHARLES W. [redacted]
ARNESON, JEFFREY A. [redacted]
ASHWORTH, KENTON L. [redacted]
ASLINGER, JERRY A. [redacted]
ATKINSON, GLORIA A. [redacted]
AUSTIN, JOHN K. [redacted]
AUSTIN, MELVIN C. [redacted]
BABB, CHARLES S. [redacted]
BAILEY, GILBERT L. [redacted]
*BAILEY, ROBERT C. [redacted]
BAILEY, STEVEN L. [redacted]
BAILLIE, JOHN H. [redacted]
BALDI, JANET V. [redacted]
BALDO, MARIE L. [redacted]
BALL, DONALD J. [redacted]
BALL, ROBERT L. [redacted]
BALL, WILLIAM C. [redacted]
BANASIK, THOMAS A. [redacted]
BANKEY, ROBERT M. [redacted]
BANKY, RANDALL G. [redacted]
BARBOUR, WESLEY E. [redacted]
BARCLAY, JAMES O. [redacted]
BAREFIELD, MICHAEL [redacted]
BARNES, ROBERT S. [redacted]
BARON, HAZEN L. [redacted]
BARRERA, RICARDO S. [redacted]
BARRETT, STEVEN R. [redacted]
BARROWS, STEVEN A. [redacted]
*BARTHOLOMEW, JILL A. [redacted]
BASINGER, ROBERT C. [redacted]
BASS, ROGER S. [redacted]
BATCHELDER, CHRISTO [redacted]
BATCHELOR, FREDERIC [redacted]
BATES, GERALD JR. [redacted]
BATTEY, WILLIAM C. [redacted]
BAUM, HOWARD W. [redacted]
BAUMANIS, AIVARS Z. [redacted]
BAYLES, WILLIAM J. [redacted]
BAYNES, RONALD R. [redacted]
BEAGLES, JAMES M. [redacted]
BEAIRD, THOMAS M. [redacted]
BEAL, HAROLD G. [redacted]
BEARD, VICKI L. [redacted]
BEASLEY, RONALD E. [redacted]
BEASOCK, MICHAEL K. [redacted]
BEATTIE, MARK A. [redacted]
BEATTY, ARLENE L. [redacted]
BEAVER, ROBERT L. [redacted]
BEAVERS, GARRY J. [redacted]
BEAVERS, LEE J. [redacted]
BECERRA, RUBEN [redacted]
BECKWORTH, DEBORAH [redacted]
BEDNAR, JOHN C. [redacted]
BEGINES, THOMAS J. [redacted]
BEIRNE, JAMES D. [redacted]
BELCHER, GERALD J. [redacted]
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THOMPSON, GORDON R. xxx-xx-x...
THOMPSON, LINDA I. xxx-xx-x...
THOMPSON, PHILIP S. xxx-xx-x...
THOMPSON, RICHARD E. xxx-xx-x...

THRESHER, RICHARD G. [redacted]
TIERNEY, FRANCES W. [redacted]
TIMMONS, TIM [redacted]
TISE, VICTOR [redacted]
TOMBRELLA, JACK B. [redacted]
TORO, JOSE A. [redacted]
TOWNSEND, ROBERT N. [redacted]
TRAMONTINI, KARINE [redacted]
TREECE, CHARLES F. [redacted]
TRIMBLE, MICHAEL D. [redacted]
TROUT, TERRY E. [redacted]
TRUBIA, MICHAEL D. [redacted]
TRUMPS, THOMAS H. [redacted]
TUPPER, STEPHEN H. [redacted]
TURLETES, CHRISTOPH [redacted]
TURNER, BLAIR M. [redacted]
TURNER, JOHN S. [redacted]
TURNER, MICHAEL M. [redacted]
TWOMEY, ANDREW B. [redacted]
TYLER, JACQUELINE J. [redacted]
ULMER, WALTER F. [redacted]
UNANGST, JOHN C. [redacted]
UDNERWOOD, CHARLES [redacted]
URBAN, STEPHEN A. [redacted]
UTTERBACK, GARY W. [redacted]
UTZIG, MARTIN T. [redacted]
VALENTI, CAROLE C. [redacted]
VALLOR, RAYMOND J. [redacted]
VANCE, CHARLES D. [redacted]
VANCE, JACKIE L. [redacted]
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VANGORDEN, WAYNE J. [redacted]
VARNADO, SHEILA A. [redacted]
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VERMILLION, MICHAEL [redacted]
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VOGT, THOMAS S. [redacted]
VOLK, MARK [redacted]
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WISE, MARK R. [redacted]
WITCHER, CARL J. [redacted]
WITHROW, MARGARET A. [redacted]
WITTEN, BENARD J. [redacted]
WOJCIECHOWSKI, PAUL [redacted]
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WRENN, CURTIS L. [redacted]
WRIGHT, GEORGE E. [redacted]
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YAWN, BARBARA A. [redacted]
YOUNG, HARRY D. [redacted]
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YOUNGS, RAYMOND R. [redacted]
ZELLMER, JOHN G. [redacted]
ZOOK, DAVID H. [redacted]
ZYGMUNTOWICZ, ANDRE [redacted]