HOUSE OF REPRESENTATIVES—*Thursday, July 29, 1993*

The House met at 10 a.m. and was called to order by the Speaker pro tempore [Mr. MONTGOMERY].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
July 29, 1993.

I hereby designate the Honorable G.V. (SONNY) MONTGOMERY to act as Speaker pro tempore on this day.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Of all the gifts that You have so freely given, O God, we pray that we treasure the gift of thanksgiving and the spirit of gratitude. We are aware that all the necessary duties of daily living require time and attention and there seems to be little occasion for reflection and appreciation and praise to You, O God, and to family and friends. Encourage us to find great value in the moments that we have to offer our thanksgiving and appreciation and open our eyes and enhance our awareness to all the blessings that we have received this day and every day. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. TORKILDSEN. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. TORKILDSEN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to rule I, the Chair will postpone the vote on the approval of the Journal until later in the day.

The point of order of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Pledge of Allegiance will be led by the gentleman from Ohio [Mr. HOBSON].

Mr. HOBSON led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 236. An act to establish the Snake River Birds of Prey National Conservation Area in the State of Idaho, and for other purposes; and

H.R. 2683. An act to extend the operation of the migrant student record transfer system.

The message also announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 798. An act to amend title 38, United States Code, to codify the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of such veterans as such rates took effect on December 1, 1992.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1131. An act to extent the method of computing the average subscription charges under section 8906(a) of title 5, United States Code, relating to Federal employee health benefits programs.

FREEDOM FOR JOHN DEMJANJUK

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the Israeli Supreme Court has overturned the conviction that John Demjanjuk was the infamous Ivan the Terrible of the Treblinka death camp.

I want to commend Israel for reaffirming to this Government and the American people why we have so much faith in them as a free nation.

I would like to say that Israel has taught America and Congress a lesson that individual rights should never be clouded by controversy or sensitivity. Congress did not and failed to do the things that Israel did and that America is better for it and Israel certainly is historically much more powerful in that regard.

But now the issue of Mr. Demjanjuk, a free man without a country, must be dealt with.

I will be coming to the Congress with a private bill that will say to return Mr. Demjanjuk to America and revisit and review his citizenship status. Let us get to the bottom of this. Let us get to all the facts and ferret through them and deal with this great issue.

Certainly Congress has enough courage and backbone to do that.

Finally, Mr. Speaker, I am going to ask President Clinton to help initiate the biggest manhunt in world history. For 15 years we have allowed a man named Ivan Marczenko, 9 years older and taller, a long scar on the neck, the real Ivan, to go free. He may still be alive in Eastern Europe. We are going to ask that the people of all the free world get together and have the biggest manhunt in history to find maybe the worst criminal in our history.

AMERICANS WANT TO CUT SPENDING, NOT RAISE TAXES

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Mr. Speaker, I rise because I have noticed that a number of our Democratic friends seem confused by the outcome of the Lieutenant Governor's election in Arkansas. They seem concerned that for only the fourth time in the 20th century a Republican has won a statewide office in Arkansas. They seem a little apprehensive that in the President's home State the voters have spoken and by 51 to 49 they rejected the President's party and they elected a Republican in Arkansas.

Well, when you start talking about 7-cent-a-gallon and 9-cent-a-gallon gas taxes and you get outside of the subways of New York and outside of the elevated in Chicago and you have people who drive and you suddenly have people in a place like Fayetteville, Pine Bluff, or Little Rock thinking about trying to drive somewhere and they think about the Democratic tax increase that is going to burden them and they think about their families, not being able to go for a Sunday ride or not being able to get to the grocery

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store and they think about how much it is going to cost them to drive to work, they say, "Do I want to vote Democrat for a bigger tax increase or do I want to vote Republican to send a signal that it is time to cut spending first? It is time to help."

In Arkansas, as in Texas, as in Jersey City, as in Los Angeles, as in district after district in special elections, voters are saying, "Gee, maybe I don't want a Democratic tax increase and maybe 7 cents or 9 cents a gallon more on my gas tax is just too much to give the Democrats to spend in Washington on their special interest patronage politics."

THE PRESIDENT'S ECONOMIC PLAN

(Mr. VISCLOSKY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VISCLOSKY. Mr. Speaker, this week we continue to make progress on implementing President Clinton's economic plan, the largest deficit reduction plan in history. It will put our Nation back on the right track.

This is the change we want. It is good for the middle class. And—most of all—it will really work.

The President's plan makes the spending cuts and tough choices that we only heard a lot about over the last 12 years. President Clinton's plan cuts $83 billion in entitlement spending ranging from Medicare to agriculture. His plan also cuts $41 billion in discretionary spending including foreign aid.

No matter how you slice it, President Clinton's plan really cuts spending.

Mr. Speaker, the American people should be proud that their President has the courage to address our Nation's problems and secure the brightest future for ourselves and our children.

TWENTY-SEVEN NEW TAX INCREASES IN 27 WEEKS

(Mr. PAXON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAXON. Mr. Speaker, at the 100-day mark of the Clinton administration, we took a look at the record of this administration and the Democratic Party on taxes and we came up with 14 new tax proposals in 14 weeks. That was Clinton at 100 days, and we thought to ourselves that they could not possibly devise any more ways to exact punishment from the American people in the form of taxes.

Wrong, absolutely wrong. I am shocked, quite frankly, because we took a look now here at the 27th week mark of the Clinton administration and the Democrats, unbridled control of the House and the Senate. And what have they done? They have come up with 27 new or increased taxes in 27 weeks, Clinton and the Democrats.

Mr. Speaker, if the Democrats had applied themselves so diligently to finding ways to cut spending during that time, 27 new ways to cut spending, we would have been happy to join them; but 27 ways to raise taxes in 27 weeks, it is time to end this tax madness. This is even before the reconciliation committee is done and before the health care reforms are done.

Mr. Speaker, 27 taxes in 27 weeks, that is too much for taxpayers anywhere in the United States.

□ 1010

THOU SHALT NOT BEAR FALSE WITNESS

(Mr. STRICKLAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STRICKLAND. Mr. Speaker, the Christian Coalition is calling senior citizens and deliberately misleading them about the President's deficit reduction plan.

A distraught 83-year-old woman was told President Clinton and I would tax her Social Security. That is simply not true. She gets only $267 a month in Social Security plus a small pension. She will never have to pay taxes on her Social Security under any bill I or the President have supported.

When I told her the truth, she said, "But I listen to Pat Robertson every night; I don't believe he would lie to me."

Mr. Speaker, the betrayal of such trust should cause those responsible to hang their heads in shame.

If they want to criticize the President's budget plan and me for supporting it, so be it. But to purposefully frighten older Americans for political gain is immoral and indecent.

Clearly, the Christian Coalition has forgotten the Ninth Commandment: "Thou shalt not bear false witness."

THE ABYSS

(Mr. THOMAS of Wyoming asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMAS of Wyoming. Mr. Speaker, stuffed in the pages of the Washington Post was this revealing headline: "Clinton Woos Reluctant Lawmakers on Economic Package."

Over the last several weeks, we have heard members of the Democratic majority condemn Republicans for opposing the largest tax increase in history. We have heard the majority trumpet the Clinton tax plan as the greatest economic stimulant since the California gold rush. We have sat through speech after speech about how this plan will actually help small business.

But the President was not trying to woo Republicans to support his package. No, he was trying to woo Members of his own party. And his hard sell is not working.

Let me quote from one prominent Member of the other body:

> So far, what I see moving through the conference committee does not do enough to put our economic house in order. I think we better step back from the abyss and work on a bipartisan approach now.

Mr. Speaker, this issue is not about partisan politics. We need to step back from the abyss.

MEDICAID HEALTH ALLOWANCE ACT OF 1993 BRIDGING THE GAP

(Mr. HOBSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOBSON. Mr. Speaker, yesterday I introduced a bill that will reform Medicaid at a time when Medicaid reform is absolutely critical. The solution, the Medicaid Health Allowance Act of 1993, addresses two of the biggest obstacles facing health care reform; namely, skyrocketing Medicaid costs and a growing population of Americans unable to afford health insurance.

This proposal helps to solve both problems. It does so by allowing States to redirect Medicaid funds into health allowance programs. These programs enroll eligible individuals in private market health plans that hold down inflation. For States that participate, it curbs inflation of health care costs and provides relief to States which are suffering from double-digit inflation of Medicaid.

It also insures more people, now, Medicaid covers less than 50 percent of people under the poverty level, leaving 10 million people, living in poverty, uninsured. This creates a gap—people who cannot qualify for Medicaid and who cannot afford to buy insurance. Expanded access provides coverage for those in the gap, and an option exists to extend coverage to the working poor above the poverty level.

The extra cost to insure these people is covered by redirecting the Federal disproportionate share already paid to States for uncompensated hospital care to the poor. No new taxes or spending is required.

We know such programs work and that people gain better care and live healthier lives. I have seen it work with the Dayton area health plan which has been able to achieve tremendous cost savings, and it is working in other States as well.

With this plan, you insure more people at a lower cost per person. You minimize expensive and inefficient emergency room hospital care, and you provide higher quality of care.

THE JOLLY GIGANTE VERDE

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KAPTUR. Mr. Speaker, today I would like to tell my colleagues the story of the Green Giant who moved to Mexico and changed his name and the American workers who lost their jobs as a result.

For years the Jolly Green Giant has encouraged Americans to eat his vegetables. Frozen vegetables such as this were packaged at a Watsonville, CA, plant that employed over 1,000 workers, mostly minority women, who earned enough to support their families, educate their children, and have something left for their retirement.

Then the Pillsbury Corp. decided to move the Green Giant to Irapuato, Mexico, where he became the Gigante Verde. Today the Watsonville plant employs fewer than 200 workers. Over a hundred American workers who earned $7.61 per hour, plus benefits, were replaced by Mexican workers who earned less than $4 a day.

Mr. Speaker, the familiar symbol of the Green Giant has not changed, and the prices at the stores are no lower. American consumers do not know that their vegetables are now processed in Mexico rather than California.

Let us stop NAFTA and the movement of more of our jobs south of the border.

REJECT THE GAS TAX

(Mr. HUTCHINSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUTCHINSON. Mr. Speaker, as the conferees look to and lean toward a gas tax to solve the budget impasse, a resolution passed by the Democrat-controlled Public Transportation Committee of the Arkansas State Legislature makes imminent good sense, and they, in urging the Arkansas delegation to oppose a gas tax, remind us that the gasoline tax for deficit-reduction purposes would be a regressive tax that would affect the poor to a greater extent than those at other income levels.

They remind us that most household vehicle miles of travel are not discretionary, and only 30 percent of the miles traveled are for social or recreational purposes, and that there continues to exist a substantial need to rehabilitate the Nation's transportation infrastructure. Motor fuel taxes should remain dedicated to transportation purposes alone.

Mr. Speaker, the Governor who succeeded Bill Clinton in Arkansas, Governor Tucker, tells us to the extent the Federal gas tax is imminent it will be more difficult to have that as an available resource for highway programs in the States.

We need to defeat this. In fact, the headline on the cover of this month's Money magazine says it well: "Act now. Beat the biggest tax hike ever."

That is good advice for this Congress.

TRIBUTE TO "THE GHOST OF BATAAN" ON HIS 80TH BIRTHDAY

(Mr. KLINK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLINK. Mr. Speaker, I rise today to pay tribute to M. Sgt. Abie Abraham, USA, of Butler, PA. Mr. Abraham is known as "The Ghost of Bataan." Sergeant Abraham was stationed in the Philippines in 1941. When the Japanese attacked, his battalion was immediately embroiled in one of the most terrible battles in United States military history.

The holding action at Bataan as well as the ensuing Bataan Death March, are counted among the most horrifying examples of treatment of prisoners of war. It is to the courage of all of these men in uniform that I salute Sergeant Abraham.

Not only did Sergeant Abraham survive this experience, but he also wrote a book about the ordeal of these brave men. Sent back to the Philippines by General MacArthur in 1951, Sergeant Abraham exhumed and recovered the bodies of his fellow soldiers who fell. From those actions, he was given the title, "The Ghost of Bataan."

Mr. Speaker, I call upon my colleagues to join me in paying tribute to this great American and honored soldier on this, his 80th birthday.

□ 1020

TRIBUTE TO THE LATE HONORABLE STEVEN PANKOW, FORMER MAYOR OF BUFFALO, NY

(Mr. QUINN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. QUINN. Mr. Speaker, it is with great sadness that I rise before the House today. On Sunday, July 25, Buffalo, NY, lost one of its most respected mayors, Steven Pankow, who passed away after a brief illness at the age of 85.

He was born to Ukrainian parents in the old first ward and attended Buffalo public schools until the age of 16, wh left school to work.

Mayor Pankow was elected Erie County clerk in 1950. He served as mayor of the city of Buffalo during the city's golden era in the 1950's. In a 1985 interview, Steven Pankow said he wanted the people of Buffalo to remember him as having done something good for the city and its people.

I believe he far surpassed his goal. Mayor Pankow is credited with the creation of the port authority and the youth board, as well as playing a key role in the revitalization of the police athletic league baseball program for children.

Steven Pankow was also known as the people's mayor for as he once said in a recent interview, "I always had time to listen to all the people."

Steven Pankow was the embodiment of the hands-on mayor. He enjoyed being involved in the daily affairs of government. People could observe him taking his daily excursion around the city to the various governmental departments to confirm that everything was operating smoothly.

He is survived by his wife of 63 years, Mary, and she has our prayers. Mayor Pankow will be sorely missed as a friend and colleague. The people of Buffalo should be proud that they had a man such as Steven Pankow to serve them so well, and they should realize the difference his presence made in their lives.

D-DAY APPROACHING FOR RECONCILIATION

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute.)

Mr. MAZZOLI. Mr. Speaker, we are approaching what might be called the economic equivalent of D-day. We heard this morning that by this evening in all likelihood the conferees will make a decision on the reconciliation package, the great budget bill which is designed to pull America out of economic doldrums and to reduce our debt and our deficit and get us on the right course for the next century.

We in the House will have to make a decision next week whether to go or not to go, whether to act or refrain from acting. I hope the decision of the House is to move forward and to take action and pass the reconciliation bill. I said earlier here in the well that I believe the worst thing we can do is to do nothing.

We may have differences of opinion in good faith about too much taxes or too little, or too little spending or too much, but the end result of it is that there will never be a perfect package. But there may be a perfect time in which to take action, and I think we are approaching that time, and the House should take action.

BIG OIL AND BIG GOVERNMENT JOIN FORCES ON THE GASOLINE TAX

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, yesterday in a touching display of patriotism Big Oil came out in favor of the Clinton gas-tax increase. Now, was that not thoughtful of them?

Big Oil and Big Government have now lined up to stick it to the little man, the working man, and the middle class. What else is new?

Who are these folks we are talking about? Not silk-stocking oil refiners but factory workers who have to drive to cities to get their work, rural people who drive 40 or 50 miles a day, small contractors, bakers, and florists who have to drive to deliver their goods and services.

Mr. Speaker, if this tax increase passes, Big Oil and Big Government will as always survive, but will the working class and the middle class survive? I do not know. I really do not know, and I am not convinced that this thing will do anything for deficit reduction at all, as promised. But I do know this: It will increase taxes, and it will be hard on the working class.

Mr. Speaker, I am sticking with the bipartisan coalition of Democrats and Republicans on my vote.

THE EARNED INCOME TAX CREDIT AND WELFARE REFORM

(Mrs. KENNELLY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. KENNELLY. Mr. Speaker, there is no doubt that no one likes to think about taxes or talk about taxes, let alone pay additional taxes, but there is one situation where we should very explicitly talk about a tax, and that is the earned income tax credit.

Arcane? Yes, but not for long. This credit is a very big part of the President's economic budget. Last fall we found out the American people had no faith in our welfare system. They wanted reform. The earned income tax credit is the first step toward welfare reform. It means that people who work hard, 40 hours a week, do not have their paychecks devastated by deductions. It means that people can take care of their families and themselves and not fall into the abyss of welfare.

Mr. Speaker, part of the President's package is that earned income tax credit, something we are going to learn to like, something that will make America better.

DEFICIT REDUCTION IS PROMISE OF CLINTON BUDGET

(Mr. ROMERO-BARCELÓ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROMERO-BARCELÓ. Mr. Speaker, today we are faced with two budget plans. One that represents real deficit reduction. Real change, and real hope for our children's future. President Clinton's plan will reduce the deficit by $500 billion in the next 5 years; $500 billion, achieved by spending and entitlement cuts that are real and equitable.

It is the first real move toward deficit reduction in the past 12 years.

And what is the response of the Republicans in the House and Senate? An attempt to continue the gridlock of the past 12 years.

An unrealistic budget that falls $100 billion short of President Clinton's deficit reduction plan. An attempt to protect their wealthy friends and hurt the middle class, the working class, and the poor by slashing Medicare and Medicaid and forcing the American people to accept fewer police officers, less AIDS research, less education funding and less worker training.

It is time to break the gridlock. It is time for change and time to rise above petty partisan rhetoric and do what we were sent here to do: reduce the deficit by adopting a sensible and equitable plan. One that offers meaningful reduction, and real hope for our future.

TAXES ARE FOREVER

(Mr. BAKER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BAKER of California. Mr. Speaker:

Promised spending cuts and Higher Taxes
The President's plan is what he asks of us,
While in theory, it all sounds so nice,
Keep in mind this piece of advice,
There's one thing we all must remember,
While these cuts are but fleeting,
The Taxes are forever.

That is the truth of the administration's tax plan. The President's taxes will last forever unless a new law is passed to rescind them, while the administration's spending cuts must be discovered 2 years from now. Like 1990, the taxes came $100 billion strong, the promised cuts never came.

That means that taxes in this Democrat-controlled Congress will keep on hitting the middle class year after year starting at the beginning of this year.

Spending cuts, on the other hand, are promised far in the future. In fact, 60 percent of the President's spending cuts are promised in the last 2 years of this reconciliation bill.

In the President's budget plan, the spending cuts are illusionary, but the taxes are forever.

MEMBERS URGED TO PASS THE CLINTON RECONCILIATION BILL

(Mr. KOPETSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOPETSKI. Mr. Speaker, over the last week much has been written and said about the President's deficit-reduction plan. Let us cut through all the rhetoric and focus our attention on the task the President has begun and we must finish.

Our country needs deficit reduction. We need to cut the deficit by $500 billion, which is what the President's plan will do.

We need to return to tax fairness in this country. Under this plan those who cannot afford to bear the costs of deficit reduction will not pay any additional taxes. These are the people making under $30,000 a year. For those between $30,000 and $140,000, the cost will be about $50 per year, less than $1 a week for a sound economic future.

There has been a lot of talk about the Clinton plan hurting small business. In fact, the plan provides unprecedented incentives for small business to create jobs and sustain real economic growth. And it is not just any job. This plan is designed to create high-paying jobs and stronger job opportunities.

Mr. Speaker, let us help America. Let us show the American people that Congress can act responsibly. Let us pass the President's reconciliation bill.

□ 1030

SOAK THE RICH, SINK THE ECONOMY

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, in his rush to soak the rich, President Clinton is willing to sink the economy and drown the middle class. High income and business taxes punish the successful and the employers who create America's jobs.

The President does not say that two-thirds of the wealthy are small businesses that file individual income tax returns. These small businesses create 80 percent of America's new jobs. President Clinton says he wants more jobs, but you do not do that by punishing the people who do the job-creating.

He adds another tax and another job-loser to his economic plan with his gas tax. His only spending cuts are defense cuts—over twice as large as promised during the campaign—and they will cut another half a million jobs.

It is clear his economics plan, the largest tax hike in history, is a jobs killer not a jobs creator. That is why Americans oppose it when they find out what's in it. The President should quit trying to sell a pig-in-a-poke, tax-and-spend plan, and try developing a poke-in-a-pig one to cut spending first.

REPUBLICANS AGAINST DOING ANYTHING

(Mr. WISE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WISE. Mr. Speaker, the question is, when do we do anything? Listen to those opponents on the other side. Apparently the answer is never. They

weep about those who would drive to work and pay, yes, one dollar a week more possibly in gas tax and from a rural area, I understand that. But what they are not telling you is that over 80 percent of the tax increases will fall upon those making over $140,000 a year.

They talk about failure to have any cuts. But they do not tell you there are 200 specific cuts, and that in their budget they planned over $66 billion of unspecified cuts. Find their cuts.

They talk about small business and weep about that, not telling anybody that 96 percent of businesses are not affected or actually have a positive benefit from this plan.

What they do not talk about is change. What they tell you is they are against the deficit, they are against taxes, they are against taxing the rich. They are against any cuts that hurt. But what they will not tell you is they are against doing anything. We do not have that luxury anymore.

THE ELECTION IN ARKANSAS

(Mr. HEFLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HEFLEY. Mr. Speaker. how do the people of Arkansas feel about Bill Clinton's Presidency?

Are they impressed with the administration's tax plan? Do they want more Democratic leadership in their State?

Well, if you look at Tuesday's election for Arkansas Lieutenant Governor, the answer to all of those questions is no. The loser said, "There was a hostile climate out there to the Democratic Party in general and to Bill Clinton in particular."

For the first time since Bill Clinton lost to Frank White for Governor, a Republican has won a statewide election in Arkansas.

This stunning upset tells me several things.

First, the people of Arkansas do not want higher taxes, and more government spending, any more than the rest of us do.

Second, change is coming, but not the kind of change the Democrats want. The American people are rejecting the policies of tax and spend.

Now we know the secret. The people of Arkansas sent Bill Clinton here for a reason. That reason was to get him out of Arkansas.

GOP BECOMING A PARTY WITHOUT A PURPOSE

(Mr. DURBIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DURBIN. Mr. Speaker, the American people understand partisan politics. Not a single Republican Congressman voted for President Clinton's economic growth plan. Not a single Republican Congressman would vote for the rule to bring President Clinton's flood disaster to this floor. The Republicans are in tight formation and lock step opposing the Clinton administration.

But Americans know that the Clinton plan is a step in the right direction. They want both parties to come together, to create jobs, to help small business, do something about our deficit and get America moving again.

Sixty-seven business leaders from both political parties met with the President yesterday to endorse his efforts to reduce the deficit and get our economy moving. But will a single Republican Congressman have the courage to vote against gridlock? Will one Republican step forward to support the change Americans asked for last November?

The Grand Old Party, unfortunately, is becoming a party without a purpose.

CHRISTIAN COALITION'S RIGHT TO BE HEARD

(Mr. DELAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DELAY. Mr. Speaker, I appreciate the gentleman from Illinois [Mr. DURBIN] making a great speech for Republicans everywhere.

Mr. Speaker, I rise in defense of the Christian Coalition. It seems they have been caught committing democracy. They are trying to spare this Nation the effects of the Clinton tax-and-pretend budget. Mr. Speaker, there are some in this Chamber who believe that Christians, like well-behaved children, should be seen and not heard. They do not complain when Hollywood produces a countless stream of movies, television shows, and record albums that offend Christians. They do not complain when the ACLU and other groups make every possible effort to stamp out Christianity in our public discourse. They do not complain when the current administration consistently takes actions that outrage Christian sensibilities. But the minute a group of like-minded Catholics, Jews, and Evangelical Protestants actually tries to become active in the tax fight, they scream that this is unfair, that it is unjust, that Christians should remain silent.

Mr. Speaker, the sheer hypocrisy of this attitude leaves me breathless. I, for one, am thankful that a group has come forward to speak for millions of Americans who do not want their taxes raised. I will support the Christian Coalition's right to be heard, and I sincerely hope they will be heard more often.

Christians will not remain silent. We are here to stay.

PUT PEOPLE FIRST

(Ms. PELOSI asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PELOSI. Mr. Speaker, in the campaign President Clinton said that all Americans who work should not live below the poverty line. The President fulfills this promise and once again honors his commitment to American families, this time by including the earned income tax credit in his economic plan.

Under this provision, American families whose earnings are below the poverty line will receive a tax credit. This investment in people will help reduce the deficit by helping more Americans become taxpayers.

The earned income tax credit is a first step in welfare reform. In fact, it is essential to welfare reform.

Mr. Speaker, I urge my colleagues to support the President's plan to invest in people and reduce the deficit. I urge them to do this and help Americans choose work, not welfare, choose jobs, not dependence; choose hope, not despair. Let us join the President in putting people first.

Mr. Speaker, today's Wall Street Journal reported what many of us already know from speaking to our constituents: Americans favor President Clinton's economic plan and they want it passed. Let us get on with the job.

WHAT IF TAX INCREASES WEAKEN THE ECONOMY?

(Mr. SMITH of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Michigan. Mr. Speaker, I rise today to bring to the attention of other Members the possible adverse impact of relying on tax increases to reduce the deficit.

If the economy grows by just 1 percent less than expected over the next 5 years, the deficit will increase $366 billion.

If the unemployment rate increases just 1 percent over the next 5 years, and the budget resolution assumes a rosey decrease to 5.7 percent by 1998, the deficit will increase $289 billion.

If interest rates rise just 1 percent, the deficit over the next 5 years will increase $155 billion.

Mr. Speaker, these figures have been confirmed by the Congressional Budget Office this past spring in their Economic and Budget Outlook: Fiscal Years 1994–98.

Mr. Speaker, I contend that adopting a budget reduction package that relieves on huge tax increases will hurt the economy. One can describe the rational for the current mix of tax increases as fairness, but tax increases in general, reduce economic growth—increasing taxes does not create economic growth.

It is ironic that this body is again talking about increasing taxes. The American people remember the last time we increased taxes and increased spending. The 1990 tax bill did not help the economy. Instead, it cost us jobs, it put us at a competitive disadvantage, and it robbed the American taxpayers of more of there hard earned money.

In 5 years, the current plan will bring us deeper into debt.

EARNED INCOME TAX CREDIT

(Mr. SCHUMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, lost in the din and bickering and name-calling that we call debate on the President's deficit reduction plan, everyone has been all to silent, except for a few of my colleagues, on one of the most important aspects of the Clinton budget, and that is the tax break for 15 million hardworking, lower income families.

The budget bill will include over $20 billion to boost the wages of full-time working poor in the form of the earned income tax credit. And what will the EITC do? Well, it sends two messages: For too long we have told people it is easier to stay on welfare than to work. No longer. Under the Clinton plan, there is an incentive for people to work.

□ 1040

And we have told poor working people, do not work that hard, do not struggle up there, because it almost does not pay. Welfare is all right.

The EITC gives that incentive to those poor working families to stay working.

Mr. Speaker, this EITC is a very important turning point in our budget plan, and I urge Members to vote for the President's plan which contains the EITC.

HIGHER TAXES

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, here is what the Democrats think we will believe.

If we raise Federal gasoline taxes by 42 percent, that will help the economy. If we raise Federal gasoline taxes by 42 percent, only the rich will pay. If we raise the taxes of Social Security recipients, that will help the economy. If we make small businessmen work 2 out of every 5 days to pay their Federal taxes, that will help the economy.

If we raise taxes on earned income of successful employers, that will help the economy.

If Members believe all of that, they will deserve exactly what they are going to get, higher taxes, a weakened economy, less jobs, an increased deficit, more debt, and economic stagnation.

REPUBLICAN ATTACK DOGS

(Mr. LEVIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVIN. Mr. Speaker, as I listen to the 1-minutes of the Republicans, I notice the large difference between 1993 and 1990.

In 1990, the Democrats met President Bush halfway. The slogan of the Republicans today is, "Mr. President, we will meet you November 1994."

A Wall Street Journal poll asked the people whether Republicans are opposing the President for political reasons or are interested in offering a reasonable, realistic alternative. Sixty-four percent say the GOP is acting for political reasons. That is confirmed by their speeches again today.

The minority is wallowing in negativism. They do not talk about their own plan that has over $100 billion in unspecified cuts.

They wrap themselves around the middle-class families of this country, but they lost $1,000 a year in real income in the last years of the Bush administration.

The public wants better from the Republicans than attack dogs.

SCHIZOPHRENIA IN THE HOUSE

(Mr. JACOBS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JACOBS. Mr. Speaker, I have detected one more case of schizophrenia in the Congress. On the one hand, some of our colleagues tell us that this budget, this reconciliation does not cut spending at all; in about the same breath, they say they are cutting the military spending too deeply. So they are cutting spending; they are not cutting spending.

As near as I can tell from the critics, the worst thing we can do for this economy is to have the Government pay its bills.

And now, Mr. Speaker, I ask for a moment of silence from all Members of this Chamber for all those who all die horribly today because they have used tobacco products.

APPOINTMENT OF CONFEREES ON H.R. 2348, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1994

Mr. FAZIO. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2348) making appropriations for the legislative branch for the fiscal year ending September 30, 1994, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore (Mr. CLYBURN). Is there objection to the request of the gentleman from California?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. YOUNG OF FLORIDA

Mr. YOUNG of Florida. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. YOUNG of Florida moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill H.R. 2348 be instructed to agree to the amendment of the Senate numbered 9.

The SPEAKER pro tempore. The gentleman from Florida [Mr. YOUNG] will be recognized for 30 minutes and the gentleman from California [Mr. FAZIO] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Florida [Mr. YOUNG].

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the motion directs House conferees to accept a Senate amendment disallowing the no-year appropriation of funds, $100,000, to the Architect's contingent expense account.

These funds are appropriated to enable the Architect to make surveys and studies and to meet unforeseen expenses of the Architect in his care of the buildings and grounds of our Capitol.

There are presently $97,000 in fiscal year 1993 funds remaining in this account which are available until September 30. Because last year's appropriations bill refused to allow these funds on a no-year basis, after that date, any remaining funds will be returned to the Treasury.

In addition to the fiscal year 1993 funds, there is also an additional $116,000 in no-year funds available for contingent expenses. This $116,000 and the $100,000 appropriation in this legislation should be more than enough to cover any expenses incurred in fiscal year 1994.

Rather than continue to allow taxpayer dollars to accrue in this account we should spend only what we need and allow the rest to be returned to the Treasury.

Mr. FAZIO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I understand the gentleman's point. I think it is a good one. I certainly would support his instruction.

I think we should accept the motion.

The SPEAKER pro tempore. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct

offered by the gentleman from Florida [Mr. YOUNG].

The motion to instruct was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs. FAZIO, MORAN, OBEY, MURTHA, CARR of Michigan, CHAPMAN, YOUNG of Florida, PACKARD, TAYLOR of North Carolina, and MCDADE.

There was no objection.

THE JOURNAL

The SPEAKER pro tempore. The pending business is the question de novo of the Chair's approval of the Journal.

The Journal was approved.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION ACT, FISCAL YEARS 1994 AND 1995

The SPEAKER pro tempore. Pursuant to House Resolution 193 and rule XXIII, the Chair declares the House in the Committee on the Whole House on the State of the Union for the further consideration of the bill, H.R. 2200.

□ 1049

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2200) to authorize appropriations to the National Aeronautics and Space Administration for research and development, space flight, control, and data communications, construction of facilities, research and program management, and Inspector General, and for other purposes, with Mrs. UNSOELD in the chair.

The Clerk read the title of the bill.

□ 1050

The CHAIRMAN. When the Committee of the Whole rose on Friday, July 23, 1993, title I was open for amendment at any point. Pending is the amendment offered by the gentleman from Georgia [Mr. COLLINS].

Is there further debate on the amendment offered by the gentleman from Georgia [Mr. COLLINS]?

AMENDMENT OFFERED BY MR. WALKER AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. COLLINS OF GEORGIA

Mr. WALKER. Madam Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. WALKER as a substitute for the amendment offered by Mr. COLLINS of Georgia: Page 25, after line 10 insert the following new section:

SEC. 121. AUTHORIZATIONS AVAILABLE FOR DISASTER RELIEF.

Notwithstanding any other provision of this title, 1 percent of the amounts authorized to be appropriated under sections 100 and 101(a) shall also be authorized to be appropriated for purposes of carrying out disaster relief activities in response to major disasters declared by the President, if the President requests the use of such percentage for such purposes.

Mr. WALKER (during the reading). Madam Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. WALKER. Madam Chairman, this amendment differs in language from that originally offered by the gentleman from Georgia [Mr. COLLINS], but it gets at the purpose that the gentleman was looking to do. I congratulate him for focusing the House on an effort to begin setting aside money for disaster relief.

The intent of the amendment is to make 1 percent of the authorization available for either NASA programs or disaster relief, but not both. When the President declares a major disaster, this request that 1 percent of the amount of NASA, there is up to 1 percent of the money there that will be authorized to go for that if the President requests it. It will then be up to the appropriators, as is the case now, to appropriate that amount. That would provide $148 million in fiscal 1994, $155 million in 1995, and $89 million thereafter through the year 2000.

Again, Madam Chairman, I appreciate the work that the gentleman from Georgia did. I, too, have been working to try to find a way to get to 1 percent of appropriation bills set aside for disaster relief. This moves us in a similar kind of direction, assures that the money is actually in the accounts should it be needed, and I think we have some agreement that this is the direction we ought to go from both the gentleman from Georgia and from the chairman.

Mr. BROWN of California. Madam Chairman, will the gentleman yield?

Mr. WALKER. I am happy to yield to the gentleman from California.

Mr. BROWN of California. Madam Chairman, I thank the gentleman for yielding to me.

I appreciate the efforts that the gentleman has made in working together with the gentleman from Georgia [Mr. COLLINS] to make this a more acceptable amendment. It does do what the gentleman indicates, but it leaves the discretion to the President with regard to the actual use of the money for disaster purposes, which allows me to support the amendment, assuming it is agreeable to the gentleman from Georgia.

Mr. COLLINS of Georgia. Madam Chairman, will the gentleman yield?

Mr. WALKER. I am happy to yield to the gentleman from Georgia.

Mr. COLLINS of Georgia. Madam Chairman, I appreciate the gentleman from Pennsylvania yielding to me.

Madam Chairman, I appreciate what the gentleman has done with offering this substitute amendment. I fully agree with it, and accept it.

Mr. SOLOMON. Madam Chairman, will the gentleman yield?

Mr. WALKER. I am happy to yield to the gentleman from New York.

Mr. SOLOMON. Madam Chairman, first of all, let me commend both gentlemen, the gentleman from Pennsylvania [Mr. WALKER] and the gentleman from Georgia [Mr. COLLINS].

Madam Chairman, in the few moments I have, I would like to express my support for the Collins amendment, as amended.

Over the last few days, this country has witnessed an ongoing debate in this House over a more responsible approach to financing disaster relief.

Mr. COLLINS' amendment reflects a change in attitude toward disaster relief. He would authorize the appropriations to reallocate 1 percent of NASA's funding to disaster assistance whenever the President declares a disaster emergency.

This amendment does not pay for the flood relief—not even close. But it does signal a new attitude in this body that we should incorporate disaster assistance into our deficit calculations.

My friends, on Tuesday we passed up a golden opportunity to stop our old ways of using the fiction of off-budget accounting to pay for disaster relief.

A bipartisan effort nearly succeeded in forcing the leadership of this House to allow several amendments to the disaster relief bill to cut Federal spending by skimming a small percentage off each appropriations bill, thereby asking the Government itself to sacrifice to help those people suffering in our Nation's heartland.

While the House just narrowly missed making a large step toward deficit reduction, here is a chance today at a less radical, but nonetheless real step in the direction of financing deficit relief. Let us vote for the Collins amendment and restore some fiscal sanity to our Nation's Government.

Madam Chairman, I really appreciate the gentleman yielding, and again I commend both gentleman, because they certainly are people who are fiscally responsible. They are noted for it, and we commend them for it.

Mr. COLLINS of Georgia. Madam Chairman, if the gentleman will continue to yield, I would like to offer my appreciation to the chairman, the gentleman from California [Mr. BROWN], for his acceptance of the amendment, as amended, and the bipartisan cooperation from the chairman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. WALKER] as a substitute for the amendment

offered by the gentleman from Georgia [Mr. COLLINS].

The amendment offered as a substitute for the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia [Mr. COLLINS], as amended.

The amendment, as amended, was agreed to.

AMENDMENT OFFERED BY MR. WALKER

Mr. WALKER. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WALKER: Page 25, between lines 10 and 11, insert the following new section:

SEC. 121. FACILITY PLAN AND ANALYSIS.

Within 60 days after the date of the enactment of this Act, the Administrator shall submit to the Congress a plan for utilizing the facilities acquired by the National Aeronautics and Space Administration in Yellow Creek, Mississippi, that includes an analysis of—

(1) the increased costs or savings that would result from using these new facilities to support activities that are consistent with the programs authorized by this Act; and

(2) the costs and benefits of disposing of those facilities as surplus government assets.

Mr. WALKER (during the reading). Madam Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. WALKER. Madam Chairman, this is a fairly simple amendment that I think we are prepared to have accepted, as well. It simply asks that NASA provide Congress with a plan on possible uses of the ASRM facility in Yellow Creek, Mississippi. Since the House has now voted to terminate the ASRM program and does not wish to transfer current solid rocket motor work to this almost completed facility, Congress needs to know what the options are for this plant.

This amendment simply has us look and try to figure out what those options are.

Mr. BROWN of California. Madam Chairman, will the gentleman yield?

Mr. WALKER. I am happy to yield to the gentleman from California.

Mr. BROWN of California. Madam Chairman, I thank the gentleman for yielding.

Madam Chairman, I commend the gentleman on his amendment, and on our side, we are willing to accept it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. WALKER].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title I?

If not, the Clerk will designate title II.

The text of title II is as follows:

TITLE II—ADVANCED SPACE TECHNOLOGY PROGRAM.

SEC. 201. POLICY.

It is the policy of the United States that—

(1) the Administrator, in planning for national programs in space science and application, aeronautical research, space flight, advanced concepts and technology, and exploration, shall consider ways in which the competitiveness of the United States in advanced space technologies can be enhanced;

(2) the Administrator shall work closely with other Federal agencies, States, local governments, and industry to coordinate and execute the advanced space technology investment activities of the National Aeronautics and Space Administration;

(3) opportunities for investment in advanced space technologies that advance the competitiveness of the United States shall be identified in concert with United States industry; and

(4) the Administrator shall encourage the establishment of industry-led consortia to maximize the opportunities described in paragraph (3).

SEC. 202. ADVANCED SPACE TECHNOLOGY INVESTMENT PROGRAM.

(a) COMPETITIVE PROGRAM.—The Administrator shall establish a competitive program under this section—

(1) to advance the capabilities of United States space technology;

(2) to encourage industry-led consortia to develop advanced space technologies that advance the competitiveness of the United States; and

(3) to encourage participation by industrial participants not part of the traditional Federal contracting base.

(b) ELIGIBLE PARTICIPANTS.—

(1) GENERAL RULE.—Single firms, consortia or cooperative arrangements among 2 or more eligible firms, or a nonprofit research organization established by 2 or more eligible firms, are eligible participants under this section. Such eligible participants may include participation by Federal laboratories, institutions of higher education, State agencies, and other entities.

(c) CRITERIA.—In selecting from among applicants for financial assistance under this section, the Administrator shall consider—

(1) the potential of the proposed project to develop advanced space technologies that enhance the long-term ability of the United States to make advances in space transportation, exploration, experimentation, and commerce;

(2) the application's scientific and technical merit;

(3) the extent of funding provided by industry;

(4) the potential for long-term commercial application of the technologies in nongovernmental markets;

(5) the likelihood that the goals and objectives of the proposed application will not be achieved without financial assistance under this section; and

(6) such other criteria as the Administrator considers appropriate.

(d) NON-FEDERAL CONTRIBUTION.—The Administrator shall ensure that the amount of the funds provided by the Federal Government under this section does not exceed the total amount provided by non-Federal participants for any one application. The Administrator shall ensure that not less than 30 percent of total funding for any project for which financial assistance is made available under this section is provided by industry.

(e) FINANCING MECHANISMS.—The Administrator shall make full use of the various authorities available under section 203(c)(5) of the National Aeronautics and Space Act of 1958 to carry out this section, especially when applied to eligible firms which are not part of the traditional Federal contracting base.

SEC. 203. COORDINATION WITH EXISTING PROGRAMS.

The Administrator shall coordinate existing activities within the National Aeronautics and Space Administration, including the Small Business Innovation Research Program and Independent Research and Development activities conducted by industry, with the advanced space technology investment activities established under this title. The Administrator shall coordinate such advanced space technology investment activities with existing programs of the Department of Commerce, the Department of Defense, the Department of Energy, and other Federal agencies to maximize the United States investment in advanced space technology.

SEC. 204. REPORT TO CONGRESS.

The Administrator shall assess the advanced space technology investment activities established under this title, and shall submit a report to Congress on the results of such activities to accompany the President's budget request for fiscal year 1996.

SEC. 205. DEFINITIONS.

For the purposes of this title—

(1) the term "advanced space technology" means technologies which are fundamentally new capabilities requiring basic research, as opposed to evolutions of current technologies and systems;

(2) the term "eligible firm" means a business entity—

(A) that conducts a significant level of its research, development, engineering, and manufacturing activities in the United States;

(B) the majority ownership or control of which is held by United States citizens; or

(C) with a parent company that is incorporated in a country, the government of which—

(i) permits the participation of firms incorporated in the United States in research and development consortia to which the government of that country provides funding directly or indirectly through international organizations; and

(ii) affords adequate and effective protection for the intellectual property rights of firms incorporated in the United States,

and that maintains substantial employment in the United States and agrees to promote the manufacturing within the United States of products resulting from technologies developed under this title;

(3) the term "Federal laboratory" has the meaning given such term in section 4(6) of the Stevenson-Wydler Technology Innovation Act of 1980; and

(4) the term "United States" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States.

SEC. 206. TECHNOLOGY PROCUREMENT INITIATIVE.

(a) IN GENERAL.—The Administrator shall coordinate National Aeronautics and Space Administration resources in the areas of procurement, commercial programs, and advanced technology in order to—

(1) fairly assess and procure commercially available technology from the marketplace in the most efficient manner practicable;

(2) achieve a continuous pattern of integrating advanced technology from the commercial sector into the missions and programs of the National Aeronautics and Space Administration;

(3) incorporate private sector buying and bidding procedures, including fixed price contracts, into procurements; and

(4) provide incentives for cost-plus contractors of the National Aeronautics and Space Administration to integrate commercially available technology in subsystem contracts on a fixed-price basis.

(b) CERTIFICATION.—Upon solicitation of any procurement for space hardware, technology, or services that are not commercially available, the Administrator shall certify, by publication of a notice and opportunity to comment in the Commerce Business Daily, for each such procurement action, that no functional equivalent, commercially available space hardware, technology, or service exists and that no commercial method of procurement is available.

The CHAIRMAN. Are there amendments to title II of the bill?

If not, the Clerk will designate title III.

The text of title III is as follows:

TITLE III—MISCELLANEOUS PROVISIONS RELATING TO SPACE ACTIVITIES

SEC. 301. TRANSMISSION OF BUDGET ESTIMATES.

The Administrator shall, at the time of submission of the President's annual budget request for every fiscal year, transmit to the Congress—

(1) a five-year budget detailing the estimated development costs for each individual program under the jurisdiction of the National Aeronautics and Space Administration for which development costs are expected to exceed $200,000,000; and

(2) an estimate of the life-cycle costs associated with each such program.

SEC. 302. COMMERCIAL SPACE LAUNCH ACT AMENDMENTS.

(a) AMENDMENTS.—The Commercial Space Launch Act (49 U.S.C. App. 2601 et seq.) is amended—

(1) in section 4—

(A) by inserting "from Earth" after "if any," in paragraph (2);

(B) by redesignating paragraphs (9) through (12) as paragraphs (11) through (14), respectively; and

(C) by inserting after paragraph (8) the following new paragraphs:

"(9) 'reenter' and 'reentry' mean to return purposefully, or attempt to return, a reentry vehicle and payload, if any, from Earth orbit or outer space to Earth;

"(10) 'reentry vehicle' means any vehicle designed to return from Earth orbit or outer space to Earth substantially intact;";

(2) in section 6(a), by inserting ", or reenter a reentry vehicle," after "operate a launch site" each place it appears;

(3) in section 6(a)(2) and (3), by striking "section 4(11)" each place it appears and inserting in lieu thereof "section 4(14)";

(4) in section 6(a)(3)(A), by inserting "or reentry" after "such launch or operation";

(5) in section 6(a)(3), by inserting ", or reentry of a reentry vehicle," after "operation of a launch site" each place it appears;

(6) in section 6(b)(1)—

(A) by striking "launch license" and inserting in lieu thereof "license";

(B) by inserting "or reenter" after "shall not launch";

(C) by inserting "or reentry" after "relate to the launch"; and

(D) by inserting "or reentered" after "to be launched";

(7) in section 6(b)(2)—

(A) by inserting "or reentry" after "prevent the launch";

(B) by striking "holder of a launch license" and inserting in lieu thereof "licensee"; and

(C) by inserting "or reentry" after "determines that the launch";

(8) in section 6(c)(1), by inserting "or reentry of a reentry vehicle" after "operation of a launch site";

(9) in section 7, by striking "both" and inserting in lieu thereof "for reentering one or more reentry vehicles";

(10) in sections 8(a), 9(b), 11(a), 11(b), 12(a)(2)(B), and 12(b), by inserting ", or reentry of a reentry vehicle," after "operation of a launch site" each place it appears;

(11) in section 8(b), by inserting "and the reentry of reentry vehicles," after "operation of launch sites,";

(12) in section 11(a), by inserting "or reentry" after "launch or operation";

(13) in section 12(a)(1), by inserting "or reentry" after "prevent the launch";

(14) in section 12(b), by inserting "or reentry" after "prevent the launch";

(15) in section 14(a)(1)—

(A) by inserting "or reentry site" after "observers at any launch site"; and

(B) by inserting "or reentry vehicle" after "assembly of a launch vehicle";

(16) in section 15(b)(4)(A)—

(A) by inserting "and reentries" after "ensure that the launches";

(B) by inserting "or reentry date commitment" after "launch date commitment";

(C) by inserting "or reentry" after "obtained for a launch";

(D) by inserting ", reentry sites," after "United States launch sites";

(E) by inserting "or reentry site" after "access to a launch site";

(F) by inserting ", or services related to a reentry," after "amount for launch services"; and

(G) by inserting "or reentry" after "the scheduled launch";

(17) in section 15(b)(4)(B), by inserting "or reentry" after "prompt launching";

(18) in section 15(c), by inserting "or reentry" after "launch site";

(19) in section 16(a)(1)(A) and (B), by inserting "or reentry" after "any particular launch" each place it appears;

(20) in section 16(a)(1)(C) and (D), by inserting "or a reentry" after "launch services" each place it appears;

(21) in section 16(a)(2), by inserting "or reentry" after "launch services";

(22) in section 16(b)(1) and (4) (A) and (B), by inserting "or reentry" after "particular launch" each place it appears;

(23) in section 17(b)(2)(A)—

(A) by inserting "reentry site," after "launch site,"; and

(B) by inserting "or reentry vehicle" after "site of a launch vehicle";

(24) in section 21(a), by inserting "and reentry" after "approval of space launch";

(25) in section 21(b)—

(A) by inserting ", reentry vehicle," after "A launch vehicle"; and

(B) by inserting "or reentry" after "the launching";

(26) in section 21(c)(1)—

(A) by striking "or" in subparagraph (B);

(B) by redesignating subparagraph (C) as subparagraph (D); and

(C) by inserting after subparagraph (B) the following new subparagraph:

"(C) reentry of a reentry vehicle, or";

(27) in section 21(c)(2), by inserting "reentry," after "launch,";

(28) in section 22(a)—

(A) by striking "ending after the date of enactment of this Act and before October 1, 1989"; and

(B) by inserting "and reentries" after "further commercial launches"; and

(29) in section 24, by inserting "There are authorized to be appropriated to the Secretary $4,467,000 to carry out this Act for fiscal year 1994." after "$4,900,000 to carry out this Act.".

(b) REPORT TO CONGRESS.—The Secretary of Transportation shall submit to Congress an annual report to accompany the President's budget request which reviews the performance of the regulatory activities and the effectiveness of the Office of Commercial Space Transportation.

SEC. 303. SPACE TRANSPORTATION INFRASTRUCTURE MATCHING GRANTS.

In order to ensure the continued resiliency of the Nation's space transportation infrastructure, the Secretary of Transportation is authorized to make project grants to public agencies in accordance with section 505 of Public Law 102–588. There are authorized to be appropriated for such grants, $10,000,000 for fiscal year 1995. Such funds shall remain available until expended.

SEC. 304. OFFICE OF SPACE COMMERCE AUTHORIZATION.

(a) ROLE OF THE OFFICE OF SPACE COMMERCE.—The Office of Space Commerce of the Department of Commerce shall be responsible for the development and coordination of all policy recommendations and activities pertaining to commercial activities in space except those functions and activities explicitly authorized in statute to other Federal agencies. In carrying out this responsibility, such Office shall consult with other Federal agencies as appropriate, including the Department of Transportation, the National Aeronautics and Space Administration, the Department of Defense, the Department of State, and the Office of the United States Trade Representative.

(b) AUTHORIZATION OF APPROPRIATIONS.—In order to carry out this section, there are authorized to be appropriated to the Secretary of Commerce for the Office of Space Commerce, $538,000 for fiscal year 1994.

SEC. 305. USE OF DOMESTIC PRODUCTS.

(a) GENERAL RULE.—Except as provided in subsection (b), the Administrator shall ensure that procurements are conducted in compliance with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a through 10c, popularly known as the "Buy American Act").

(b) LIMITATIONS.—This section shall apply only to procurements made for which—

(1) amounts are authorized by this Act to be made available; and

(2) solications for bids are issued after the date of enactment of this Act.

(c) INAPPLICABILITY IN CASE OF VIOLATION OF INTERNATIONAL AGREEMENT.—This section shall not apply to the extent that the United States Trade Representative determines that a procurement described in subsection (b) would be in violation of the General Agreement on Tariffs and Trade or an international agreement to which the United States is a party.

(d) PURCHASE OF AMERICAN MADE EQUIPMENT AND PRODUCTS.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that any recipient of a grant under this Act, or under any amendment made by this Act, should purchase, when available and cost-effective, American made equipment and products when expending grant monies.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In allocating grants under this Act, or under any amendment made by this Act, the Secretary shall provide to each recipient a notice describing the statement made in paragraph (1) by the Congress.

SEC. 306. REQUIREMENT FOR INDEPENDENT COST ANALYSIS.

The Chief Financial Officer for the National Aeronautics and Space Administration shall be responsible for conducting independent cost analyses of all new projects estimated to cost more than $5,000,000 and shall report the results annually to Congress at the time of the submission of the President's budget request. In developing cost accounting and reporting standards for carrying out this section, the Chief Financial Officer shall, to the extent practicable and consistent with other laws, solicit the advice of expertise outside of the National Aeronautics and Space Administration.

SEC. 307. GLOBAL CHANGE DATA AND INFORMATION SYSTEM.

Title I of the Global Change Research Act of 1990 (15 U.S.C. 2931 et seq.) is amended by adding at the end the following new section:

"SEC. 109. GLOBAL CHANGE DATA AND INFORMATION SYSTEM.

"(a) The National Aeronautics and Space Administration, in coordination with other agencies that belong to the Committee on Earth and Environmental Sciences, shall establish the requirements and architecture for design and develop a Global Change Data and Information System that shall serve as the system to process, archive, and distribute data generated by the Global Change Research Program.

"(b) The National Aeronautics and Space Administration shall design the Global Change Data and Information System—

"(1) so that other Federal agencies may connect data centers operated by such agencies to such System; and

"(2) so as to minimize, to the extent practicable, the cost of connecting such data centers.

"(c) Each agency involved in the Global Change Research Program shall retain the responsibility to establish and operate Global Change Data and Information System data centers to process, archive, and distribute data generated by such agency's programs. Agencies may agree to assume the responsibility for processing, archiving, or distributing data generated by other agencies.".

SEC. 308. ACCESS TO CLASSIFIED DATA FOR GLOBAL CHANGE RESEARCH.

The Committee on Earth and Environmental Sciences shall develop and submit to the Congress within one year after the date of enactment of this Act a plan for providing access to data from classified archives and systems for global change research. The plan shall—

(1) to the extent consistent with classification restrictions, identify what data from classified archives and systems may be valuable and available for global change research;

(2) determine whether the Global Change Data and Information System or other means should be used to provide access to such data for the scientific community; and

(3) identify what agencies should be responsible for particular parts of such classified data and any data centers needed to process, archive, and distribute such data.

SEC. 309. ORBITAL DEBRIS.

The Office of Science and Technology Policy, in coordination with the National Aeronautics and Space Administration, the Department of Defense, the Department of State, and other agencies as appropriate, shall submit a plan to Congress within one year after the date of enactment of this Act for the control of orbital debris. The plan shall include proposed launch vehicle and spacecraft design standards and operational procedures to minimize the creation of new debris. The plan shall propose a schedule for the incorporation of the standards into all United States civil, military, and commercial space activities. Finally, the plan shall include a schedule for the development of an international agreement on the control of orbital debris.

SEC. 310. NATIONAL AERONAUTICS AND SPACE ACT OF 1958 AMENDMENTS.

(a) POLICY AND PURPOSE.—Section 102 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2451) is amended—

(1) by striking subsections (e) and (f) and inserting in lieu thereof the following:

"(e) The Congress declares that the general welfare of the United States requires that the unique competence in scientific and engineering systems of the National Aeronautics and Space Administration also be directed toward supporting the private sector development of advanced space technologies which enhance economic growth, competitiveness, and productivity.";

(2) by redesignating subsections (g) and (h) as subsections (f) and (g), respectively; and

(3) in subsection (g), as so redesignated, by striking "(f), and (g)" and inserting in lieu thereof "and (f)".

(b) REPORTS TO CONGRESS.—Section 206(a) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2476(a)) is amended by striking "calendar" and inserting in lieu thereof "fiscal".

SEC. 311. COMPARATIVE ANALYSIS OF UNITED STATES AND FOREIGN EXPENDABLE SPACE LAUNCH SYSTEMS.

The National Aeronautics and Space Administration shall conduct a comprehensive study of the differences between existing United States and foreign expendable space launch vehicles. This study shall determine specific differences in the design, manufacture, processing, and overall management and infrastructure of current United States and foreign expendable space launch vehicles. The study shall also determine the approximate effect of these differences on the relative cost, reliability, and operational efficiency of such space launch systems. This study shall be conducted in consultation with the Department of Defense and, as appropriate, other Federal agencies, United States industries, and academic institutions. The results of this study shall be submitted to the Congress no later than October 1, 1994.

SEC. 312. UNIVERSITY INNOVATIVE RESEARCH PROGRAM STUDY.

(a) FINDINGS.—The Congress finds that—

(1) universities offer a significant resource for the conduct of innovative scientific and technological research to advance the National Aeronautics and Space Administration's mission;

(2) the National Aeronautics and Space Administration should act to broaden the foundation of its research base by increasing the direct involvement of university research laboratories in the development of technology for space science;

(3) the National Aeronautics and Space Administration should commit to strengthening university research programs in technology beyond contracting with universities for services in support of specific programs; and

(4) the National Aeronautics and Space Administration should develop mechanisms to foster innovative technological research at universities that do not participate in the University Space Engineering Research Centers.

(b) STUDY.—The Administrator shall undertake a study of the feasibility and potential implementation of a University Innovative Research Program which—

(1) promotes technological innovation in the United States by using the Nation's universities to help meet the National Aeronautics and Space Administration's research and development needs, by stimulating technology transfer between universities and industry, and by encouraging participation by minority and disadvantaged persons in technological innovation;

(2) is modeled on the Small Business Innovation Research Program;

(3) avoids duplication of existing National Aeronautics and Space Administration programs with the universities; and

(4) derives funding from the Space Research and Technology program.

(c) COMPLETION.—The study required by subsection (b) shall be completed and its results submitted to the Congress within one year after the date of enactment of this Act.

(d) ADVICE.—In carrying out the study required by subsection (b), the Administrator shall seek the advice of the National Aeronautics and Space Administration Advisory Council, the National Research Council's Aeronautics and Space Engineering Board and Space Studies Board, and other organizations as appropriate.

SEC. 313. GEOGRAPHICAL DISTRIBUTION.

The National Aeronautics and Space Administration shall give consideration to geographical distribution of its research and development funds whenever feasible.

SEC. 314. CONTRACTOR PERFORMANCE.

(a) GENERAL RULE.—The Administrator shall require that all cost-type research and development contracts entered into by the National Aeronautics and Space Administration for the acquisition of articles or services shall incorporate a provision which holds the contractor liable, in accordance with subsection (c) of this section, for failure to comply with the requirements of the contract.

(b) LIABILITIES.—A provision described in subsection (a) shall, in the event of such a failure, hold the contractor liable for the lesser of—

(1) 50 percent of the cost of rectifying such failure; or

(2) 10 percent of the contract value at the time of such failure.

(c) EXCEPTIONS.—Liability under subsection (b) shall not be imposed if—

(1) the failure occurred despite the best efforts of the contractor and could not have been reasonably predicted at the time the contract was awarded; or

(2) the failure occurred notwithstanding the fact that the contractor had adopted, and its employees were following, generally accepted industrial practices in carrying out the contract requirements.

(d) PROHIBITION.—The cost of insurance to cover potential liabilities described in subsection (b) shall not be an allowable cost under a contract described in subsection (a).

SEC. 315. LAND CONVEYANCE.

The Administrator may accept the conveyance to the United States of certain parcels of land from the cities of Cleveland and Brook Park, Ohio, for the purpose of establishing a Visitor Center for the Lewis Research Center.

AMENDMENT OFFERED BY MR. WALKER

Mr. WALKER. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WALKER: Page 48, after line 10, insert the following new section:

SEC. 316. PROCUREMENT.

(a) PROCUREMENT DEMONSTRATION PROGRAM.—

(1) IN GENERAL.—The Administrator shall establish within the Office of Advanced Concepts and Technology a program of expedited technology procurement for the purpose of demonstrating how innovative technology concepts can rapidly be brought to bear upon space missions of the National Aeronautics and Space Administration.

(2) PROCEDURES AND EVALUATION.—The Administrator shall establish procedures for actively seeking from nongovernment persons innovative technology concepts relating to the provision of space hardware, technology, or services to the National Aeronautics and Space Administration, and for the evaluation of such concepts by the National Aeronautics and Space Administration's Advisory Council against mission requirements.

(3) REQUIREMENT.—At least 10 percent of amounts authorized to be appropriated under section 101(b)(8) for each fiscal year shall be used for innovative technology procurements that are determined under paragraph (2) of this subsection to meet mission requirements.

(4) SPECIAL AUTHORITY.—In order to carry out this subsection the Administrator shall recruit and hire for limited term appointments persons from the nongovernmental sector with special expertise and experience related to the innovative technology concepts with respect to which procurements are made under this subsection.

(b) SUNSET.—This section shall cease to be effective 10 years after the date of its enactment.

Mr. WALKER (during the reading). Madam Chairman, I ask unanimous

consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. WALKER. Madam Chairman, I do want to explain this amendment a little bit, because I do think it is important to make a little bit of legislative history.

Mr. BROWN of California. Madam Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from California.

Mr. BROWN of California. Madam Chairman, in an effort to encourage the gentleman to be brief with his explanation, let me indicate that we are more than happy to accept the amendment.

Mr. WALKER. Madam Chairman, I shall be brief.

Let me indicate here just exactly what this is designed to do. It is designed to elicit from the private sector some innovative concepts which shall be applied to the missions of NASA. All too often NASA relies on its own in-house expertise to design space transportation, infrastructure, and payloads, without giving due consideration to concepts that have been developed in the private sector.

Commonly referred to as the not-invented-here syndrome, NASA has in the past been unreceptive to new solutions for the fulfillment of mission requirements. My amendment would require NASA to survey the private sector see what new technology may be available from outside the government to accomplish the agency's goals. If these concepts, when measured against mission requirements by the NASA Advisory Council, are found to be feasible, the Administrator shall be required to procure up to 10 percent of the commercial programs requirements from new technologies.

□ 1100

But, perhaps more importantly, the amendment provides the Administrator with the tools to overcome the NASA culture which may drown innovative ideas before they are translated from drawing board to prototype.

In short, Madam Chairman, through this amendment I am trying to create the skunk works incentiveness that has been evidenced in abundance by small businesses throughout this country. It has been uniquely valuable as an American asset.

So I think that this will give us a chance to do some innovating at NASA that has not been very obvious in recent months, and the Administrator and I have talked about this. This is a concept that he personally is excited about, and I am pleased that the gentleman from California is willing to accept the amendment. I think it would help move us forward.

Mr. BROWN of California. Madam Chairman, will the gentleman yield?

Mr. WALKER. I am happy to yield to the gentleman from California.

Mr. BROWN of California. Madam Chairman, since the gentleman has made such a cogent explanation of the amendment, let me just add that this is a technique that is already used in other agencies such as the Department of Defense and intellegence agencies and others. It seems to work well. It does cut through the bureaucratic delays frequently, and I know that the administration and the NASA Administrator are both eager to improve the workings of NASA through expedited procedures of this sort. And the gentleman's amendment will undoubtedly help that.

Mr. WALKER. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. WALKER].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. WALKER

Mr. WALKER. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WALKER: Page 38, after line 22, insert the following new subsections:

(b) FUNCTIONS.—The Office of Space Commerce shall be the principal unit for the coordination of space-related issues, programs, and initiatives within the Department of Commerce. The Office's responsibilities shall include—

(1) promoting private sector investment in space activities by collecting, analyzing, and disseminating information on space markets, and conducting workshops and seminars to increase awareness of commercial space opportunities;

(2) assisting commercial space companies in their efforts to do business with the United States Government, and acting as an industry advocate within the executive branch to ensure that the Federal Government meets its space-related requirement, to the fullest extent feasible, with commercially available space goods and services;

(3) ensuring that the United States Government does not compete with the private sector in the provision of space hardware and services otherwise available from the private sector;

(4) promoting the export of space-related goods and services;

(5) representing the Department of Commerce in the development of United States policies and in negotiations with foreign countries to ensure free and fair trade internationally in the area of space commerce;

(6) seeking the removal of legal, policy, and institutional impediments to space commerce; and

(7) supporting the private sector's role in the commercial development of Landsat remote sensing data distribution.

(c) REPORT.—The Office of Space Commerce shall, within 6 months after the date of enactment of this Act, submit a report to the President and the Congress containing recommendations for procuring space infrastructure, space launch and launch support facilities, and payloads using proof of concept methods and unsolicited proposals. In preparing such report, the Office of Space Commerce shall consult with appropriate persons in the private sector.

Page 38, line 23, redesignate subsection (b) as subsection (d).

Mr. WALKER (during the reading). Madam Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. WALKER. Madam Chairman, this amendment merely further clarifies the duties and responsibilities of the Office of Space Commerce. It is a part of my continuing effort to enhance commercial space opportunities for the United States.

In that regard, on Friday I introduced the omnibus commercial space bill, and this amendment is a part of that continuing effort.

I would like to thank Chairman BROWN, Chairman HALL, and Mr. SENSENBRENNER for continuing to support me in these endeavors, and this amendment will move us in that direction.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. WALKER].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. SMITH OF MICHIGAN

Mr. SMITH of Michigan. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SMITH of Michigan: Page 48, after line 10, insert the following new section:

SEC. 316. REMOTE SENSING FOR AGRICULTURAL AND RESOURCE MANAGEMENT.

(a) FINDINGS.—The Congress finds that—

(1) the use of remote sensing data is potentially a valuable resource to anticipate potential food, feed, and fiber shortages or excesses, and provide this information to the agricultural community in time to assist farmers with planning decisions;

(2) remote sensing data can be useful to predict impending famine problems and forest infestations in time to allow remedial action;

(3) remote sensing data can inform the agricultural community as to the condition of crops and the land which sustains those crops;

(4) remote sensing data can be useful to allow farmers to apply pesticides, nutrients, and water, among other inputs, to farmlands in the exact amounts necessary to maximize crop yield, thereby reducing agricultural costs and minimizing potential harm to the environment;

(5) remote sensing data can be valuable, when received on a timely basis, in determining the needs of additional plantings of a particular crop or a substitute crop; and

(6) the National Aeronautics and Space Administration, using the expertise of the Earth Observations Commercialization Applications Program, and the Department of Agriculture should work in tandem to aid farmers to obtain data conducive to sound agricultural management and greater crop yields.

(b) INFORMATION DEVELOPMENT.—The Secretary of Agriculture and the Administrator

of the National Aeronautics and Space Administration, maximizing private funding and involvement, shall provide farmers and other interested persons with timely information, through remote sensing, on crop conditions, fertilization and irrigation needs, pest infiltration, soil conditions, projected food, feed, and fiber production and any other information available through remote sensing.

(c) ENHANCED REMOTE SENSING PROGRAM.

(1) The Secretary of Agriculture and the Administrator of the National Aeronautics and Space Administration shall jointly evaluate the need for a radar imaging platform that could enhance U.S. remote sensing capability by providing information and data relating to agricultural resources, and which may have other commercial and research applications.

(2) In the event there is a finding of need for a platform as set forth in paragraph (1), the Secretary of Agriculture and the Administrator of the National Aeronautics and Space Administration shall jointly develop a proposal, which maximizes private funding and involvement in the launch and operation of such platform, and in the management and dissemination of the data from such platform. The Secretary and the Administrator shall jointly submit the proposal, within 30 days of its development, to the House Committee on Agriculture, the Senate Committee on Agriculture, Nutrition, and Forestry, the House Committee on Science, Space, and Technology, and the Senate Committee on Commerce, Science, and Transportation.

(d) TRAINING.—The Secretary of Agriculture and the Administrator of the National Aeronautics and Space Administration shall jointly develop a proposal to inform farmers and other prospective users concerning the use and availability of remote sensing data.

(e) SUNSET.—The provisions of this section shall expire 5 years after the date of enactment of this Act.

Mr. SMITH of Michigan (during the reading). Madam Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. SMITH of Michigan. Madam Chairman, I rise today to offer an amendment to H.R. 2200, the NASA authorization bill. This amendment directs NASA and the Department of Agriculture to work together with private industry to make better use of remote sensing data for American agriculture.

Remote sensing satellites—by taking photographic and radar images of the Earth from space—can provide important information to American agriculture. With this information, we can:

Anticipate potential food, feed, and fiber shortages and gluts.

Predict impending famines and forest infestations in time to mitigate or prevent them.

Provide information on the condition of crops and cropland.

Assist farmers in the proper application of pesticides, nutrients, water, and other inputs to maximize crop yield.

Help farmers decide what kinds of crops to plant based on predicted acres and yield in southern climates and other countries; and

Improve the administration of agricultural policy.

Today, the United States has two remote sensing satellites flying under the Landsat Program. The data produced by these satellites and other remote sensing might greatly improve the operation of farms and farm programs. But we are not using this technology as well as we might.

The amendment I offer to H.R. 2200 directs NASA and the Department of Agriculture to work together, and with the private sector, to find ways to improve the use of remote sensing technology in American agriculture. Those agencies are then directed to report their findings back to Congress.

I am delighted by the broad bipartisan support I have seen in this body to expand and improve the use of remote sensing technology. I thank the chairman and ranking member of the Science, Space, and Technology Committee and the chairman and ranking member of the Agriculture Committee for their support of this amendment.

This amendment helps bring American agriculture into the 21st century. We lead the world in space technology: Let us take advantage of that know-how. I ask the House to pass this amendment to H.R. 2200.

Mr. WALKER. Madam Chairman, will the gentleman yield?

Mr. SMITH of Michigan. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Madam Chairman, I want to thank the gentleman for working with us. We did have some language to work out to make certain that the amendment would do what the gentleman wanted to do, and would satisfy some other ongoing concerns. The gentleman worked with us very cooperatively on that, and I am very pleased to accept the amendment.

Mr. SMITH of Michigan. I thank the gentleman.

Mr. BROWN of California. Madam Chairman, will the gentleman yield?

Mr. SMITH of Michigan. I am delighted to yield to the gentleman from California, chairman of the Committee on Science, Space, and Technology.

Mr. BROWN of California. Madam Chairman, I thank the gentleman for yielding. I want to compliment him on his amendment.

We have been interested in this subject matter of this amendment for a number of years, hoping that we could make additional progress in this area. I think the gentleman's amendment is constructive, and it will assist us in moving forward, and on our side we are glad to accept it.

Mr. SMITH of Michigan. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. SMITH].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT: Page 48, after line 10, insert the following new section:

SEC. 316. ADDITIONAL NATIONAL AERONAUTICS AND SPACE ADMINISTRATION FACILITIES.

(a) SELECTION IN DEPRESSED COMMUNITIES.—When consistent with the goals of the National Aeronautics and Space Administration and cost-effective, the Administrator shall select sites in depressed communities for new programs or functions of the National Aeronautics and Space Administration, unless those new programs or functions are so closely related to programs or functions carried out at an existing facility as to require being carried out at that existing facility.

(b) DEFINITIONS.—For purposes of this section, the term "depressed communities" means rural and urban communities that are relatively depressed, in terms of age of housing, extent of poverty, growth of per capita income, extent of unemployment, job lag, or surplus labor.

Mr. TRAFICANT (during the reading). Madam Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TRAFICANT. Madam Chairman, my first amendment deals with the fact that NASA has on many occasions established new programs. One of the problems I think we have experienced in looking at the NASA program is NASA is not as widespread as the Pentagon is and does not enjoy as much total support from all of the different regions of America. There are many of us who believe that is very important and critical to NASA's future.

Second of all, there are many communities that do need some help with creating a few jobs. The amendment says where it is cost-effective, NASA shall or will create new programs that entail new jobs where it does not necessarily have to be located in existing facilities, and where it is cost-effective and will meet the goals of NASA, and NASA shall consider placing these programs and these jobs in parts of America that are depressed, that need a helping hand.

That will do two things. No. 1, it is going to help those communities who are paying taxes to try and keep our space program and our NASA program alive, and second of all, it is going to give NASA the type of broad-based people support throughout America when it is needed for some of the critical votes on some of the critical initiatives they have.

Mr. BROWN of California. Madam Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the distinguished gentleman from California

[Mr. BROWN], chairman of the Committee on Science, Space, and Technology.

Mr. BROWN of California. Madam Chairman, I thank the gentleman for yielding and want to express my appreciation to him for the cooperation he has shown in working out an acceptable draft of this amendment.

The gentleman, of course, has shown over a long period of time a very deep concern for the welfare of the depressed communities of this country, and particularly those in his own State of Ohio. And we want to assist in every way we can to support this kind of a concept, as long as it does not endanger the central mission of NASA. We think the amendment in its present form is constructive. We commend the gentleman for it, and we are willing to accept it on our side.

Mr. TRAFICANT. I appreciate the support of the chairman. I would like to say that the language in this amendment is not inflexible. The Administrator is only required to expand to new sites when it is cost-effective and within the scope of NASA, and meeting much of the criteria that have been articulated by our chairman. So I appreciate his support and the committee's support in addressing this issue.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT: Page 48, after line 10, insert the following new section:

SEC. 316. RECIPROCITY.

(a) GENERAL RULE.—Except as provided in subsection (b), no contract or subcontract may be made with funds authorized under this Act to a company organized under the laws of a foreign country unless the Administrator finds that such country affords comparable opportunities to companies organized under the laws of the United States.

(b) EXCEPTION.—(1) The Administrator may waive the rule stated under subsection (a) if the products or services required are not reasonably available from companies organized under the laws of the United States. Any such waiver shall be reported to the Congress.

(2) Subsection (a) shall not apply to the extent that to do so would violate the General Agreement on Tariffs and Trade or any other international agreement to which the United States is a party.

Mr. TRAFICANT (during the reading). Madam Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TRAFICANT. Madam Chairman, I would like to say that this is an amendment that deals with reciprocity, and it basically states that no contract or subcontract may be made with funds authorized under this act to a company organized under the laws of a foreign country unless the Administrator finds that such country affords comparable opportunities to companies organized under the laws of America.

It does not violate our international agreements. It does not violate any stipulation of law, nor GATT. And I believe it is consistent with the goals, and it still provides for flexibility, for the judgment of the Administrator who would be encompassing the policies of our administration and our laws.

Mr. BROWN of California. Madam Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from California.

Mr. BROWN of California. Madam Chairman, I thank the gentleman again for yielding. We commend him again for the sensitivity and flexibility he has shown in working out the language of this amendment so that it does comport with national policy. it protects jobs in the United States, which is a central concern, but it does so in a way that does not infringe upon other obligations, and we are happy to accept it.

Mr. TRAFICANT. I appreciate that. Without the chairman's help we would not have the opportunity to bring this amendment. And I appreciate the support of our vice chairman on the issue.

Mr. WALKER. Madam Chairman, I move to strike the last word.

Madam Chairman, the gentleman from Ohio has revised this amendment from the time that it was in committee, and I appreciate the work that has been done on this. It alleviates some of the concerns that I had about the amendment.

But let me say that I think that we need to be careful when we wander into this area. A couple of months ago we had a competitiveness bill on the floor that I was not very excited about, that I thought was a pretty lousy piece of legislation.

□ 1110

But we passed an amendment to that competitiveness bill similar to this one, not the same, but similar and similar kind of language that has caused the industry coalition that previously backed the bill to absolutely abandon the entire piece of legislation. I do not want to put something in this bill that would do that.

I do not believe this amendment drafted in its current form will do that because it says that nothing done could be a violation of the GATT agreements.

Mr. TRAFICANT. Madam Chairman, will the gentleman yield?

Mr. WALKER. Yes, I yield to the gentleman from Ohio.

Mr. TRAFICANT. I would like to say, Madam Chairman, that the improvement in the language basically came from some of the gentleman's ideas.

Mr. WALKER. Right.

Mr. TRAFICANT. I think the ideas of the gentleman from Pennsylvania have been correct, right on target. I think they have improved this.

I do not think we will experience the same type of problems that we did in the competitiveness bill.

I want to thank the gentleman for that.

I want to establish legislative history here that there is no intent to do anything outside the scope of any perceived law, as well as law that exists.

So I thank the gentleman for what he has done. I think that safeguards this and makes it a lot better amendment.

Mr. WALKER. Well, Madam Chairman, I thank the gentleman. I appreciate his working with us to try to clean it up.

I will tell the gentleman that we cannot correct this in the amendment, but the one remaining concern I have is the fact that this could potentially block NASA from contracting to obtain the most cost-effective procurements along the way. In my view, that is a danger here.

Because the Buy America amendment is already in effect and it applies, I am not certain that this is totally necessary; but the gentleman has done a good job of cleaning up the language so that we do not have a problem with it interfering in commerce.

I appreciate the gentleman's willingness to work with us. I am not going to oppose the amendment, but I use this time only to express some degree of caution about the direction in which we are proceeding.

With that, Madam Chairman, I yield back the balance of my time.

Mr. TRAFICANT. Madam Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. COX

Mr. COX. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COX: Page 48, after line 10, insert the following new section:

SEC. 316. HELIUM PURCHASES.

The National Aeronautics and Space Administration may purchase helium from private sector sources.

Mr. COX. Madam Chairman, the amendment I offer today will end the requirement that NASA buy its helium from a Government-run monopoly, the national helium reserve. It will allow NASA to buy helium from any source, public or private. By allowing private helium producers to bid on NASA contracts, and letting NASA purchase helium at the best price and terms, Congress will go a long way toward bringing the forces of competition and free enterprise to one of the Federal Government's most notoriously wasteful programs: the national helium reserve.

The helium program was established as a national security measure in 1925, to ensure that America could field a fleet of blimps in time of war.

At the time, there was no private source of helium; but today, private firms account for 90 percent of the Nation's helium sales—over $300 million.

And blimps have long since been replaced by satellites for aerial surveillance.

The national helium reserve is a Federal program whose time has come and gone. It is the worst kind of Governmental anachronism: a program bereft of any identifiable mission, a program that private industry could do more effectively, and a program that is $1.4 billion in debt—and going further into debt each year. In his book "Parliament of Whores," P.J. O'Rourke described the U.S. Government's helium program as "amazingly stupid, even by government standards."

You may already know that the Federal helium program is anachronistic, or that it loses $120 million each year. You may not have known that the national helium reserve's high overhead and inefficient production are also protected from private sector competition by a Government monopoly. Under the Helium Act of 1960, NASA and other Federal agencies are required to purchase their helium from the national helium reserve. As a result of its insulation from competition, the Government-run helium operation costs much more to run than its free-market competitors. But its inefficiency is protected by law, so that it takes 300 Government workers to do the job that perhaps 100 could do in private industry. That is why the helium reserve is losing so much money. It can't even keep up with its interest payments. This year, it will go $120 million deeper into debt.

While a Government-protected monopoly for helium producers may have been an appropriate policy in 1960, when there were no domestic suppliers of helium, it is clearly inappropriate today. This year, private industry will account for more than 90 percent of the nation's helium sales—over $300 million. America's private industry is fully capable of meeting the Federal Government's helium needs. In fact, American industry today provides over 90 percent of the entire world's needs. Preventing them from selling to NASA is—well—downright un-American. It is an affront to the free enterprise system. It is a hoary example of socialism, of State-run industry, at a time when the whole world has rejected socialism as a discredited and wasteful embarrassment.

The time for a Government-owned helium industry—let alone one with a monopoly—has come and gone. That is why T.S. Ary, former director of the Bureau of Mines—which operates the national helium reserve—wrote last year: "The government should not be competing with the private sector in the helium business or in any area where the private sector is capable of satisfying the country's needs."

This view is backed up both by private industry, and the Department of the Interior.

Listen to the testimony of Carl Johnson, Chairman of the Helium Advisory Council, at a Natural Resources Subcommittee hearing on the national helium reserve earlier this year.

He said:

> The private helium industry is prepared to meet all of the U.S. demand for helium, including the demand from the U.S. government agencies. With the private helium industry now fully capable of satisfying the U.S. demand for helium, the Helium Advisory Council believes it is now appropriate for the Bureau of Mines to withdraw from [its] helium production and marketing activities, [and] to discontinue its competition with the private sector.

Likewise, getting the Federal Government out of the helium business has been specifically endorsed by the Department of Interior for years. In a 1989 letter to the Speaker of the House, the Secretary of the Interior stated: "It is now time for the Federal Government to * * * allow the private sector to provide helium for both the Federal and [the] private sectors."

Since then, the Department of the Interior has often repeated its support for allowing Federal agencies the freedom of choice to buy helium from private sources.

Of all Federal agencies, NASA is by far the largest purchaser of helium. During fiscal 1992, NASA purchased 131 million cubic feet of helium from the Government-owned helium monopoly. According to the Congressional Research Service, the Federal Government's helium monopoly currently charges NASA $55 per 1,000 cubic feet of helium. By contrast, private helium producers charge as little as $45 per 1,000 cubic feet. That means NASA is forced to pay over 20 percent higher prices for helium, because of this Government monopoly. If we end the Government monopoly, we save NASA $6.5 million over the next 5 years.

And if all Federal agencies that use helium—not just NASA—are allowed to accept competitive bids, the Federal Government will save at least $20 million over 5 years.

We should also keep in mind that these figures are a conservative estimate of the potential savings for taxpayers. That's because once the national helium reserve is subjected to the real world forces of competition, it will be forced to trim its own waste and efficiency. Then and only then, Madam Chairman, can we expect this Government-run dinosaur to become sufficiently profitable to repay its own debt.

Madam Chairman, ending the Government monopoly on sales to NASA is endorsed not only by the Helium Advisory Council and the Department of the Interior, but also by the National Taxpayers Union; the Heritage Foundation; Citizens Against Government Waste; the Compressed Gas Association; and the workers and employees at virtually every private helium firm in America.

Let us pop the bubble on some of the most blimped-out and downright silly waste in Government. It is time for the Government-run helium monopoly to float back to the private sector. Let us begin that process today by adopting the Cox-Frank amendment.

Mr. SARPALIUS. Madam Chairman, I rise in opposition to the Cox amendment.

Madam Chairman, there is another side of this story. Let me say that we are not here to debate the tremendous job that the helium operation does, in my opinion, for this country, but we are here to debate the Cox amendment which is requesting that NASA purchase its helium from the private sector.

I might add that the helium operation that this country has is a model. For an example, there was an article that came out in the Washington Post on June 29, 1993, which states that the national helium reserve is a rare good Federal program and that the helium field operates well in a general manner and this is a Federal program that does work.

□ 1120

What the gentleman told my colleagues, my friend from California, is a little misleading. Back in the 1960's, when the Federal Government purchased the helium, they placed that helium in reserves up in Amarillo, TX, and in other areas across the country. But during that period of time the Bureau of Mines set an interest rate that they would pay back to the U.S. Treasury. The Federal Government never appropriated funds to help pay back that interest rate. During that period of time interest rates would go up to 18 percent and drop down to some of the lower rates of interest that we are witnessing today.

Well, over that period of time, Madam Chairman, we have now seen a billion dollars' worth of interest that is owed to the Federal Government. It is basically one agency owing another agency interest payments. GAO studied this problem, and their recommendation back to Congress was that Congress should forgive the billion-dollar-interest note. If we were able to do that, we would see the helium operation, in a sense, giving back to the Federal Government anywhere from $10 to $11 million a year. In the current program that we now have, Madam Chairman, we appropriate about $23 million from the U.S. Treasury to different Federal agencies, basically

through the Bureau of Mines, and that money is then used in different Federal agencies, of which NASA is a big user of the helium that we produce in this country. But we return back to the U.S. Treasury $13 million.

Now the reason that the gentleman from California [Mr. COX], my friend, is supporting us, the private sector selling helium to NASA, is because he claims that it can be at a cheaper price than what the Federal Government offers. Well, the reason the Federal Government's helium prices are higher than the private sector is because President Bush chose to raise the price of helium when, in all honesty, the answer is for the Federal Government to lower the price of helium. We can, indeed, sell helium cheaper than the private sector can. This is a resource that the taxpayers own. We paid $750 million for this resource. It is now valued at over a billion dollars.

But the debate here today is not what to do with the helium reserves, Madam Chairman. The debate today is whether or not NASA should purchase our helium from the private sector. I might add that the gentleman from California's amendment is in direct conflict with the Helium Act in itself. His amendment really has no impact at all on NASA purchasing their helium from the Federal Government because his amendment does not address the Helium Act.

Madam Chairman, I would strongly encourage my colleagues to vote "no" against the Cox amendment.

Mr. COMBEST. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I rise in opposition to the amendment offered by the gentleman from California [Mr. COX], and I do so for a number of reasons. The gentleman from California is correct in that in the bookkeeping process the amount of helium which is purchased from the helium reserve by NASA does, in fact, show up as a cost above what could probably be purchased in the open market. In a conversation this morning with the director of the helium reserve in Amarillo, TX, I asked him why would they not be willing to sell at a reduced rate, and he said that he would love to be able to, that in fact they could reduce the price probably $20 per thousand cubic feet, and be happy to sell that to NASA.

Now what would happen if, in fact, that occurred? There would be an outcry by the private sector that the Government was undercutting what the marketplace has established that would be a fair price for helium. It would, in fact, tremendously undercut the price that it is being sold at today on the private market for a thousand cubic feet by the private sector, which is about $45 to $50 per thousand cubic feet. They, of course, cannot do that. That would, in fact, cause a tremendous outcry by the private producers of helium.

What the effect could be in this, Madam Chairman, in the fact that there is some, and I will take the figures of the gentleman from California, $6½ million over 5 years, and point out, as was reiterated by the gentleman from Texas [Mr. SARPALIUS] last year, the helium reserve returned to the Federal Government $13 million. The previous year it was $10 million, and the year before that, something over $9 million. That is per year. Now it is coming back into the Federal Government. It may be somewhat in that it is allocated differently. It may be that it goes into a different pot. But, if my colleagues consider the total cost of that program, which absolutely I remind my colleagues has no appropriation each year to run the helium reserve, all runs totally within itself, and the profits which were made again last year, $13 million, went back to the Federal Government.

Now what I might suggest that we could accomplish, the goal that would not cause the helium reserve to compete on an unfair basis with private sector and at the same time not cause NASA to have to increase their cost in buying helium from the reserve, would be that we give credit to NASA and any other Federal agency. Obviously we cannot do that under this bill, but it will be something, I think, we should propose to do, that we give credit to that agency that is buying helium from the reserve in the amount in excess that it would cost from the private sector. If we put it on a totally open-bid basis, then I would suggest that the only fair thing to do is to allow the National Helium Reserve, located in Amarillo, TX, to be able to compete and bid whatever they wish. But I will remind my colleagues that if, in fact, that happens, there will be an outcry from the private sector that says that the Federal Government is unfairly competing with them.

So, Madam Chairman, in order to accomplish the goal, if the gentleman from California [Mr. COX] is interested in reducing the cost to NASA, let us take that excess well over what it costs additional to NASA, return it back to NASA in terms of a credit. When that reserve pays back at the end of the year, it is excess that is sold.

Madam Chairman, this amendment, in fact, would require further legislative action on the 1960 Helium Act in order to truly allow that to happen to where there could be in a bidding basis from private sectors as well as from the helium reserve the amount of helium which is purchased by NASA which has been over the years, NASA has said, has been an extremely good supplier, have not wanted to make a change, and I think we could accommodate any concerns that might be had by Members of Congress that, in fact, there is some excess paid by the Federal Government by taking the more than excess amount of moneys returned to the Federal Government, giving those agencies credit. Thereby we do not allow the helium reserve to compete with the private sector, we do not disrupt the private sector, and we continue with the fair and the readily available supply of helium to the NASA program.

Mr. BILBRAY. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, first of all, I would like to say to my colleague on the Democratic side from Texas and my colleague from Texas on the Republican side that this, the amendment offered by the gentleman from California [Mr. COX], does not require NASA to buy their helium from private industries. It just says they can, and I think that is a big difference. If they feel that the helium reserve is the proper place to buy it at a competitive price, NASA can continue to buy it from the helium reserve. On the other hand, if they find that the cost from private industry is substantially less or less, they can buy it from private. Right now they are prohibited, and I think my colleagues should understand. NASA cannot go out to the private industry and buy helium even if it costs a lot less. They are required under the law.

Now back in the 1920's, Madam Chairman, when the helium reserve was created, probably it had a good purpose. There were no domestic suppliers of helium, and the Government felt that they needed helium for the national security, and even up until the 1960's the military still had blimps and other devices using helium and needed it for the national security. Now there are plenty of suppliers of helium out in the industries that can provide NASA with enough, and the rest of the Government with enough, helium for all the demands, and it probably far exceeds it. In fact, helium production in this country is one of the industries that exports a lot of helium throughout the world and certainly can supply our domestic needs. But the fact is that they are precluded, the Government, from buying from these domestic companies.

□ 1130

There are times when albatrosses have to be cut loose, and in this particular case, as far as the helium reserve is concerned, I know the gentleman from California [Mr. COX] has been a champion in fighting this and has a bill, H.R. 1552, that would abolish the reserve. Right now we cannot abolish the reserve, but we can certainly give NASA the opportunity to buy from private industry at a cheaper price.

The gentleman from Texas has recommended that there be some amendments to the Helium Reserve Act to

allow credits, and so forth, to bring the price down to NASA, to the same price they may be paying on the private market. That is fine and good. We encourage them to do that, and that may be a good solution. But that is not the solution that is in front of us today.

I commend my friend, the gentleman from California [Mr. COX], for bringing this amendment to us. It is a good, strong amendment. It will save NASA millions of dollars a year. Until the members of the committee, the gentleman from Texas [Mr. COMBEST] and others, are able to amend the Helium Act to save the taxpayer dollars, I think we as Members of Congress should do the responsible thing. We should amend this NASA authorization to allow—and I say again that the word is "allow"—allow, not require, NASA to buy from private suppliers of helium to save dollars that we so desperately need to address the deficit in this country.

Mrs. FOWLER. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I rise today in strong support of the amendment offered by the gentlemen from California and Massachusetts.

I first learned about the issue of the Federal Government's helium reserves before I became a Member of this body. It came to my attention during my campaign last year when I was looking for a good example of government waste to use when I talked about the need for fiscal responsibility in Washington.

When I came across the 64-year-old National Helium Reserve Program, I stopped looking.

The helium program became the centerpiece of my speeches about government waste. It was a program that was outdated, unneeded, and was losing money. It was also the perfect example of where the Government was in a business that the private sector could do much cheaper.

I am a cosponsor of a bill by the gentleman from California that will address the issues of outdated and unneeded, it is a bill to repeal the Helium Act all together.

In the meantime, I am pleased to rise in support of this amendment which will immediately begin to address the issue of public versus private sector. If NASA can buy helium from the private sector cheaper than from the U.S. Government, then we should not stand in their way.

Last year alone, it cost NASA an extra $1.3 million to buy helium from the Government instead of the private sector.

As many of us know, this kind of waste and inefficiency is not limited to NASA and the helium program.

That is why I am a cosponsor of H.R. 163, the Freedom from Government Competition Act. This bill would free the entire Federal Government to procure goods and services from the private sector where they are often cheaper, more efficient and where increased business will create private sector jobs.

As I work with Mr. DUNCAN for passage of that important bill, and as I work with Mr. COX for total repeal of the Helium Act, I urge my colleagues, in the meantime, to support this amendment.

Mr. SARPALIUS. Madam Chairman, will the gentlewoman yield?

Mrs. FOWLER. Yes, I yield to the gentleman from Texas.

Mr. SARPALIUS. Madam Chairman, the gentlewoman said in her statement that we returned $1.3 million, or that they could buy it cheaper than that from the private sector. Is the gentlewoman aware that we returned $13 million back to the U.S. Treasury?

Mr. COX. Madam Chairman, will the gentlewoman yield?

Mrs. FOWLER. Yes, I yield to the gentleman from California.

Mr. COX. Madam Chairman, in fact the gentleman from Texas, in claiming that the national helium reserve contributes money to the Treasury, conveniently ignores a few facts.

First of all, $6 million of the amount that the gentleman claims is contributed on behalf of the reserve to the Treasury comprises royalty payments from companies like Exxon, not earnings from the national helium reserve. Second, even more conveniently, the gentleman has ignored the fact that the helium reserve is deeply in debt. It borrowed $250 million from the Federal Government, which by law is supposed to be repaid by 1995.

As the gentleman knows, the helium reserve has no intention of paying that money back, or even the interest, and we know that this year the helium reserve defaulted in full on $120 million of its interest due this year.

Mr. SARPALIUS. Madam Chairman, will the gentlewoman yield?

Mrs. FOWLER. I am happy to yield to the gentleman from Texas.

Mr. SARPALIUS. Madam President, is the gentleman aware that he is talking about one agency versus another agency? It is like you yourself transferring money from a checking account to a savings account. It is all within your own control.

Mr. COX. Madam Chairman, reclaiming my time, we are talking about $252 million of taxpayer money advanced to the national helium reserve in the form of a loan which by law is supposed to be repaid by 1995. The interest on that debt runs to $120 million a year, and the reserve cannot pay it because it cannot cover its interest costs from its operations.

Mr. SARPALIUS. Madam Chairman, will the gentleman yield?

The CHAIRMAN. The Chair would point out that the gentlewoman from Florida [Mrs. FOWLER] has the time.

Mrs. FOWLER. Madam Chairman, I yield back the balance of my time.

Mr. FRANK of Massachusetts. Madam Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

I agree with those who suggested that the ultimate goal should be to abolish the helium reserve altogether. I do not believe that anyone has shown that the national security of the United States will be one whit endangered by its abolition. This is a relevant part of that because it is obvious that if we were to bring a bill to the floor abolishing the helium reserve at a time when it was the sole supplier to NASA and NASA could not even talk to anybody else about alternative supplies, we would be told that we could not abolish the helium reserve because it was the sole supplier to NASA.

So it is a great example of bootstrapping. Bootstrapping is, of course, what lawyers say when you lift yourself by your own bootstraps. A helium-powered bootstrapping obviously has a great deal more ability for people to go up, and so we are into helium bootstrapping here.

On the one hand, we say we keep a helium reserve for which there is no real purpose, but on the other hand, we say that NASA has to buy the helium from the helium reserve when there is cheaper helium available elsewhere, and then we argue further why we have to have such a helium reserve. We create the need.

This bill is a first step toward that rational effort. Now we are told this does not cost any money because after all, this is an intragovernmental transfer. That is true if the helium has no value. In the economic sense we would be talking purely about an accounting transaction if the helium and the helium reserve of the Federal Government having been depleted here was in fact of no value. But if in fact that helium is worth something, as I assume it is, although I will confess as someone who is not scientifically adept that the notion that something you cannot see, touch, or feel is really all that valuable sometimes is hard for me to focus on, although I take it from my intellectual betters in that area that the helium is a valuable commodity, therefore, the question is, what is the appropriate pricing? Are we in fact pricing this appropriately or not?

If NASA were able to buy it more cheaply, that would mean that the helium that we have as a Federal asset, because it is in fact an asset because it is of real value, would be available for other purposes if and when we decide to abolish the reserves.

Finally, as has been pointed out, this is simply permissive to NASA. If NASA decides that buying continuously from this reserve is the best way to go, nothing in this amendment stops it. But at

least NASA would have the responsibility to make some alternative arrangements and ask some alternative questions. At least NASA would be able to talk about whether there were alternatives, so when we were able to bring a bill forward to abolish this unnecessary reserve, we would not be faced with the argument that doing it would cripple NASA, which would be left helium-less.

Madam Chairman, I hope the amendment is adopted.

Mr. WALKER. Madam Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Madam Chairman, I would say to the gentleman that a nonscientific way to value the helium is to point out that it helps the guy in the movies to do the Donald Duck voice.

Mr. FRANK of Massachusetts. Madam Chairman, in the interest of comity, I am not going to comment on that one at all.

Mr. ZIMMER. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, this is a wonderful case study of what a tangled web we weave when first we get the Government involved in what should be a private enterprise.

There was arguably a case in 1960 that the Federal Government should get involved in helium production and helium reserves because it was believed that all the reserves of helium had already been discovered and they had to be husbanded. As we now know, there are far more reserves than were identified at that time.

The free-market sources of helium have prospered and have multiplied, and we simply do not need the Federal Government in the picture anymore.

The most direct way to deal with the problem, of course, is to sell the helium reserves, and for that reason I am cosponsoring along with many other Members H.R. 1552, which was introduced by the gentleman from California [Mr. COX], which would simply sell the helium reserves in a way that would not disrupt the private marketplace. But because that legislation is not before us and has not been released by committee, we have to deal with the problem the way we find it. I think a commonsense way of dealing with this problem is simply to have NASA and other Federal agencies buy from private sources when the public sources are overpriced. It makes a lot of sense to do that.

□ 1140

The gentleman from Texas [Mr. COMBEST] proposed that we return the excess of what the taxpayers are paying to NASA as a credit. This just tangles the web still further, I believe, because it creates a Rube Goldberg approach to solve a problem that could easily be dealt with simply by eliminating its cause. That is, the unnecessary involvement of Government in the supply of a commodity which is no longer necessary for national security, which is available in great abundance, and which the free market has proved itself more than capable of supplying.

Mr. HALL of Texas. Madam Chairman, I move to strike the last word.

Madam Chairman, I rise in opposition to the Cox amendment. It is not easy for me to rise in opposition to any amendment that the gentleman from California [Mr. COX] has, because the gentleman is usually so right on every issue.

This time I respectfully differ with the gentleman from California [Mr. COX]. I am not going to talk about transferring bank accounts or intergovernmental exchanges or anything. Let me just talk about how this amendment would affect those that have to live with this amendment, have to handle this amendment, and have to represent this Government using the facilities at hand.

The national helium reserve has been good for the Nation. I think almost anyone would tell us that. It has been good for the Nation's space program. NASA tells us that.

I respectfully say to the gentleman that while this really does not do anything, does not really mandate anything, it simply is a step in the wrong direction at this time. It may not be a step in the wrong direction from here on.

As has been reported, the national helium reserve is an example of a Government program that works. While we have so many that do not work, why set aside one that works?

We should not thoughtlessly walk away from such a program. Before we would unravel the current arrangement, I think we need to be very sure of what the implications are of what is being proposed in the Cox amendment. We do not go to rhetoric on one side or the other as to what that is, we go to those who are affected by it.

In testimony before the Energy and Mineral Resources Subcommittee this spring, on May 20, 1993, Mr. James Dufas, the Director of the Resources Community and Economic Development Division of the Government Accounting Office, made the following important point:

> If holding the federal helium inventory occurs at the same time that federal purchases of helium are shifted from the Bureau of Mines to private industry, the total cost of supplying helium to the U.S. economy increases because of the need for private investment in helium production capacity.

Thus, the amendment, while well meaning, could wind up hurting the U.S. economy, instead of helping it.

I go to the GAO, who said in testimony before Congress, "How to meet federal needs for helium is a public policy decision that should consider many issues."

The GAO and the Mineral Resources study on meeting the needs for helium has pointed that out to us in a release that was released I believe May 20, 1993.

From the U.S. Department of the Interior, once again quoting from those who have to deal with this, from the acting director, he states,

> In response to program inquiries from the Congress, this program is currently being reviewed and various options impacting the future of the program are being considered. Some of these options would affect the employees within the organization. In summary, the program does not receive any appropriations, but must exist on revenue generated from the sale of helium and services.

Madam Chairman, helium is too important to the U.S. economy for us to act I think without thinking through this issue and understanding the implications of what we might be doing.

Finally, as chairman of the Space Committee and having held hearings with NASA, just recently NASA, in a NASA study, stated if NASA was forced to obtain its helium from private industry, it would cost NASA $6 million for equipment to change that helium to a form that NASA can use.

Madam Chairman, I urge my colleagues to defeat this amendment.

Mr. CASTLE. Madam Chairman, I move to strike the last word.

Madam Chairman, when I was campaigning for this office last year I read a lot of different books and circulations that were sent to my office concerning pork barrel projects and unnecessary expenditures by the Federal Government. Generally the helium sales and the helium reserve were one of those that made practically every list I can recall.

I have listened to the arguments today. Some individuals have made some very cogent points concerning the need for helium. I have no doubt that back whenever it was, in 1960 or before, when this particular structure was created with the requirement that NASA purchase its helium from it, there was a need for this. In fact, my research would show indeed there was some question about the whole future of production of helium in the United States of America.

But it is 1993, and the time has come I believe for a change. The concept of requiring that helium be purchased by NASA when there is a private market is outmoded, it is unnecessary, and it is extraordinarily expensive.

I have heard some of the discussions here about the intergovernmental transfer of dollars in terms of what it means. But the bottom line is that the private sector can do it less expensively than can the Federal Government. That is a litmus test that we need to start applying in the Congress of the United States of America, and it applies here because it would ultimately be less expensive if we went to

the private sector to purchase the helium which is necessary.

Madam Chairman, NASA needs help. We know that. They lobbied hard for certain things on this floor in the last 2 or 3 weeks. But this is not one on which I have heard much from them, and I have to assume that they understand perhaps the next step after doing away with the requirement should be to do away with the helium reserve in general.

It is for all these reasons I rise to support the Cox-Frank amendment. Not only because of what it represents in itself, but because of what it represents with respect to white elephants and projects of the U.S. Government which are no longer necessary and which we would be better served without at a lesser cost to the taxpayers of the country.

Mr. RAMSTAD. Madam Chairman, I move to strike the last word.

Madam Chairman, I rise today in strong support of the amendment offered by Mr. COX and Mr. FRANK to end the practice of forcing the Federal Government to buy helium from the national helium reserve.

It is important to underscore the fact that adopting this amendment would allow NASA to seek the most cost-effective source of helium and buy from that source. Hardly a radical proposal.

This idea seems so sensible that it is incredible we have to pass an amendment to do it—but then again, given the lack of fiscal responsibility in the Congress, I guess it is not surprising.

However, there is some evidence that Congress is beginning to understand the importance of terminating unnecessary programs. Last week we put the final nail in the coffin of the advanced solid rocket motor. Today we have the opportunity to take the first step toward shutting down the wasteful Federal helium program for good.

Madam Chairman, I urge my colleagues to support the Cox-Frank amendment.

Mr. BROWN of California. Madam Chairman, I move to strike the last word.

Madam Chairman, this gentleman is interested in bringing this debate to a close as quickly as possible. I think we have probably had a good discussion on this issue and are ready to bring it to a vote. I personally am in agreement with the principle that the gentleman from California [Mr. COX] is expounding here, although I think that his amendment only sends a signal, as we sometimes say, and actually does not accomplish what the gentleman would like to accomplish.

I am not going to belabor this point particularly. I hope that we are ready to come to a vote on this.

Mr. WALKER. Madam Chairman, will the gentleman yield?

Mr. BROWN of California. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Madam Chairman, maybe we should ascertain how many speakers we do have. I would be agreeable to some sort of time limitation. Would the author of the amendment be agreeable to putting some kind of time limit on this?

Mr. COX. Madam Chairman, if the gentleman will yield, I am very appreciative of the indulgence of the chairman. I think we only have a few people who have asked to speak.

Mr. WALKER. Madam Chairman, I was going to speak a minute or two myself.

Mr. BROWN of California. I know of on one else on our side who wishes to speak on this.

□ 1150

Mr. WALKER. Madam Chairman, I move to strike the requisite number of words.

I will be brief, too. I rise in support of the gentleman's amendment. It is clear that one of the largest purchasers of helium is NASA. And if this amendment accomplishes two things, it will have done an important service.

No. 1, it will force NASA to begin to look toward private suppliers for some of its needs. That has all too often not been the case with NASA. It has been one of the complaints some of us have had over the years, that NASA has been too much insular in its policies with regard to some of these programs.

Second, in this particular case, I do believe that it is a step toward reform of the helium program and would allow the private suppliers to begin to fulfill this need and, apparently, at a cost that is much less than what the Government is providing this resource.

I think that the amendment may help us move in that direction. Therefore, it deserves the support of the Committee.

Mr. BROWN of California. Madam Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from California.

Mr. BROWN of California. Madam Chairman, as I indicated, I think the amendment, if adopted, would send a signal. But it is not mandatory and, as the gentleman knows, there are other agencies which also buy helium from the stockpile. They would not be affected by this.

On the good side, I think the administration, through the Vice President's Task Force on Improving or Reinventing Government, is looking in the same direction as the gentleman from California [Mr. COX], toward some modifications or perhaps elimination of the helium program.

To do that, however, would require changing another act, the Helium Act, which is not reached by this.

My guess is, if we pass this amendment, that it would probably still be reviewed by OMB. And OMB would, in order to maintain consistency, probably say to NASA, keep doing what we require Defense and other agencies to do.

I am concerned because of that, that the fact that this might confuse the situation, but as I have indicated, I would be willing to endorse the legislation of the gentleman from California [Mr. COX] and hope that that would assist us.

Mr. WALKER. Madam Chairman, I thank the gentleman. I agree that this does not completely solve the problems that have been mentioned here with the helium program. But it is also clear that in the business of cutting back the NASA budget, which this House has endorsed in a couple of amendments and which the Administrator, in fact, is trying to do, in trying to find places to save money, this is certainly one area where it appears as though some savings may be possible to obtain a resource that NASA badly needs.

So, therefore, if this does give him some latitude to do that by law, it seems to me we have accomplished something worthwhile.

Mr. BROWN of California. Madam Chairman, if the gentleman will continue to yield, if I had known that we were going to have this thorough and extensive a discussion of the helium program, I would have invited our colleagues on the Committee on Natural Resources, which has jurisdiction over this program, to attend so that they might get the benefit of it.

Mr. KINGSTON. Madam Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Georgia.

Mr. KINGSTON. Madam Chairman, I just wanted to jump in here. I guess I am already plowing ground that has already been plowed. I want to say that when we cut a program, there is always folks who say we need it because of this, because of that.

One of the things that I am experiencing as a freshman who came up here to try to address the debt is that everything seems to have a sacred cow status when it comes time to cut it. But we have got a $4 trillion debt.

We are passing a controversial tax increase. And if it passes, based on the White House projections, there will still be a deficit each year. And there will still be another trillion dollars added to the debt.

The interest on that is already 18 percent of our annual budget, and we have got to do something.

Here we have, I think, a rare opportunity to work as a bipartisan group and support the Cox-Frank amendment and have the Democrats and Republicans working together to reduce this spending.

So as long as private suppliers can do it and NASA is already working well with a number of private suppliers, I think that we should go ahead and do

it. It is never easy to cut, but it is certainly not easy to pay 18 percent of our national budget on the interest on the debt. I support the amendment.

Mr. ARMEY. Madam Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Texas.

Mr. ARMEY. Madam Chairman, let me just say very quickly, I rise in support of this amendment. I know that the gentleman from California [Mr. COX] has given us a brief truck driver's history of the helium program, begun in 1925 and revised periodically over the years.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. WALKER] has expired.

(By unanimous consent, Mr. WALKER was allowed to proceed for 2 additional minutes.)

Mr. ARMEY. Madam Chairman, this program makes clear the adage, "The closest thing to eternal life is a government program."

Years and years and years after there is a need for a program, new legislation, new reauthorization, new dimensions to the program, new configurations of the program will be made to keep the program alive. Why? Because it is alive.

I think there is a time when we just have to say no, no more. This is a program that years and years ago outlived its usefulness.

We have got to demonstrate our ability to stand for change, to reinvent the government and to take those programs for which there is not one scintilla of reasonable justification today and eliminate those programs.

If we cannot eliminate the old, the outdated, the passe, we cannot create the new.

In a world of scarce resources, we must ration resources away from what is no longer needed, if we can possibly have them available for what is needed.

If we are going to move forward, we have got to be able to kill programs of this type, of this nature, of this lack of sense in a modern world.

My children have always been excited to see the Goodyear blimp. I have always been amazed at the degree to which their excitement arouses when they see the Goodyear blimp. Why? Because, Members, it is the only blimp in the air.

We do not need a national program of helium reserves where there are no blimps in the air. It is time to kill this program. Let us do it now.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. COX].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. COX. Madam Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 319, noes 109, not voting 11, as follows:

[Roll No. 380]

AYES—319

Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca (WI)
Barcia (MI)
Barlow
Barrett (NE)
Barrett (WI)
Bartlett (MD)
Bateman
Bentley
Bereuter
Berman
Bilbray
Bilirakis
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Borski
Brewster
Brown (FL)
Brown (OH)
Bunning
Burton (IN)
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr (MI)
Castle
Clement
Clinger
Coble
Collins (GA)
Condit
Conyers
Cooper
Coppersmith
Costello
Cox
Coyne
Crane
Crapo
Cunningham
Danner
Darden
de Lugo (VI)
Deal
DeLauro
DeLay
Diaz-Balart
Dickey
Dicks
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Emerson
English (AZ)
Eshoo
Evans
Everett
Ewing
Fawell
Fields (TX)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gingrich
Glickman
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hamilton
Hancock
Hansen
Hastert
Hefley
Hefner
Herger
Hinchey
Hoagland
Hobson
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, Sam
Johnston (FL)
Kanjorski
Kaptur
Kasich
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Leach
Levin
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCollum
McCrery
McCurdy
McDermott
McHale
McHugh
McInnis
McKeon
McMillan
McNulty
Meehan
Meyers (KS)
Mica
Michel
Miller (FL)
Minge
Molinari
Montgomery
Moorhead
Morella
Murphy
Murtha
Myers
Natcher
Neal (MA)
Neal (NC)
Norton (DC)
Nussle
Oberstar
Obey
Olver
Orton
Oxley
Pallone
Parker
Paxon
Payne (VA)
Penny
Peterson (FL)
Peterson (MN)
Petri
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Reed
Regula
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Romero-Barcelo (PR)
Ros-Lehtinen
Roth
Roukema
Rowland
Royce
Sabo
Sanders
Sangmeister
Santorum
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (NJ)
Smith (OR)
Snowe
Solomon
Spence
Spratt
Stearns
Strickland
Studds
Stump
Stupak
Sundquist
Swett
Synar
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Thornton
Thurman
Torkildsen
Torricelli
Underwood (GU)
Unsoeld
Upton
Vento
Visclosky
Vucanovich
Walker
Walsh
Weldon
Whitten
Wise
Wolf
Woolsey
Wyden
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—109

Abercrombie
Andrews (TX)
Barton (TX)
Becerra
Beilenson
Bevill
Bishop
Bonior
Boucher
Brooks
Browder
Brown (CA)
Chapman
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Combest
Cramer
de la Garza
DeFazio
Dellums
Deutsch
Dingell
Dixon
Edwards (CA)
Edwards (TX)
Engel
English (OK)
Faleomavaega (AS)
Farr (CA)
Fazio
Fields (LA)
Ford (MI)
Gephardt
Geren
Gilman
Gonzalez
Green
Hall (TX)
Hamburg
Harman
Hastings
Hayes
Hilliard
Hochbrueckner
Jefferson
Johnson, E. B.
Kennedy
Kopetski
Laughlin
Lehman
Lewis (GA)
Mann
Manton
McKinney
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Mollohan
Moran
Nadler
Ortiz
Owens
Pastor
Payne (NJ)
Pelosi
Pickett
Pickle
Rahall
Reynolds
Richardson
Rose
Rostenkowski
Roybal-Allard
Rush
Sarpalius
Scott
Serrano
Skeen
Smith (IA)
Smith (MI)
Smith (TX)
Stark
Stenholm
Stokes
Swift
Tanner
Tejeda
Thompson (MI)
Torres
Towns
Traficant
Tucker
Valentine
Velazquez
Volkmer
Waters
Watt
Waxman
Wheat
Williams
Wynn
Yates

NOT VOTING—11

Bryant
Derrick
Henry
Lazio
McCloskey
McDade
Moakley
Packard
Rangel
Washington
Wilson

□ 1228

Messrs. WHEAT, GILMAN, RICHARDSON, JEFFERSON, MFUME, MORAN, and FAZIO changed their vote from "aye" to "no."

Messrs. KLEIN, BARLOW, TAYLOR of Mississippi, SCHUMER, and BLACKWELL, and Ms. FURSE changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. BECERRA

Mr. BECERRA. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BECERRA: Page 48, after line 10, nsert the following new section:

SEC. 316. DIVERSITY FACTORS IN PROCUREMENT.

(a) IN GENERAL.—The Administrator shall ensure, to the fullest extent possible, that at least 8 percent of the funding made available

to the National Aeronautics and Space Administration for each fiscal year is made available for contracts with—

(1) socially and economically disadvantaged small business concerns;

(2) business concerns or other organizations that are at least 51 percent owned or controlled by women;

(3) historically Black colleges and universities, and

(4) colleges and universities having a student body in which more than 20 percent of the students are Hispanic Americans, and other Minority Institutions.

(b) WAIVER OF COMPETITIVE PROCEDURES.—To the extent necessary to carry out subsection (a), the Administrator may enter into contracts using less than full and open competitive procedures, but shall pay a price not exceeding fair market cost by more than 10 percent in payment per contract to contractors or subcontracts desribed in subsection (a).

(c) REGULATIONS.—The Administrator shall issue such regulations as are necessary to carry out this section, including—

(1) guidelines for contracting officers of the National Aeronautics and Space Administration for carrying out subsection (b);

(2) to the extent practicable, provision for notice, before solicitation for procurements, that specific procurements have been designated for satisfying the requirement of subsection (a); and

(3) procedures for implementing this section that do not alter the procurement process under section 8(a) of the Small Business Act.

(d) DEFINITIONS.—For purposes of this section—

(1) the term "historically Black colleges and universities" has the meaning given the term "part B institution" in section 322(2) of the Higher Education Act of 1965;

(2) the term "other Minority Institution" has the meaning given the term "eligible institution" in section 312(b) of the Higher Education Act of 1965; and

(3) the term "socially economically disadvantaged small business concerns" has the meaning given such term in section 8(a)(4)(A) of the Small Business Act.

Mr. BECERRA (during the reading). Madam Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

□ 1230

Mr. BECERRA. Madam Chairman, the amendment before us calls on NASA to ensure, to the fullest extent possible, that at least 8 percent of all contracts be awarded to socially and economically disadvantaged businesses, including women-owned businesses.

It is an effort to ensure that businesses owned by socially and economically disadvantaged individuals, including women, have a genuine opportunity to compete for NASA contracts.

This is not a new issue. Similar language has been adopted with bipartisan support in the past on other authorization bills—Department of Defense and National Energy Act of last year, for example.

In fact, the National Energy Act passed 363 to 60 last year.

NASA has been operating a very successful Socially Disadvantaged Business Program for the past 2 years. And they are doing an admirable job in making progress toward reaching the 8-percent goal.

However, the SDB Program was never officially authorized in an authorization bill, but rather in past appropriations bills. This amendment makes the NASA SDB Program official.

Congress has consistently expressed its desire to give minority-owned firms an opportunity to compete for and receive a fair share of Government contracts. My amendment is simply a continuation of this policy.

What we are doing is nothing less than encouraging the development of small and disadvantaged businesses—an appropriate effort in these hard economic times. It is fair and responsible.

Rebuttal points: This is not a set-aside, just a goal; this language was never adopted in a NASA authorization bill, only appropriations bills in the past. That is the reason for doing it here.

Let me make sure I point out again to the Members: This is not a quota. This is not a mandate. This calls upon NASA to the fullest extent possible within NASA to make an effort to provide opportunities for minorities and socially, economically disadvantaged business concerns to compete for NASA on contracts.

I would urge Members to vote for this amendment.

Mr. WALKER. Madam Chairman, I move to strike the last word.

Madam Chairman, in my view what is proposed in this amendment is bad public policy. The gentleman says that this is not a quota. It certainly is quota-based, and I have problems with it.

The thing that the gentleman says which is absolutely correct is that the problem is that it is already public policy. It is what we are doing. It has been decided as a part of appropriation bills to do this and we are already engaged in these programs.

The real question before us today is whether or not the authorizing committee is going to take some control of this policy by including it within the authorization so that at the very least we have some oversight and some ability to deal with it.

The gentleman has been very forthcoming and helpful in modifying some of the language that we did have concerns about that went beyond public policy. His statement is now precisely what is public policy in the appropriation bills and simply is putting the authorizing committee in the position of being able to watch over this public policy.

I say again, this is not a wise thing to be doing in terms of public policy. Too often, I am afraid, what happens is that we take agencies such as NASA and we make their mission into a social policy mission, rather than the appropriate mission of the agency. I am concerned about that and I am concerned about the amendment in that regard.

But the bottom line is that it will not change public policy to defeat this amendment in any way. The public policy will remain. The only thing that will be lost is the ability of the authorizing committee to do something to watch to make certain that that public policy is implemented in a proper and appropriate way.

Mr. BROWN of California. Madam Chairman, will the gentleman yield?

Mr. WALKER. I am happy to yield to the committee chairman.

Mr. BROWN of California. Madam Chairman, I want to compliment both the gentleman from Pennsylvania [Mr. WALKER] and the gentleman from California [Mr. BECERRA] for making an honest effort to reach a meeting of the minds and reaching a meeting of the minds on this issue.

I think this is the way we should approach legislation. I think both gentlemen have set an excellent example, and I am happy to support the language that has been reached.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Chairman, I rise today in support of the amendment offered by the gentleman from California.

Madam Chairman, I appreciate that the majority of this Chamber has never really understood what it means to be denied opportunities on the basis of their skin color. I appreciate that some in this body find it difficult to conceive of the additional burdens race and gender place on individuals who desire to compete on an even playing field. That is why I would like to explain a few of the realities that this amendment is trying to address.

Most people in this Chamber, if pressed, will admit that they prefer to deal with people they know personally or types of people they know through experience. It's a matter of comfort levels. I think we all accept that commonalities of shared experiences—be they through education, social circles, geographic location, military service, whatever—form the foundation for the grounds on which business relationships, indeed all relationships, are built. Historically, African-Americans, Hispanics and women have been excluded from many of these experiences and thus disadvantaged in accessing the opportunities which arise from these relationships. This amendment is very straightforward; it just says that 8 percent of contract awards be made to these individuals. There is no injustice here, no one is being deprived of anything.

It is almost embarrassing that this amendment is controversial. My constituents pay 100 percent of their tax dollars. But what do they get back? Eight percent of the opportunities. Are there people in this body who will deny the 12 percent of the U.S. population that is African-American, the 9 percent of the population that is Hispanic and the 7 percent of the

population that is Asian-American 8 percent of NASA contracts? And then go further to call them quotas?

According to the U.S. Commission on Minority Business Development's report to Congress on historically underutilized businesses, less than 4 percent of all Federal prime contracts and less than 4 percent of Federal prime subcontracts went to small disadvantaged businesses. Not just NASA, but all Federal procurement.

What message does that send to the small disadvantaged business owner? What message sent to the children of that small disadvantaged business owner? These are the children who don't understand why they have to study math or physics or go to college when they see they have got to work everyday and pay their taxes and receive nothing back because they don't have the advantages of the relationships I described earlier. What message is being sent when people in this body say to some groups that getting even less than a proportionate share of the pie is unfair because it is going to deprive another group of what they have felt entitled to by birth?

Eight percent is a ridiculously low figure as a goal for all black-, hispanic-, and women-owned businesses. But it is the language which has become standard throughout numerous Federal programs. Similar language is included in the fiscal year 1993 Defense Department appropriations bill, earlier VA/HUD appropriations bills and energy and water appropriations bills. This amendment would only place the language in the authorizing bill where it belongs. I urge my colleagues to support the amendment and strike a small victory for equality and opportunity.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. BECERRA].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. KLUG

Mr. KLUG. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KLUG: Page 4, lines 1 through 4, strike "the cancellation" and all that follows through "Space Administration" and insert in lieu thereof "consistent with paragraphs (1) through (6), because the aluminum lithium external tank replaces the lift capability enhancement of the Advanced Solid Rocket Motor, and because of severe budgetary constraints and the need to reduce the Federal deficit, the cancellation of the Advanced Solid Rocket Motor program is necessary, and such cancellation will result in a reduction of expenditures by the National Aeronautics and Space Administration over 5 years of $75,000,000, which is".

Mr. KLUG (during the reading). Madam Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The CHAIRMAN. Because of a previous order, the gentleman's amendment is now in order.

Mr. KLUG. Madam Chairman, this is a fairly simple amendment and I will not take long.

What it does is amplify the findings that the committee reported out indicating that it was the committee's recommendation that the ASRM Program be terminated.

The new language in these findings does two things. First, it amplifies the fact that those of us in the House think that the program should be terminated because of the issue of deficit reduction; and second, there is also language in the expanded findings indicating that the program no longer can be justified in terms of its original mission.

This language I think is consistent with what the committee tried to do. It also reflects two recent votes in the House, one in the authorization bill, an amendment cosponsored and fought for by my colleague, the gentleman from Wisconsin [Mr. SENSENBRENNER], and then another amendment during the appropriations process that I and the gentleman from Minnesota [Mr. PENNY], the gentleman from Minnesota [Mr. RAMSTAD], the gentleman from Utah [Mr. HANSEN] and the gentlewoman from Utah [Ms. SHEPHERD] and a number of other people fought for.

So I hope what we can do with these expanded findings is simply again to send a strong message to the conferees and send a strong message to the folks in the other House that as this legislation moves forward, that we achieve what we hoped for a number of years, which is to terminate a program that can no longer be justified from either a fiscal standpoint or can no longer be justified from a scientific standpoint.

Mr. BROWN of California. Madam Chairman, I move to strike the last word.

I will be very brief. I want to thank the gentleman for his cooperation with the committee in drafting the language of his amendment. We find it satisfactory.

It will complement the language that the committee has already drafted in its report, and we are willing to accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. KLUG].

The amendment was agreed to.

Mr. LANCASTER. Madam Chairman, I move to strike the last word.

Madam Chairman, I would like at this point to enter into a colloquy with the distinguished chairman of the Committee on Science, Space, and Technology, if he would consent.

Mr. BROWN of California. Madam Chairman, if the gentleman will yield, I certainly will.

Mr. LANCASTER. Several weeks ago, Madam Chairman, I came across an article that detailed some of the less than stellar procurement and financial practices of the National Aeronautics and Space Administration [NASA]. The article reported that NASA has the authority to award—and in some cases already has awarded—huge bonuses to contractors whose projects are grossly over budget. As an example, the article cited the 17-ton satellite project known as the Gamma Ray Observatory. Although the cost to construct and operate the project came in at 15 percent—or $40 million more than promised, NASA rewarded the contractor with a $5 million bonus.

Madam Chairman, this is precisely the sort of wasteful and extravagant spending that cannot be justified as we ask U.S. citizens and voters to incur personal sacrifices to help reduce the mounting Federal deficit.

Since NASA spends over 90 percent of its budgets on contracts, I wonder if Chairman BROWN would please explain what measures are in place to ensure that NASA's contract administration practices follow a more financially prudent course? It is my understanding that last year's NASA authorization bill contained a contract reform provision and that the current bill includes even stronger measures to improve contract management and contractor accountability. Could the gentleman explain these initiatives in some detail?

Mr. BROWN of California. Madam Chairman, will the gentleman yield?

Mr. LANCASTER. I will indeed, I yield to the gentleman from California.

Mr. BROWN of California. Madam Chairman, let me first say that I applaud the work the gentleman from North Carolina is doing and for his concern and interest in the procurement efforts underway at NASA. As the gentleman stated, Congress passed the NASA Authorization Act (Public Law 102-588) last year which required the Agency to assess approaches that would result in greater contractor accountability.

As a result, NASA published a rule in the Federal Register on April 14, 1993, which applies positive and negative incentives to cost-plus award fee contracts. To summarize, this rule appropriately awards contractors that meet and exceed expectations under the contract and penalizes those that do not. We anticipate that this rule will become final in the next several weeks and that subsequent NASA cost-plus award fee contracts will be negotiated to reflect these incentives.

In addition, H.R. 2200 contains a provision authored by the gentlewoman from California [Ms. ESHOO] which further distributes high risk in research and development contracts by levying penalties against contractors for failure to perform under the contract.

Mr. LANCASTER. Madam Chairman, I understand the gentleman's committee is concerned about abuses in NASA's contracting policies and is planning to exercise close oversight of the Agency's practices. Could the gentleman elaborate more fully on these oversight intentions?

Mr. BROWN of California. Madam Chairman, if the gentleman will yield

further, the Committee on Science, Space, and Technology exercised a great deal of oversight in the 102d Congress and plans to continue to exercise close oversight in the 103d Congress.

□ 1240

During the past few years, Madam Chairman, we have held numerous hearings on NASA's contract management and contractor accountability and have followed closely the status of rulemaking on procurement initiatives. With flat or decling budgets, the committee believes that NASA must use taxpayers' dollars wisely in procuring products and services for the Agency.

The committee is approaching procurement reform at NASA in tandem with efforts to reform financial management and budget practices. To this end, the committee is supportive of several initiatives such as independent cost analyses of new NASA programs and the appointment of a chief financial officer to address cross-cutting reform efforts.

Mr. LANCASTER. Madam Chairman, is it the judgment of the gentleman from California [Mr. BROWN] that the measures contained in this bill, and the strict oversight by his committee, will lead to significant improvements in NASA's contracting policies in general, and with respect to unjustified performance bonuses to contractors in particular?

Mr. BROWN of California. Madam Chairman, if the gentleman will continue to yield, again I believe that the committee and NASA are working closely and cooperatively to change past procurement practices. In addition, we have closely consulted with other interested Members and committees of jurisdiction. Not only do the committee and Congress need to ensure that contractors bear appropriate risks and costs in high-risk research and development contracts, but also that NASA plans and manages its cost-plus awarded fee contracts effectively.

I am encouraged by the progress NASA has made in procurement practices over the course of the past several months, and we expect to see even more of these changes in the near future. With rules governing the procedures to include positive and negative award fees and continued committee oversight in procurement, financial management, and budget reforms, I believe the results to NASA and to the taxpayer will be higher quality products which are on time and within original cost estimates.

The CHAIRMAN. Are there further amendments to title III?

If not, the Clerk will designate title IV.

The text of title IV is as follows:

TITLE IV—AERONAUTICS RESEARCH AND TECHNOLOGY

SEC. 401. FINDINGS.

The Congress finds that—

(1) the aerospace industry makes a major contribution to the economy of the United States, accounting for the largest positive trade balance of any United States industry (more than $28,000,000,000 in 1992), and providing over 1,000,000 high-value jobs;

(2) the international market share of the United States aerospace industry has steadily eroded due to competition from foreign consortia that receive substantial direct subsidies from their governments;

(3) the United States aerospace industry is further negatively impacted by reduced investment in national defense;

(4) the continued competitiveness of the United States aerospace industry can be significantly aided by an enhanced Federal investment in technology base research and development in aeronautics;

(5) maintaining state-of-the-art experimental facilities is a key element of Federal investment in aeronautics research and development;

(6) the long-term contribution of advances in aeronautics to the economy and society will rely on a continued commitment to pioneering research and development such as the National Aero-Space Plane;

(7) the National Aero-Space Plane program should explore the possibility of collaboration with other nations for opportunities that would offer unique programmatic benefits without compromising the strategic advantage to the United States; and

(8) cost sharing for facilities use is a highly desirable objective given the deficit reduction goals of the President and the Congress.

SEC. 402. DEFINITION.

For purposes of this title, the term "independent organization" means an organization that does not receive significant funding or support from the National Aeronautics and Space Administration, other than under sections 403, 404, and 406.

SEC. 403. INDEPENDENT PERFORMANCE REVIEW.

(a) PLAN.—The Administrator shall provide for the development of a plan establishing criteria, procedures, and milestones for the evaluation, by an independent organization, of advances made in fundamental aeronautics research and development and the progress made by the aeronautics programs of the National Aeronautics and Space Administration in achieving their goals. Such plan shall be developed by an independent organization in consultation with the Administrator. The plan shall also describe criteria and procedures for terminating National Aeronautics and Space Administration programs that are not making acceptable progress toward their goals. The Administrator shall submit a report describing such plan to the Congress within 6 months after the date of the enactment of this Act.

(b) ANNUAL REPORT.—Beginning in the first year after submission of the plan under subsection (a), at the time of the President's annual budget request to Congress, the Administrator shall submit to the Congress an annual report on the results of an evaluation, conducted by an independent organization, of the progress made by the National Aeronautics and Space Administration in advancing aeronautics and achieving the goals of aeronautics programs. Such evaluation shall be conducted using the criteria, procedures, and milestones established under the plan required by subsection (a).

SEC. 404. TECHNOLOGY TRANSFER REVIEW.

(a) PLAN.—The Administrator shall provide for the development of a plan establishing criteria and procedures for the evaluation, by an independent organization, of the effectiveness of technology transfer from the National Aeronautics and Space Administration's aeronautics programs to industry and other public organizations. Such plan shall be developed by an independent organization in consultation with the Administrator. The plan shall include clear, quantitative measures of the success of such technology transfer activities. The Administrator shall submit a report describing such plan to the Congress within 6 months after the date of the enactment of this Act.

(b) ANNUAL REPORT.—Beginning in the first year after submission of the plan under subsection (a), at the time of the President's annual budget request to Congress, the Administrator shall submit to the Congress an annual report on the results of an evaluation, conducted by an independent organization, of the effectiveness of the National Aeronautics and Space Administration's technology transfer programs. Such evaluation shall be conducted using the criteria and procedures established under the plan required by subsection (a).

SEC. 405. FACILITIES COST SHARING.

The Administrator, in conjunction with other ongoing activities of the National Aeronautics and Space Administration such as the Aerospace Facilities Plan, shall study existing and potential cost sharing provisions between the Federal Government and industry as they relate to the use of wind tunnels and related test facilities to ensure that cost sharing is employed to the fullest reasonable extent. The Administrator shall submit to the Congress the results of such study concurrent with the completion of the Aerospace Facilities Plan, or one year after the date of enactment of this Act, whichever occurs first.

SEC. 406. JOINT AERONAUTICAL RESEARCH AND DEVELOPMENT PROGRAM.

(a) ESTABLISHMENT.—The Administrator and the heads of other appropriate Federal agencies shall jointly establish a program for the purpose of conducting research on aeronautical technologies that enhance United States competitiveness. Such program shall include—

(1) research on next-generation wind tunnel and advanced wind tunnel instrumentation technology;

(2) research on advanced engine materials, engine concepts, and testing of propulsion systems or components of the high-speed civil transport research program;

(3) advanced general aviation research;

(4) advanced rotorcraft research; and

(5) advanced hypersonic aeronautical research.

(b) CONTRACTS AND GRANTS.—Contracts and grants entered into under the program established under subsection (a) shall be administered using procedures developed jointly by the Administrator and the heads of the other Federal agencies involved in the program. These procedures should include an integrated acquisition policy for contract and grant requirements and for technical data rights that are not an impediment to joint programs among the National Aeronautics and Space Administration, the other Federal agencies involved in the program, and industry.

(c) ELEMENTS OF PROGRAM.—The program established under subsection (a) shall include—

(1) selected programs that jointly enhance public and private aeronautical technology development;

(2) an opportunity for private contractors to be involved in such technology research and development; and

(3) the transfer of Government-developed technologies to the private sector to promote economic strength and competitiveness.

SEC. 407. NATIONAL AERO-SPACE PLANE.

(a) FINDINGS.—The Congress finds that—

(1) hypersonic flight will be critical to the continued contribution of aeronautics to the economic and strategic interests of the United States in the early twenty-first century;

(2) the data obtained through rocket-based hypersonic flight experiments will not, by themselves, reduce risk sufficiently to allow the development of a single-stage-to-orbit, air-breathing plane; and

(3) a single-stage hypersonic research plane is critical to the successful exploration of the hypersonic flight regime and the timely realization of a single-stage-to-orbit, air-breathing plane.

(b) HYPERSONIC RESEARCH PLANE ASSESSMENT.—The Administrator shall conduct a study, through an independent organization, of strategies that would optimize the next phase of the National Aero-Space Plane program by integrating with the rocket-based hypersonic flight experiments the development, in the shortest possible time frame, of a single-stage hypersonic research plane capable of speeds in the Mach 10 to Mach 15 range or greater, with the objective of providing data that would accelerate the ultimate development of a single-stage-to-orbit, air-breathing plane. The Administrator shall report the results of the study to Congress no later than 6 months after the date of the enactment of this Act.

The CHAIRMAN. Are there amendments to title VI?

Are there further amendments to the bill?

If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

Mr. CAMP. Madam Chairman, the Consortium for the International Earth Science Information Network has undergone the scrutiny of an authorizing committee, having been authorized this year by the Science, Space, and Technology Committee. It has and is undergoing the scrutiny of the House of Representatives and funding has been appropriated. It has been approved by a President and submitted in his budget.

Like all spending programs, CIESIN as it is commonly referred to, must undergo a test—a test to determine whether or not it is in the national interest.

CIESIN is gaining recognition and respect of governments around the world. It is a 21st century library of global scientific environmental data. It is an information link between scientists around the world working to meet challenges in research, policy, education, health, and the world economy.

CIESIN is just beginning to get its start and I believe must continue to justify its existence in the future. Like every Government program, we must watch CIESIN carefully to see how taxpayers dollars are spent. That is only fair and right.

Madam Chairman, CIESIN should be debated on the floor of this House as we are doing today. And in the end, CIESIN deserves our support.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore [Mr. CARDIN] having assumed the chair, Mrs. UNSOELD, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2200) to authorize appropriations to the National Aeronautics and Space Administration for research and development, space flight, control, and data communications, construction of facilities, research and program management, and inspector general, and for other purposes, pursuant to House Resolution 193, she reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded by any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole?

Mr. GOSS. Mr. Speaker, I demand separate votes on the so-called Calvert-Hall amendment, the so-called Sensenbrenner amendment, and the so-called Cox amendment.

The SPEAKER pro tempore. Is a separate vote demanded on any other amendments?

If not, the Clerk will report the first amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment: Page 4, after line 9, insert the following new section:

SEC. 100. TOTAL AUTHORIZATION.

Notwithstanding any other provision of this subtitle, the total amount authorized to be appropriated under sections 101(b), 102, 103, 104, and 105 of fiscal year 1994 shall not exceed $12,889,000,000. Each amount stated in such sections shall be reduced proportionately as necessary to meet the requirement of this section.

Mr. GOSS (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GOSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to rule XV, the Chair announces that the next two votes, if ordered, will be limited to 5 minutes.

The vote was taken by electronic device, and there were—yeas 416, nays 6, not voting 12, as follows:

[Roll No. 381]

YEAS—416

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Cox
Coyne
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Herger
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Matsui
Mazzoli
McCandless
McCollum
McCrery
McCurdy
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn

Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stump
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waters
Waxman
Weldon
Wheat
Whitten
Williams
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—6

Bacchus (FL)
Browder
Collins (MI)
Cramer
Hilliard
Watt

NOT VOTING—12

Burton
Derrick
Henry
Lazio
Martinez
McCloskey
McDade
Moakley
Packard
Torkildsen
Washington
Wilson

□ 1305

Mr. BACCHUS of Florida changed his vote from "yea" to "nay."

Messrs. QUILLEN, HORN, KOPETSKI, ROTH, ABERCROMBIE, and CONYERS changed their vote from "nay" to "yea."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. CARDIN). The Clerk will report the next amendment on which a separate vote has been requested.

The Clerk read as follows:

Amendment: page 11, lines 1 and 2, strike "and $35,000,000 for fiscal year 1995".

Page 11, lines 4 through 8, strike "and transferring the production" and all that follows through "Yellow Creek, Mississippi".

Page 11, line 25, insert "No Federal funds may be obligated for the continuation of the Advanced Solid Rocket Motor program, except as necessary to terminate such program." after "on the Space Shuttle.".

Page 14, lines 22 and 23, strike paragraph (24).

Page 14, line 24, through page 16, line 9, redesignate paragraphs (25) through (39) as paragraphs (24) through (38), respectively.

Page 16, line 11, strike "(39)" and insert in lieu thereof "(38)".

Mr. GOSS (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. GOSS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This vote will be limited to 5 minutes.

The vote was taken by electronic device, and there were—ayes 303, noes 111, not voting 20, as follows:

[Roll No. 382]

AYES—303

Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Bateman
Beilenson
Bentley
Bereuter
Bilbray
Bliley
Blute
Boehlert
Boehner
Bonilla
Brooks
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Camp
Canady
Cardin
Castle
Chapman
Clayton
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (MI)
Combest
Condit
Conyers
Costello
Cox
Coyne
Crane
Crapo
Cunningham
Danner
de la Garza
Deal
DeFazio
DeLauro
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (TX)
Emerson
English (AZ)
English (OK)
Eshoo
Evans
Ewing
Fawell
Fields (TX)
Fingerhut
Fish
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Gallegly
Gallo
Gejdenson
Gilchrest
Gillmor
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hamilton
Hancock
Hansen
Hastert
Hastings
Hefley
Hefner
Herger
Hinchey
Hoagland
Hobson
Hoekstra
Holden
Horn
Houghton
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kreidler
Kyl
LaFalce
Lancaster
Lantos
LaRocco
Leach
Lehman
Levin
Levy
Lewis (FL)
Lightfoot
Linder
Lipinski
Lowey
Machtley
Maloney
Mann
Manzullo
Margolies-Mezvinsky
Markey
Matsui
Mazzoli
McCandless
McCollum
McCrery
McCurdy
McHale
McHugh
McInnis
McKeon
McMillan
McNulty
Meehan
Meyers
Michel
Miller (CA)
Miller (FL)
Minge
Mink
Molinari
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Neal (NC)
Nussle
Oberstar
Obey
Olver
Orton
Oxley
Pallone
Pastor
Paxon
Payne (VA)
Pelosi
Penny
Peterson (MN)
Petri
Pickett
Pombo
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Ravenel
Reed
Regula
Richardson
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Rowland
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Strickland
Studds
Stump
Stupak
Swett
Synar
Talent
Tauzin
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thurman
Torkildsen
Traficant
Tucker
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Walsh
Weldon
Wheat
Williams
Wise
Wolf
Wyden
Yates
Young (AK)
Young (FL)
Zimmer

NOES—111

Abercrombie
Ackerman
Bacchus (FL)
Bachus (AL)
Barlow
Barton
Becerra
Berman
Bevill
Bilirakis
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Callahan
Calvert
Carr
Clay
Clement
Collins (IL)
Cooper
Coppersmith
Cramer
Darden
DeLay
Dellums
Dixon
Edwards (CA)
Engel
Everett
Farr
Fazio
Fields (LA)
Filner
Flake
Furse
Gekas
Gephardt
Geren
Gibbons
Gilman
Gingrich
Hall (TX)
Hamburg
Hayes
Hilliard
Hochbrueckner
Hoyer
Hughes
Johnson (GA)
Johnson, E. B.
Kennedy
Klein
Kopetski
Lambert
Laughlin
Lewis (CA)
Lewis (GA)
Livingston
Lloyd
Long
Manton
McCloskey
McDermott
McKinney
Meek
Menendez
Mica
Mineta
Montgomery
Natcher
Owens
Parker
Payne (NJ)
Peterson (FL)
Pickle
Pomeroy
Quillen
Rangel
Reynolds
Roemer
Rose
Rostenkowski
Roybal-Allard
Rush
Scott
Serrano
Skaggs
Skeen
Stokes
Sundquist
Swift
Tanner
Taylor (MS)
Thompson
Thornton
Torres
Towns
Volkmer
Vucanovich
Walker
Waters
Watt
Waxman
Whitten
Woolsey
Wynn

NOT VOTING—20

Cantwell
Derrick
Harman
Henry
Hoke
Jefferson
Lazio
Martinez
McDade
Mfume
Moakley
Mollohan
Neal (MA)
Ortiz
Packard
Royce
Torricelli
Washington
Wilson
Zeliff

□ 1313

Messrs. BERMAN, LEWIS of California, and THORNTON changed their vote from "aye" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. CARDIN). The Clerk will report the last amendment on which a separate vote is demanded.

The Clerk read as follows:

Amendment: Page 48, after line 10, insert the following new section:

SEC. 316. HELIUM PURCHASES.

The National Aeronautics and Space Administration may purchase helium from private sector sources.

Mr. GOSS (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. GOSS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. According to the previous notice, this vote will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 326, noes 98, not voting 10, as follows:

[Roll No. 383]

AYES—326

Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Bateman
Bentley
Bereuter
Berman
Bilbray
Bilirakis
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Borski
Brewster
Brown (FL)
Brown (OH)
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clayton
Clement
Clinger
Coble
Collins (GA)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Cox
Coyne
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeLauro
DeLay
Diaz-Balart
Dickey
Dicks
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Emerson
English (AZ)
English (OK)
Eshoo
Evans
Everett
Ewing
Fawell
Fields (TX)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gingrich
Glickman
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hamilton
Hancock
Hansen
Hastert
Hefley
Herger
Hinchey
Hoagland
Hobson
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Leach
Levin
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDermott
McHale
McHugh
McInnis
McKeon
McMillan
McNulty
Meehan
Menendez
Meyers
Mica
Michel
Miller (FL)
Minge
Molinari
Montgomery
Moorhead
Morella
Murphy
Murtha
Myers
Natcher
Neal (MA)
Neal (NC)
Nussle
Obey
Olver
Orton
Oxley
Pallone
Parker
Paxon
Payne (VA)
Penny
Peterson (FL)
Peterson (MN)
Petri
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Reed
Regula
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Rowland
Royce
Sabo
Sanders
Sangmeister
Santorum
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stearns
Strickland
Studds
Stump
Stupak
Sundquist
Swett
Synar
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Thornton
Thurman
Torkildsen
Torricelli
Unsoeld
Upton
Vento
Visclosky
Vucanovich
Walker
Walsh
Weldon
Wheat
Wise
Wolf
Woolsey
Wyden
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—98

Abercrombie
Andrews (TX)
Barton
Becerra
Beilenson
Bevill
Bishop
Bonior
Boucher
Brooks
Browder
Brown (CA)
Bryant
Clay
Clyburn
Coleman
Collins (IL)
Combest
Cramer
DeFazio
Dellums
Deutsch
Dingell
Dixon
Edwards (CA)
Edwards (TX)
Engel
Farr
Fazio
Fields (LA)
Gephardt
Geren
Gilman
Gonzalez
Green
Hall (TX)
Hamburg
Harman
Hastings
Hayes
Hilliard
Hochbrueckner
Johnson, E. B.
Kopetski
Laughlin
Lehman
Lewis (GA)
Mann
Manton
McKinney
Meek
Mfume
Miller (CA)
Mineta
Mink
Mollohan
Moran
Nadler
Oberstar
Ortiz
Owens
Pastor
Payne (NJ)
Pelosi
Pickett
Pickle
Rahall
Reynolds
Rose
Rostenkowski
Roybal-Allard
Rush
Sarpalius
Scott
Serrano
Skeen
Smith (MI)
Stark
Stenholm
Stokes
Swift
Tanner
Tejeda
Thompson
Torres
Towns
Traficant
Tucker
Valentine
Velazquez
Volkmer
Waters
Watt
Waxman
Whitten
Williams
Wynn
Yates

NOT VOTING—10

Derrick
Hefner
Henry
Lazio
McDade
Moakley
Packard
Rangel
Washington
Wilson

□ 1323

Messrs. LEHMAN, OBERSTAR, ORTIZ, and TORRES changed their vote from "aye" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore [Mr. CARDIN]. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

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

MOTION TO RECOMMIT OFFERED BY MR. WALKER

Mr. WALKER. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. WALKER. I am, in its present form, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. WALKER moves to recommit the bill H.R. 2200 to the Committee on Science, Space, and Technology with instructions to report the bill back to the House forthwith with an amendment as follows:

Page 2, after line 21, insert the following new paragraph:

(3) the Administrator should explore ways of encouraging voluntary retirements by National Aeronautics and Space Administration personnel in order to facilitate any restructuring associated with the redesign of the space station;

Redesignate subsequent paragraphs accordingly.

Mr. WALKER. Mr. Speaker, I think we can dispose of this fairly quickly because I think there is general agreement on the motion.

Mr. Speaker, it is clear that in order to restructure and redesign the space station there is going to have to be some change in personnel policies at NASA. This is simply an instruction to the NASA Administrator to assure that as they look towards changes in personnel that one of the things that they would do is to look at early retirement and voluntary retirements from NASA as a way of bringing about any kind of personnel reductions.

It seems to me that this is in line with what the Administrator wants to do. And I think we have agreement that this is a reasonable addition to the bill and can be approved.

Mr. BROWN of California. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am happy to yield to the gentleman from California.

Mr. BROWN of California. Mr. Speaker, I thank the gentleman for yielding.

Let me say that I rise in support of the gentleman's motion to recommit with instructions. I think he has indicated the urgency of NASA being able

to take action which would facilitate a restructuring of the organization.

The administration, the executive branch is supportive of this also.

We have introduced today a bill that will be jointly referred to the Committee on Post Office and Civil Service and the Committee on Science, Space, and Technology that will facilitate this. This finding is merely to lay a groundwork to allow this action to go forward. I support the gentleman's motion.

Mr. WALKER. I thank the gentleman, and I do want to reiterate that point, that this is very much in line with the administration policy, which is attempting to be advanced on a fast track, and so this is something that the administration would thoroughly support.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The motion to recommit was agreed to.

Mr. BROWN of California. Mr. Speaker, pursuant to the instructions of the House, the Committee on Science, Space, and Technology reports back the bill, H.R. 2200, with an amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment: Page 2, after line 21, insert the following new paragraph:

(3) the Administrator should explore ways of encouraging voluntary retirements by National Aeronautics and Space Administration personnel in order to facilitate any restructuring associated with the redesign of the space station;

Redesignate subsequent paragraphs accordingly.

The SPEAKER pro tempore. The question is on the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, and was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BROWN of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous material, on H.R. 2200, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

SUBMISSION OF LETTER FROM CHAIRMAN OF COMMITTEE ON GOVERNMENT OPERATIONS RELATIVE TO PROCUREMENT PROVISION ON H.R. 2200, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION ACT, FISCAL YEARS 1994 AND 1995

Mr. BROWN of California. Mr. Speaker, I submit for the RECORD a letter from the Committee on Government Operations relating to a procurement provision within that committee's jurisdiction, as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 8, 1993.

Hon. GEORGE E. BROWN, Jr.,
Chairman, Committee on Science, Space, and Technology, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I received your letter of June 8, 1993, asking that the Committee on Government Operations not seek a sequential referral of H.R. 2200 if the Committee on Science, Space, and Technology adopts an amendment to hold contractors liable for failure to perform under requirements of a NASA cost-type research and development contract.

I appreciate your inquiry and understand that this amendment would apply only to NASA. While the Committee on Government Operations would normally request sequential referral of all Federal procurement actions taken by the House of Representatives, we will not seek a sequential referral to H.R. 2200 if the subject amendment is adopted in your markup.

I look forward to your continued support of the Committee on Government Operations' efforts in Federal reform.

Sincerely,

JOHN CONYERS, Jr.,
Chairman.

□ 1330

KUDOS ALL AROUND

(Mr. BROWN of California asked and was given permission to address the House for 1 minute.)

Mr. BROWN of California. Mr. Speaker, I want to call the attention of the House to the fact that we finished this bill—and many thought we never would—and I want to think the leadership for allowing us the opportunity to, over the past 6 weeks, take up time in the intermissions between other legislation.

We are very grateful to them.

I also want to thank all the Members who contributed so much to perfecting this bill through their well-honed amendments. We are grateful to them also.

Mr. BONIOR. Mr. Speaker, will the gentleman yield?

Mr. BROWN of California. I yield to the gentleman.

Mr. BONIOR. I thank the gentleman for yielding.

Mr. Speaker, on behalf of the leadership we accept the very kind remarks of the gentleman from California.

MARITIME ADMINISTRATION AUTHORIZATION ACT FOR FISCAL YEAR 1994

Mr. BONIOR. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 230 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 230

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1964) to authorize appropriations for the Maritime Administration for fiscal year 1994, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Merchant Marine and Fisheries. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Merchant Marine and Fisheries now printed in the bill. Each section of the committee amendment in the nature of a substitute shall be considered as read. Points of order against the committee amendment in the nature of a substitute for failure to comply with clause 5(a) of rule XXI are waived. It shall be in order at any time to consider the amendments en bloc printed in the report of the Committee on Rules accompanying this resolution, if offered by the chairman of the Committee on Merchant Marine and Fisheries or a designee. The amendments en bloc shall be considered as read and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. Points of order against the amendments en bloc for failure to comply with clause 7 of rule XVI are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. CARDIN). The gentleman from Michigan [Mr. BONIOR] is recognized for 1 hour.

Mr. BONIOR. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Tennessee [Mr. QUILLEN], pending which I yield myself such time as I may consume.

During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, this is a bipartisan rule for the consideration of a bipartisan bill, and I want to begin by commending the leadership of the Merchant Marine Committee—on both sides of the aisle—for their hard work.

I would like to focus my remarks, however, on one issue we will be debating today—an issue which gets at the very heart of the U.S. merchant marine.

As many of my colleagues are aware, the U.S. flag merchant marine has been in a state of decline for many years.

Our companies cannot compete with subsidized foreign interests. We have not been able to modernize, and most important, we have been loosing jobs—good jobs.

The U.S. merchant marine is crucial for our international trade, for our military security, and for American jobs. And we cannot let this downward trend continue.

The solution is clear—we need a comprehensive reform of our maritime laws—to make our companies competitive and profitable and to create and retain American jobs.

The good news is that the Merchant Marine Committee here in the House, as well as the administration, are hard at work on just such a reform.

But they need time to do their work.

That is why many of us have been very troubled by several recent events. Two of the largest liner carriers in the U.S. flag fleet now say they want to transfer many of their vessels to a foreign flag.

These companies are afraid that if we do not act fast on a reform bill, they will not be able to compete in the international market.

We need to restore confidence of the shipping industry that we can get these reforms passed.

We need to make sure that U.S. companies can compete internationally.

These firms should want to continue to operate under the U.S. flag. And a comprehensive maritime reform will do just that.

But we need time to work out that reform—we cannot begin to lose U.S. vessels, and American jobs—while that reform is completed.

When this bill is considered today, The chairman of the Committee on Merchant Marine and Fisheries intends to offer an amendment to give us time to pass that reform.

His amendment would require the administration to hold off for 1 year, any reflagging decision, while we consider and pass a reform bill.

Mr. Speaker, it is a reasonable and fair approach.

We cannot afford to lose these ships to foreign flags.

We cannot afford the costs to our national security, our international trade, or to our economy.

And we cannot afford to lose American jobs just because we have not had time to work out a reform we all agree is necessary.

Mr. Speaker, I strongly support this amendment, and I support the bill.

Mr. Speaker, House Resolution 230 is an open rule for consideration of H.R. 1964, the Maritime Administration Authorization Act for fiscal year 1994.

The rule makes in order the Merchant Marine and Fisheries Committee amendment in the nature of a substitute as an original bill for the purpose of amendment and waives clause 5(a) of rule 21 against the committee substitute.

The rule also makes in order en bloc amendments printed in the Rules Committee report and waives clause 7 of rule 16 against the amendments.

Finally, the rule provides one motion to recommit, with or without instructions.

Mr. Speaker, this is a simple, open rule for consideration of the bill, and I urge my colleagues to support the rule and the bill.

Mr. Speaker, I strongly support the amendment, and I support the bill. I urge my colleagues to not only support the amendment and the bill but urge the administration and committees of relevance, in the House and in the other body, to get on with what is necessary, that which should have been done a long time ago and now is imperative in order for us to retain these jobs, to maintain our American security on our sealanes around the world, and to make sure that this great industry does not fall the way of recent vessel flaggings in this country.

Mr. Speaker, I reserve the balance of my time.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Michigan [Mr. BONIOR] has ably explained the provisions of the bill, and I could not agree with him more that we need a refurbishing of our merchant marine capabilities in the legislation here before the Congress.

Mr. Speaker, I served aboard an aircraft carrier during World War II, and back then we had over 4,000 American bottoms in our fleet, and now we are down to less than 400. I do not know how or why, but since World War II the administrations have let the merchant marine fleet go down the drain, and we must do something to rebuild it for the benefit of this country because in a time of crisis it is absolutely necessary that they be prepared to support our efforts on the waters of the world, wherever we need to deliver the goods to supply our troops.

□ 1340

In the 30-some years that I have been here, we have been hammering away to do something for the merchant marine, but it is unfortunate indeed that we have not done anything.

I am glad to see the amendment being offered to this legislation that within a year there will be a proposal brought to the floor of the House to revise our maritime policy, reestablish American bottoms, American flags, and the fleet that we so badly need. The committee now is dedicated to do that.

I feel with that dedication and with the leadership of this Congress and our plea with the present administration that we are going to accomplish our goal.

I think we should increase our cargo preference requirements. I think we should do the things that are necessary to implement now the revision status that we all have in mind.

At the conclusion of my statement, Mr. Speaker, I will submit a comparative chart of open versus restrictive rules for the 95th through the 103d Congresses, and a separate chart of open versus restrictive rules for the 103d Congress.

This is an open rule, Mr. Speaker. I know of no objection to it.

I want to do everything that I can to help our merchant marine industry. I pledge to do that and my dedication is to carry that out and follow through.

I thank the gentleman from Michigan [Mr. BONIOR] for his remarks. He is right on target.

Mr. Speaker, I include the following charts:

OPEN VERSUS RESTRICTIVE RULES: 95TH–103D CONG.

Congress (years)	Total rules granted [1]	Open rules [2]		Restrictive rules [3]	
		Number	Percent	Number	Percent
95th (1977–78)	211	179	85	32	15
96th (1979–80)	214	161	75	53	25
97th (1981–82)	120	90	75	30	25
98th (1983–84)	155	105	68	50	32
99th (1985–86)	115	65	57	50	43
100th (1987–88)	123	66	54	57	46
101st (1989–90)	104	47	45	57	55
102d (1991–92)	109	37	34	72	66
103d (1993–94)	31	9	29	22	71

[1] Total rules counted are all order of business resolutions reported from the Rules Committee which provide for the initial consideration of legislation, except rules on appropriations bills which only waive points of order. Original jurisdiction measures reported as privileged are also not counted.

[2] Open rules are those which permit any Member to offer any germane amendment to a measure so long as it is otherwise in compliance with the rules of the House. The parenthetical percentages are open rules as a percent of total rules granted.

[3] Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules, as well as completely closed rules, and rules providing for consideration in the House as opposed to the Committee of the Whole. The parenthetical percentages are restrictive rules as a percent of total rules granted.

Sources: "Rules Committee Calendars & Surveys of Activities," 95th–102d Cong.; "Notices of Action Taken," Committee on Rules, 103d Cong., through July 29, 1993.

OPEN VERSUS RESTRICTIVE RULES: 103D CONGRESS

Rule number, date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 58, Feb. 2, 1993	MC	H.R. 1: Family and medical leave	30 (D–5; R–25)	3 (D–0; R–3)	PQ: 246–176. A: 259–164. Feb. 3, 1993.
H. Res. 59, Feb. 3, 1993	MC	H.R. 2: National Voter Registration Act	19 (D–1; R–18)	1 (D–0; R–1)	PQ: 248–171. A: 249–170. Feb. 4, 1993.

OPEN VERSUS RESTRICTIVE RULES: 103D CONGRESS—Continued

Rule number, date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 103, Feb. 23, 1993	C	H.R. 920: Unemployment compensation	7 (D–2; R–5)	0 (D–0; R–0)	PQ: 243–172. A: 237–178. Feb. 24, 1993.
H. Res. 106, Mar. 2, 1993	MC	H.R. 20: Hatch Act amendments	9 (D–1; R–8)	3 (D–0; R–3)	PQ: 248–166. A: 249–163. Mar. 3, 1993.
H. Res. 119, Mar. 9, 1993	MC	H.R. 4: NIH Revitalization Act of 1993	13 (D–4; R–9)	8 (D–3; R–5)	PQ: 247–170. A: 248–170. Mar. 10, 1993.
H. Res. 132, Mar. 17, 1993	MC	H.R. 1335: Emergency supplemental appropriations	37 (D–8; R–29)	1 (not submitted) (D–1; R–0)	A: 240–185. Mar. 18, 1993.
H. Res. 133, Mar. 17, 1993	MC	H. Con. Res. 64: Budget resolution	14 (D–2; R–12)	4 (1–D not submitted) (D–2; R–2)	PQ: 250–172. A: 251–172. Mar. 18, 1993.
H. Res. 138, Mar. 23, 1993	MC	H.R. 670: Family planning amendments	20 (D–8; R–12)	9 (D–4; R–5)	PQ: 252–164. A: 247–169. Mar. 24, 1993.
H. Res. 147, Mar. 31, 1993	C	H.R. 1430: Increase public debt limit	6 (D–1; R–5)	0 (D–0; R–0)	PQ: 244–168. A: 242–170. Apr. 1, 1993.
H. Res. 149, Apr. 1, 1993	MC	H.R. 1578: Expedited Rescission Act of 1993	8 (D–1; R–7)	3 (D–1; R–2)	A: 212–208. Apr. 28, 1993.
H. Res. 164, May 4, 1993	O	H.R. 820: National Competitiveness Act	NA	NA	A: Voice vote. May 5, 1993.
H. Res. 171, May 18, 1993	O	H.R. 873: Gallatin Range Act of 1993	NA	NA	A: Voice vote. May 20, 1993.
H. Res. 172, May 18, 1993	O	H.R. 1159: Passenger Vessel Safety Act	NA	NA	A: 308–0. May 24, 1993.
H. Res. 173, May 18, 1993	MC	S.J. Res. 45: U.S. Forces in Somalia	6 (D–1; R–5)	6 (D–1; R–5)	A: Voice vote. May 20, 1993.
H. Res. 183, May 25, 1993	O	H.R. 2244: 2d supplemental appropriations	NA	NA	A: 251–174. May 26, 1993.
H. Res. 186, May 27, 1993	MC	H.R. 2264: Omnibus budget reconciliation	51 (D–19; R–32)	8 (D–7; R–1)	PQ: 252–178. A: 236–194. May 27, 1993.
H. Res. 192, June 9, 1993	MC	H.R. 2348: Legislative branch appropriations	50 (D–6; R–44)	6 (D–3; R–3)	PQ: 240–177. A: 226–185. June 10, 1993.
H. Res. 193, June 10, 1993	O	H.R. 2200: NASA authorization	NA	NA	A: Voice vote. June 14, 1993.
H. Res. 195, June 14, 1993	MC	H.R. 5: Striker replacement	7 (D–4; R–3)	2 (D–1; R–1)	A: 244–176. June 15, 1993.
H. Res. 197, June 15, 1993	MO	H.R. 2333: State Department, H.R. 2404: Foreign aid	53 (D–20; R–33)	27 (D–12; R–15)	A: 294–129. June 16, 1993.
H. Res. 199, June 16, 1993	C	H.R. 1876: Ext. of "Fast Track"	NA	NA	A: Voice vote. June 22, 1993.
H. Res. 200, June 16, 1993	MC	H.R. 2295: Foreign operations appropriations	33 (D–11; R–22)	5 (D–1; R–4)	A: 263–160. June 17, 1993.
H. Res. 201, June 17, 1993	O	H.R. 2403: Treasury-postal appropriations	NA	NA	A: Voice vote. June 17, 1993.
H. Res. 203, June 22, 1993	MO	H.R. 2445: Energy and water appropriations	NA	NA	A: Voice vote. June 23, 1993.
H. Res. 206, June 23, 1993	O	H.R. 2150: Coast Guard authorization	NA	NA	
H. Res. 217, July 14, 1993	MO	H.R. 2010: National Service Trust Act	NA	NA	A: 261–164. July 21, 1993.
H. Res. 218, July 20, 1993	O	H.R. 2530: BLM authorization, fiscal year 1994–95	NA	NA	
H. Res. 220, July 21, 1993	MC	H.R. 2667: Disaster assistance supplemental	14 (D–8; R–6)	2 (D–2; R–0)	PQ: 245–178. P: 205–216. July 22, 1993.
H. Res. 226, July 23, 1993	MC	H.R. 2667: Disaster assistance supplemental	15 (D–8; R–7)	2 (D–2; R–0)	A: 224–205. July 27, 1993.
H. Res. 229, July 28, 1993	MO	H.R. 2330: Intelligence Authorization Act, fiscal year 1994	NA	NA	
H. Res. 230, July 28, 1993	O	H.R. 1964: Maritime Administration authorization	NA	NA	

Note.—Code: C—Closed; MC—Modified closed; MO—Modified open; O—Open; D—Democrat; R—Republican; PQ: Previous question; A—Adopted; F—Failed.

Mr. BONIOR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am anxious to get on to the full debate in the Committee of the Whole and pass this bill.

Again I would repeat as a courteous admonition to this administration to take this seriously. This is a priority for a lot of us in this Congress. It is a priority that needs to be moved up to the front burner. We do not need inaction. We need people to take this issue seriously for the sake of the jobs in this country, this industry, and our own national security.

So, Mr. Speaker, I urge my colleagues to support the bill and the amendment that will be offered by the distinguished gentleman from Massachusetts.

Mr. QUILLEN. Mr. Speaker, I yield back the balance of my time.

Mr. BONIOR. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 230 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1964.

The Chair designates the gentleman from West Virginia [Mr. RAHALL] as Chairman of the Committee of the Whole and requests the gentleman from Georgia, Mr. DARDEN, to assume the chair temporarily.

□ 1343

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1964) to authorize appropriations for the Maritime Administration for fiscal year 1994, and for other purposes, with Mr. DARDEN, Chairman pro tempore, in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Massachusetts [Mr. STUDDS] will be recognized for 30 minutes, and the gentleman from Texas [Mr. FIELDS] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. STUDDS].

Mr. STUDDS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 1964 is the Maritime Administration Authorization Act for fiscal year 1994. The bill authorizes $621 million for the programs within the Maritime Administration, an agency responsible for the promotion, development, and maintenance of the U.S. merchant marine. The Clinton administration supports House passage of H.R. 1964.

Mr. Chairman, the U.S. merchant marine is at a critical juncture. Unless we reform our national maritme policies, our ships will seek refuge under a foreign registry, we will lose the ability to build ships, and the U.S. merchant marine will be a fond memory of the past.

To revitalize our maritime community, the leadership of the Committee on Merchant Marine and Fisheries, Mr. LIPINSKI, Mr. FIELDS, Mr. BATEMAN, and I have developed a package of maritime reform initiatives. These include two measures already reported from committee: H.R. 2152, the Merchant Marine Investment Act of 1993, and H.R. 2547, the National Shipbuilding and Conversion Act of 1993. These bills promote commercial shipbuilding in U.S. shipyards. In addition, we have worked very closely with the Committee on Armed Services and portions of our shipbuilding bill were included in this year's Defense Authorization Act. I am especially grateful to the chairman of the Armed Services Committee, Mr. DELLUMS, for his recognition of the importance of domestic shipbuilding to our national security.

The third component of our maritime reform initiative, H.R. 2151, the Maritime Security and Competitiveness Act of 1993, was just reported this morning from the Merchant Marine Subcommittee. H.R. 2151 establishes a new financial assistance program which, when funded, should keep the U.S. merchant marine fleet under the U.S. flag. To give the Congress time to enact this reform measure. Mr. LIPINSKI and I will shortly offer an amendment to H.R. 1964 that will place a 1-year moratorium on the Secretary of Transportation's authority to approve the pending request of some U.S. companies to transfer 20 U.S.-flag vessels to foreign registry.

Although less dramatic than its companions, H.R. 1964 authorizes MarAd to maintain the vessels in the Ready Reserve Force in a state of readiness and to fund the title XI loan guarantee program. H.R. 1964 also secures funds for the Massachusetts Center for Marine Environmental Protection at the Massachusetts Maritime Academy.

Mr. FIELDS of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am delighted to join my colleagues from the Merchant Marine and Fisheries Committee, Chairman STUDDS, Mercant Marine Subcommittee Chairman LIPINSKI, and Mr. BATEMAN, in supporting H.R. 1964, the authorization bill for the Marine Administration [MarAd] for fiscal year 1994.

This bill authorizes $621,493,000 for MarAd. The administration's request

was $620,951,000. It reallocates some funding originally proposed for the acquisition of additional vessels for the Ready Reserve Force [RRF], to the maintenance account for those vessels. If we have to accept limited funding for MarAd, it is more appropriate to assure that we properly maintain the existing RRF vessels rather than acquiring additional ships for this reserve fleet.

H.R. 1964 also authorizes $50 million for new vessel construction under the title XI Loan Guarantee Program, as well as $4 million for administrative expenses under this program. Based on this budget calculations, this $50 million in guarantees could result in the construction of about $1 billion worth of commercial vessels in U.S. shipyards. Also, I want to point out to my colleagues that this $54 million for guarantees is taken from within the administration's original overall budget by shifting funds from the RRF acquisition account, so it does not increase the total budget.

I am particularly pleased that this legislation includes a provision based on my earlier bill, H.R. 1780, providing for the reimbursement of the young men and women graduating from our State maritime academies who are now required to pay the Coast Guard for their entry level merchant marine licenses. I strongly believe that this is an unfair burden placed on these cadets.

Our committee has done an excellent job in crafting a bill that reflects the collective desire to adequately fund MarAd, while at the same time, acknowledging that there are a number of statutory modifications needed to make the Agency's programs work even better.

Our committee requested, and obtained, an open rule for H.R. 1964. We wanted to be sure that Members had an opportunity to offer amendments to the legislation. At the appropriate time, Chairman STUDDS will offer an amendment that deserves the support of the Members of this House.

H.R. 1964 is a fiscally sound bill and I urge my colleagues to pass this bill to fund MarAd's programs and to revise a number of their statutory authorities.

□ 1350

Mr. STUDDS. Mr. Chairman, I yield 5 minutes to the distinguished chairman of the Subcommittee on Merchant Marine, the gentleman from Illinois [Mr. LIPINSKI].

Mr. LIPINSKI. Mr. Chairman, H.R. 1964, as amended, authorizes an appropriation of $621,251,000, the amount requested by the Clinton administration, with an additional $300,000 to reimburse State maritime academy students for Coast Guard licensing fees.

The bill funds maritime education and training as well as the operating differential subsidy program and MarAd's operations at levels consistent with the President's request.

The only major change made by the committee was in the Ready Reserve Program [RRF]. Severe underfunding of the RRF maintenance and operations account has led to a shift in funding from the acquisitions account to the maintenance account. It seems only logical to maintain the vessels we own before purchasing more foreign vessels.

H.R. 1964 also shifts requested funds from RRF acquisitions to the title 11 Loan Guarantee Program to help start the much-needed revitalization of the U.S. maritime industry.

Chairman STUDDS and I will be offering a noncontroversial amendment regarding documentation of a number of small vessels. These are annual and noncontroversial requests that satisfy the concerns of a number of our fellow members.

And as Chairman STUDDS has already stated, we will also be offering an amendment to place a 1-year moratorium on the Secretary of Transportation's authority to approve the transfer of U.S.-flag vessels to foreign registry.

It is vital that at a time when we are trying to preserve our maritime industry that we retain our merchant fleet.

We are at a critical juncture. I strongly urge my colleagues to support the reflagging amendment and pass H.R. 1964.

Mr. FIELDS of Texas. Mr. Chairman, I yield such time as he may consume to the gentleman from Virginia [Mr. BATEMAN], the ranking minority member on the Subcommittee on Merchant Marine.

Mr. BATEMAN. Mr. Chairman, I thank the gentleman from Texas [Mr. FIELDS] for yielding this time to me, and I will not spend the committee's time dealing with the substantive provisions that are in the bill before us because those who have preceded me have adequately done that. I will say that I am proud to have been associated in the constructing of this legislation and to have been one of the original cosponsors of it. It does address aspects of the problems confronting our very troubled maritime community, and certainly I echo the sentiments of all those who have preceded me as to the urgency of our doing something to revitalize all aspects of that community. For the American-flag carriers, the maritime laborers who work on those vessels, and for the American shipbuilding industry, all of which are sorely pressed and distressed in this era, it is, in my opinion, a very, very shameful thing that this Nation, which can only be a strong nation as long as it remains a maritime power, has for so long neglected its merchant marine and its maritime resources.

Mr. Chairman, I want to thank the chairman of the full committee, the gentleman from Massachusetts [Mr. STUDDS], and the gentleman from Illinois [Mr. LIPINSKI], the chairman of the subcommittee, and my ranking member of the full committee, the gentleman from Texas [Mr. FIELDS], for what they have done in connection with this bill, and I most especially thank the chairman and the subcommittee chairman for the very open, very cooperative manner in which they have dealt with, not only this legislation, but the other legislation affecting our maritime industry in this session of Congress. This spirit of openness and cooperation has never been better than I have experienced in working with them in these endeavors this year.

I do want to take the remainder of my time, however, to make reference to, I think, an unfortunate aspect of what is occurring to us today, and I want to do that while making it clear that it is not so much in the context of any substantive objection to any of the amendments which are being offered en bloc today. But I do have very definite concerns as to the manner in which one of those amendments comes to us, whether en bloc or otherwise.

Mr. Chairman, I have reference to the amendment that puts the moratorium on reflagging of present American-flagged vessels. Again, Mr. Chairman, substantively I am not objecting to that. It may be something critically necessary. What I do object to is being put in the position of coming to the floor today, having learned only yesterday or the evening before that such as amendment was being offered, it not having come through the channels of either the subcommittee or the full committee, but from forces or persons external to our committee.

Mr. Chairman, our committee is a very dedicated committee. It has the greatest degree of expertise on issues and problems that we are dealing with, and I think very clearly that we in the Congress, or the Congress in general, would be better served had this committee had some input in the dealing with that amendment.

The amendment that I have reference to, Mr. Chairman, says that American-flag carriers who had announced their intentions to reflag will not be able to do so until December 1994. It may be essential that this be done. I would remind my colleagues in the House that, under present law, they cannot do it without the approval of the Maritime Administration, and there is a process by which discretion could have been exercised as to whether they were permitted to do it, or not permitted to do it, or to what extent they were permitted to do it. Whether it is necessary to go further and actually legislate a moratorium is the very thing that we should have had hearings upon.

Mr. Chairman, as good as this may be for everybody else, we cannot be so insensitive that we do to certain American companies things which may have millions of dollars of implications upon

them with little notice on their part of what we are about to do or an opportunity to be heard as to what exemplifications for them were, and, as much as I want to extend opportunities for American maritime labor, and as much as I appreciate the national-security implications of an adequate pool of maritime labor, it will not serve us well in the long run, them or any other aspect of our merchant marine, if it is done at the price of bankrupting the few remaining American flag carriers. Our committee was the forum for these things to have been discussed, to have been worked out, and, in fairness, to have given everyone concerned an opportunity to be heard, and I do state my concerns to the fact that this is not done.

Mr. Chairman, I ask no Member of this House to defeat the en bloc amendment which includes the one to which I made reference, but I do feel that it would be derelict on my part as the ranking member of the subcommittee and a member of the Committee on Merchant Marine and Fisheries not to indicate my sincere concern that the committee has not played its role in this very important aspect of this legislation that it is more than capable of playing, and I hope that we will have no such instances in the future.

Mr. STUDDS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, if I may respond briefly to the remarks just made by the gentleman from Virginia [Mr. BATEMAN], I want to, first of all, thank him for the graciousness of tone with which he made his observations, and I say to him that to a large degree I share his regret at the speed with which we felt compelled to do that.

Let me point out a couple of dates to the gentleman, if I may. The committee marked this bill up on May 26. A little over a month later, on June 29, the first applications for reflagging were filed. At that point, Mr. Chairman, the bill was already out of committee, and, if we were to use this as a vehicle, there was no opportunity to do it at the committee stage.

The gentleman is absolutely correct, in my judgment, that under almost all circumstances that is the way we ought to proceed legislatively around here, and I will say to the gentleman that there was no effort whatsoever to sneak up on anyone. I did not decide in my own mind that we should probably go ahead and do this until a couple of days ago. The timing is such that, as I said, if we were to do it, we really had no other choice.

But I do want to say to the gentleman that I think we make a great deal of sense and reiterate to him what I have said so many times before, and also to the ranking member from Texas, my appreciation for all of the spirit with which this enterprise has been undertaken by all of us. This remains, as we have said so many times, I think the most collegial and the most bipartisan of all the committees of the House. We are now wrestling with a matter of immense consequence, not just for Members of coastal communities, as sometimes we do, but things which speak to the national security of this country, and I know the gentleman also serves on the Committee on Armed Services, and I also want to thank him for the extraordinary work he has done there in facilitating the most unusual degree of cooperation between these two committees on this matter.

□ 1400

Mr. BATEMAN. Mr. Chairman, if the gentleman will yield, I want to make it very clear that the exceptions that I have taken do not relate to the chairman of the full committee. I would suggest, however, that it was not critically important that this particular amendment be offered en bloc to this bill, in view of the fact that this very morning we were in subcommittee reporting out a bill which would have been an equally available vehicle, I believe, for this amendment, and which would at full committee when we mark up that bill next week have been a vehicle for it.

Again, it is not something that I am offended in any degree that the chairman of the subcommittee has done anything to avoid that committee being able to work its will or to be advised or to be participating. But there is something wrong with the legislative process where this happens, and I would hope that those who have brought us here to this in this instance would not repeat it in the future.

Mr. STUDDS. Mr. Chairman, reclaiming my time, I appreciate the observations of the gentleman from Virginia [Mr. BATEMAN].

Mr. FIELDS of Texas. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Chairman, I rise in strong support of H.R. 1964, the Maritime Administration Authorization Act. This legislation has strong bipartisan support in the Merchant Marine Committee, thanks to the hard work of Mr. LIPINSKI, Mr. BATEMAN, Chairman STUDDS, and Mr. FIELDS.

In particular, I would like to compliment Chairman STUDDS and the ranking minority member, Mr. FIELDS, for their commitment to the critical issue of maritime reform in this country. It has been my pleasure to sit on the Merchant Marine and Fisheries Committee and work in a truly bipartisan manner and get things done.

I rise in support of the Studds amendment that is being offered today. I am aware that this is a sensitive issue. However, it should be noted that we are in a national crisis in regards to our maritime industry. This amendment would afford Congress and the President the needed time to come out with a comprehensive program on maritime reform.

I must stress that this is a critical issue to the United States. If our shipbuilding and industrial base is to be maintained, we are going to have to recapture a share of the commercial shipbuilding and repair market.

Mr. Chairman, I am confident that our ship yards can be competitive once again. This amendment would allow the consideration of changes in maritime policy in an atmosphere where all parties must work together for a positive change.

At a time when commercial shipbuilding is booming, when there are over 200 ships on order or under construction worldwide, to my knowledge there are no commercial tankers currently being built here.

Mr. Chairman, I look forward to continue working diligently with you and the other members on the committee to see that the goal of a new and comprehensive maritime reform be accomplished in the very near future. I urge my colleagues to support the Studds amendment.

Mr. FIELDS of Texas. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. STUDDS. Mr. Chairman, I yield 2 minutes to the gentleman from Hawaii [Mr. ABERCROMBIE].

Mr. ABERCROMBIE. Mr. Chairman, I rise also as a member of the Committee on Armed Services and as an exmember of the Committee on Merchant Marine and Fisheries in strong support of these initiatives. I want to follow up just a moment on Chairman STUDDS' observations with respect to the cooperation between the Committee on Merchant Marine and Fisheries and the Committee on Armed Services.

I was privileged to be in attendance and participate during the lengthy markup of the Armed Services bill under Chairman DELLUMS, and I want to indicate to all Members that the strong sense of cooperation that has been indicated, both by the gentleman from Massachusetts [Mr. STUDDS], the gentleman from California [Mr. CUNNINGHAM], the gentleman from Virginia [Mr. BATEMAN], and others, indicates that that strong sense of bipartisan cooperation is also made manifest in these two committees.

Mr. Chairman, some Members may recall that at one point as the cold war drew to a close, and subsequent to my membership on the Committee on Merchant Marine and Fisheries, that I indicated during the last chairman's tenure, who now, of course, is the Secretary of Defense, Mr. Aspin, that what was vital and necessary to the interests of the United States, and indeed to peace loving people throughout the world, was that we redefine the term national security, that we redefine it

in post-cold war terms. And I am very happy to indicate to the membership and to the American people that under the leadership of the gentleman from Massachusetts [Mr. STUDDS] and the gentleman from California [Mr. DELLUMS], and with the full bipartisan cooperation that I have indicated on both committees, that we are turning the corner on redefining the very nature of the phrase national security. Fundamental and elemental in this process is refurbishing, in fact revitalizing, the American merchant marine.

Mr. Chairman, I am delighted to say that in our Armed Services markup, and I am sure Chairman DELLUMS will agree and the gentleman from Massachusetts [Mr. STUDDS] will acknowledge, that we were able to carefully craft an approach that will carry forward this notion of redefining national security; that the American merchant marine will be the beneficiary; that working men and women in shipbuilding, working men and women on the sea, working men and women throughout the country that are looking for our economy to make a good comeback, to achieve a new prosperity and a new sense of security in the best sense of that word as we convert from the cold war psychology and from the cold war technology into a psychology-technology, and indeed an economy, that will truly be converted into one of social utility and advancement for all people.

Mr. Chairman, I am proud to be working with Chairman STUDDS, with Chairman DELLUMS, and with our Republican and Democratic members on both committees to see this accomplished.

Mr. STUDDS. Mr. Chairman, I echo everything that the distinguished gentleman just had to say about our colleague, the gentleman from California [Mr. DELLUMS], the chairman of the Committee on Armed Services, to whom I now yield 3 minutes.

Mr. DELLUMS. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise in support of the legislation before us and associate myself with the remarks of several of my distinguished colleagues from California, Virginia, and others, and also to compliment the distinguished gentleman, the Chair of the committee. I have enjoyed working very closely and cooperatively with the gentleman.

Just the other day in action of the full Committee on Armed Services we ratified a program that would allow the Committee on Armed Services to place some $200 million on the table for the purpose of loan guarantees. When you put that together with the business of this committee, we have taken a long journey to answer some very important questions that America needs to answer: Is this a maritime nation? I believe the answer to that is yes. Do we need to maintain the integrity of the industrial base that allows us to continue to manifest the competency to build commercial ships? The answer to that is yes.

Mr. Chairman, it appeared where we are downsizing our military budgets, and the days of the 600-ship Navy is over and we are coming closer to a 300-ship Navy, the question is how do we then convert. And I think in this program in a very classic way is a very significant economic conversion effort.

□ 1410

The hope of this gentleman and, I am sure, my distinguished colleague from Massachusetts was that at the end of the day, let the RECORD show that these two committees came together and placed a program on the table that challenges the leadership of this Nation to come to grips with the need for the development of a comprehensive maritime policy. What we have attempted to do in our markup is to say that at a critical juncture in the history of this country, as we address this particular problem, we stepped up to the plate. We used several hundred million dollars in order to generate an important discussion and an important policy formulation.

In conclusion, let me, again, say that I am very proud and very pleased to rise in support of the legislation, to work with my distinguished colleagues on the Committee on Armed Services, as we stepped up and placed an important element in this whole fabric and to finally, again, thank my distinguished colleague for his generosity and his cooperation, because I think what we do here today and what the Committee on Armed Services has done and what we will do in the next several days when we authorize the DOD budget for fiscal 1994 will be historic for this Nation.

Mr. STUDDS. Mr. Chairman, I yield 3 minutes to the gentleman from Mississippi [Mr. TAYLOR].

Mr. TAYLOR of Mississippi. Mr. Chairman, I notice that in the bill there is approximately $240 million set aside for operating differential subsidies. Although the money is not appropriated, it is authorized and subject to appropriation.

We are, therefore, giving our blessing to it. I have some concerns that in years past we have allowed foreign built but U.S.-flag vessels to get this money.

As the gentleman knows, there is a move afoot in town by some of the vessel owners to continue this practice, to actually add to the practice by procuring additional foreign built but U.S.-flag vessels for the operating differential subsidy.

In legislation pending before the committee, 2151, to be exact, we hope to address this, and that although I feel like the committee has made some mistakes in the past, we cannot change the past, but that no further funds would be allocated for operating differential subsidies for vessels that have not yet been constructed or that have not yet gotten the subsidy.

Mr. STUDDS. Mr. Chairman, will the gentleman yield?

Mr. TAYLOR of Mississippi. I yield to the gentleman from Massachusetts.

Mr. STUDDS. Mr. Chairman, the gentleman is correct.

Mr. TAYLOR of Mississippi. Mr. Chairman, I would hope that that is the intent of the committee, as this language moves to the Senate, and will be the position of this committee when this bill goes to conference.

Mr. STUDDS. Mr. Chairman, if the gentleman will continue to yield, so far as I know, that is the position of this committee on both sides.

Mr. BATEMAN. Mr. Chairman, will the gentleman yield?

Mr. TAYLOR of Mississippi. I yield to the gentleman from Virginia.

Mr. BATEMAN. Mr. Chairman, my understanding is that the funds authorized in this bill cannot, would not be used for any subsidization of any foreign built vessel. There are such proposals, which would permit that in other legislation that is moving forward, but not in this bill. That is my understanding.

Mr. TAYLOR of Mississippi. Mr. Chairman, I thank the chairman for his clarification.

Mr. STUDDS. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment, and each section is considered as read.

It shall be in order at any time to consider the amendments en bloc printed in House Report 103-196 if offered by the chairman of the Committee on Merchant Marine and Fisheries or a designee. The amendments en bloc shall be considered as read and shall not be subject to a demand for division of the question.

The Clerk will designate section 1.

Mr. STUDDS. Mr. Chairman, I ask unanimous consent that the committee amendment in the nature of a substitute made in order as original text by the rule be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 1964

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 "Maritime Administration Authorization Act for Fiscal Year 1994".

SEC. 2. AUTHORIZATIONS FOR MARITIME ADMINISTRATION.

(a) AUTHORIZATIONS.—In fiscal year 1994, the following amounts are authorized to be appropriated for the Maritime Administration (Department of Transportation):

(1) Any amounts necessary to liquidate obligations under operating-differential subsidy contracts for the fiscal year 1994 portion of the total contract authority.

(2) $41,013,000 for expenses related to manpower, education, and training, including—

(A) $28,877,000 for maritime training at the United States Merchant Marine Academy at Kings Point, New York;

(B) $10,344,000 for assistance to the State maritime academies (including for reimbursement of fuel costs associated with the operation of training vessels), of which $1,200,000 may be used for training simulators for the State maritime academies; and

(C) $1,792,000 for manpower and additional training.

(3) $30,713,000 for operating programs, including—

(A) $19,989,000 for general administration;

(B) $8,983,000 for development and use of water transportation systems; and

(C) $1,741,000 for research, technology, and analysis.

(4) $254,355,000 for expenses related to national security support capabilities, including—

(A) $6,937,000 for the National Defense Reserve Fleet;

(B) $1,418,000 for emergency planning and operations; and

(C) $246,000,000 for the Ready Reserve Force, including—

(i) $242,000,000 for maintenance and operations programs in support of the Ready Reserve Force; and

(ii) $4,000,000 for Ready Reserve Force facilities.

(5) $4,000,000 to pay administrative costs related to new loan guarantee commitments under title XI of the Merchant Marine Act, 1936 (46 App. U.S.C. 1271 et seq.), relating to Federal ship mortgage insurance.

(6) $50,000,000 for costs (as that term is defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)) of new loan guarantee commitments under title XI of the Merchant Marine Act, 1936 (46 App. U.S.C. 1271 et seq.).

(7) $242,000 for assistance to the Massachusetts Center for Marine Environmental Protection located at the Massachusetts Maritime Academy.

(b) USE OF PROCEEDS OF SALES.—Notwithstanding any other provision of law, the Secretary of Transportation may use proceeds derived from the sale or disposal of National Defense Reserve Fleet vessels that are currently collected and retained by the Maritime Administration for facility and ship maintenance, modernization and repair, acquisition of equipment, training simulators, and fuel costs necessary to maintain training at the United States Merchant Marine Academy and the State maritime academies.

SEC. 3. NATIONAL SHIPBUILDING ENHANCEMENT INSTITUTES.

(a) DESIGNATION BY SECRETARY OF TRANSPORTATION.—The Secretary of Transportation may designate National Shipbuilding Enhancement Institutes.

(b) ACTIVITIES.—Activities undertaken by such an Institute may include—

(1) vessel construction and repair technology development with an emphasis on improving the productivity of United States shipyards through innovative design, engineering, or operations;

(2) enhancing the international competitiveness of domestic shipyards in ship construction and repair;

(3) documenting and forecasting international and domestic trends in ship construction and repair;

(4) fostering innovations in the domestic shipbuilding marketing system; and

(5) providing technical support on shipbuilding practices.

(c) SUBMISSION OF APPLICATIONS.—An institution seeking designation as a National Shipbuilding Enhancement Institute shall submit an application under regulations prescribed by the Secretary.

(d) DESIGNATION CRITERIA.—The Secretary shall designate an Institute under this section on the basis of the following criteria:

(1) The research and extension resources available to the designee for carrying out the activities specified in subsection (b).

(2) The existence of an established program of the designee encompassing research, education, and training directed to enhancing shipbuilding industries.

(3) The ability of the designee to assemble and evaluate pertinent information from national and international sources and to disseminate results of shipbuilding industry research and educational programs.

(4) The qualification of the designee as a nonprofit institution of maritime or higher education.

(e) GRANTS.—The Secretary may make an award, on a matching basis, to any institute designated under subsection (a), from amounts appropriated.

SEC. 4. REIMBURSEMENT OF CERTAIN FEES BY STATE MARITIME ACADEMIES.

(a) CONDITION OF ASSISTANCE.—Section 1304(d) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1295c(d)) is amended by adding at the end the following:

"(3)(A) Subject to subparagraph (B), an agreement under this subsection shall require a State maritime academy to reimburse each qualified individual for any fee or charge for which the individual is liable to the United States for—

"(i) the issuance of an entry level license under chapter 71 of title 46, United States Code;

"(ii) the first issuance of a merchant mariner's document under chapter 73 of that title;

"(iii) an evaluation or examination for such a license or merchant mariner's document conducted before the end of the period described in subparagraph (D)(ii); or

"(iv) an application for such a license, merchant mariner's document, evaluation, or examination.

"(B) A State maritime academy shall reimburse qualified individuals under subparagraph (A) to the extent amounts are available under subparagraph (C).

"(C) In addition to annual payments under paragraph (1)(A) and subject to the availability of appropriations, the Secretary shall annually pay to each State maritime academy that enters into an agreement under paragraph (1) amounts to reimburse qualified individuals under subparagraph (A).

"(D) In this paragraph, the term 'qualified individual' means an individual who—

"(i) is attending or is a graduate of a State maritime academy;

"(ii) fulfills the requirements for a license or merchant mariner's document described in subparagraph (A) not later than three months after the date the individual graduates from a State maritime academy; and

"(iii) is liable for a fee or charge described in subparagraph (A).".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) is effective October 1, 1993.

(c) AMENDMENT OF EXISTING AGREEMENTS.—As soon as practicable after the date of the enactment of this Act, the Secretary of Transportation shall amend agreements under section 1304(d) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1295c(d)) pursuant to the amendment made by subsection (a).

(d) ADDITIONAL APPROPRIATIONS AUTHORIZED.—In addition to amounts authorized to be appropriated for assistance to State maritime academies, there is authorized to be appropriated $300,000 for fiscal year 1994 to reimburse qualified individuals pursuant to the amendment made by subsection (a).

SEC. 5. NATIONAL MARITIME ENHANCEMENT INSTITUTES.

Section 8(e) of the Act of October 13, 1989 (46 App. U.S.C. 1121–2(e)), is amended to read as follows:

"(e) The Secretary may make awards on an equal or partial matching basis to an Institute designated under subsection (a) from amounts appropriated.".

SEC. 6. TERMINATION OF CONDITION FOR STATE MARITIME ACADEMY ASSISTANCE.

(a) IN GENERAL.—Section 1304(f)(1) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1295c(f)(1)) is amended to read as if section 3 of the Act of October 13, 1989 (Public Law 101–115; 103 Stat. 692), had not been enacted.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be effective October 13, 1989.

(c) CLERICAL AMENDMENTS.—

(1) Section 3 of the Act of October 13, 1989 (Public Law 101–115; 103 Stat. 692), is repealed.

(2) Section 706 of the Federal Maritime Commission Authorization Act of 1990 (46 App. U.S.C. 1295c note) is repealed.

SEC. 7. MAINTENANCE CONTRACTS FOR NATIONAL DEFENSE RESERVE FLEET VESSELS.

The Secretary of Transportation may enter into a contract for the maintenance of the National Defense Reserve Fleet, including the Ready Reserve Force, only for—

(1) the repair, activation, operation, berthing, towing, or lay-up of a vessel;

(2) a vessel used by a State maritime academy; or

(3) obtaining maintenance technical services when—

(A) the technical expertise required for that service is beyond the capabilities of the Fleet staff or when the Fleet has insufficient personnel resources to adequately maintain the Fleet; and

(B) the contract does not result in reducing employment at the Fleet site.

SEC. 8. MAINTENANCE OF READY RESERVE FORCE VESSELS IN REDUCED OPERATING STATUS.

The Secretary shall, during fiscal year 1994, maintain in a reduced operating status—

(1) at least 29 vessels in the Ready Reserve Force component of the National Defense Reserve Fleet, or

(2) a lesser number of those vessels that the Secretary determines to be practicable based on the appropriations available for that fiscal year for maintenance of vessels in that Force.

SEC. 9. VESSEL REPAIR AND MAINTENANCE PILOT PROGRAM.

(a) IN GENERAL.—The Secretary of Transportation shall conduct a pilot program to evaluate the feasibility of using long-term contracts for the maintenance and repair of outported vessels in the Ready Reserve Force to enhance the readiness of those vessels. Under the pilot program, the Secretary, subject to the availability of appropriations and within 6 months after the date of the enactment of this Act, shall award 9 contracts for this purpose.

(b) USE OF VARIOUS CONTRACTING ARRANGEMENTS.—In conducting a pilot program under this section, the Secretary of Transportation shall use contracting arrangements similar to those used by the Department of Defense for procuring maintenance and repair of its vessels.

(c) CONTRACT REQUIREMENTS.—Each contract with a shipyard under this section shall—

(1) subject to subsection (d), provide for the procurement from the shipyard of all repair and maintenance (including activation, deactivation, and drydocking) for one vessel in the Ready Reserve Force that is outported in the geographical vicinity of the shipyard; and

(2) be effective for 3 years.

(d) LIMITATION ON WORK UNDER CONTRACTS.—A contract under this section may not provide for the procurement of operation or manning for a vessel that may be procured under another contract for the vessel to which section 11(d)(2) of the Merchant Ship Sales Act of 1946 (50 App. U.S.C. 1744(d)(2)) applies.

(e) GEOGRAPHIC DISTRIBUTION.—The Secretary shall seek to award contracts under this section to shipyards that are distributed throughout the United States.

(f) REPORTS.—The Secretary shall submit to the Congress—

(1) an interim report on the effectiveness of each contract under this section in providing for economic and efficient repair and maintenance of the vessel covered by the contract, by not later than 20 months after the date of the enactment of this Act; and

(2) a final report on that effectiveness, by not later than 6 months after the termination of all contracts awarded pursuant to this section.

SEC. 10. GEOGRAPHIC DISTRIBUTION OF READY RESERVE FORCE VESSELS.

(a) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Transportation shall submit a report to the Congress which describes where vessels in the Ready Reserve Force will be located in fiscal year 1994.

(b) CONSIDERATION OF PORTS IN LOCATING VESSELS.—In selecting locations where Ready Reserve Force vessels will be outported, the Secretary of Transportation shall consider ports that have historically been involved in outporting of those vessels.

SEC. 11. MARITIME POLICY REPORT.

(a) REPORT.—The Secretary of Transportation shall transmit to the Congress a report setting forth the Department of Transportation's policies for the 5-year period beginning October 1, 1993, with respect to—

(1) fostering and maintaining a United States merchant marine capable of meeting economic and national security requirements;

(2) improving the vitality and competitiveness of the United States merchant marine and the maritime industrial base, including ship repairers, shipbuilders, ship manning, ship operators, and ship suppliers;

(3) reversing the precipitous decrease in the number of ships in the United States-flag fleet and the Nation's shipyard and repair capability;

(4) stabilizing and eventually increasing the number of mariners available to crew United States merchant vessels;

(5) achieving adequate manning of merchant vessels for national security needs during a mobilization;

(6) ensuring that sufficient civil maritime resources will be available to meet defense deployment and essential economic requirements in support of our national security strategy;

(7) ensuring that the United States maintains the capability to respond unilaterally to security threats in geographic areas not covered by alliance commitments and otherwise meets sealift requirements in the event of crisis or war;

(8) ensuring that international agreements and practices do not place United States maritime industries at an unfair competitive disadvantage in world markets;

(9) ensuring that Federal agencies promote, through efficient application of laws and regulations, the readiness of the United States merchant marine and supporting industries; and

(10) any other relevant maritime policies.

(b) DATE OF TRANSMITTAL.—The report required under subsection (a) shall be transmitted along with the President's budget submission, pursuant to section 1105 of title 31, United States Code, for fiscal year 1995.

SEC. 12. PILOT PROGRAM ON SEALIFT TRAINING.

The Secretary of Transportation shall establish a 2-year pilot program for Sealift Training at the Massachusetts Maritime Academy.

SEC. 13. SPECIAL RULE FOR VESSEL CONSTRUCTION GUARANTEES.

(a) IN GENERAL.—Notwithstanding any provision of title XI of the Merchant Marine Act, 1936 (46 App. U.S.C. 1271 et seq.), in guaranteeing an obligation under that title with amounts appropriated for fiscal year 1994, the Secretary of Transportation shall guarantee an amount of principal or interest (or both) that is equal to 87½ percent of the actual cost or depreciated actual cost (as those terms are defined in that title) of the vessel or facility that is used as security for the guarantee.

(b) EXCEPTION.—Subsection (a) shall not apply to the guarantee of an obligation if the Secretary determines that—

(1) special economic circumstances exist; and

(2) there is good cause for guaranteeing a lesser percentage of principal or interest (or both) authorized by that title.

EN BLOC AMENDMENTS OFFERED BY MR. STUDDS

Mr. STUDDS. Mr. Chairman, I offer en bloc amendments authorized by the rule.

The CHAIRMAN. The Clerk will designate the en bloc amendments.

The text of the en bloc amendments is as follows:

Amendments offered by Mr. STUDDS:

On page 15, line 14, add the following new sections:

SEC. 14. WAIVERS FOR CERTAIN VESSELS.

(a) IN GENERAL.—Notwithstanding section 12106, 12107, and 12018 of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), the Secretary of Transportation may issue a certificate of documentation for the following vessels:

(1) AFTERSAIL, (United States official number 689427).

(2) ALEXANDRIA (United States official number 586490).

(3) ARIEL (United States official number 954762).

(4) BRANDARIS (Rhode Island registration number 2848N; former United States official number 263174).

(5) COMPASS ROSE (United States official number 695865).

(6) DIXIE (United States official number 513159).

(7) GYPSY COWBOY (United States official number 550771).

(8) IMPATIENT LADY (United States official number 553952).

(9) ISLAND GIRL (United States official number 674840).

(10) MARINER (United States official number 285452).

(11) MOONSHIRE (United States official number 974226).

(12) MYSTIQUE (United States official number 921194).

(13) NORTHERN LIGHT (United States official number 237510).

(14) PLAY PRETTY (United States Official number 975346).

(15) PRINCE OF TIDES II (United States official number 903858).

(16) SHILOH (United States official number 902675).

(17) SWELL DANCER (United States official number 622046).

(18) TESSA (United States official number 675130).

(19) TOP DUCK (United States official number 990973).

SEC. 15. PROHIBITION ON TRANSFER.

Notwithstanding any other provision of law, the Secretary of Transportation may not approve the transfer of a United States-documented oceangoing merchant vessel that is of 3,000 gross tons or more (or that type of a vessel the last documentation of which was under the laws of the United States) to a foreign registry under section 9(c) of the Shipping Act, 1916 (46 App. U.S.C. 808) through December 31, 1994.

SEC. 16. AMENDMENTS RELATING TO COAST GUARD MARITIME ACADEMY RESERVE TRAINING PROGRAM

(A) NAVAL RESERVE STATUS.—Section 1304(g)(2) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1304(g)(2)) is amended by inserting before the period the following: ", unless the individual participates in the Coast Guard Maritime Academy Reserve Training Program".

(b) RESERVE SERVICE OBLIGATION.—Section 1304(g)(3)(D) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1304(g)(3)(D)) is amended by—

(1) inserting "(i)" after "commissioned officer";

(2) inserting "(except as provided in clause (ii))" after "the United States Coast Guard Reserve"; and

(3) inserting before the semicolon at the end the following: "; or (ii) in the United States Coast Guard Reserve for such period following that date of graduation as may be established by the Secretary of the department in which the Coast Guard is operating, in the case of an individual that participates in the Coast Guard Maritime Academy Reserve Training Program;".

(c) PENALTIES FOR FAILURE TO FULFILL INCENTIVE PAYMENT AGREEMENT.—Section 1304(g) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1304(g)) is amended—

(1) in paragraph (4) by inserting ", except as provided in paragraph (8)," after "such individual may";

(2) in paragraph (5) by inserting ", except as provided in paragraph (8)," after "such individual may"; and

(3) by adding at the end the following:

"(8)(A) Paragraphs (4) and (5) shall not apply to a failure to fulfill a part of an agreement, by an individual who—

"(i) is enlisted in the United States Coast Guard Reserve; and

"(ii) participates in the Coast Guard Maritime Academy Reserve Training Program.

"(B) If the Secretary determines that an individual described in subparagraph (A) has failed to fulfill any part of the agreement (required by paragraph (1)) described in paragraph (3), the individual may be ordered to active duty in the Coast Guard to serve for a period of time determined by the Commandant of the Coast Guard, not to exceed 2 years. In cases of hardship as determined by the Secretary, the Secretary may waive this subparagraph.".

(d) COAST GUARD MARITIME ACADEMY RESERVE TRAINING PROGRAM DEFINED.—Section 1304(g) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1304(g)), as amended by this section, is further amended by adding at the end the following:

"(9) In this subsection, the term 'Coast Guard Maritime Academy Reserve Training

Program' means that program established by the Commandant of the Coast Guard, as in effect on the date of the enactment of the Maritime Administration Authorization Act for Fiscal Year 1994.".

The CHAIRMAN. Pursuant to the rule, the amendments en bloc are not subject to a demand for a division of the question.

The gentleman from Massachusetts [Mr. STUDDS] is recognized for 5 minutes in support of his amendments en bloc.

Mr. STUDDS. Mr. Chairman, this amendment adds three new sections to the bill.

The first section of the amendment adds the provisions of 18 separate bills granting waivers of the Jones Act to 19 individual vessels. The Jones Act, section 27 of the Merchant Marine Act of 1920, provides that only vessels built in the United States, documented under the laws of the United States, and owned by a citizen of the United States may transport merchandise in the coastwise trade of the United States.

In the past, Congress has approved special legislation granting coastwise trading or fishing privileges when the vessel owner proved extenuating circumstances, such as severe financial hardship or lack of adequate documentation, or when the vessel or its operation was unique.

The Committee on Merchant Marine and Fisheries has investigated each vessel covered by the amendment and found compelling reasons to grant a waiver.

The amendment also contains technical amendments to the Merchant Marine Act, 1936, to enable the Coast Guard to recruit graduates from State maritime academies. The amendment simply clarifies existing law to eliminate conflicting obligations in reserve training programs. It is supported by the Coast Guard, MarAd, and the State maritime academies.

Finally, Mr. Chairman, the amendment places a 1-year moratorium on the Secretary of Transportation's authority to approve the transfer of large oceangoing U.S.-flag vessels of over 3,000 gross tons to a foreign registry. Under current practice it can take the Secretary up to six months to process a reflagging request.

The Secretary is currently in receipt of 20 reflagging applications. This represents over 15 percent of the total international fleet of U.S. liner vessels. The reason for the flood of applications is that we have outdated maritime laws and programs. The Merchant Marine and Fisheries Committee is working feverishly with the Senate and the administration to enact a comprehensive maritime reform program. We have already reported two-thirds of the program and expect the third piece to clear the committee before the August recess.

But, we need time. If our ships are allowed to go foreign, we will never get them back. This amendment simply gives us an opportunity to enact our program, and ensure the continuation of the U.S.-flag fleet.

Let me add, Mr. Chairman, that as this bill progresses through the legislative process, we will keep our minds open on this issue. Should the President or Secretary Pēna come forward with alternatives or improvements to this amendment, we will certainly consider them.

Mr. Chairman, the members of this committee on both sides of the aisle, in cooperation, in some instances, with the Committee on Armed Services on both sides of the aisle, are working as hard as we can and as fast as we can to come up with a comprehensive proposal for maritime reform for this country, both with regard to the ability of the United States to retain a U.S. flag merchant marine and with regard to the ability of the United States to build those vessels.

Very simply, Mr. Chairman, we have a decision before this country, which will be decided whether or not we act because inaction will constitute decision in and of itself. Certainly, before the end of this Congress or by the end of this Congress, at the end of next year, we will know whether or not this country will continue to have a U.S.-flag merchant marine on the high seas and whether or not we will continue to retain any significant shipbuilding capacity to produce such a U.S.-flag merchant marine.

That decision, Mr. Chairman, is of enormous consequence to this country. It is a decision which speaks directly to our national security, and it is a decision which means thousands and thousands of jobs, both oceangoing jobs and shipbuilding jobs and related trades.

It is a decision of sufficient importance, Mr. Chairman, to be made by the President of the United States. And it is entirely appropriate, as I understand it, that as we conduct this debate there is on the desk of the President a set of options which comprise essentially that decision.

We are all here today, and I know that my colleagues on both sides of the aisle will echo this as some already have done, to urge the President to take affirmative action of real significance to answer this question in the affirmative. Yes, this country, for a whole variety of reasons, national security reasons, economic reasons, competitiveness and trade reasons and job reasons, among others, yes, we will retain a U.S.-flag merchant marine as we have for two centuries. And yes, we will retain the capacity to build that.

This amendment or this component of the en bloc amendments, Mr. Chairman, is necessitated, as I said, by the pending application of two of our major liner companies to reflag to a foreign registry.

Once we have lost those vessels, if we do, we will never get them back. And this question will have been answered.

I think I speak for most of my colleagues, Mr. Chairman, when I say that it is unthinkable, at least in my judgment, that the world's only remaining superpower could find itself without any significant merchant fleet and without the capacity to build one. That is almost a contradiction in terms.

We would find ourselves in the preposterous situation of being relying increasingly on foreign sources of energy brought to our shores on foreign-owned and foreign-flagged vessels. Whatever that is, meaningful sense of the word.

□ 1420

This component of the en bloc amendments is offered to buy all of us time, the President, the Secretary of Transportation, and this Congress, to make this most fundamental of decisions.

Let me say, Mr. Chairman, it is not offered with any ill will of any kind toward any of the companies concerned. I know they are not at all happy about this procedure. They join us in their preference to continue to fly the American Flag. All of us, the corporations in question, the men and women who work for them, and the requirements and security and otherwise of this country are best served by the ability of these companies to continue to fly our flag. They want to do that, we want them to do that, and our interest, in my judgment, requires that they do that.

I recognize that if we are unable for the duration of the life of this Congress, if we are unable to come up and enact into law significant reform, both with respect to operating vessels and building vessels, that from the business perspective of the companies involved, those who have announced their desire to reflag, we all understand their situation.

Absent significant change in U.S. law, absent meaningful maritime reform, those companies from their own perspective, as they have all said to us, would have no choice but to go foreign. Mr. Chairman, sadly, if that were to be the case, I frankly do not know how we could make a compelling argument that they ought not to do it, because we would have been given our chance, and we would not have risen to the occasion.

This is a matter of enormous consequence, and I want to just add, once again, in paying my own personal tribute to the distinguished ranking member, the gentleman from Texas [Mr. FIELDS], the ranking member of this subcommittee, the gentleman from Virginia [Mr. BATEMAN], the chairman of the subcommittee, and also the gentleman from California [Mr. DELLUMS] and his colleagues on the Committee on Armed Services.

I do not know, but I suspect it is highly unusual for this degree of both bipartisan and multicommittee cooperation on a matter of this consequence. Mr. Chairman, I urge the adoption of the amendment.

Mr. FIELDS of Texas. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to address the en bloc amendment offered by my colleague, the gentleman from Massachusetts [Mr. STUDDS], the honorable chairman of the Committee on Merchant Marine and Fisheries.

Mr. Chairman, I have no objections to any of the special documentation provisions concerning private vessels, and I also support that part of this amendment dealing with the Coast Guard Reserve Program conducted at the State maritime academies.

I do want to speak for a moment on the provision in this amendment that would prohibit the Secretary of Transportation from approving a request to transfer U.S.-flag merchant vessels to foreign registry until after December 31, 1994.

In the best of worlds, I would not agree with this provision, first, on procedure. I agree with what my colleague, the gentleman from Virginia [Mr. BATEMAN], said earlier in debate on that particular point.

Second, I do not believe it is appropriate for Congress to mandate this kind of prohibition related to private property rights, again, if we were dealing in a perfect world.

However, Mr. Chairman, we are not in the best of worlds at this particular moment. Indeed, the American maritime industry is on the verge of a total collapse. We are at a precipitous moment. I think we have to take this dramatic action in order to obtain dramatic results.

Two hundred years of American history have proven to us that an American-flag merchant marine is a critical element of our national defense. The national security sealift policy specifically recognizes the need for the United States to be able to respond to security threats with U.S.-owned sealift. In order to run those ships, we must have a well-trained force of merchant seamen.

Our experiences in Operation Desert Shield and Desert Storm confirmed just how critical American ships and American crews are. In this most recent conflict, we had to rely on foreign-flag ships, and repeating the experience we had in Vietnam, we ran into problems. In one case, the crew of a German-registered ship, *Eagle Nova*, refused to fulfill its contract to transport military cargo through the Persian Gulf. Fortunately, we had American ships to turn to. In addition, when we broke out the ships of the Ready Reserve Force, we had difficulty in finding trained seamen to run those ships.

We now find ourselves in a peacetime crisis. There are only 168 military-useful dry cargo vessels in the U.S. fleet and, based on current trends, by the year 2005, there will only be 35. Furthermore, the existing base of trained seamen is declining. The Committee on Merchant Marine and Fisheries has been working diligently to turn this trend around. The Subcommittee on Merchant Marine has had several hearings and just this morning, we marked up a major piece of maritime reform legislation. Next week, the full committee will act.

This amendment is necessitated by the fact that two U.S.-flag container ship operators have just applied for permission from the Government to reflag 20 of these ships. They have taken this drastic measure because they cannot compete in international trade without Federal assistance, and they are fearful that maritime reform legislation will not be enacted in time to do them any good.

Acceptance of this amendment will keep these 20 vessels under the American flag until Congress has had an opportunity to craft a new subsidy program. As I indicated earlier, this approach would not have been my preference. However, I have been assured by Chairman STUDDS that this will be a one-time moratorium and there will be no extension of this prohibition. I believe that by approving this amendment, this House will be sending a signal to the administration, the vessel owners, the maritime labor unions, and the American shipyards that we have reached a critical point and we must act immediately on maritime reform legislation.

I understand that some Members may be concerned with this legislation, but I can only assure them that we are taking this step under the most severe circumstances. I urge my colleagues to join me and the other Members of this House who are desperately trying to save the American merchant marine in supporting this amendment.

Mr. Chairman, I want to publicly compliment the way our chairman, the gentleman from Massachusetts [Mr. STUDDS], conducts himself; the gentleman from Illinois [Mr. LIPINSKI], the chairman of the Merchant Marine Subcommittee; my colleague and good friend, the gentleman from Virginia [Mr. BATEMAN]; because truly this is a bipartisan effort, working under severe and difficult circumstances to do the right thing, not only for our domestic merchant marine, but also, Mr. Chairman, trying to work for the best interests of this country.

AMENDMENT OFFERED BY MR. GEJDENSON TO THE EN BLOC AMENDMENTS OFFERED BY MR. STUDDS

Mr. GEJDENSON. Mr. Chairman, I offer an amendment to the en bloc amendments.

The Clerk read as follows:

Amendment offered by Mr. GEJDENSON to the en bloc amendments offered by Mr. STUDDS: On the first page of the amendments, in the matter proposed to be added as section 14(a), insert after paragraph (6) the following (and redesignated the subsequent paragraphs accordingly):

(7) GRAY (Connecticut State vessel number CT5944AJ).

Mr. GEJDENSON. Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. GEJDENSON. Mr. Chairman, with the incredible speed and efficiency that the committee has acted under the leadership of the chairman, the gentleman from Massachusetts [Mr. STUDDS], and with the cooperation of his minority members, we ran into a time problem in adding this vessel, built in the 1920's.

It is a vessel that will be used, it is a tall ship that will be used for the Outward Bound Program. I think both minority and majority staff have reviewed it.

Mr. STUDDS. Mr. Chairman, will the gentleman yield?

Mr. GEJDENSON. I yield to the gentleman from Massachusetts.

Mr. STUDDS. Mr. Chairman, the gentleman is absolutely correct. We have no objection whatsoever to this amendment.

Mr. FIELDS of Texas. Mr. Chairman, will the gentleman yield?

Mr. GEJDENSON. I yield to the gentleman from Texas.

Mr. FIELDS of Texas. Mr. Chairman, the minority has examined this. We have no problems with it, and I urge its adoption.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Connecticut [Mr. GEJDENSON] to the en bloc amendments offered by the gentleman from Massachusetts [Mr. STUDDS].

The amendment to the en bloc amendments was agreed to.

AMENDMENT OFFERED BY MR. STEARNS TO THE EN BLOC AMENDMENTS OFFERED BY MR. STUDDS, AS AMENDED

Mr. STEARNS. Mr. Chairman, I offer an amendment to the en bloc amendments.

The Clerk read as follows:

Amendment offered by Mr. STEARNS to the en bloc amendment offered by Mr. STUDDS: On the first page of the amendments, in the matter proposed to be added as section 14(a), insert after paragraph (9) the following (and redesignated the subsequent paragraphs accordingly):

(10) LAURISA (United States official number 924052).

Mr. STEARNS. Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. STEARNS. Mr. Chairman, my amendment adds a 20th vessel, *Laurisa*, to the en bloc amendments offered by the gentleman from Massachusetts [Mr. STUDDS]. This vessel was once transferred to a British Virgin Island corporation, therefore representing a chain of title problems.

I have spoken to the chairman and the ranking Republican member of the committee, and they have agreed to accept my amendment.

Mr. FIELDS of Texas. Mr. Chairman, will the gentleman yield?

Mr. STEARNS. I am glad to yield to the gentleman from Texas.

Mr. FIELDS of Texas. Mr. Chairman, the minority has had a chance to review the amendment. We think the amendment is a good amendment. We support it, and have no problems with it.

Mr. STEARNS. I thank the gentleman.

Mr. STUDDS. Mr. Chairman, will the gentleman yield?

Mr. STEARNS. I yield to the gentleman from Massachusetts.

Mr. STUDDS. Mr. Chairman, likewise, we support the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. STEARNS] to the en bloc amendments offered by the gentleman from Massachusetts [Mr. STUDDS], as amended.

The amendment to the en bloc amendments, as amended, was agreed to.

□ 1430

AMENDMENT OFFERED BY MR. TRAFICANT TO THE EN BLOC AMENDMENTS OFFERED BY MR. STUDDS

Mr. TRAFICANT. Mr. Chairman, I offer an amendment to the en bloc amendments, as amended.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT to the en bloc amendments offered by Mr. STUDDS, as amended: At the end of the amendment add the following new sections:

SEC. . 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, 1933 (41 U.S.C. 10a-10c, popularly known as the "Buy American Act").

SEC. . 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 head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

SEC. . 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.

Mr. TRAFICANT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TRAFICANT. Mr. Chairman, this is the Buy American amendment that states that the procurement under the bill shall comply with the Buy American Act, and also a notice be given to anyone who would receive funds under it. It is the intent of Congress, wherever possible, that anybody receiving funds prioritize the purchase of American-made goods and products. And finally, it says if there is in fact a firm, that under the Buy American Act has a contract, and affixes a false label, they would have to come before the committee and would be deprived from doing any further business only for this particular year of this bill. So it gives the committee the right to review those cases and avoid fraudulent labeling.

That is in essence the amendment.

Mr. STUDDS. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Massachusetts.

Mr. STUDDS. Mr. Chairman, I just want to ask the gentleman, and I think I know the answer, am I correct that the gentleman's amendment does not add to requirements which essentially exist under existing law?

Mr. TRAFICANT. No, they do not, and they do deal with issues that we have dealt with. And if there is not a domestic product available, then certainly the right to purchase a foreign product is still allowed.

Mr. STUDDS. I thank the gentleman. We are delighted to accept the amendment.

Mr. TRAFICANT. I am happy to yield to the gentleman from Texas.

Mr. FIELDS of Texas. Mr. Chairman, is this the amendment that the gentleman normally offers to most legislation?

Mr. TRAFICANT. This is the same legislation that the gentleman has supported in the past, and I have appreciated that support, and would hope that the gentleman would support me again. But it is in essence the very same thing. It is a standard Buy American amendment that has been offered on other legislation.

Mr. FIELDS. We think the gentleman makes a genuine point and have no objection to his amendment.

Mr. TRAFICANT. I appreciate that.

Mrs. BENTLEY. Mr. Chairman, I rise in support of both H.R. 1964 and the en bloc amendments offered by Chairman STUDDS, and I want to commend him, along with Subcommittee Chairman LIPINSKI and my colleagues, Messrs. FIELDS and BATEMAN, the ranking Republican members on the full committee and the subcommittee, respectively, for their outstanding work on the Maritime Administration authorization bill and the legislative agenda they have offered and are working on to help revitalize the merchant marine and shipbuilding industries.

Mr. Chairman, clearly, the language placing a 1 year moratorium on the Maritime Administration's processing of registry transfer applications filed by Sea-Land Service, Inc., and American President Line, Ltd., two of our Nation's largest liner operators, has generated much discussion within the industry.

For more than 45 years, I have championed the causes of our maritime industries and repeatedly have warned of the dire consequences to our fleet and industries if we did not initiate major reforms.

My warnings, and those of others, were supported by the findings and recommendations of the President's Commission on Merchant Marine and Defense, which issued its series of reports beginning in 1987. Unfortunately, as evidence by the fact that both the U.S. merchant marine and shipbuilding industries now are on the perilous edge of extinction, no one has been listening or willing to act—at least, up to now. At long last, the members of the Merchant Marine and Fisheries Committee, through the committee leaders are well aware that the 11th hour has arrived for both the merchant marine and the shipbuilding industries.

The provision freezing the Sea-Land and APL reflagging applications will give our committee and the Congress, working in close cooperation with the administration, as well as maritime labor and the operators, the opportunity to finalize legislative remedies which addresses the myriad complex issues that confront these industries so critical to our military and economic security.

Mr. Chairman, I urge my colleagues to vote "aye" for the en bloc amendment offered by my good friend and colleague, Mr. STUDDS.

Mr. MACHTLEY. Mr. Chairman, I rise today in support of this amendment offered by Mr. STUDDS, my distinguished colleague from Massachusetts and the chairman of the Merchant Marine and Fisheries Committee.

Included in this amendment, which seeks to waive various maritime statutes in order to allow vessels to participate in coastwide trade, and three beautiful and historic sailing vessels currently anchored in the waters of my home State of Rhode Island.

I would like to take just a moment to briefly share the history of these ships.

The first boat, *Brandaris*, was built in Amsterdam in 1938, and was immediately under threat of German capture and seizure during World War II. For safe keeping, this vessel went into hiding off the coast of England. She was eventually called on for service in Operation Domino, and served with distinction in

the evacuation of Dunkirk. Since coming to America, she has been restored and has participated in numerous town celebrations and waterfront festivities. Currently, she is a dockside attraction in Wickford, RI.

The second boat, *Mariner*, has a history of service to this country. *Mariner* was donated to the U.S. Merchant Marine Academy in 1958. From then until 1964, *Mariner* was used rigorously to train new cadets. In 1968, the boat was largely destroyed in a storm, and subsequently had extensive rebuilding work performed by the Derector Shipyard in New York. She is currently a recreational sailing vessel anchored in Newport.

Northern Light, the third vessel, has served her country honorably as well.

Northern Light was used during the America's Cup trials in 1958 to help train the eventual cup defender, *Columbia*, against the British challenger, *Septre*.

She continued as an America's Cup trial horse during the 1960's and deserves credit for America's domination of the event for so many years.

In the 1970's, after sailing in the Great Lakes for a number of years. *Northern Light* fell into disrepair and sank at a dock in Holland, MI. The current owner raised this vessel, restored her, and in the spring of 1986, sailed her to New York to participate in the Statue of Liberty rededication ceremonies. She now is part of a growing fleet of restored 12-meter yachts which adorn Newport Harbor.

I am proud to have each of these two yachts moored in Newport, RI, a town which has a long tradition of maritime activity, and is affectionately known as the sailing capital of the world.

Mr. Chairman, passing this amendment will allow thousands of people to enjoy these vessels, and become part of their rich and distinguished history.

I urge my colleagues to support this amendment, and allow these boats to be used in coastwide trade.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT] to the amendments en bloc offered by the gentleman from Massachusetts [Mr. STUDDS], as amended.

The amendment to the amendments en bloc, as amended, was agreed to.

The CHAIRMAN. The question is on the amendments en bloc offered by the gentleman from Massachusetts [Mr. STUDDS], as amended.

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. LIPINSKI. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 388, noes 41, not voting 10, as follows:

[Roll No. 384]

AYES—388

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (WI)
Bartlett
Bateman
Becerra
Beilenson
Bentley
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Blute
Boehlert
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crapo
Cunningham
Danner
Darden
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Dornan
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Evans
Everett
Ewing
Faleomavaega (AS)
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gutierrez
Hall (OH)
Hamburg
Hamilton
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Hughes
Hunter
Hutchinson
Hutto
Inglis
Inslee
Istook
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kleczka
Klein
Klink
Knollenberg
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Norton (DC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pombo
Pomeroy
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roemer
Rogers
Romero-Barcelo (PR)
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Serrano
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Underwood (GU)
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waters
Watt
Waxman
Weldon
Wheat
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff

NOES—41

Allard
Archer
Armey
Barrett (NE)
Barton
Bereuter
Bliley
Boehner
Bonilla
Burton
Collins (GA)
Combest
Crane
DeLay
Doolittle
Dreier
Gingrich
Gunderson
Hall (TX)
Hancock
Huffington
Hyde
Inhofe
Jacobs
Johnson, Sam
Kingston
Klug
Kolbe
Kyl
Manzullo
Paxon
Penny
Petri
Porter
Ramstad
Roberts
Rohrabacher
Royce
Sensenbrenner
Stump
Zimmer

NOT VOTING—10

Derrick
Ford (TN)
Gephardt
Henry
Lazio
McDade
Moakley
Packard
Washington
Whitten

□ 1452

Messrs. ROBERTS, PORTER, HYDE, GINGRICH, PENNY, KYL, and PETRI, changed their vote from "aye" to "no."

Mr. GREENWOOD changed his vote from "no" to "aye."

So the en bloc amendments, as amended, were agreed to.

The result of the vote was announced as above recorded.

Mr. STUDDS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise simply to advise Members that so far as we know there are no further amendments to the bill.

It is my understanding that when the Committee rises there will be a request for a separate vote in the House on the amendment just adopted.

I would also advise Members that in consultation with the ranking minority member, it is not the intention of anyone responsible for this bill to request a vote on final passage; so that if we are all well behaved, there will be one more vote and that is a separate vote in the House.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. MCNULTY) having assumed the chair, Mr. RAHALL, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1964) to authorize appropriations for the Maritime Administration for fiscal year 1994, and for other purposes, pursuant to House Resolution 230, he reported the bill back to the House with an amendment adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole?

Mr. SOLOMON. Mr. Speaker, I demand a separate vote on the so-called Studds amendment.

The SPEAKER pro tempore. The Clerk will report the amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendments: On page 15, line 14, add the following new sections:

SEC. 14. WAIVERS FOR CERTAIN VESSELS.

(a) IN GENERAL.—Notwithstanding sections 12106, 12107, and 12018 of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), the Secretary of Transportation may issue a certificate of documentation for the following vessels:

(1) AFTERSAIL (United States official number 689427).

(2) ALEXANDRIA (United States official number 586490).

(3) ARIEL (United States official number 954762).

(4) BRANDARIS (Rhode Island registration number 2848N; former United States official number 263174).

(5) COMPASS ROSE (United States official number 695865).

(6) DIXIE (United States official number 513159).

(7) GRAY (Connecticut State Vessel number CT 5944AJ).

(8) GYPSY COWBOY (United States official number 550771).

(9) IMPATIENT LADY (United States official number 553952).

(10) ISLAND GIRL (United States official number 674840).

(11) LAURISA (United States official number 924052).

(12) MARINER (United States official number 285452).

(13) MOONSHINE (United States official number 974226).

(14) MYSTIQUE (United States official number 921194).

(15) NORTHERN LIGHT (United States official number 237510).

(16) PLAY PRETTY (United States official number 975346).

(17) PRINCE OF TIDES II (United States official number 903858).

(18) SHILOH (United States official number 902675).

(19) SWELL DANCER (United States official number 622046).

(20) TESSA (United States official number 675130).

(21) TOP DUCK (United States official number 990973).

SEC. 15. PROHIBITION ON TRANSFER.

Notwithstanding any other provision of law, the Secretary of Transportation may not approve the transfer of a United States-documented oceangoing merchant vessel that is of 3,000 gross tons or more (or that type of a vessel the last documentation of which was under the laws of the United States) to a foreign registry under section 9(c) of the Shipping Act, 1916 (46 App. U.S.C. 808) through December 31, 1994.

SEC. 16. AMENDMENTS RELATING TO COAST GUARD MARITIME ACADEMY RESERVE TRAINING PROGRAM.

(a) NAVAL RESERVE STATUS.—Section 1304(g)(2) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1304(g)(2)) is amended by inserting before the period the following: ", unless the individual participates in the Coast Guard Maritime Academy Reserve Training Program."

(b) RESERVE SERVICE OBLIGATION.—Section 1304(g)(3)(D) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1304(g)(3)(D)) is amended by—

(1) inserting "(i)" after "commissioned officer";

(2) inserting "(except as provided in clause (ii))" after "the United States Coast Guard Reserve"; and

(3) inserting before the semicolon at the end the following: "; or (ii) in the United States Coast Guard Reserve for such period following that date of graduation as may be established by the Secretary of the department in which the Coast Guard is operating, in the case of an individual that participates in the Coast Guard Maritime Academy Reserve Training Program;".

(c) PENALTIES FOR FAILURE TO FULFILL INCENTIVE PAYMENT AGREEMENT.—Section 1304(g) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1304(g)) is amended—

(1) in paragraph (4) by inserting ", except as provided in paragraph (8)," after "such individual may";

(2) in paragraph (5) by inserting ", except as provided in paragraph (8)," after "such individual may"; and

(3) by adding at the end the following:

"(8)(A) Paragraphs (4) and (5) shall not apply to a failure to fulfill a part of an agreement, by an individual who—

"(i) is enlisted in the United States Coast Guard Reserve; and

"(ii) participates in the Coast Guard Maritime Academy Reserve Training Program.

"(B) If the Secretary determines that an individual described in subparagraph (A) has failed to fulfill any part of the agreement (required by paragraph (1)) described in paragraph (3), the individual may by ordered to active duty in the Coast Guard to serve for a period of time determined by the Commandant of the Coast Guard, not to exceed 2 years. In cases of hardship as determined by the Secretary, the Secretary may waive this subparagraph.".

(d) COAST GUARD MARITIME ACADEMY RESERVE TRAINING PROGRAM DEFINED.—Section 1304(g) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1304(g)), as amended by this section, is further amended by adding at the end the following:

"(9) In this subsection, the term 'Coast Guard Maritime Academy Reserve Training Program' means that program established by the Commandant of the Coast Guard, as in effect on the date of the enactment of the Maritime Administration Authorization Act for Fiscal Year 1994.".

At the end of the bill add the following new sections:

SEC. . 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, 1933 (41 U.S.C. 10a–10c, popularly known as the "Buy American Act").

SEC. . 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 head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

SEC. . 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.

Mr. STUDDS (during the reading). Mr. Speaker, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The SPEAKER pro tempore. The question is on the amendments.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SOLOMON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 382, noes 40, not voting 12, as follows:

[Roll No. 385]

AYES—382

Abercrombie	Barcia	Blackwell
Ackerman	Barlow	Blute
Andrews (ME)	Barrett (WI)	Boehlert
Andrews (NJ)	Bartlett	Bonior
Andrews (TX)	Bateman	Borski
Applegate	Becerra	Boucher
Bacchus (FL)	Beilenson	Brewster
Bachus (AL)	Bentley	Brooks
Baesler	Berman	Browder
Baker (CA)	Bevill	Brown (CA)
Baker (LA)	Bilbray	Brown (FL)
Ballenger	Bilirakis	Brown (OH)
Barca	Bishop	Bryant

Bunning
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hamburg
Hamilton
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Hughes
Hunter
Hutchinson
Hutto
Inglis
Inslee
Istook
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Knollenberg
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDermott
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Pallone
Parker
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pombo
Pomeroy
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roemer
Rogers
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Serrano
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stark
Stearns
Stokes
Strickland
Studds
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff

NOES—40

Allard
Archer
Armey
Barrett (NE)
Barton
Bereuter
Bliley
Boehner
Bonilla
Burton
Combest
Crane
DeLay
Doolittle
Dornan
Dreier
Gingrich
Hall (TX)
Hancock
Huffington
Hyde
Inhofe
Jacobs
Johnson, Sam
Klug
Kolbe
Kyl
Manzullo
Paxon
Penny
Petri
Porter
Ramstad
Roberts
Rohrabacher
Royce
Sensenbrenner
Stenholm
Stump
Zimmer

NOT VOTING—12

Derrick
Ford (TN)
Henry
Lazio
McDade
McHale
Moakley
Packard
Payne (VA)
Spratt
Washington
Williams

□ 1514

Mr. MINGE and Mr. MOORHEAD changed their vote from "no" to "aye."

So the amendments were agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. MCNULTY). The question is on the committee amendment in the nature of a substitute, as amended. The committee amendment in the nature of a substitute, as amended, was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

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

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BUNNING. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 372, nays 48, not voting 14, as follows:

[Roll No. 386]

YEAS—372

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Barca
Barcia
Barlow
Barrett (WI)
Bartlett
Bateman
Becerra
Beilenson
Bentley
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Blute
Boehlert
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (IL)
Collins (MI)
Combest
Conyers
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Cunningham
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Evans
Everett
Ewing
Farr
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hamburg
Hamilton
Hansen
Harman
Hastings
Hayes
Hefley
Hefner
Herger
Hilliard
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kasich
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Kolbe
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Mink
Molinari
Mollohan
Montgomery
Moran
Murphy
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pombo
Pomeroy
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roemer
Rogers
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schiff
Schroeder
Schumer
Scott
Serrano
Sharp
Shaw
Shays
Shepherd
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stokes
Strickland
Studds
Stupak
Sundquist

Swett	Torricelli	Weldon
Swift	Towns	Wheat
Synar	Traficant	Whitten
Talent	Tucker	Williams
Tanner	Unsoeld	Wilson
Tauzin	Upton	Wise
Taylor (MS)	Valentine	Wolf
Taylor (NC)	Velazquez	Woolsey
Tejeda	Vento	Wyden
Thomas (CA)	Visclosky	Wynn
Thomas (WY)	Volkmer	Yates
Thompson	Vucanovich	Young (AK)
Thornton	Walsh	Young (FL)
Thurman	Waters	Zeliff
Torkildsen	Watt	
Torres	Waxman	

NAYS—48

Allard	Doolittle	McMillan
Archer	Dornan	Minge
Armey	Dreier	Moorhead
Ballenger	Duncan	Nussle
Barrett (NE)	Fawell	Paxon
Barton	Gekas	Penny
Bereuter	Hall (TX)	Porter
Bliley	Hancock	Ramstad
Boehner	Hunter	Roberts
Bonilla	Jacobs	Rohrabacher
Burton	Johnson, Sam	Royce
Collins (GA)	Klug	Sensenbrenner
Condit	Knollenberg	Stenholm
Crane	Kyl	Stump
Crapo	Leach	Walker
DeLay	Manzullo	Zimmer

NOT VOTING—14

Derrick	Lazio	Petri
Hastert	McDade	Schenk
Henry	Moakley	Shuster
Hinchey	Morella	Washington
Kennedy	Packard	

□ 1534

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. HASTERT. Mr. Speaker, during rollcall vote 386 I was unavoidably detained at a meeting sponsored by the House Republican Task Force on Health Care. Had I been present I would have voted "aye" on rollcall vote 386, final passage of H.R. 1964, a bill to authorize the Maritime Administration for fiscal year 1994.

PERSONAL EXPLANATION

Mr. LAZIO. Mr. Speaker, I returned to my district to be present at the birth of my second child.

Had I been present, I would have voted "aye" on rollcalls 380 through 386.

PERSONAL EXPLANATION

Mr. PACKARD. Mr. Speaker, had I been present for the following rollcall votes, I would have voted yes on rollcall votes numbered 380, 381, 382, 383, 384, 385, and 386.

GENERAL LEAVE

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 1964, the bill just passed.

The SPEAKER pro tempore (Mr. HILLIARD). Is there objection to the request of the gentleman from New York?

There was no objection.

NOTICE OF REQUEST FOR EXTENSION OF DEADLINE TO FILE AMENDMENTS ON H.R. 2401, THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1994

(Mr. SOLOMON asked and was given permission to address the House for 1 minute.)

Mr. SOLOMON. Mr. Speaker, yesterday the chairman of the Committee on Rules announced that amendments to the National Defense Authorization Act must be filed with the Committee on Rules by noon this coming Monday. It is my understanding that the text of H.R. 2401, which is the National Defense Authorization Act for fiscal year 1994, is not yet available for Members and staff to use for the preparation of those amendments. Therefore, it is unreasonable to expect Members to have their amendments, to such an important bill, filed with the Committee on Rules by the announced deadline of 12 noon on Monday.

Accordingly, the minority members of the Committee on Rules will be requesting an extension of that deadline for filing amendments. We trust that the House will be given timely and adequate notice of such an extension.

Mr. Speaker, I would just say in conclusion that the delay in making a text of this bill available does not in any way reflect on the work performed by the Committee on Armed Services. I understand that they did an outstanding job, and I commend the chairman, the gentleman from California [Mr. DELLUMS], for his particular efforts on that issue.

As a matter of fact, it has been several other agencies of Government which have been tardy in supplying the committee with the necessary numbers and other data needed in order to put together the final text of the bill. I would hope we would be able to work this out with the Committee on Rules as far as this filing is concerned by sometime tomorrow morning. Mr. Speaker, we will further alert the Members during the day.

MODIFICATION OF APPOINTMENT OF CONFEREES ON H.R. 2264, OMNIBUS BUDGET RECONCILIATION ACT OF 1993

The SPEAKER pro tempore. Without objection, the Chair announces the following modification in the appointment of conferees on H.R. 2264:

The final panel from the Committee on Ways and Means is also appointed for the consideration of sections 13601–02 and 13604–705 of the House bill.

There was no objection.

The SPEAKER pro tempore. The Clerk will notify the Senate of the Change in Conferees.

THE HISTORY OF LARGE TAX INCREASES

(Mr. HOAGLAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOAGLAND. Mr. Speaker and colleagues, as we so well know, we are borrowing a billion dollars a day to fund the day-to-day operations of Government, and that simply has to stop. We must take courageous action to begin to reduce the deficit. We must move in the direction of no deficit and a balanced budget.

In that context, Mr. Speaker, the critics of this plan say over and over that this is the largest tax increase in history. Nonsense. That simply is not the case.

Mr. Speaker, I will submit a letter to the editor of the Washington Post by Robert S. McIntyre The director of the Citizens for Tax Justice, to be placed in the RECORD. It points out that the tax increase proposed by the Roosevelt administration to fund World War II was 18 times larger than this proposal, that the Truman administration increase to fund the Korean war was 6 times larger. Indeed, Mr. Speaker, Mr. McIntyre, points out that the Dole-Reagan tax increase in 1982 was 25 percent larger than the Clinton proposal.

And Mr. McIntyre's computations were made when the bill contained the Btu tax, which raised about $71 billion, much more revenue than is likely to be included in the final package.

Let me also emphasize that a recent study released by Senator EXON indicates that less than 1 percent of all Nebraskans will experience an income tax increase under this proposal.

[From the Washington Post, May 29, 1993]

EXAGGERATED TAX PACKAGE

For about the zillionth time this year, your paper ["At a Taxing Time, 'The Boss' Is Back," front page, May 27] has called President Clinton's budget program "the largest tax increase in history." That's silly. Obviously, taxes didn't get to their current level without some considerably heftier tax hikes in the past.

By fiscal 1998, when his energy tax is fully phased in, Clinton's tax plan is expected to raise $64 billion annually, or about 0.8 percent of the gross domestic product. How does that compare with other tax increases in the past half-century?

Remember World War II? To help pay for it, federal taxes were increased by a staggering 14.8 percent of the GDP (from fiscal 1940 to 1944). By 1998 standards, that's a tax hike of $1,165 billion a year—18 times as large as Clinton's proposal.

The Korean War required a federal tax increase of 4.6 percent of the GDP. That's $362 billion in 1998 terms—almost six times bigger than the Clinton plan.

The surtax enacted at the end of the Johnson administration to finance the Vietnam War amounted to 2.1 percent of the GDP. That's $165 billion a year in 1998 terms—or 2½ times larger than Clinton's annual tax boost.

In 1982 Ronald Reagan signed Bob Dole's Tax Equity and Fiscal Responsibility Act.

Still in effect, that bill will raise an estimated $75 billion in fiscal 1998 ($80 billion if you count the gasoline tax hike also enacted in 1982). At one percent of the GDP, the Reagan-Dole 1982 tax increase is 25 percent bigger than Clinton's proposal.

(I could add that two tax bills enacted in 1983 and 1984—one to rescue Social Security, the other for deficit reduction—will raise about $70 billion in fiscal 1998—again more than Clinton's plan. But maybe it's unfair to combine them.)

So it might be reasonable for your paper to call Clinton's program "the biggest tax increase since Ronald Reagan's first term." Or even "one of the biggest peacetime tax hikes in this century." But the "largest increase in history"? Not even close.—ROBERT S. MCINTYRE.

AN ECONOMIC REPORT FROM THE DELAWARE VALLEY

(Mr. WELDON asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. WELDON. Mr. Speaker, the drumbeat continues. I continue my series of discussions about the impact of the Clinton tax hikes on real businesses, real jobs, and real people.

Today I have a letter from Steve Markowitz, president of the Business and Association Administrators, located in Collingsdale, PA, in my district. Mr. Markowitz is also a board member of the Small Business Association of the Delaware Valley, which has 5,000 small businesses involved in New Jersey, Delaware, and Pennsylvania. A real, live small businessman, and he hates the Clinton tax plan.

He writes: "Our members need to convey to you the distressed state of the entrepreneurial segment of this country." The cause of this distress? The soak the capitalist mentality of the Clinton administration.

Mr. Markowitz describes the impact of these tax hikes on small businesses in the region: "A service business in Wayne will offset anticipated corporate tax increases by reducing payroll 18 percent * * *. A physician in Montco will be reducing staff * * *. Our own organization has made a decision to have a zero increase in payroll for at least 12 months." This after increasing from 21 to 37 employees in just 19 months.

My friends on the other side of the aisle can comfort themselves with feel-good rhetoric about how the Clinton tax hikes will help small businesses. But actual small business leaders are telling a far different story. Congress has not even finished its work, but the Clinton tax hikes are already costing jobs all across America.

Mr. Speaker, the complete text of the letter to which I referred is as follows:

BUSINESS AND ASSOCIATION ADMINISTRATORS, INC.,
Collingsdale, PA.

Hon. CURT WELDON,
House of Representatives, Cannon House Building, Washington, DC.

DEAR REPRESENTATIVE WELDON: I am writing to you in my capacity as an officer of this company, and as a Member of the Board of Directors of the Small Business Association of Delaware Valley. You are aware of course that SBADV represents more than 5,000 small businesses in Pennsylvania, New Jersey, and Delaware.

Our Members, as well as my own company need to convey to you the distressed state of the entrepreneurial segment of this country. That distress has been precipitated by an increasing feeling among my colleagues that the Clinton Administration in its promotion of its tax bill is working counter to its stated objectives of creating more jobs and nurturing an environment conducive to small business startup. Much of the distress is precipitated by the impression that the Administration has no clear, practical agenda for equitable taxation, leading to the belief that a "soak the capitalist" mentality may prevail.

In terms of our Members, let me illustrate some of their real responses to what they believe are unfocused and impractical tax packages. A service business in Wayne will offset anticipated corporate tax increases by reducing payroll 18%. A physician in Montco has informed me that she will be reducing staff in anticipation of decreased patient care—she believes that the BTU tax particularly will create more hardships on her patients who will in turn selectively reduce their expenditures. She also fears that many of her patients will delay seeking the kinds of essential endocrine services she provides.

In our own organization after having increased from 21 to 37 full-time employees in just nineteen months of operation, we have already made the decision to effect zero increase in payroll and new staffing for the next twelve months, and to withhold on two major capital expenditures and a possible acquisition because of the uncertainty created by the Administration's unpredictable revenue producing package.

I urge you to prevail upon your fellow House members to consider the impact that the Administration's tax package will have upon the thousands of American entrepreneurs who are in fact creating the labor force in the 90's. The package is stultifying and guarantees that we will have to survive such impractical measures through staff cuts and lack of expansion. This is certainly not what the Clinton Administration had in mind, or promised the small business community during the campaign.

Thank you for your attention to those matters.

Very truly yours,
STEPHEN MARKOWITZ,
President, Chief Operating Officer.

SUPPORT OF THE CHRISTIAN COALITION

(Mr. DORNAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORNAN. Mr. Speaker, I am not an attack dog, but I am consistent.

I am wearing my deficit reduction dollar bill. I may put a higher denomination there later in the year. I folded it so that it says "In God we trust" at the top. And someone has even sent me a pin to stick it on that says, "I care about the deficit." So I did not go halfway in 1990, because I made a pledge to my constituents not to raise taxes.

I am not doing anything differently now. I did not meet President Bush halfway on that tax increase. I thought it would throw us deeper into the recession than it did. But I notice something else peculiar on the floor. A few Members have taken to the floor with a troubling message.

They are suggesting that people of faith have no right to look at taxes as kind of a moral issue.

I had lunch the other day with Rabbi Daniel Lapin down in a restaurant, and he pointed out that in Genesis, that is in the Torah, that is one of the first five books of the original Testament, it says that any taxation over 20 percent is sinful.

So let members of faith come to the well and put a little moral spin on this, if they want. Nothing wrong with that.

So Mr. Speaker, People of faith have every right to engage in the debate over the tax plan that will soon be considered by this Chamber. Specifically, some Members have attacked the Christian Coalition for sponsoring radio advertisements in their districts opposing the Clinton tax increase.

On May 27, this Chamber passed a tax bill that contains the largest tax increase in American history. Rather then defending their vote, these Members chose to shoot the messenger. A rather classic diversionary tactic. It is understandable because the Clinton tax plan will burden families, kill jobs, and extinguish prosperity. I understand why some are defensive about groups educating their constituents—they are simply embarrassed about their vote for more taxes and more spending. But it's outrageous to suggest that people of faith have no right to participate in the political process. Let's be clear. The Christian Coalition, in no way shape or form, suggested those who voted for the plan were "un-Christian". The radio ads simply pointed out that middle class families with children cannot bear another tax increase.

The Christian Coalition, like the National Council of Churches and the Southern Christian Leadership Conference, has every right to participate in the public policy deliberations of our Nation. If it's right for the religious left to get involved, it's right for conservative people of faith.

PRESIDENT CLINTON'S ECONOMIC PLAN RESTORES TAX FAIRNESS

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, the conference report is ready and it is time to put up or shut up. It is time to stop fooling around. It is time to pass the plan.

Mr. Speaker, the White House has its act together. Yesterday 67 CEO's of the largest corporations endorsed the plan.

The EITC is being discussed today at the White House. Millions of Americans will receive a tax cut under this Clinton plan.

By expanding the EITC, we can make certain that anyone who works full time and has a child at home will be

lifted out of poverty, but by working. And this bill, this initiative, the EITC, is going to be followed by welfare reform.

Mr. Speaker, the Wall Street Journal is reflecting reality. By a comfortable margin, 54 to 32 percent, the American people say the Clinton plan is a step in the right direction; 72 percent of those surveyed say they approve of raising taxes on the wealthy people.

But most importantly, in a trial heat, Americans, by 49 to 40 percent, would support a Democratic Member of Congress who supported the President against a Republican Member who opposed the program.

Mr. Speaker, the rivers are overflowing in the Midwest and misinformation is overflowing in Washington. My colleagues on the other side of the aisle would like to create the impression that the President's economic package will cause untold damage to the country. The fact of the matter is that their response—doing nothing—would be our most dangerous course.

The cornerstones of the President's plan are deficit reduction, making the rich pay their fair share, and job creation.

This plan will return tax fairness to America. Under this plan, people who make the most will pay the most—70 percent of all new taxes will be paid by people who make over $200,000 per year. In fact, there will be no income tax increase for 98.8 percent of all American taxpayers. This plan keeps faith with the middle class. For every $10 in deficit reduction, $5 comes from spending cuts, $4 from taxing those who make over $100,000, and only $1 comes from the rest of Americans.

Mr. Speaker, the Republicans left the playing field and declined to put forward a responsible economic plan. The President's plan is not only the best plan in town, it's the only game in town.

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

SUPPORT FOR CLINTON'S ECONOMIC PLAN GROWS DESPITE SOME TAX COMPLAINTS

(By Gerald F. Seib)

WASHINGTON.—Americans are expressing more support for President Clinton's economic plan as it nears a crucial final vote, although they aren't happy with some of its specific taxes.

According to a new Wall Street Journal/NBC News poll, the share of people who say they favor the economic plan has risen in the past month to 43% from 39%. By a like amount, the percentage of those who say they oppose the plan has fallen to 39% from 44%.

By a comfortable margin, 54% to 32%, people say the Clinton plan would represent a step in the right direction. And the survey indicates that many Americans are sour on the conduct of Mr. Clinton's Republican critics.

People also say that in next year's election they would be more inclined to support a Democrat who votes for the Clinton plan than a Republican who votes against it. And, as the White House has always hoped, the element of the plan that the administration is counting on to produce the most revenue, a tax increase on wealthier people, also is easily its most popular element.

The overall message appears to be that, although most people find flaws in the package the Democrats are struggling to complete, they prefer to see it passed rather than have nothing done.

But there also are troubling findings for the White House in the new poll, conducted by Democratic pollster Peter Hart and Republican Robert Teeter. Americans seem afraid that the plan's taxes on businesses could hurt the economy. They also believe that, contrary to what the White House says, the middle class will bear the heaviest share of the tax burden.

DOUBTS ABOUT EFFECT ON RICH

The findings also suggest that, while a White House public relations blitz has succeeded in increasing support for the overall plan, Mr. Clinton still hasn't convinced the public that it hurts mostly the rich and cuts spending enough. "There's still some reconciliation to be accomplished with the American public, both on taxes and spending," say Messrs. Hart and Teeter.

Fifty-six percent agree with the statement that business taxes should not be raised because doing so might hurt job creation, compared with 36% who say business taxes should be raised to assure companies are paying their fair share.

Even some who support the overall Clinton package still seem to fear the ramifications of its tax increases: Overall, 65% of those surveyed say raising taxes now would hurt the economy.

At the same time, a large portion of those surveyed, 78%, say they think middle-income people will pay a bigger share of the new taxes under the Clinton plan than will upper-income people. Many people also seem to think spending could be cut further. Six out of 10 say they would prefer moving toward more spending cuts rather than tax increases or a larger deficit in any legislative compromises to complete the plan.

On perhaps the most controversial tax measure under discussion, it appears that people can be convinced to accept the modest gasoline tax that the Senate included in its version of the economic plan. But they oppose gas taxes significantly beyond that. People split virtually evenly when asked whether they favor or oppose the 4.3 cent-a-gallon increase approved by the Senate. But by a 76% to 22% margin, they oppose a 10 cent-a-gallon gasoline tax increase.

At the same time, though, 72% of those surveyed say they approve of raising taxes on wealthy people. And 8 of 10 say that raising taxes on wealthier people would be very effective or somewhat effective in cutting the deficit.

There's also general support for another tax measure, a plan to tax most Social Security benefits received by couples earning over $40,000 a year. By a 51% to 44% margin, those surveyed approve of that step as part of a plan to reduce the deficit. There's slightly less support for another step to curb an expensive entitlement program: 48% favor a proposal to reduce payments to hospitals and physicians who treat patients under the Medicare and Medicaid programs, while 45% are opposed.

Certainly people expect to feel some pain in the drive to cut the deficit—even more pain, in fact, than they are likely to feel. Eight in 10 think it's likely that they will have to pay "significantly more" for gasoline, utilities and other kinds of energy as a result of the new plan. Yet it appears increasingly likely that there won't be any energy tax in the final economic plan beyond a gasoline tax in the range of four cents a gallon. Some 65% of those surveyed say they think it's likely that small businesses will be forced to lay off workers.

Overall, by a 53% to 38% margin, respondents say they prefer the House version of the Clinton plan, which raises taxes more and cuts social programs less than the Senate version. That's good news for President Clinton, who generally prefers the House version over the Senate version. The differences between the two are being ironed out right now by congressional negotiators.

AVOIDING PAIN

In the end, it appears that, rather than endure too much pain, many people would be willing to accept a plan that doesn't hit Mr. Clinton's goal of cutting the deficit by $500 billion over five years. By a 61% to 33% margin, those in the survey say President Clinton should be willing to accept a deficit reduction of $400 billion rather than $500 billion if necessary to get a plan through Congress. And asked whether they would prefer a major drive to cut the deficit that includes a tax increase, or a minor effort to cut the deficit that doesn't include one, 50% choose a minor effort while 43% pick a major one.

"The American public wants the deficit to be reduced, but they seem more ready to gnaw the bullet than bite the bullet," concludes Mr. Hart.

Whatever problems the survey finds in Mr. Clinton's deficit-cutting efforts, it also clearly shows that Republicans face distinct problems because of their flat opposition to the White House effort. Asked whether Republicans are opposing the president for political reasons or are interested in offering a realistic alternative, 64% say the GOP is acting for political reasons. And a majority of those surveyed, 52%, disapprove of Republicans' declaration that they won't support the effort to pass a plan because it includes tax increases.

ALLOCATION OF SPECIAL ORDER TIME

Mr. SCOTT. Mr. Speaker, I ask unanimous consent that the special order for the gentleman from California [Mr. MATSUI] on July 29, 1993, be allocated to the gentleman from Texas [Mr. FROST].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

ALLOCATION OF SPECIAL ORDER TIME

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent that the hour allocated to the gentleman from Indiana [Mr. BURTON] on July 29, 1993, be allocated to myself.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

RETURN SOUTHERN LEBANON TO LEBANESE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia [Mr. RAHALL] is recognized for 5 minutes.

Mr. RAHALL. Mr. Speaker, war ravaged the country of Lebanon from the mid-1970's to the early 1990's. It was a

war played out by neighbors of this country and other kingpins in the region, using this small innocent country as the chessboard. Lebanon took no hostages and invaded no country. Indeed, Lebanon was a hostage itself, with, until recently, too weak an army and too weak a government to protect its own borders.

Beginning this decade, peace started to return, and the Lebanese Government and economy embarked on the rough road to recovery. The army grew in strength and was able to disarm most militias that lived off war. For obvious reasons, that being the continued occupation of Southern Lebanon by surrogates of Israeli forces, the Lebanese Government realized that a resistance force would remain in the south.

Under decades of occupation, resistance forces are not likely nor are they expected to exactly kiss the feet of the occupiers of the land. Some have termed these resistance forces terrorists, and where their actions harm human beings and/or land outside the occupation zone, I would fully agree with this definition. And I absolutely do not agree with the rhetoric and anti-Israeli slogans of these resistance forces. But in an occupation zone, such as we have in Southern Lebanon, soldiers of the occupying force are not trained to expect cookies and ice cream every night before being tucked into bed.

In Northern Israel, yes, such should and must be the case for Israeli citizens, and there is the right to respond to such cross-border attacks. But relative calm existed for Northern Israel prior to recent events, just as such was the case prior to Israel's disastrous invasion of Lebanon in the summer of 1982, which I happened to personally witness while traveling the region and traveling in Lebanon at the time.

The scenario was strikingly similar. Then, as now, there was no increase in attacks in Northern Israel, but only attacks upon soldiers in an occupied zone. To paraphrase the July 28 edition of AIPAC's memorandum, which is in all of our offices, in regard to the chronology of recent events, and I will paraphrase, on July 8, two Israeli soldiers killed and three other soldiers wounded in Southern Lebanon, occupied territory, I remind you. July 9, three Israeli soldiers killed and five soldiers wounded, again in Southern Lebanon, occupied territory, again I remind you. On July 22, an Israeli soldier killed in Southern Lebanon, occupied territory, I again remind you.

So how does Israel retaliate? Much like in the summer of 1982. Tens of civilians—civilians—killed; hundreds wounded. Villages being bombarded to the point of being devastated.

Mr. Speaker, this, coupled with the ongoing deterioration of conditions in other Israeli occupied territories, the West Bank and especially the Gaza Strip, represent a serious matter of fundamental human rights. It is a matter of basic humanitarian concern.

This should place recent events uppermost in our minds and invite thoughtful introspection. Why such cycles of violence? Nobody's hands are clean when it comes to such violence in the Middle East. We all know that. There are more sides to the fighting in this part of the world than there are sides to a rubix cube. Countries who claim to desire peace find it more beneficial and profitable to keep the pot boiling instead. Countries will even arm or help ensure arms are delivered to their publicly acclaimed enemies to keep the flame alive from which they benefit selfishly.

My bottom line, Mr. Speaker, is leave Lebanon alone. All non-Lebanese forces must leave that country. The Lebanese Army is now willing and able to take over Israeli positions in the south. If Israel withdraws from Southern Lebanon, in compliance with UN Resolution 425, then Lebanese authorities are willing to secure peace and security in Lebanon to its southern border, including the disarming of all militias. Thus will all of the children of Southern Lebanon and Northern Israel be able to enjoy cookies and ice cream each night before being tucked into safe beds.

The already faltering peace talks are further jeopardized by recent violence. I sincerely hope that Secretary Christopher on his upcoming visit to the region will not only be able to negotiate a cease-fire to the current fighting, but to get the faltering peace talks back on track.

Violence in Lebanon is hemorrhaging, is destroying, their dream of reestablishing their society and rebuilding their own country, with recognition of all countries' boundaries in the region.

□ 1540

REGARDING RECENT EVENTS IN THE MIDDLE EAST

The SPEAKER pro tempore (Mr. HILLIARD). Under a previous order of the House, the gentleman from New York [Mr. NADLER] is recognized for 60 minutes.

Mr. NADLER. Mr. Speaker, I rise today to express my concern for the way in which recent events in the Middle East are being viewed by too many otherwise thoughtful Americans.

It is hard to comprehend recent statements, reported in the press, suggesting that somehow Syrian President Hafez Assad is now a moderate, a force for peace, and a trustworthy partner in the region. While it is right and desirable to work for Syrian recognition of Israel, and for Syrian steps toward peace, it is wrong and a dangerous mistake for anyone to suggest that Syria is firmly on the road to peace, or can be trusted to be so. The dictator in Damascus should be judged by his actions, not by a few pleasantries made to U.S. diplomats.

Has there been a change in Syria's behavior toward Israel? The answer is, sadly, no. Even now, as rocket attacks, launched from Lebanon, murder innocent civilians in northern Israel, we hear only condemnation of Israel's efforts to defend herself. We hear no recognition of Israel's predicament, no acknowledgment that this country would do the same if terrorists, bent on the destruction of the United States, were firing Katyusha rockets at Buffalo or Detroit, and were being given safe haven by the Government of Canada.

It is Syria which is the dominant military force in Lebanon. It is Syria which controls the Bekaa Valley where the Hezbollah terrorists train. It is hard to believe that Hezbollah's Iranian patrons could supply the terrorists with the level of assistance they are now receiving if Damascus's more than 30,000 troops decided to turn off the tap.

Rather than criticizing Israel, or praising President Assad's supposed new restraint, we should build a Middle East policy based on the facts.

The fact is that Israel is the only true democracy, and the only reliable ally the United States has in the region. Anyone who doubts that Israel is genuinely democratic need only look at the action of the Israeli Supreme Court which just overturned the conviction of accused Nazi war criminal John Demjanjuk. How many countries today have a judiciary so independent, so scrupulous about individual rights, that the most hated defendant in the nation could be ordered released by a court? Certainly not any of Israel's neighbors now receiving high praise as moderates.

Mr. Speaker, the conflicts in the Middle East often seem intractable, even incomprehensible, to Americans. We are an optimistic Nation which always looks hopefully for the best in everyone. But our desire to see peace should not blind us to the continued intransigence of some of Israel's neighbors, nor should it make us denounce our democratic ally for actions taken in self-defense. The problems of the Middle East will not be solved if we don't face them forthrightly.

ENVIRONMENTAL ISSUES IN NAFTA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 5 minutes.

Mrs. BENTLEY. Mr. Speaker, in early May, when a bipartisan group of eight Congresswomen went to Mexico to investigate conditions in the Macquiladora program and to speak with Mexican Government officials

about our concerns with the NAFTA agreement, samples of the water and soil around a canal in Matamoras, Mexico, were collected.

This canal flows into the Rio Grande River which flows from there into the United States.

Congresswoman MARCY KAPTUR, who had put together the trip and to whom we owe a great deal for her efforts—I was honored to serve as the bipartisan cochair—was responsible for having the soil and water samples tested.

The release of the report yesterday on the pollution we found in the canal at Matamoras, Mexico, emphasizes several points in my objections to the NAFTA agreement as it now is drafted.

Among them, the canal represents a major water problem for the whole of Mexico. From my years on the Merchant Marine and Fisheries Committee, representing a State that shares the responsibility for the Chesapeake Bay and its tributaries, we have found that water pollution is the most expensive and complex of all problems to solve.

Since the first Clean Water Act in the early 1970's—this Nation has spent billions of dollars on clean-up, both in facilities and in policing. Additionally, there has been a costly public relations campaign by the U.S. Government and by environmental groups raising the consciousness of Americans to the need for clean water.

And, we still have a long way to go. The conditions we saw in the Brownsville-Matamoras area are at least 50 years behind most of the United States.

If water cleanup is an expensive process, it is also a process calling for determination and a will, not only on the part of the nation's leaders, but on the part of its people. I saw no evidence of that will in the section of Mexico we visited. The banks of this polluted canal are being used as a garbage dump at the same time that the populace uses the water for irrigating table vegetables and fruits, and for the watering of domestic animals and cattle.

In a nation with 25 percent structural unemployment, if the Mexican Government is concerned about the lives of its people and has any desire to convince America and Canada that they will enforce the new, strict environmental laws—then, a Works Project Administration effort—along the lines of the 1930's WPA in this country—would have had the refuse along those canals cleaned up within the year.

Toxic dumping along those canals would have been stopped in the first days that a NAFTA began to be discussed.

If the Government of Mexico makes no effort to showcase these highly exposed areas when the agreement is pending, what chance do we have to make them act once it is a done deal?

Side agreements will not change a mindset. We need action, not promises before we sign on to any agreement with Mexico.

The report stated that the soil and water samples were contaminated with high levels of industrial pollutants such as lead, mercury, benzene and xylene. Some of the concentrations were high enough to be classified as hazardous waste under U.S. environmental law. Most samples also had an extremely coliform and fecal coliform—which means the sewer effluent is running into the canals.

The impact on the food chain of these metals and sewer effluent being ingested by animals suggests that the flesh of any one of these animals will contain traces of these poisonous metals and can contain parasites—all of which can lodge, and/or infect people who eat the meat.

None of these residues or parasites would be discovered in any of the normal inspections that now are carried out at the border by the U.S. Department of Agriculture.

If for no other reason—and there are many others—NAFTA as presently written, even with the side agreements, should be defeated.

Let's start all over—and demand that steps to clean up the environment below the United States should begin immediately.

REAFFIRMING STRONG SUPPORT FOR LINE-ITEM VETO

The SPEAKER pro tempore (Mr. HILLIARD). Under a previous order of the House, the gentleman from Florida [Mr. BACCHUS] is recognized for 5 minutes.

Mr. BACCHUS of Florida. Mr. Speaker, I rise today to reaffirm my very strong support for a line-item veto. Once again this session I am a cosponsor of the pure line-item veto. A pure line-item veto would enable the President of the United States to veto a line in an appropriations bill, and then would require a two-thirds vote in order to override that veto. Ideally, that is what I would prefer.

Several weeks ago we had two votes in this House. One was a vote for a pure line-item veto. I was one of a handful of Members of my party who voted for that pure line-item veto. I would like to see it become law.

However, I also voted for the modified line-item veto which would enable an override to occur with only a majority of the votes of the House or the Senate. I think that would be progress, and I would like at least to see some progress toward real reform, and real help to a President who wants to exercise such a veto.

My fervent hope is that the modified line-item veto will become law and will prove to be a useful experiment, and will give us the additional support that we need to make the pure line-item veto law in the future. I applaud President Clinton for his strong support of a pure line-item veto. As a former Governor, he knows that it can be a useful tool for a chief executive to have. And the truth of the matter is that 43 of the 50 States give their Governors the line-item veto.

I saw firsthand how useful a tool a line-item veto can be when I worked for Rubin Askew when he was Governor of Florida years ago. He used the line-item veto skillfully, and well, as did President Clinton when he was Governor of Arkansas.

Mr. Speaker, I do not agree with those of my colleagues who see the line-item veto as some diminishing of the rightful legislative power of the Congress. To the contrary, I see the line-item veto as a way to make the President more accountable as well for the spending that the Congress appropriates. As it is, the President can simply say to the American people, "The Congress appropriates the money. I have nothing to do with it. I am not the one who does it." With the line-item veto, any President could not say that anymore. He too would be accountable, as we are to the American people.

Mr. Speaker, I do not see the line-item veto as any panacea, not at all. And I believe that some have exaggerated what it could accomplish.

The line-item veto would not eliminate the Federal budget deficit, but it could save us billions of dollars, and I believe those billions are well worth saving.

Nor is it true that the line-item veto is by any means the only reform we need in order to make ourselves and the President more accountable to the people. We need other reforms as well in the spending process.

I would like to see us have, for example, a sunset law that would abolish automatically those programs that are no longer needed. I helped write and enact such a law in Florida.

I would like to see zero-based budgeting. That would require us to justify every dollar that is spent every year, and not just start with the excess that the agencies want to spend in the new year.

I would like to see us have a capital budgeting scheme that would enable us to focus on the capital investments that we need to make as a nation and, of course, I remain a very strong supporter and a cosponsor of the balanced-budget amendment, because we do not just need to reduce the Federal budget deficit, we need to eliminate it.

But best of all, I believe the line-item veto could help us restore our credibility with the people so that we could begin to confront some of the truly hard choices that must be made to eliminate the budget deficit. If we can just get rid of the Steam Towns, if we could just get rid of some of the pork that seems to creep into appropriation

bills in the dead of night, then may be we could begin to address some of the bigger spending issues that must be addressed in order for us truly to do what we need to do for America.

The line-item veto will help us begin to do it.

□ 1550

REGGIE JACKSON "MR. OCTOBER" INDUCTED INTO BASEBALL'S HALL OF FAME

The SPEAKER pro tempore (Mr. HILLIARD). Under a previous order of the House, the gentleman from New York [Mr. BOEHLERT] is recognized for 5 minutes.

Mr. BOEHLERT. Mr. Speaker, I rise today to recognize the remarkable achievements of an individual who inspired a generation of young athletes, entertained millions, and this Sunday, in Cooperstown, NY, will officially achieve baseball immortality by his induction into the Baseball Hall of Fame. I am, of course, talking about "Mr. October," Reggie Jackson.

On rare occasions we are blessed to witness the achievements of public individuals who are welcomed into our lives as though we had know them for years. They become so familiar to us that they are universally known by their first names. Such is the case with Reggie. Destined for baseball greatness, he even had a candy bar named after him. And, as they say, the rest is history.

Reginald Martinez Jackson was born in 1946, in Wyncote, PA. He broke into the majors in 1967, playing for the Kansas City Royals. Over the following 21 seasons Reggie spent time with the A's, the Orioles, the Yankees, and the Angels, being a principal in winning 11 division crowns, and 5 world championships.

Reggie played baseball with the same fire and ambition with which he attacked life, blasting out a place for himself in baseball folklore. The self-proclaimed, "straw that stirred the drink," he was able to, "light the fire" underneath the baseball world.

He won the MVP award in 1973, leading the league with 32 homers and 117 RBI's, while guiding his team to a world series championship. During his long and productive tenure, Reggie amassed 563 career home runs, placing him sixth on the all-time list. At home or on the road, he hit 'em where no one could get 'em. Of all his home runs, 280 were at home and 283 came on the road. What a record! He collected 2,584 hits, drove in 1,702 runs, and belted 11 grand slams. A versatile athlete, he has speed to go along with power, stealing 226 bases and scoring 1,551 runs.

But the stats don't tell it all. Reggie was the consummate superstar, bigger than life, and never disappointing. As Don Baylor once remarked about his friend, "Either he was going to hit one nine miles or he was going to strike out. But even his strikeouts were exciting." Reggie certainly provided baseball fans with a lot of excitement, for he holds the dubious distinction of striking out more often than any man in history, 2,597 times. But unlike the fans of Mudville, we tend to overlook these minor details. We accept that a competitor like Jackson who swings for the fence, is going to miss a few times. But when the team's back was against the wall, when it really counted, there was nobody you'd rather have at the plate then Reggie.

Jackson was the consummate clutch performer, at his very best when the stakes were high and the chips were down. During the post-season Jackson flourished like no one else in the history of baseball. In five World Series, Jackson batted .357, hit 10 home runs, and garnered 24 RBI's. His .755 slugging percentage is the best series performance of all-time.

The most defining moment of Reggie's illustrious carrier occurred on October 18, 1977. I remember the night as if it were only yesterday. It was the seventh and final game of the 1977 World Series, pitting the Los Angeles Dodgers against the New York Yankees. In one of the most amazing sports spectacles of all time, Reggie Jackson hit three home runs on three first pitches off of three different Dodger pitchers. With this performance he single handedly captured the world title for his team. "I must admit," Dodger first baseman Steve Garvey later revealed, "when Reggie hit his third home run, and I was sure that nobody was looking, I applauded in my glove." In fact, that last home run was measured at 450 feet.

However that was not his longest shot. That occurred during the 1971 All-Star Game. Reggie sent a ball out of Tiger Stadium, hitting a light tower high above the park.

This year, in his first year of eligibility, Reggie Jackson was voted into the Hall of Fame, garnering 93.6 percent of the vote. I need not remind my colleagues the satisfaction of achieving such success at the ballot box. This is no small achievement, for it makes Jackson only the 29th player ever elected in his first year of eligibility, and the only one to be elected this year. In fact his vote percentage was the 10th highest in Cooperstown history.

I am told that Jackson had prepared no remarks, and had not spoken to the press about the possibility of election until after the actual voting took place. Apparently he was afraid of jinxing himself. But speaking of the possibility of induction several years ago, Jackson remarked, "I'd like to wait until the room is empty at night and go in once to look at my plaque." Such are the dreams of a man who allowed us to live out our own fantasies by watching him play. The American public was fortunate enough to be allowed to view every aspect of this very public man for over two decades, enjoying the thrills and spills of what he himself proclaimed to be, "* * * just part of the roller coaster ride that is Reggie Jackson."

The sports columnist Thomas Boswell wrote of Jackson, "When it comes to being a true live-big, love-it-all, worth-the-price-of-admission superstar, nobody—absolutely nobody in the game—has replaced Reggie Jackson."

Reflecting upon his long and sometimes controversial career, Reggie mused, "What I've been, through it all, is human." Well for once, Reggie may have understated the facts. I know I speak for all my colleagues when I say, "Congratulations Reggie!"

I insert into the RECORD Reggie's career statistics.

REGGIE JACKSON'S CAREER STATISTICS

Year, team	AB	R	H	HR	RBI	Avg.
Regular season						
1967 KC	118	13	21	1	6	.178
1968 OAK	553	82	138	29	74	.250
1969 OAK	549	123	151	47	118	.275
1970 OAK	426	57	101	23	66	.237
1971 OAK	567	87	157	32	80	.277
1972 OAK	499	72	132	25	75	.265
1973 OAK	539	99	158	32	117	.293
1974 OAK	506	90	146	29	93	.289
1975 OAK	593	91	150	36	104	.253
1976 BAL	498	84	138	27	91	.277
1977 NYY	525	93	150	32	110	.286
1978 NYY	511	82	140	27	97	.274
1979 NYY	465	78	138	29	89	.297
1980 NYY	514	94	154	41	111	.300
1981 NYY	334	33	79	15	54	.237
1982 CAL	530	92	146	39	101	.275
1983 CAL	397	43	77	14	49	.194
1984 CAL	525	67	117	25	81	.223
1985 CAL	460	64	116	27	85	.252
1986 CAL	419	65	101	18	58	.241
1987 OAK	336	42	74	15	43	.220
Totals	9,864	1,551	2,584	563	1,702	.262
Division Championship Series						
1981 NNY	20	4	6	2	4	.300
League Championship Series						
1971 OAK	12	2	4	2	2	.333
1972 OAK	18	1	5	0	2	.278
1973 OAK	21	0	3	0	0	.143
1974 OAK	12	0	2	0	1	.167
1975 OAK	12	1	5	1	3	.417
1977 NYY	16	1	2	0	1	.125
1978 NYY	13	5	6	2	6	.462
1980 NYY	11	1	3	0	0	.273
1981 NYY	4	1	0	0	1	.000
1982 CAL	18	2	2	1	2	.111
1986 CAL	26	2	5	0	2	.192
Totals	163	16	37	6	20	.227
World Series						
1972 OAK[1]	.....	.....	.....	.....	.....	.....
1973 OAK	29	3	9	1	6	.310
1974 OAK	14	3	4	1	1	.286
1977 NYY	20	10	9	5	8	.450
1978 NYY	23	2	9	2	8	.391
1981 NYY	12	3	4	1	1	.333
Totals	98	21	35	10	24	.357

[1] Injured, did not play.

A TRIBUTE TO CAPT. HAROLD SHAMBLIN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi [Mr. MONTGOMERY] is recognized for 60 minutes.

Mr. MONTGOMERY. Mr. Speaker, I rise today to honor an individual who has provided many years of outstanding support and dedication to this Congress. Capt. Harold Shamblin, legislative liaison in the inquiry division in the Office of the Secretary of the Air Force, has been reassigned from the Pentagon to the Air Command and Staff College at Maxwell Air Force Base, AL. The reassignment was made effective July 21. I, and many of my colleagues, have greatly benefitted from his exceptional service in the Air Force's congressional inquiry office and we want to recognize his years of service.

As an action officer, Captain Shamblin's calm and thorough method of handling unique situations and varied constituent concerns, resulted in the successful resolution of more than 2,000 cases each year during a 3-year tour. He was also a seasoned traveler with a number of congressional members and their staffs. He escorted a large delegation to Turkey and throughout Europe, as well as with others to locations within the United States to provide insight into Air Force operations, policy and training.

Mr. Speaker, I want to join with many of my colleagues who have worked with Captain Shamblin over these years in offering congratulations on a job well done. We wish him, his wife Theresa, daughters Claire and Suzanne, and son Robert the best as they move on to a new assignment.

Captain Shamblin is a true professional and a credit to himself and the U.S. Air Force.

POINT OF PERSONAL PRIVILEGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana [Mr. LIVINGSTON] is recognized for 60 minutes.

Mr. LIVINGSTON. Mr. Speaker, I wish to enter into the RECORD the real story about what happened several years ago when the Army terminated a research project in my State which involved shooting 700 cats in the head in order to try to learn something about the treatment of battlefield head wounds. The record would be set straight, Mr. Speaker, because the national TV news show "60 Minutes" and its long-time star reporter, Mike Wallace, mangled the truth in a 13-minute story on the subject and in doing so twice told a direct fabrication about me.

The research in question certainly was not something to be seen by the squeamish. The researcher, Dr. Michael Carey, meticulously drilled holes, small holes, in cats' skulls, placed their heads in a vise and shot BB pellets into their brains. Many of the cats were eventually decapitated.

Mike Wallace and "60 Minutes" came in and did a story on this episode, which made Dr. Carey into a hero, but which misrepresented film footage of animal rights activists, ignored reams of evidence in their own files in order to put a false bias into their story and which played fast and loose with the facts and which criticized various Congressmen for trying to save the taxpayers some money for what I believe was arguably useless research.

In the process, Mike Wallace reaffirmed his own self-admitted status as someone who does not tell the truth if the untruth is for the sake of a good story. The stated purpose of the research had some merit. The goal was to find ways to save more of America's brave young soldiers who were victimized by battlefield head wounds. Nobody can quarrel with that. At first glance, the method of research seemed valid, with apparently plenty of controls and anesthesia. But then various folks in my district and outside, including some respected community leaders, asked me to look into allegations that the research was not worthwhile, that it was killing cats perhaps cruelly and perhaps for no reason, that it was not finding out anything of significant value and that it was thus a waste of $2 million in taxpayers' money.

Mr. Speaker, I am no scientist, and thus had no way of knowing for myself whether the research was scientifically valid or not. So I did what I think any conscientious Congressman would do: I asked the General Accounting Office to convene the appropriate medical experts to find out if the project was worthwhile. If it had been determined to be worthwhile, the project could continue. If not, why then, other action could be taken. And I want to stress that I certainly wanted to protect solid and valid research that would save our soldiers.

Anybody that knows anything about my record knows that I am a friend of the soldier, the sailor, the marine, the airman, that I believe very strongly in a strong national defense. And if we really had an experiment that was going to help the soldier, I would be in favor of that research.

□ 1600

Especially since the project was being done by a university just a stone's throw from my own congressional district.

Well, I would save it, of course. But, I would recommend that the project be saved only if it were both humane and worthwhile and if it were a conscientious expenditure of taxpayer dollars.

So that is what I asked the General Accounting Office to find out.

First, the General Accounting Office convened a panel of medical experts on brain wound treatments. The panel had a number of good things to say about portions of Dr. Carey's research, but on the research as a whole, four out of the eight panelists said that they were lukewarm about its value. They were concerned about his methods. All eight panelists criticized him for failing to publish any papers on his research for 6 whole years, an unusually long time. In fact, it appeared that he did not publish anything until the GAO began its investigation.

All eight panelists questioned the inconsistent use of anesthesia and wondered whether that could skew the results of the research.

Because they were unable to tell if the anesthesia would mess up the results, the GAO then convened another panel, this one of veterinary anesthesiologists, to review the anesthesia use.

This second panel concluded that there was a good chance that the inconsistent use of anesthesia threw off the results and possibly invalidated some results.

Furthermore, the good doctor had claimed in the media several times that his biggest breakthrough discovery was that when the brain is injured, breathing stops.

Well, that same finding had first been proven back in 1894, I am told, and that knowledge has been used ever since.

In other words, according to the doctor's own claim, we were spending $2 million to rediscover something that had been known for some 90 years.

So with all this information, the General Accounting Office turned over a thick and complex report to the U.S. Army, and on the basis of their recommendations, the Army decided that it could spend its money better elsewhere. They were not overly critical of the doctor's research, but they felt that this just really was not a good expenditure of taxpayer funds, especially since there were no concrete results coming from this research. So the Army pulled the rest of the funding.

I want to emphasize, the Army pulled the funding. The Army made the decision, a decision which quite frankly made a lot of sense based on the information that was available to them and to the GAO.

Then a year later a "60 Minutes" researcher was making a doctor's visit, and he was sold a bill of goods by his doctor about how some evil animal rights extremists had shut down some vital medical experiments. Armed with this rather one-sided view, "60 Minutes" then set out to create a news feature which brought this viewpoint to light. They thought it would make a good story. They kept on and kept on, doing loads of research into the story and ignoring all the evidence which told them that they might be on the wrong track.

They came to me, and I was very open with the researchers. We shared our files with them. But by the time they called to ask me to go on camera, I could tell that they were hopelessly biased, they were prejudiced, they were going to write the story the way they wanted to interpret it, regardless of the facts and regardless of the circumstances, that they were prejudiced against me and against any efforts to question whether shooting cats in the head for 90-year-old knowledge was

worth spending $2 million of taxpayer funds on.

Mike Wallace and his cohorts, one of whom was apparently very rude to some of my staff, wanted to make it look like everyone who questioned the research was an animal rights extremist, or a dupe of the most extreme faction of the animal rights folks, who would rather first let American soldiers die on the battlefield than do harmless research on a few useless tabby cats.

So because of this interchange, I sent a signed memo to the news show, "60 Minutes." I declined to do a taped interview which they could edit at their own discretion. The memo that I sent them closed with this quotation:

I have always supported using animals in valid research projects. However, the Army decided it had enough information and that further expenditures of taxpayer funds would be unwarranted. I support that decision. I have never been reluctant to make my records available, or to explain any of my actions in a fair and open debate. If you want to provide the opportunity to be on your program live and unedited, I will be more than happy to do so.

Now, Mr. Speaker, I want to stress that I said I would be on their program live and unedited.

In several subsequent phone calls, Mr. Mike Wallace personally requested that I change my mind and do a taped interview with him, explaining that their format simply did not allow live appearances.

In the course of one phone call, he reconfirmed my belief that the "60 Minutes" story would be biased in favor of Dr. Carey, so I repeated my offer to go on live and unedited.

I also cited a college journalism textbook on journalistic ethics which used case studies of "60 Minutes," CBS News, and Wallace himself as examples of what they called exceedingly shoddy ethics. The book documented the way that the Wallace interviews were cut and reedited in some cases to change the entire meaning of what the interviewee was saying.

Interestingly, Mr. Wallace feigned ignorance of that book on the phone with me. In fact, though, Mr. Wallace had exchanged copious correspondence with the book's author in an effort to change the author's analysis, and he had even dined with the author to discuss the author's charges.

In other words, apparently Mr. Wallace was once again disingenuous.

Well, Mr. Wallace never did accede to my request to go on the air unedited. Half a year later, the producer of the segment told my press guy that the air date for the show would be one of four Sundays—Sundays which just happened to be one of the four Sundays immediately preceding the national congressional election date, and coincidentally, also the Presidential election date.

Mysteriously, though, that segment never aired in those four Sundays, never aired in that last month before the congressional elections, because apparently, perhaps, Mr. Wallace and his crew discovered that I had already been reelected under Louisiana's unique primary rules only weeks earlier.

Well, we do not know why they pulled the show, the segment. We knew that they were going to run it at that time. Perhaps only the Shadow knows for sure why they pulled it.

Anyway, the segment finally did run in January 1993, a full 3 months after it was originally planned to air.

As I feared, the show was entirely one-sided in favor of the research. Interviews with research opponents were butchered in order to embarrass the opponents of the research. Interviews with the General Accounting Office, which organized the analysis which gave such mixed reviews to the cat shooting research, were not used at all.

In fact, there were more than two dozen errors, misrepresentations, or clear instances of bias or shoddy journalist ethics in this story.

Among them was one direct, unambiguous, and inexplicable lie. In direct contradiction to our direct phone communication and the signed memo I had sent him, Mr. Wallace said that "whatever Congressman LIVINGSTON thought at the time about Dr. Carey's research, he declined to tell us about it on camera."

Now, that was part of the segment aired in January of 1993 on "60 Minutes." But as I have demonstrated, I did not decline to go on camera. Instead, I only declined to go on camera under the terms offered by Mike Wallace.

In fact, the whole show was so biased and dishonest that several nationally known columnists have written scathing reviews about it. Howard Rosenberg of the Los Angeles Times used the story of an example of why "60 Minutes" is "one of the shiftiest when it comes to tailoring a story to a particular point of view."

And Colman McCarthy of the Washington Post called it "an example of television journalism at its tawdriest. * * * Inaccurate quoting, shifty use of file footage, unequal time to one side in the dispute, and innuendo marked the program's 13-minute report. * * * As an entertainer, Wallace was boffo that night. As a reporter, he betrayed the rules of his craft."

□ 1610

Again, that coming from Colman McCarthy.

Now, after reviewing the facts, I sent a letter to Wallace and his boss on "60 Minutes," Don Hewitt, demanding an on-air apology, and I quote from that letter. This is me writing them after the first airing of that show:

Of the many offenses against journalistic ethics in your story, the most egregious is the use twice of footage of an animal rights demonstration, as if the demonstration concerned Dr. Carey's research, while the narration described, quote, a brutal confrontation with animal rights activists, unquote. Not only can that demonstration not concern Dr. Carey's research, but I am told there were never any such public demonstrations against Dr. Carey. Yet you used the footage as a means to raise an emotional viewer response against the animal rights folks and anyone else who questioned the use of Dr. Carey's research, and I underline the second paragraph:

This use of footage is directly analogous to the fraudulent use of "fish kill" footage for which NBC News recently was forced to apologize. The similarities are striking: dead fish from a different forest presented as if they were from the forest being featured on the news show, compared to virulent demonstrators from another place and time being presented as if they were demonstrating against the research being featured on the news show. * * *

I go on in another paragraph:

The second correction I demand that you make on the air is of the assertion by Mr. Wallace that "Representative Bob Livingston of Louisiana has been 'had' by these animal rights zealots." Not only was Mr. Wallace's remark a gratuitous insertion of my name into an interview that previously had not involved me at all, but "60 Minutes" knew that it was an erroneous conclusion. You knew, because your researcher . . . had been so informed in a letter from Suzanne Roy of In Defense of Animals.

Well, Mr. Speaker, rather than quote, I will summarize Suzanne Roy's letter. It is said that her group had not worked closely with me or my office, but had worked with two other congressional offices who were strongly opposed to the research, whereas she had suspected that I actually wanted the research to continue. She even noted that her organization had put out a press release against me for my efforts to ensure the protection of Dr. Carey's rights.

Now get this. She is the animal rights person. She is attacking me because I am coming too much to the defense of Dr. Carey, and "60 Minutes" is doing a number on me as if I am a dupe of the animal rights activists. I really think this is an incredible story, so again I quote from my letter:

Indeed, "60 Minutes" was fully aware that I had taken political heat by putting an embargo on that GAO report specifically to give Dr. Carey time to respond to the parts of it which were critical of him. Far from being "had" by animal activists—whose concerns . . . are certainly sincere—I actively resisted involvement with them in order that Dr. Carey would have every opportunity to receive due process by the politically neutral and independent GAO. I shared my files with "60 Minutes" researchers, so they knew all this, but chose to ignore it so that Mike Wallace could put words into the mouth of his interviewee. Despite my efforts on behalf of Dr. Carey, in resistance to the entreaties of other congressmen for a permanent end to all funding of his project, "60 Minutes" painted me as the congressional party solely responsible for stopping Dr. Carey's research,

as a result of pressure from people to whom I had not even spoken.

Well, Mr. Speaker, finally, in my letter to Wallace and Hewitt, I demanded a retraction of their false statement about my refusal to go on camera. Believe it or not, this is where the direct, direct deceit of Mike Wallace began getting even worse than it already had been.

In response to my letter Mike Wallace called me again. He argued that the use of demonstration footage was not deceitful, first because, quote, "we never indicated the footage that you talk about was specifically Dr. Carey's research," and secondly because even if they did have footage, there was indeed a demonstration against Carey's research.

Well, he is wrong on both counts. First, the footage was used while Wallace intoned about, quote, "brutal confrontation with animal rights activists," which certainly would lead 99 viewers out of 100 to think the footage had something to do with what was being discussed. Second, he was apparently wrong about the occurrence of other, non-filmed demonstrations.

Wrong, that is, unless he wants to compare his footage of yelling, angry, threatening demonstrators with one small, dozen-person, Christmas Eve candlelight vigil and Christmas carol singing outside the lab where the doomed cats were being housed, soon to be shot.

Well, let me go on. Then Mike Wallace started to really apologize, perhaps grovel. I call it groveling because subsequent actions prove that he did not mean a word of what he said. What he said was this, and I quote, and this was on the telephone conversation between Wallace and me after the airing of the segment. Wallace said this:

> One way in which you're dead right, and I apologize to you for it and I don't know how the hell it got through, and that's the business of, ah, of not saying "live and unedited"—in other words, that you didn't want to go on camera to tell us. I should have said "except live and unedited" . . . My friend, I apologize to you, I really do. I'm ashamed of myself because you told it to me and how the hell it got through without it, I don't know. It's unfair. Because you were perfectly willing to go on.

Now that was Wallace talking to me, apologizing because of the segment that was aired on "60 Minutes" in January 1993. In that same conversation later on Wallace again said, and I quote:

> I really feel bad about that one thing, 'cause that was just dishonest, of me, and that was stupid of me. * * * Some time you and I will—we're gonna do a piece, and I'm gonna prove to you that ah, the show is straight, and that I'm straight.

Well, Mr. Speaker, I heard that, and I accepted that as an apology, and I grudgingly accepted Mr. Wallace's apology. I took him at this word—at his word that he had been unfair, dishonest, and stupid, and that he was sorry for it, and so I pulled off efforts to bring pressure on Mr. Wallace to reconsider his viewpoints. I just stated, "It's over, we walk away from it, and I'm not going to think about it anymore." It is too bad that he aired it, but I said, "I'll take my lumps. I'm a politicians, and I'll take my lumps."

Then who would believe it? Lo and behold, 4 months later, last Sunday night, on July 25, "60 Minutes" reran the story on Dr. Carey's cat shooting. Wallace took the time to do a new introduction to it, and a new closing to it, so he clearly had the opportunity to correct all the mistakes in the show. At the very least, he could have removed the lie about my refusal to talk about the subject on the air, since he had specifically admitted his statement was dishonest and unfair, and that at some time in the future he would make amends.

□ 1620

Well, Mr. Speaker, I was dumbfounded when I turned on the television and saw that program. He made no corrections. He made no retractions. He used the same bad footage in the same bad way. He repeated the canard about me being hoodwinked by the animal zealots, thus mischaracterizing both me a lot of other good, decent folk who questioned the research. And, most outrageously, Mike Wallace allowed the repetition of the lie that I had refused to go on the air.

Well, the next day, Monday of this week, under pressure from his bosses at CBS, since obviously I made a phone call, Mr. Wallace called up yet again to apologize. And this time he admitted that he, and I quote, "blew it." And he promised that in 2 weeks, on August 8, he would finally make an on-air retraction and apologize for at least that one misstatement, even if he would not apologize for the overall dishonesty of the rest of the whole segment.

Well, Mr. Speaker, let me tell you, after the experiences I have had with Wallace and his crew, I will believe it only when I see it. Then again, even if he does apologize, I know that in his heart he will not really mean it.

How do I know? Well, let me cite a statement that Mike Wallace made, and I quote from the Washington Post on November 30, 1992, 8 or 9 months ago, when in that article he virtually bragged about using dishonesty for what he considered to be more important ends.

This is his quote. He said, "You don't like to baldly lie, but I have," said Mike Wallace. "It really depends on your motive," Wallace said. "Are you doing it for drama, or are you doing it for illumination? Each one has to be weighed separately as to the cost benefit."

That sounds strangely out of some manifesto from Karl Marx. But that is Mike Wallace, the revered commentator from "60 Minutes."

So there you have it, Mr. Speaker, Mike Wallace's own words indicting himself as a liar if he has a self-proclaimed higher motive than the immediate truth. And in light of all of this, not only do I eagerly await for his on-air apology for that one lie, but I request an apology again for all three egregious falsehoods mentioned in my letter to Wallace and Don Hewitt. In fact, I asked for a retraction of the entire dishonest story. And I hope that the American people will not believe Wallace or "60 Minutes" just because they come on the air on Sunday nights and they see them there, because the program has proven itself capable of and has clearly exhibited demonstrable journalistic fraud. And if "Prime Time Live" or some of these other news shows want to do a real expose on an institution that is a pox on the American public, I urge them to look into the inner workings of "60 Minutes" and expose the show for the sham that it is.

Mr. Speaker, I do not come here lightly about this subject. I had hoped that it was behind me when Wallace had apologized to me in March. But when he, after that apology, came on with no explanation, and just came back and repeated the same old dogmatic lie Sunday night, I just could not believe it. And I fully expect that one day Mr. Wallace will find a way to do a real number on me. This may not have been too terribly significant. But I would tell anybody who might see that segment, consider the source, consider the real facts, and judge carefully whether or not you should believe what you see.

EARNED INCOME TAX CREDIT

The SPEAKER pro tempore (Mr. HILLIARD). Under a previous order of the House, the gentleman from Texas [Mr. FROST] is recognized for 60 minutes.

Mr. FROST. Mr. Speaker, we have a great opportunity to pass a budget that will begin to deal with our outrageous budget deficit and at the same time provide the building blocks for a strong economy with opportunities for those families who have suffered most over the last 12 years.

I am personally disappointed that Members on the other side of the aisle have refused to give the American people a fighting chance for economic growth and change by continuing to be the guardians of gridlock. President Clinton's plan is the only viable option for constructive change. While the Republicans continue to complain about taxes and how when need to cut spending first, the Democrats have actually named over 200 specific cuts. The Democrats are making hard choices for the future of our country. The Republicans, on the other hand, are doing a

lot of talking without specifying anything. Their budget plan currently has over $66 billion in unspecified cuts.

Republican Presidents had 12 years to submit a budget that actually worked to reduce the deficit. They did not. The Republicans in Congress are now continuing the rhetoric of more empty promises about cutting the budget without any viable plan to do so. Let us get serious and get behind the only plan that is real.

With that in mind, I am delighted to speak today about President Clinton's plan to expand the earned income tax credit [EITC]. This tax credit is essential for the working poor and is a key element of the President's plan to return fairness to the Tax Code.

For the past 12 years, Presidents have ignored the needs of the middle class and the working poor and placed the burden of the Federal budget deficit squarely on their shoulders. All this was done while the Federal budget deficit skyrocketed and the rich received tax break after tax break. President Clinton's plan seeks to reverse both of these trickle-down economics trends. His plan is a bold initiative to reduce the Federal budget deficit by what is fair to the middle class and the working poor.

The overwhelming majority of the taxes from his plan fall on the most well-off Americans. The Congressional Budget Office shows that 70 percent of the taxes we raise fall on those making over $200,000. The plan increases tax rates on the top 1 percent, those making over $180,000; a surtax on individual income above $250,000; reduced deductions for country club dues, three-martini lunches, lucrative pensions, and lobbying expenses; and the wasteful taxpayer subsidy of CEO pay over $1 million.

The plan passed by the House also helps the working poor. It expands the earned income tax credit. This tax credit is prowork.

I would like to take just a minute, if I may, to outline some of the features of the earned income tax credit.

The EITC is widely hailed for rewarding work, supporting hard-pressed working families with children, and reducing tax burdens on low-income workers.

The EITC is pro-work. Only those who work can get it; nonworkers do not qualify. Also, the EITC helps low-wage working families make ends meet. And for some parents on public assistance, the EITC can play an important role in making it worthwhile to go to work.

Furthermore, unlike welfare benefits, which fall sharply as earnings rise, EITC benefits increase with each additional dollar earned by the very poor. Consequently, the EITC strengthens the incentive to work for those working little or not at all.

The EITC is pro-family. Only parents who live with their children can get it. Absent parents living apart from their children are not eligible for regular EITC benefits. And unlike welfare—where the eligibility rules are much more restrictive for two-parent than single-parent families—the EITC treats both types of families on an equal basis.

The EITC is the one feature of the Tax Code that helps, and rewards work among, the working poor. This is because the EITC is the one refundable tax credit in the Federal Tax Code. That means if a family's EITC benefit exceeds its income tax liability, the IRS sends the family a check for the difference. Working poor families earn too little to owe Federal income tax, but they still receive the EITC.

□ 1630

Mr. Speaker, I yield to the gentleman from Maryland [Mr. CARDIN], who is a member of the Committee on Ways and Means, for a further discussion of this very important feature of the bill that was passed by the House of Representatives and that is a part of the President's basic plan.

Mr. CARDIN. Mr. Speaker, first I want to thank the gentleman from Texas [Mr. FROST] for taking this time to clarify one of the most important provisions in the President's package, which has not gotten much publicity. As we know, as we listen to the radio and TV accounts and press accounts of the President's economic package, the earned income tax credit can hardly be found in the discussion. Yet it is one of the most important provisions for restoring fairness in our Tax Code.

There are many reasons why we must move forward with an economic package, as recommended by President Clinton. We need to do that in order to reduce the deficit of this country. That is certainly very, very important. We need to do that in order to help small business. There are several provisions in the President's package to help small business create more jobs in our communities. And that is certainly a very important reason to move forward on it.

The balance between spending cuts and new taxes, in order to deal with the deficit, is clearly in the President's package, another reason to move forward. But as the gentleman was bringing out, the fairness issue is another reason why we should consider and pass the President's package, and we should be evaluating the package that the President has submitted and other recommendations that have been made in the area of fairness.

The earned income tax credit provides a refundable tax credit. It is a credit that can be paid in cash to taxpayers of low income.

Let me explain how it works, because I am afraid many people do not really understand how the earned income tax credit works.

There are nearly 14 million people today who benefit from the earned income tax credit. In my State of Maryland, 223,000 families today benefit from the earned income tax credit. And in the State of the gentleman from Texas [Mr. FROST], I might point out that 1.3 million families in Texas benefit from the earned income tax credit. I have West Virginia, too. I will look up that figure and give Members how many people in the State of West Virginia benefit from the program a little bit later on.

But how it works is that for low-income people, they get a credit of a certain percentage of their income, the earned income, up to a certain amount. Under current law, it is about $8,000. So they are entitled to a refund, a positive refund, not really a refund, a check equal to a certain percentage of the income that they earn up to about $8,000.

Then starting at around $12,500, the credit is phased out up to around $23,000 of income.

What President Clinton has recommended is that we dramatically improve that mechanism so that we can tell the American society that if a person works, a person works 40 hours a week, that person should not have to live in poverty. Today, 20 million people in our Nation live in poverty, even though there is a full-time worker in that family. That is unconscionable, and that is what we are aiming at eliminating by dramatically improving the earned income tax credit.

The President is suggesting that we make it sensitive to the size of a family in calculating how much of an earned income tax credit a family will be entitled to. The earned income tax credit is significantly increased and can mean an extra $1,500 for many American families. So it is an effort to say, as the gentleman pointed out, that we are going to reward work. If you work full time, you should not have to live in poverty. And that is really the centerpiece of the fairness issue.

Mr. Speaker, I would like to point out, if I might, because I am frequently asked in my townhall meetings about how these taxes work and what we are doing to people as far as the taxes being recommended by the President. Rarely is the earned income tax credit ever mentioned.

In fact, in some cases, for working poor, they are actually going to be paying a lot less in taxes and be getting funds back so that hopefully they do not have to live in poverty. But if you go through the taxes that have been recommended, and what I asked my constituents to do is calculate the tax burden themselves. Do not take my word for it, do not take the words of some of the Members that have taken this well or particularly on the other side as to how this tax bill or how this deficit reduction package will personally impact their taxes.

What the President, and what we have passed, will do is to tell all the wealthiest 1 percent of our society that they should pay approximately 70 to 80 percent of the additional taxes. We do that by increasing the income tax rate for those people who have taxable income, if they are individuals, of $115,000 or higher, or for married couples, $140,000 or higher. So if your taxable income is below those limits, there is no additional income tax that you would have to pay under the proposals that passed the House and the Senate.

We tell people who have earned income over $135,000 that we are going to remove the health insurance cap so that you would have to continue to contribute toward Medicare, 1.45 percent of your earned income above $135,000. So once again, if you do not have earned income above $135,000, that would not impact on your tax liability.

And we tell people who receive Social Security, if their Social Security income for an individual is over $32,000 or for a couple, over $40,000, you should pay taxes on that portion of your Social Security benefits that reflect what society, what we have added to what you have already contributed through your withholding by increasing the amount of tax from 50 to 85 percent.

Now, most of my constituents are not going to be impacted by any of those taxes that I have just mentioned. The only tax we have talked about is a gasoline tax that may impact my constituents, most of my constituents. And that is 6 cents, maybe as much as 4 or 6 cents a gallon. How many gallons of gasoline do you use a week? Fifteen, to fill up your tank more than once. That is 90 cents a week.

The reason I mention that is I think we have to talk about the fairness issue here and how the tax changes will impact the fairness of our society.

We have a huge deficit, and we are saying to the wealthiest people in our society that they should pay more.

First, we cut spending. Then we raise taxes, and all of it is used for deficit reduction so that our Nation will be stronger and that we can provide a greater opportunity, particularly in creating more jobs for our young people.

I really appreciate the gentleman from Texas [Mr. FROST] taking the time this evening to point out that the earned income tax credit is a part of this proposal that brings basic fairness to our Tax Code, that says to a working person they should not have to live in poverty.

Mr. FROST. Mr. Speaker, I now yield to the gentleman from West Virginia [Mr. WISE].

Mr. WISE. Mr. Speaker, I thank the gentleman from Texas for taking this time. I think it is important to point out some of the aspects of the President's economic plan, the deficit reduction plan that the House most likely will be voting on next week.

There has sure been a lot of fire and fury delivered on this floor concerning it. Yet, I think it is time now to get some true understanding of what it is about.

One of the most important provisions in here is the earned income tax credit. I am interested that society requires, as rightly society should, that people work and work for a living. But too often in our society, those who work are not rewarded as they should be.

I have a situation and many times have seen in my own district situations where a husband and wife, two parents, are working. They are doing exactly what society asks. They are working for $4.25 to $5 an hour, both of them. It is not enough combined to raise their family. They are struggling. If they are fortunate, they have health insurance. Probably they do not.

What the earned income tax credit does is to try and say, and what the President's proposal and this package does, which I do not think many people fully appreciate or want to recognize, in some cases, what the President's proposal does is to say that if you work a full 40 hours a week, you are a working family. Then you should not be living in poverty.

I think that is something we can all subscribe to. The earned income tax credit, interestingly enough, has another positive benefit. Because through its provisions, by rewarding working families, these families tend to be lower income. This will put more money into the economy and, particularly, lower income and in many cases rural areas, rural, urban, whatever.

□ 1640

But the important thing is that there will be more money in the economy as well. I wanted to stress something: This is not welfare. This is not welfare, by any means. This only goes to those people and only those who are eligible for it; who are working parents with, obviously, children.

I think it is important, too, because I have heard a lot of bombast on this floor, particularly today, but in the last few days about what our opponents say are 27 tax increases. They never talk about the tax cut. They never talk about the tax cut. They never talk about the fact that for many low- and middle-income persons who will qualify for this EITC, that any possible increase in the gasoline tax, whether it is a nickel or 6 cents a gallon, that that will be offset, so there will not be a tax increase for many of our working poor. I think that is significant.

There are a couple of other things, obviously, that the opponents do not point out in this package. They do not point out, for instance, that 70 to 80 percent of the tax burden will go to the wealthiest, the 1 to 2 percent of the wealthiest in this country. They do not point out, for instance, that income tax will not affect anyone who is a working person making less than $140,000 a year as a joint filer. So if you are below $140,000 a year as a couple, or $115,000 a year as a single person, you are out of this business as far as income tax goes. You will not be affected.

As far as the 6 cents a gallon goes, what they are not pointing out is that, for instance, in just the Btu tax alone, that this is less than what was even being considered there, and that it results in about a $1 a week increase, a $1 a week increase, which is about the price of two cups of coffee per week.

Also, it is a minuscule part, 5 percent, I calculate, of the total economic growth deficit reduction package. Five percent would be in this one area, the proposed gasoline tax. The other 4 percent comes in tax increases on the upper income, and then, of course, half of this total package, 250, are in spending cuts, 200 specific cuts, not the $66 billion of unspecified cuts that our opponents offered.

One other note. This goes somewhat to the EITC, since many EITC recipients, those who qualify for the earned income tax credit, work for small business. We have heard a lot of the bombast on small business around here as well. What they are not pointing out, the opponents, is that 95 percent of small businesses will see no impact whatsoever, no adverse tax impact, because of this legislation; that where there is increased corporate tax, in order to trigger that, you are talking about they have to have over $10 million in profits. That is not Mom and Pop's grocery store, $10 million in profit to trigger any increase in the corporate taxation. The vast majority of subchapter S corporations, and that is the bulk of small businesses, are not affected by this as well.

Once again, getting back to the fact, though, that half of the deficit reduction package, there is at least $1 of deficit reduction for every $1 of tax increases, and there are many in our country who are working that will actually receive favorable tax treatment; a tax cut, in effect, because of the EITC.

More importantly, what they will be able to do is, by the effort that they are making in working, lift themselves out of poverty. I think it is important to get through that this is deficit reduction, but it is also positive development for millions of working families, many thousands of which are in West Virginia, that are doing exactly what society asks, that want the deficit brought down, that are working at least 40-hour-a-week jobs, and that they will benefit from this package, not only because the deficit is down, we all benefit from that, lower interest rates, for instance, ability to finance homes, cars with lower interest rates.

They will benefit that way, but they will also benefit because their work

will truly be recognized, and then that hopefully sets the stage for a national health care plan which recognizes that those who work are to have affordable access to health care.

I appreciate the gentleman from Texas [Mr. FROST] taking this opportunity to set the record straight, to promote the positive aspects of the earned income tax credit, and to say that working Americans do get favorable treatment under this, and to give us a chance to point it out.

I appreciate the gentleman making it possible for me to participate in this special order tonight.

Mr. FROST. Mr. Speaker, I want to thank the gentleman from West Virginia very much because his points have been very well taken. I think it is helpful. People who are listening to this, people who are watching what is going on here today, it is helpful to understand that there are some very critical provisions in the President's plan that go directly to helping lower and middle income taxpayers in this country; that are vital, vital if we are going to provide fairness.

At this point I yield to the gentleman from North Carolina [Mr. PRICE].

Mr. PRICE. Mr. Speaker, I thank the gentleman for yielding.

I, too, want to commend the gentleman from Texas [Mr. FROST] for taking out this special order and giving us a chance to discuss with each other and before the American people this critical component of the budget reconciliation package that we will be voting on next week.

The earned income tax credit is one of the most critical components of this package. It is one of the most important things we could do to reform the welfare system in this country, which I think almost everybody thinks is a desirable goal, to reform the welfare system and to reward work, to make work more attractive than staying on welfare.

It is a perverse system that actually makes it pay for people to stay on welfare, and encourages them to do that, as opposed to entering the work force. What this earned income tax credit will do is reward people who want to help themselves.

Any parent who works full time, with this provision, will be lifted out of poverty, not by some kind of government program but by their own hard work, by their own efforts. That is the idea, to help people without creating larger bureaucracies and to strengthen families. That is the essence of what this new, revitalized Democratic Party is all about, and it is right at the heart of this economic plan.

The earned income tax credit is the furthest thing from a handout, Mr. Speaker. Some may describe it as an anti-poverty program, but in reality it is tax relief, tax relief for struggling families who want to become self-sufficient but simply cannot, because the current system actually punishes them for working harder and longer and makes it more profitable for them to stay on welfare.

Because of this earned income tax credit increase, families who make less than $30,000 a year will actually see their taxes go down. In fact, a study by Arthur Andersen, Inc., finds that the family whose annual average income is $25,000 will see their taxes fall by several hundred dollars.

Some have described the budget with overblown rhetoric as a tax plan that is going to tax the American people broadly. Actually, that is very far from the truth. Whatever burden under the energy portion of this budget plan will place on the working poor will be more than offset by what this EITC increase will do for them by way of a tax break.

That reduction in taxes is going to enable these families to save more and to provide more money to meet basic household needs. The Dallas Morning Herald, in an editorial this week, said, and I quote, "The tax credit can make a substantial difference in the lives of the working poor, while reinforcing the work ethic."

That is what family values really mean. The House proposal would give eligible families with at least two children and incomes below $8,000 a 39-cent tax credit on every dollar they earn. That is far superior to simply increasing the minimum wage as a means to move families above the poverty line, since half the working poor are in jobs not covered by the minimum wage and because some 85 percent of minimum wage workers live in nonpoor households. In other words, the fit between the needs of our families all whom the minimum wage affects is not very good, but the fit is perfect in the case of the earned income tax credit. It is a far more targeted, far more sensible way to improve the situation of working families than the minimum wage.

Our colleagues may remember a few years ago, when we were debating the minimum wage bill out here on the House floor. It is useful to look back for a minute to that debate, because of the kinds of things our Republican colleagues were saying at that point. The Republicans have targeted the earned income tax credit in this present bill as wasteful spending. They say it is an investment we do not need to make, even though it will strengthen families and make an important contribution to welfare reform.

For example, the House minority leader, the gentleman from Illinois [Mr. MICHEL], used the earned income tax credit in recent debate as an example of tax-and-spend Democrats. The gentleman from Ohio [Mr. KASICH], the ranking minority member of the House Committee on the Budget, urged his Republican colleagues to cut the earned income tax credit in the reconciliation bill.

In 1993, our Republican colleagues stand united against the earned income tax credit. Oh, how times have changed. Let me take the Members back to that minimum wage debate in 1989. Let me just quote from a few of our Republican colleagues, who at that time were extolling the virtues of the EITC. Of course at that point they did not want to raise the minimum wage, but those of them who felt like they had to have some constructive alternative were singing the praises of the earned income tax credit.

□ 1650

For example, our good friend Mr. PETRI described the minimum wage as a dinosaur. But then he said, "But I think even the dinosaur handlers know that earned income tax credit reform is a better idea."

Mr. FROST. If the gentleman will yield, when was that said?

Mr. PRICE of North Carolina. That was said in 1989 in the midst of a debate on this floor on the minimum wage.

Mr. FROST. So if I understand correctly, in 1989 when the Republicans did not want to raise the minimum wage they were for the earned income tax credit?

Mr. PRICE of North Carolina. That is right. The earned income tax credit was a better way.

Mr. FROST. The panacea? A better way.

Mr. PRICE of North Carolina. The better way.

Mr. ARMEY, who is now the Chair of the Republican conference, was another one out here singing the praises of the earned income tax credit. The earned income tax credit, he said, "is a better, more compassionate alternative."

And then our good friend, who is now the mayor of Dallas, Steve Bartlett, a very thoughtful Member, said the earned income tax credit, "should not be a partisan issue. Members on both sides of the aisle say they support an earned income tax credit. They say they support it, but not in this time, not in this bill, not in this way, and not on this day. The fact is the time has come for Congress to begin speaking," Mr. Bartlett said, "for the best interests of low-income heads of households. This is a perfect bill to do it on."

Mr. FROST. If the gentleman will yield further, do we understand that they were against the minimum wage and for the earned income tax then, and now they are against the earned income tax credit? Are they going to be for the minimum wage increase now? I mean where are they?

Mr. PRICE of North Carolina. It will be interesting to see. Maybe the tables have turned. On the other hand, maybe they are not for anything.

Mr. FROST. I think that is perhaps more likely.

Mr. PRICE of North Carolina. You may have seen the article recently in the Wall Street Journal where it said that this Republican cry of no new taxes really seems to mean no new anything.

Mr. FROST. Yes, I did see it. It was a fairly lengthy story.

Mr. PRICE of North Carolina. After all, the EITC is a tax cut. This means that for families making $30,000 a year or less, the net impact of our budget package is a tax reduction. It is a tax reduction for working families that helps reward their hard work. And those people who in 1989 were talking about the virtues of the earned income tax credit, now they have gotten their wish. It is now a key part of this budget reconciliation bill. And I agree with what Mr. Bartlett said at that time: The time has come to help low- and moderate-income working families make ends meet.

In closing Mr. Speaker, let me recall the very heated race for a seat in the other body that we had in my State of North Carolina last year. The 10-second TV ads for the Republican candidate were out there blaring every day, "Workfare, not welfare. Workfare, not welfare."

Well, this is a chance, if there ever was one, to reform a welfare system that we all know needs fixing, to replace dependence with a reward for an honest day's work, and to guarantee that anybody who works a full-time job in this society is not going to have to leave his or her family in poverty. Goodness knows, that is what welfare reform ought to be about, and that is what this bill is about.

It is the height of hypocrisy to have gotten out here on the floor 4 years ago, praising to the skies the earned income tax credit as the alternative to the minimum wage, and now to be turning around criticizing this tax cut as part of some kind of a tax-and-spend syndrome.

The EITC is a critical piece, Mr. Speaker, of the budget reconciliation bill. It is a proposal that—before we entered the present, overly political, season—was embraced by liberals and conservatives alike. This has not been a partisan issue. This has not been a liberal versus conservative issue. This has been an issue that we could unite on because the earned income tax credit is about values that we share. It is about reforming the welfare system. It is about rewarding work. It is about strengthening families. And it is about tax relief.

That is what this earned income tax credit idea is all about. It is an essential element of this budget reconciliation package, and we simply have to pass it.

I thank the gentleman for the opportunity to share these thoughts with my colleagues here today, because I do not think this earned income tax credit has been interpreted as strongly and persuasively as it might be, and I hope we can do our part to remedy that.

Mr. FROST. I thank the gentleman very much for his excellent remarks.

It always is helpful to look back in time and to see what Members of this House have said in another time and in another context as we bring up a bill that seeks to do things that people said they are for in one context, but when they have the opportunity to actually do it, then they shrink from that. And I thank the gentleman very much for bringing that out.

Mr. PRICE of North Carolina. The gentleman may have noted that some of the critics are asking: What good is the earned income tax credit if the jobs are not there? And these are the same people who are not willing to vote for the kind of deficit reduction and the kind of economic policies that will create these jobs.

What these critics must know is that if we can enact this economic plan, we are going to create 8 million new jobs in this country. And when you combine those new jobs with this tax reform, we are going to make sure that those jobs enable families to keep body and soul together.

Mr. FROST. I thank the gentleman very much for his time.

Mr. Speaker, I yield to the gentlewoman from Connecticut [Mrs. KENNELLY], a member of the Committee on Ways and Means.

Mrs. KENNELLY. I thank the gentleman for yielding, and I thank him for bringing this together at the end of the day.

Mr. Speaker, among the ideas that are fundamental to our idea of ourselves as contributing, responsible members of society, is the idea of work. Work does much more than enable us to provide for ourselves and our families. In some part, it defines who we are. Work gives an individual standing, respect, recognition, and a place in our communities—and often a feeling of self-worth and accomplishment.

It is for this reason that our national debate about how best to reform the welfare system is so important. Welfare, quite simply, cannot be a way of life. To the extent that we allow it to become so, we do a disservice to those very people we most wanted to help; it is blatantly unfair to taxpayers.

Soon, we will take the first steps on the road to welfare reform. Our effort must be to open the way to work for all Americans. But as we start this effort, let us remember that we have now, today, one good working program that helps achieve exactly that goal. That program is the earned income tax credit—the EITC.

The President proposed a substantial expansion in the EITC, an expansion I fully support. The EITC is specially designed to aid low-income working people. It helps people cross one of the most important barriers that stands between them and work, and that is the fact that for far too many Americans, it is entirely possible to work full time, every day, 52 weeks a year, and still remain in poverty.

The EITC aids low-wage workers with children. This is no handout. This is a special tax credit that means that low- and moderate-income workers get to keep more of the money they earn. And, I would add, unlike welfare benefits, EITC benefits increase with every additional dollar earned, offering a real incentive to work for those working little or not at all.

Let me tell you why the EITC is so important, especially now. I come from Connecticut, a State that has been battered by recession. Many have lost jobs. Do we want to say: Just give up, go on welfare, abandon your hopes and dreams? Or do we want to say: We respect what you are doing; we understand how difficult it is; you must remain independent.

What do we want our message to be to older women, divorcees, widows—women who are now facing life alone on dramatically lower incomes? Some of these women are just beginning their careers, trying to get along on entry-level wages. Again, what do we want them to do? Do we want them to give up because the struggle is just too hard, or do we want to ease their transition and offer them the opportunity to become and remain self-sufficient?

The IRS reports that in my State, almost 5 percent of the households filing an income tax return received the EITC. About 78,000 working families with children benefited from the EITC last year.

The expansion proposed by the President means enormous benefits to my State. The Treasury Department estimates that about 84,000 Connecticut working families with children would be eligible for the EITC once the proposal was fully phased in. Most families already eligible for the credit would receive a substantial increase in their EITC payment.

As a result, Connecticut workers would get to keep $36 million in wages they earned. The benefits to the overall State economy would be immense, creating more demand, helping local businesses, and providing a much-needed infusion of funds. This is the kind of bottom-up stimulus that really can brighten the economic picture.

I have been a long-time supporter of the EITC and I fully support this expansion, as should anyone who is serious about encouraging work and improving the economy.

□ 1700

This is the kind of situation that we have before us: The people of the United States say, "Why can't we do something to help everyday working people?" The earned income tax credit

helps everyday working people, your neighbors, my neighbors, people who want to do one thing, want to get up in the morning, go to work and take care of themselves and take care of their children, their families.

We should be able, Mr. Speaker, to come together behind the earned income tax credit to support it and get on with the business of this country, pass the budget, embrace the earned income tax credit because it is a fair credit for the people of this United States.

I thank the gentleman from Texas [Mr. FROST] for bringing us together so that we can calmly discuss something that would be very important to many people of these United States.

We so often get off the track, lose our way, talk about things that the people say are "beltway politics," and it is true. But tonight the gentleman from Texas brings us together to talk about a program that is simple to administer. It has one line on the tax return; one line. And we had to work to even get that. It is not a separate piece of paper.

You fill it in, you go to work, you do your job, and you do not live below poverty.

I once again thank the gentleman from Texas.

Mr. FROST. I thank the gentlewoman from Connecticut for her excellent remarks.

At this point I yield to the gentleman from Tennessee [Mr. GORDON].

Mr. GORDON. I thank the gentleman from Texas [Mr. FROST] for yielding. Mr. Speaker, I am glad to have the opportunity to join you today to talk about this. I think it is a very important subject.

The reason it is important to me is I have hundreds of open meetings all across my congressional district in middle Tennessee, and frequently we will have meetings and maybe 20 people will come, sometimes 100 people will come. But it is important because it gives me a chance to learn more what is on the minds of my constituents, to discuss the issues of the day and to take back here their message.

Frequently I will hear someone come to the meeting and they will tell me about how they work 40 hours or more when they can. Maybe they are making minimum wage or more. Yet they are having a tough time getting by. Particularly a family like this, they see themselves working so hard, and then down the street there will be somebody who is not working, who can be living almost as well, on welfare.

They said, "Why in goodness sake am I working so hard for minimum wage," $4 an hour, $5 an hour, "yet I am not living that well, not as well as somebody that may be living on welfare."

But they want to do that, and they continue to do that because they want to show the right image for their children. They want to show them that if you do work hard, there can be opportunity.

But these folks are having difficulties.

Then you will have someone who will come in and they have got a good job, maybe making $25,000 or $35,000, but they have a child in college or they have other payments, house payments. It is very tough to get by.

Mr. FROST. The gentleman makes a very interesting point. he says $25,000, $30,000. In the gentleman's State and in my State, a lot of people consider that a good wage.

Mr. GORDON. Well, it is a good wage.

Mr. FROST. Middle-class people.

Mr. GORDON. It is a good wage.

Mr. FROST. That may not be a high wage in other States, perhaps on the Atlantic coast, the East Coast someplace; but in Texas or Tennessee a lot of hardworking people are in that category who would like some tax relief.

Mr. GORDON. Sure. Neither of my parents ever made that much money. It is something that they are glad to have. But it is still hard to get by on, particularly if there is a kid in school, a house payment to be made, doctor bills to be paid.

That is why anytime you have a package of deficit reduction, you can always find things you do not like. I want to tell you something about this that I do like, and that is the earned income tax credit. Because finally we are going to start giving people tax money back; we are talking about a tax cut for those families of four making less than $30,000. If the family is larger, you can make even more and still get a tax cut. I think it is time that we recognize that it is difficult to get by when you are raising a family and you need that kind of tax cut.

So, I think it is going to be a good incentive for folks to work hard, to show their kids, "Yes, you can do the right thing and come out better."

So, I think this is a good part of the overall deficit reduction package, something I am pleased about and something that is going to affect a lot of my constituents.

As my friend from Texas said, it will also affect his constituents. The gentleman was showing something to me earlier that indicated that there were 354,000, I believe it was, families or people in Tennessee.

Mr. FROST. That is a families figure.

Mr. GORDON. Families, 354,000 families, that is before this additional tax reduction even takes place.

□ 1710

So gosh, I wish my math was better, but that is probably one out of maybe every four families in Tennessee that is going to be getting a tax cut. I think that is good news for Tennessee. I think it is good news for America. I think it is good news for working Americans.

I am glad we have had a chance to talk about this today, and hopefully we can continue this discussion later.

Mr. Speaker, I thank my friend, the gentleman from Texas, for initiating this discussion.

Mr. FROST. Well, I thank the gentleman very much. These are excellent comments.

I think we particularly need to underscore the comment that the gentleman from Tennessee [Mr. GORDON] started with, and that is this is a way to get people off welfare. This is to provide an incentive for someone to go out and work, because they will not be able to be better off if they are on welfare. If they go out and work, with this earned income tax credit, then they are going to be doing OK. Maybe not great, but they are going be doing OK and it is to their advantage to work and not just to sit home and take part in our welfare system.

Mr. GORDON. Well, certainly that is one group of folks that will be helped, but in Murphysboro, making $30,000——

Mr. FROST. I was talking about lower income people, of course, lower level.

Mr. GORDON. That is not welfare. That is a good job, and those folks are working hard, too. They deserve to have a break. They deserve to have a chance to get their heads above water and try to move forward.

This tax cut is going to be good for middle-class America, as well as those folks who are trying to get into the middle class.

I thank the gentleman very much.

Mr. FROST. Mr. Speaker, I yield to my good friend, the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Speaker, I thank the gentleman and I appreciate him taking out this special order on the earned income tax credit.

Let me say, we have had so much talk about the budget, and yet the EITC has sort of been left out. It is really a breathtaking reform in the President's proposal. It is not little. It does not just affect a corner of the world. It affects major sections of working America, and it gives people a message that we have not heard in a long time, and that is if you work, you will be better off than if you are on welfare. That message has not been heard, and everyone in America wants to hear it.

The conservative right, the wealthy people want to hear it, the middle class want to hear it, and the poor people themselves want to hear it, because believe me, they would much rather be working than receiving public assistance in almost every case.

And what does the EITC do? It sends out these two loud messages: to the welfare family, get off welfare. You will do better working.

To the working family: Do not slide back. You do better working.

It has an enormous effect. We can talk about job training programs and we can talk about capital gains cuts and we can talk about everything in between in terms of dealing with the major problem in America today, jobs; but I dare say you can put all that in and it will not do as much to help America get to work and stay working as the EITC.

What I would like to say to the gentleman, there are lots of States, every State is a winner under this, but it affects two types of States more than others. One type of State is mine that has a large working low-income population who are struggling, just getting by and hanging on by their fingernails.

In my State of New York, 68,000 new working families, low-income working, will be eligible for the EITC once the plan is phased in, once President Clinton's plan is phased in, and 823,000 working New York families that already benefit from the EITC will get a substantial raise from these changes.

How big a raise? Well, the typical low-income working family in New York will get a yearly EITC increase of about $400.

The State of New York will get $420 million in new EITC benefits a year that is then spent in the stores.

Mr. FROST. Mr. Speaker, if the gentleman will allow me, when we say $400, that is $400 directly back in someone's pocket.

Mr. SCHUMER. No government bureaucracy.

Mr. FROST. That is $400 more they get to keep. When they figure out their income tax, it is $400 less in income tax they pay than they otherwise would have paid had this not been in law.

Mr. SCHUMER. The gentleman is exactly right.

It is no wonder, by the way, that as the gentleman from North Carolina [Mr. PRICE] pointed out that conservatives love this program. They say this is a lot better than setting up a big Government bureaucracy to try to help working people and poor people, and they are right.

Mr. FROST. They have loved it in the abstract.

Mr. SCHUMER. Well, they are not voting for it here because maybe it does not mean much.

But finally, Democrats get the message, and what happens?

"Oh, no, we don't want it."

It makes me think twice about the motivation and intention. Once it is here, they are gone.

But for New York, it is $420 million more.

Compared to the gas tax, there is a cry, "Oh, no," about the gas tax. That is about a dollar a week. The working families will net between $300 and $350 per year here under this deficit reduction plan.

Now, it is not just New York that benefits. Another group of States that benefit are States that have lower incomes in general. There as the gentleman from Tennessee [Mr. GORDON] and the gentleman from Texas [Mr. FROST] have pointed out, the average middle-class person, the low end of the middle class will benefit as well.

I picked out a few States, and the fact that there are some Democratic Senators wavering on whether to vote for the President's plan that comes to the States in purely coincidental. I just thought we ought to see which States.

Let us take Arizona. There are 256,000 current beneficiaries, plus 20,000 new working families, an additional $120 million each year, $300 that averages per low-income family.

How about Oklahoma? We have heard a lot about the Senator from Oklahoma, about defending big oil. How about defending the little people of Oklahoma?

In Oklahoma, one in every seven Oklahoman, that is more than in my State, get the EITC benefits. After this passes, it is going to one in six.

Oklahomans will get another $104 million in the EITC.

The State of Georgia. We have another of our good friends in our party from Georgia wondering whether he should vote for the bill. One in six Georgians get it now. Under the Clinton plan, it was up to 18 percent, $275 million pumped into the economy from the EITC changes.

Nebraska. One in ten Nebraskans get it now. Five thousand new families eligible, $37 million each year into Nebraska.

Again as the gentleman from Texas pointed out, this money goes to working people, people who are hanging on. They struggle, they work, they want their little piece of the rock.

In previous years it seemed that government instead of helping them has kicked them around. This is a chance to help them, and they are all over America.

They are in Louisiana, 29,000 new families, $201 million.

They are in New Jersey, 27,000 new families, $164 million.

They are in Wisconsin, 14,000 new families, $91 million.

So this is a plan that benefits the people we often talk about, but rarely help, not the people at the very bottom but the people who are on the next rung.

I would say in conclusion, all of us, whatever party we are, whatever part of the country, we want to see this country stay the greatest country in the world. I would hate to see that my young children grow up as the sun sets on the United States.

Well, one way to do it is get people working and keep them working. We all know that. That benefits every one of us.

There is no better way than the EITC. The President has invested considerable capital and a great deal of courage in putting this in his bill. How can we turn it down?

So I would urge my colleagues to think twice about the benefits of the EITC as part of this plan. I would urge us to pass the Clinton plan and I would greatly thank the gentleman from Texas for his leadership and foresight in taking out this special order so we might inform our colleagues and our country about this wonderful program that has largely been forgotten in the Sturm and Drang debate over the tax bill.

Mr. FROST. Mr. Speaker, I thank the gentleman very much.

My time is about over. I am grateful for the opportunity to have visited with my colleagues today. We have had colleagues here on the floor from a cross-section of States, Tennessee, Maryland, Connecticut, New York, North Carolina, West Virginia, I am from Texas.

This is a truly national issue. This is a national issue that is going to put money back into the hands of people who work hard every day and who are the backbone of America. We need this plan. We need it to be passed next week so we can get on with making sure that this continues to be the greatest country in the world.

I thank the gentleman very much.

□ 1720

CHILDREN'S INITIATIVES IN THE BUDGET RECONCILIATION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina [Mrs. CLAYTON] is recognized for 60 minutes.

Mrs. CLAYTON. Mr. Speaker, I am delighted to have this opportunity to speak with you on an issue that is certainly very close to my heart—our children.

Today my comments will come from a number of different perspectives. As a mother and grandmother I have an intimate knowledge of the needs and conditions of children. As a former local government official, I have a knowledge of the services that should make the lives of our children healthy and happy. And as a Member of Congress, I have the privilege of being at the table and in a position to urge my colleagues to place children and families at the top of our national agenda.

The children of our Nation are living outside the American dream. In the richest country on Earth, there are over 12 million children living in poverty. They die at an alarming rate before their first birthday, and for black babies the tragedy is even more horrifying. They are dying at nearly three times the rate of white babies and the gap is growing.

Children are also among the fastest growing group of homeless Americans,

and those suffering from crippling, deadly diseases. We have not been kind to those who are powerless to defend themselves. We have for too long ignored those who do not have well-financed lobbyist, and are too young to pull the lever in the voting booth.

My colleagues, let us not continue down that path of neglect. Surely, we are big enough to open our hearts to the children of America. If the true measure of a nation is how well it treats its children, over the past 20 years our record is really our national shame. Child abuse is up dramatically, and our children are hungry because they are in families who are stuck in the binds of persistent poverty.

We have reached a turning point in our history. At this hour, and over the next few days, we will be taking the opportunity to speak for our children. As we labor at the task of shaping a reconciliation budget plan that we can all support, I urge all of you to join me in keeping childhood immunization, the earned income tax credit, the Mickey Leland Hunger Program, and the Family Preservation Act, on the table and in tact.

We must be ever cognizant of the fact that these programs really represent the dynamics of investing in people early, and reaping the benefits of that investment in terms of well-educated, compassionate, productive citizens, in the future.

The President has presented us with plans to curb infant mortality by allowing for full immunization of all children and an increase in Head Start funding, to level the playing field for poor children. Though Head Start is not at issue in this process, we still must carry that banner because there are those who would lead us to believe that it is no longer necessary. The program is too important to let that happen.

Most of those children are in families that would benefit greatly from the earned income tax credit. Instead of continuing to force these citizens to rely on expensive welfare systems, we should encourage them to continue working and supporting their families. The EITC is a good way to balance the scales. It gives working families with children a fighting chance.

And the Mickey Leland Hunger Program is designed to help those families avoid the pitfalls of hunger and malnutrition. Even the most skeptical among us cannot deny the unmistakable link between low achievement among children and malnutrition. Because they have no self esteem or confidence, these children are doomed to drop out of school and become drains on society.

They may be wards of the State through the juvenile system or simply on public assistance of some sort. The truth of the matter is that we spend an incredible amount of money at the back end of the problem, when it is too late, because we do not spend the small amount that is required for prevention.

And finally, we must begin to answer the problem of neglect and abuse in our families. We have all heard the horror stories of social service agencies with overworked employees who do not follow through on families in crisis. Too often the result is a battered child, or one with fatal injuries. The Family Preservation Act is designed to ease this situation and give families the support they need to recover successfully from difficult times.

Many of us in Congress came to this body to bring about a change. We realize that change must include embracing issues that have been neglected for so long. We are now facing a moral deficit from which we may never recover. We must act now.

I must share with you that we won't always be together on what is good and what is not good for our children. But I think you can feel good about the fact that these issues are now being discussed, and that there is a new attitude in this body about what is important.

We know many of the answers to what is wrong in this society. We understand that taking care of families means the children of this Nation have a fighting chance. We do know these things. Now we must have the courage to act.

From the National Commission on Children:

> When society values its children and the quality of family life, individuals, families themselves, and outside institutions are moved to make the necessary commitment, and to create supportive environments at home, at school, at work, and in the community.

As a Member of this body charged with the responsibility of creating a better quality of life for the people I represent, and the Nation as a whole, I pledge my support for our children and families. I could do no less.

Finally, I urge my colleagues to join me in standing up for America's children and families by keeping these four initiatives in tact and fully funded in the final reconciliation budget.

Mr. Speaker, I am pleased that several of my colleagues are joining me. In the audience is the gentlewoman from New York [Ms. SLAUGHTER], and I am pleased that she is entering in with me in this discussion in support of our children. Welcome.

Ms. SLAUGHTER. Mr. Speaker, I am certainly grateful to my colleague, the gentlewoman from North Carolina [Mrs. CLAYTON], who organized this evening's special order remarks around the issue of children and familiy issues, and poverty.

Just this past May, I hosted a children's summit meeting back in my district, in Rochester, NY. It was a gathering of over 600 local child poverty, health and education agency representatives and advocates, who met for a day-long session to plan new, more effective measures to deal with children and families in poverty. This was just part of my community's response to a 1992 children's defense fund study which revealed that one out of every four children in Rochester was living in poverty, a statistic that shocked us.

Among the national problems identified during this summit meeting were:

Unprecedented levels of homelessness among children throughout the United States;

Unprecedented school drop-out rates—nationwide, there are 1,900 teens dropping out of high school every day;

We have over 14 million U.S. children living below poverty level—more than in any year since 1965;

Five million children are going hungry every day; nearly 3 million are abused or neglected each year, and 8 million children lack adequate health care; and

As a country we have the lowest immunization rate for children in the Western Hemisphere, save Bolivia and Haiti.

Somewhere, somehow the safety net of our civilized society has failed each and every one of these children. Fortunately, we now have a chance to do something concrete and definitive to provide real help to poor children all across this country. I am talking about passage of a fully funded childhood immunization program, which we must enact as part of the budget reconciliation process.

The statistics about the poor job this country is doing to immunize its children are frightening. Overall, by age 2, only about 58 percent of all American children are vaccinated against polio, measles, rubella, mumps, diphtheria, pertussis, and tetanus.

Such diseases are no respecter of income—or of whether or not a child has insurance coverage. We cannot sit by and watch our Nation fall behind the rest of the world in immunization rates—not when we have the capacity to eliminate the problem. Not when we, the United States pioneered the vaccine. We cannot allow children to die from preventable diseases, such as typhoid, tuberculosis, polio, and measles. Last year, I submitted a proposal to expand the Federal effort to immunize preschoolers—no matter whether they were uninsured, Medicaid recipients, or underinsured kids whose families also cannot pay for vaccination.

This year, the President submitted a similar proposal, which the House supported in modified form—but which the other body unfortunately saw fit to almost completely destroy.

Our two Houses must now come to an accommodation. But serious questions still remain to be resolved. Questions such as, how should we handle the kids whose coverage does not include immunization?

The answer to me is obvious. We must ensure that each child has access to vaccines. How can we exclude these children from the same health protection that other children will be receiving. In good conscience, we cannot.

One notion which has received some support, yet which I find especially troubling, is the idea of levying punitive sanctions against AFDC families who fail to get their children vaccinated. Talk about punishing the victim. Not only will the child in question be deprived of immunization, he or she will also have badly needed money for food and shelter taken away. No one in their right mind could possibly believe this is a constructive solution.

The real answer to the problem of expanding immunization lies in affordability, access, and education.

Immunization must be affordable to all families. And the price of vaccines, which has risen so in the past generation, can be held down by allowing the Secretary of Health and Human Services to negotiate with drug companies and buy in bulk for distribution to the States.

Access can be expanded by improving the delivery system. We need expanded health clinic hours, and efforts to make it affordable for private physicians to vaccinate Medicaid children.

Education is the final, crucial element. We must make a greater effort to instruct parents, especially teen parents, about the importance of immunization. These parents want to do what is best for their child—but they need instructions, not sanctions.

I quote from a Tuesday editorial in the Washington Post on this very topic. "The immunization rate among U.S. children ought to be 100 percent. Among lower-income children particularly, it is not." They concluded that the House program "is legislation to make good on a service that the public sector already prides itself on providing. Why not try it?"

Why not, indeed. there is no good reason not to enact this program, which will benefit more than 11 million American children. So, I guess that means there are 11 million good reasons why we must support the House's childhood immunization program.

□ 1730

Mrs. CLAYTON. Thank you for bringing that up, and also making the statement that you did; 11 million children is an awful lot of people for us to ignore.

Ms. SLAUGHTER. That is our future.

Mrs. CLAYTON. It is.

Ms. SLAUGHTER. Children today who get measles, if they recover, and 85,000 died a year ago, but if they recover they are often left with hearing or seeing problems that they will have for the rest of their lives that could have been prevented just by vaccine. If we are going to have a good healthy educated work force in the next century, and we must, we cannot afford to let 11 million children be left prey to diseases which we could cure.

Mrs. CLAYTON. Mr. Speaker, I am pleased now to recognize and give time for the gentlewoman from New York [Mrs. MALONEY] who has joined us to share in this discussion.

Mrs. MALONEY. Mr. Speaker, I first want to commend my friend, the gentlewoman from North Carolina [Mrs. CLAYTON], who is president of our Democratic freshman class, for organizing this special order.

Mr. Speaker, I rise in support of the provisions of the Child Welfare and Family Preservation Act contained in the President's program.

It will provide important new investment in child welfare services, one of our most crucial social programs.

I am encouraged, Mr. Speaker, that the President is seeking to help States and cities cope with the escalating crisis in child welfare.

Simply put, President Clinton's proposal seeks to preserve and protect our most precious resource: the American family.

In New York City, which I am proud to represent, the American family is under siege.

During the past ten years, crack addiction, the AIDS epidemic and a huge increase in homelessness have destroyed thousands of families and forced tens of thousands of children into foster care.

Federal cutbacks to our major cities—including aid for Federal housing—have made matters even worse for many families.

New York City has seen a 63-percent cut in Federal aid during the past decade. As a result of these factors, the number of New York City children in foster care has tripled in 6 years from 17,000 to a staggering 54,000. Personally, I find this drastic increase, indicative of the magnitude of the decline of the American family.

New York City has the largest human service delivery system in the country, spending $1 billion a year on foster care. But less than half of it is eligible for Federal reimbursement. In New York City, a child is reported neglected or abused every 13 minutes. In 1991, over 100 children—more than two children a week—died from child abuse in New York City.

It is a tragedy when the children who should be our future needlessly become a part of our past.

Mr. Speaker, this is a crisis of enormous magnitude.

When I ran for Congress last fall, I shared the President's commitment to help children escape this terrible cycle of poverty, drug abuse, and neglect.

Like many Americans, I was heartened when the President offered a number of innovative ideas to create new support programs for parents and children.

In meeting his promises of last fall, the President has proposed a new capped entitlement program to promote cost-effective family support services so that troubled families can get help before they begin to disintegrate. In that regard, this is not a spending program, but an investment program. It is preventive care, not reactive band-aids.

The family support programs will ensure that fewer children will fall into costly foster care, and that those who do will receive better parenting. It will also reduce abuse and neglect. Repeated studies have shown that abused or neglected children are far more likely to develop emotional, developmental and educational difficulties.

They are also far more likely to engage in criminal behavior. It costs more than $37,000 a year to hold a juvenile in custody. And the prisons are filled with adults who were abused or neglected children.

This proposal sets a new direction for our States and cities and offers hope for millions of impoverished families in America.

Over the next 5 years the proposal would provide $1.7 billion to set up these programs including over $85 million for New York State. It is not everything that we want for the impoverished children of this country, but it is a start.

But money alone will not solve the child welfare crisis in this country. Policies and practices cry out for review and reform. Social workers and child abuse investigators need to be better trained and better supervised.

We also need to place a stronger emphasis on finding the best possible placements for children. Right now, in New York City, 20 percent of all foster care children are on the adoption track, but only 2 percent a year are actually placed for adoption. These provisions would make numerous important improvements to our foster care and adoption system.

In addition, we must be aware that the American people are demanding that they get what they pay for.

In order to help American families, we need to make sure that States distribute these funds directly to cities and rural communities where they are most needed.

They must not use these funds to replace State funding for programs already in place. Obviously, we also must ensure that the cities themselves use these funds to enhance their family preservation programs and not as offsets for other budget cuts.

The Child Welfare and Family Preservation Act, is a measure that every mother could love.

□ 1740

Mrs. CLAYTON. Mr. Speaker, I thank the gentlewoman for bringing that particular phase of the program to

our attention and also citing the issues and problems in New York City.

I just want to say that for the State of New York, if indeed the program is approved in the House, in 1994, the State would receive at least 4 million additional dollars to go along with what the State is already allocated. That will go a long way, it seems to me, to encourage family support and foster care, if that could happen.

Mrs. MALONEY. That is very true, president [EVA CLAYTON] of our class.

As I stated earlier, the increase in foster care in New York City in just 6 years, it jumped from 14,000 to 54,000. That is a dramatic indication of the problem we confronted with families distintegrating and not having the support system.

If we can keep these families together and keep the young people out of the foster care system and the never-ending cycle of poverty, then we will, in fact, not only help the young people, help the families, but help in a cost-effective way our country.

Mrs. CLAYTON. This chart really shows, it is an old chart, it is the latest information we could get. In 1989, we had a little less than 400,000 young people who were in foster care. As you indicated, it is growing each day.

I now yield to the gentleman from Virginia [Mr. SCOTT]. I thank him for coming and caring for children and speaking out for children.

Mr. SCOTT. Mr. Speaker, I would like to, again, congratulate the gentlewoman from North Carolina [Mrs. CLAYTON] for organizing this special order. It is the second one this week that she has organized on behalf of children, which represent 25 percent of the present and 100 percent of the future.

Mr. Speaker, it has been estimated that approximately 430,000 children are in foster care today in America. The vast majority of these children are in foster care because they are either abused or neglected by their parents. In fact, 2.9 million children are reported abused and neglected each year.

Once children are in foster care, for far too many their circumstances only marginally improve.

Increasingly, research is discovering that both foster care and abuse and neglect are only symptoms of bigger problems. Just as the number of abuse and neglect cases are tripled over the last decade, we have also seen an increase in the number of unemployed people in this society, an increase in the number of school dropouts and the numbers of homeless families, increasing numbers of families needed AFDC or Food Stamps, and the incidence of substance abuse and the incidence of both juvenile and adult crime are on the increase.

Mr. Speaker, the increases in these multiple statistics is not coincidental. There is a definite correlation, a connection between these occurrences, because when the head of the household loses his or her job, the substance abuse and child abuse, child abuse and neglect will often follow. Applications for food stamps and other assistance will also increase.

The cycle continues, when you have the increased possibility of homelessness and lack of income, and criminal activities also are closely related.

As decisionmakers, Mr. Speaker, we must begin to see this connection and we must stop our historical piecemeal approach in dealing with just the symptoms. And we must begin to deal with the whole problem.

In our efforts to begin to address the societal ills that face American families, we must first ensure that the heads of these families have jobs, jobs that pay them a fair wage for a fair day's work.

Simultaneously, these families must have the support necessary to help them to understand and to solve the problems which face them. And we cannot do one without the other.

In our budget reconciliation deliberations, we are making progress toward reinventing the economic condition of America and creating jobs. And with the earned income tax credit, those who are fortunate enough to get jobs can work their way out of poverty.

But just as important in those deliberations is the Family Preservation and Support Act, which is an integral part of the second prong in that solution. That is, empowering and enabling American families to succeed. We will never be able to insulate families from stress. Workers will be laid off, even in the best of times. Financial woes will confront our families. School problems will arise. Sickness will occur. But we can give these families the tools and support to handle these crises.

The family preservation and support bill will reduce child abuse and neglect by providing funding for programs which teach parenting skills. It will help States to develop and expand programs for families that are in crisis so that the crisis will not lead to the separation or dissolution of the family unit.

The bill will provide the quality foster care for those children who regardless of interventions will need foster care assistance, and it generally places a focus on working with the entire family to enhance its functioning.

Mr. Speaker, the Family Preservation and Support Act will provide help to families before the problems occur. So for once, we will be preventing problems before they occur.

Mr. Speaker, I urge my colleagues to join me and others in supporting the family preservation and support provisions in the Budget Reconciliation Act. I sincerely hope that we can pass this measure, because it will be an essential cog in our efforts to better America's future.

Mrs. CLAYTON. Mr. Speaker, I thank the gentleman for those very thoughtful thoughts.

We are also joined by the gentlewoman from Florida [Mrs. THURMAN], who has a concern for children and wants to share those concerns with us.

Mr. Speaker, I yield to the gentlewoman from Florida [Mrs. THURMAN].

Mrs. THURMAN. Mr. Speaker, I first want to join with my colleagues in expressing my appreciation to the gentlewoman from North Carolina for her leadership in organizing this special order. We rise to speak for those who otherwise would not have a voice in this body but who do have the greatest stake in the future of this country: America's children.

As a former middle school math teacher of 9 years, I know firsthand the importance of providing support for our Nation's children.

In my tenure as an educator, I worked with active, bright, hopeful young people, and I consider myself very lucky for the opportunity to play a role in shaping their futures. From my experiences, I learned that we have a nation of remarkable children. America's children are possessed of great ideas and active imaginations. Every child, including the child who faces seemingly insurmountable difficulties, has much to offer, and holds so much promise. That is why it disturbs me to know that every day in Florida, 403 children are reported abused or neglected, 464 students are suspended from school, 383 youth are arrested, and 142 run away from home.

We stand at a crossroads, and we have a hard choice to make. The issue is not whether to provide the $1.5 billion for the President's Family Preservation and Support Program. Instead it is when and where we are going to provide those resources. The challenges children face today are not going to magically disappear, and we must make a concerted effort to help America's children beat the odds. We must offer them the means by which to succeed.

I rise in support of the Family Preservation and Support Program out of compassion for our Nation's children, out of recognition for their needs. But I also rise today for practical purposes.

Consider the following: We can put $3,000 per family toward family preservation services that help keep families together or $10,000 for 1 year of intensive child abuse therapy; we can pay $6,700 per youth, per year, for intensive community-based services or $40,000 to maintain a youth at a correctional facility; also, we can direct $1 toward childhood immunizations now or $10 toward medical costs later.

The Family Preservation and Support Program focuses on rebuilding our support system. We need a system that protects children from abuse and neglect, a system on which children can

rely when circumstances become threatening. According to 1991 reports, 57,130 children in Florida were abused, 76,667 suffered from neglect, and 39,578 were threatened harm. What I am talking about here are basic principles of humanity and compassion. Our children must be able to trust us, and we need to be there for them.

Over 400,000 children are in foster homes today, and unfortunately, too many children are still left unprotected. I am confident that all Floridians remember the tragic case of Bradley McGhee, a toddler who drowned at the hands of his father after being repeatedly dunked in the toilet head first. At the end of lengthy criminal and legislative investigations, Floridians knew what Florida Health and Rehabilitative Services professionals and Bradley's foster family knew all along: There simply were not enough resources to save the life of this 2-year-old boy.

The Family Preservation and Support Program offers much needed reinforcement to thousands of dedicated child advocates, such as foster care families and child welfare personnel. I want to ensure that these concerned individuals get the necessary tools and support to help our children.

We have an opportunity here not only to defend our children, but also to invest in America's future. Our children of today become tomorrow's educators, medical researchers, farmers, national leaders, even peace negotiators. But perhaps most importantly, today's children become tomorrow's parents. We know that in many instances, children who experience abuse are at risk of becoming violent toward their own children. If we can provide children with stable, caring environments, then we begin to tackle patterns of abuse which children cannot overcome by themselves.

This program is about helping parents. Most parents today want their kids to have a safe home, a good education, quality health care, and a bright future. Expectant parents do not envision abusing their children mentally or physically. No parent wants an unstable family life for kids. However, circumstances such as poverty and unemployment continually drive our Nation's parents to a crisis point. Let us reach out to them before they reach that critical point.

I know that we can make a difference, because I have seen efforts in Florida that give families stronger foundations. In fiscal year 1992–93, 16,000 kids came to the doors of Florida Network Programs of Youth Services seeking help. After dedicated individuals of these networks worked with the families involved, over 90 percent were reunited.

In Pasco County, many of us worked to provide teen mothers with viable job skills, parenting classes, and onsite day care. These women also received prenatal and postnatal care to ensure that their babies would be born healthy and would be guaranteed a good start.

In 1991, the Committee for Economic Development, an independent research and educational organization of corporate leaders and educators, acknowledged that, "The ability of children to succeed in school and in life is largely dependent on the quality of their early development." How many of our children are robbed of decent futures because of the hardships they are unable to endure early in their childhoods? It is as though our system maps out a road for some children who turn to violence and anger as they express their frustrations and cope with their needs that fail to be met. We must ask ourselves if this outlook is fair to those children or to the children who will be the victims of their aggression.

I know that every day in Florida, 565 babies are born, 1 in 7 of whom are born to teenage mothers. How many of these kids will be overwhelmed by barriers like instability and hopelessness in a nation that prides itself on opportunity? The Family Preservation and Support Program will allow our children to move ahead of these obstacles. We have identified the direction in which we need to go; this act will map the path to get there.

□ 1750

Mr. Speaker, I have to tell the Members, I appreciate the gentlewoman from North Carolina [Mrs. CLAYTON] coming and being a leader on this issue.

Mrs. CLAYTON. Mr. Speaker, I thank the gentlewoman for sharing with us and giving us those very practical opportunities, not only for doing the right thing, but for doing the fiscally responsible thing.

Mr. Speaker, the gentlewoman from Hawaii [Mrs. MINK] has joined us, and we are delighted to have her. She is joining this discussion, as well. I yield to the gentlewoman from Hawaii.

Mrs. MINK. Mr. Speaker, I thank the gentlewoman for yielding to me.

I am really delighted that our colleague, the gentlewoman from North Carolina [Mrs. CLAYTON], has taken this initiative to draw attention to this critical issue. The conferees are scattered all over Capitol Hill right at this very moment, making decisions that are going to affect the lives of our innocent children for the next 5 years. We refer to this document that will come out sometime at midnight tonight as the Budget Reconciliation Act, as though it was a collection of papers and numbers and figures; as though it was simply some budgetary consolidation.

A budget, as far as I am concerned, is a priority that a country gives in terms of its resources and how it is going to expend them. It is not just a matter of finding funds to reduce the deficit. It is a document which expresses the will and the determination of the people of this country to adhere to their core sense of justice and to elaborate its social priorities. It is in this context that I applaud our colleague, who has taken the time tonight to address this issue, because there really is not a more powerful, more imperative concern, that the American Nation should have than what it is doing to our children.

I know the time is short. I have prepared a long document which I will insert at this time in the RECORD.

DIMENSIONS OF THE PROBLEM

Twenty-seven American children die every day from poverty-related effects. More than 12 million children, a startling 1 in every 4, live in poverty in our country, and the number continues to grow. These youngsters make up one-third of all of our Nation's poor people. Because many families cannot scrape up the money for shelter, 100,000 American children go day after day without a roof over their heads. Contrary to popular myth, the majority of these children are not black or on welfare; they live in working families and outside inner cities in small-town, rural, and suburban America, according to the Children's Defense Fund. Of cities with the worst child poverty statistics, Detroit, MI, Laredo, TX, and New Orleans, LA, register child poverty figures of nearly 50 percent.

How did we completely negate our successes of the 1960's and 1970's when governmental commitment and economic growth pulled more than 6 million children and half our adult population out of poverty?

Cuts in Federal programs to help the poor, coupled with economic setbacks for families with children, and increasing child care costs for low-income working parents, worked to push child poverty rates back up to 1965 levels, according to Marian Wright Edelman of the Children's Defense Fund.

Families headed by parents younger than 30 were hit the hardest; the median income of this group plummeted by one-third from 1973 to 1990. At the same time, the CDF says crucial income support programs such as Aid to Families With Dependent Children and unemployment insurance eroded further beyond their already inadequate levels. Instead of bolstering programs, Federal Government retreated from housing assistance for families as more and more low- and moderate-income families were priced out of home ownership and rental markets. Today only about one in three poor households gets any help with its housing costs from the Government.

Besides having no money or shelter, an unprecedented 12 million children go to sleep hungry every day, unsure about when they will see their next meal. This unbelievable figure includes nearly a million and a half in California in the worst case, and 20,000 in Arkansas in the best case, according to a Tufts University study. Child hunger percentages in West Virginia, Kentucky, Mississippi, Louisiana, Arkansas, and New Mexico rank the highest, anywhere from 25 to 35 percent. Not a single State can boast of a child hunger percentage lower than 5 percent.

American children not only suffer pain in their stomachs from hunger, but many resign themselves to live with pain as a part of routine life because they cannot obtain adequate health care. We are failing to protect the fragile health of our children. The National Commission on Children reports 40,000 babies born in the United States die before their first birthdays. African-American babies are twice as likely to die as white babies. This is largely attributed to low birth weights. This dismal infant mortality record ranks higher than those of 21 other industrialized countries, including Japan, Sweden, Canada, and France.

Ten million American children have no health insurance to speak of, Mr. Speaker, according to the Children's Times 1992 Annual Report. The Children's Defense Fund estimates that 25 million—40 percent of all children—are not provided access to employer-provided health insurance. Without the means to pay their medical bills, poorer children are denied often urgently needed health care services. Urban centers and rural counties alike see millions of cases annually of children stricken with chronic and disabling conditions, many of which could have been avoided if diagnosed early enough. Those living in poor housing are at a greater risk of impairment because of the likelihood that they will be exposed to high levels of lead. The National Commission on Children reports that an estimated 12 million American children, mostly poor children, are at risk of lead poisoning and hundreds of thousands of these children have their intellectual growth stunted each year because of lead exposure.

Costs for vaccine have skyrocketed in the last 10 years and private physicians have increasingly referred families to understaffed and poorly funded public clinics. Largely because of this, half the young children in inner cities go unprotected against communicable diseases, as reported by the National Commission on Children. Only 70 percent of 2-year-olds nationwide receive satisfactory immunizations against measles, mumps, and rubella. The failure to immunize has cause measles outbreaks in many U.S. cities in the past few years. More than 26,000 cases of measles were reported in 1990. Compare that to an average of 3,000 cases annually in most of the 1980's—an increase of 23,000 children per year stricken with the childhood disease.

We lacked the vision in the past to push for enough preventive funding; instead, we have allowed massive deterioration in our health care system with regards to our youngest citizens. Totals on medical bills continue to spiral as amounts needed for additional and specialized care add up.

On top of being poor, hungry, and in ill health, a growing subpopulation of our children also suffer from child abuse and neglect; figures more than doubled over the last decade, and this is not just due to an increase in numbers of cases reported to authorities. The U.S. Advisory Board on Child Abuse and Neglect found that hundreds of thousands of children each year are being abandoned, burned, severely beaten, raped, sodomized berated, or belittled.

Every day, up to 2 million children are left completely alone while their parents work. 1,383 children died from abuse or neglect in 1991—most before they reached their first birthdays. Such abuse or neglect has been inextricably linked to poor health, emotional or developmental problems, difficulty in school, and delinquent or criminal behavior, as reported by the Child Welfare League of America.

By permitting children to remain in unfit social conditions, Mr. Speaker, we deprive them of the security and care they need to develop sound morals and values. These children do not have anyone to talk to about the horrors they experience and no means of escape. Low self-esteem developing out of this, drives many children and teenagers to alcoholism, drug addiction, sexual promiscuity—the very things that are tearing at the precious fabric of our society. Learning by example and peer pressure are extremely powerful forces to the young and impressionable, and difficult not to imitate when no alternative experience presents itself. Again, we are dealing with the results of our failures, not the prevention of these tragic results.

Everything I mentioned already does not cover thousands of other injustices American children endure in schools, Mr. Speaker. 135,000 children bring guns to school every day, and every day 10 children die and 30 are wounded by guns. Almost 2,500 teenagers drop out of school every day. Because of budget cuts in the 1980's, thousands of eligible students are denied school lunch.

My point is that the issues that the conferees are dealing with are dollars, how much money are we going to give to the area of earned income tax credit; how much money is going to go into family preservation and Mickey Leland and immunization.

Apart from those dollar figures, I hope that the conferees will understand the human element of what we are dealing with. Twenty-seven American children die every day from poverty-related effects. I hope people understand that. More than 12 million children, this is one in every four that we hear about, 12 million children live in poverty in our country, and the number continues to grow because many families cannot scrape up enough money for shelter. One hundred thousand American children go day after day without a roof over their heads.

I think these poverty statistics are what should be the numbing reality of our social and political responsibility. We have to deal with all of these young people in our communities. We have to provide food, shelter, and health services. The health services are so critical. In most areas, it is the children that fall between the cracks, do not have the child care or health services that are so important.

Feeding them with Mickey Leland, making sure that their family life is solid and preserved and protected with family preservation, making sure that their health concerns with immunization become a social national priority, that is what we are talking about, and lifting these families out of poverty.

I have a lot of statistics that my staff, my intern, Melissa Unemori, who is with me just for a short time, has gathered. They are really startling statistics, and I hope that the conferees pay attention to these young voices all over America who are crying out for help, and with the commitment of this Congress, help can be made available to them.

I commend the leadership of the gentlewoman from North Carolina [Mrs. CLAYTON] in giving us this time.

Mrs. CLAYTON. Mr. Speaker, I thank the gentlewoman for her statement, for the statement she is going to enter into the RECORD, and for her passionate plea to have children as the head of our priority.

I thank the gentlewoman from Utah [Ms. SHEPHERD] for joining us.

Ms. SHEPHERD. Mr. Speaker, will the gentlewoman yield?

Mrs. CLAYTON. I yield to the gentlewoman from Utah.

Ms. SHEPHERD. Mr. Speaker, I thank the gentlewoman for yieldingto me.

Mr. Speaker, I want to first commend my freshman colleague from North Carolina on arranging this important special order. She is one of the most vocal advocates for working families that I know, and am proud to join her as she provides a leadership role on this critical issue.

This is really a very simple issue. So simple, in fact, that it's unfathomable to me how the earned income tax credit has become one of the bargaining chips among budget reconciliation conferees. If you believe that work should be rewarded and that children deserve security, you should support expanding the earned income tax credit. Plain and simple.

Thousands of working families in my district and across this Nation are right now struggling to make ends meet. They are one paycheck away from losing their home, losing their car, and falling onto the public welfare rolls. Many of them are single mothers with one of two kids, for whom child support payments do not pay the bills.

I have come to support expanding the EITC from the standpoint of a former business owner. There are basically two ways in which Government can give these families more take-home pay. First, we could mandate a higher minimum wage. I don't support such a policy at this point in time because I think businesses need more flexibility, not less, in today's economy. In addition, many of today's minimum wage workers aren't the kinds of workers we want to help—they're often the kids of upper-income Americans working to earn a few extra bucks in the summer.

The second option is to provide a targeted tax incentive to America's working poor. The second option makes much better sense because it effectively gives workers added take home pay without cutting into an employer's profit margins. It gives people the gift

of time to work harder, to keep hope, to pull themselves above the poverty line.

Critics of this proposal in Congress have called the earned income credit a new entitlement program. I would suggest that the EITC is no more an entitlement program than the mortgage interest deduction or the deduction for entertainment expenses. It is not an entitlement program, it is a tax cut for working families, and I think that any of the over 75,000 working families in my State who received an earned income tax credit have earned the dignity of being able to have a living wage. The EITC keeps people out of the cycle of welfare dependency, which is a goal we should all be supporting. The only thing to which an EITC recipient is entitled is the dignity of being rewarded for working.

The EITC is a program that we already have and that has already earned the support of Members on both sides of the aisle. The proposed expansion of the EITC only makes that program better. If you call yourself conservative, as I do on a number of issues, expanding the EITC is the first step toward comprehensive welfare reform. This is a tax cut, an incentive to work. If you call yourself a liberal, this proposal represents a tremendous step in bringing the working poor out of poverty. The earned income tax credit is not a Democratic idea, and it's not a Republican idea. Americans across the political spectrum believe that a worker who puts in his or her 8 hours a day shouldn't have to live in poverty. I urge the conference committee to expand the earned income tax credit for working parents. It is the best investment we will ever make.

□ 1800

Mrs. CLAYTON. I thank you too, Congresswoman SHEPHERD. There is an old saying that to help children you have to help their families, and to help families you have to make sure they have enough resources and income to take care of themselves.

This chart, as you indicated, shows most of the poor children really have one member in their family either working full or part-time. So I thank you for bringing that to our attention.

I am delighted and pleased that the gentlewoman from the District of Columbia has joined us, and I will note that she is not a freshman, but she cares about these issues, and I thank her so much for joining us.

Ms. NORTON. Thank you very much, Madam Chairman of the freshman class. I want to publicly thank you for organizing, doing the grunt work to organize a truly critical special order at a crucial moment in time. I feel I am here on an emergency mission. Mr. Speaker, the conferees are faced at this moment with competing priorities, and very frankly, no one can say that we are going to meet the President's $500 billion goal and have fairness.

I am very afraid that those who are least powerful will be thrown over the side, and that is why I wanted to join in this evening. I want to speak about two groups of silent Americans, the silent poor and hungry children, and much of what I will say I will say from a black perspective, and the earned income tax credit, and the Leland program have hugely disproportionate effects in the African-American community. And the truth has got to be told about these effects and the priority that the country should place on these programs because of those effects.

I represent a district that has great swings. It is one of the highest income districts in the United States. It has many rich people. It has many well-to-do people, black and white, because of the special circumstances of the District of Columbia, the capital city. And at the other end it has astonishing numbers of poor people as well. One in every six District of Columbia households that filed an income tax return in 1992 received the earned income tax credit as of that time.

I am not going to talk about the earned income tax credit recipients you hear most about, the families. We have finally begun to get movement on families. I am going to talk about the most forgotten working poor in this country, and those are childless working poor people. Time and again we have enhanced the earned income tax credit, and each time we gravitate appropriately enough toward poor families and the effect this has had on poor single people trying to maintain an attachment to the work force is truly astonishing.

Since 1980 the proportion of income paid in Federal taxes by the poorest one-fifth of nonelderly households without children has risen a stunning 38 percent. Mr. Speaker, how many of us have seen our taxes go up 38 percent during that period? How are we to keep young people attached to the work force when the competition is there from the underground, not to mention the criminal economy which will make their lives much easier in that respect and guarantee that they will not pay any taxes at all?

We have got to stop taxing these people into poverty and put a human face on these working poor people who do not happen to have a child, and who have paid dearly for not having a child through their income taxes.

If the gasoline tax is raised and the childless worker credit is dropped, this trend will worsen still more. Therefore, I wish to point to these silent working people who nobody speaks for, because they do not have the classic tender-hearted trapping, the child, to make people notice them.

And where do they go? Well, they are dispersed in my black communities. I must tell you when they get into the wage economy and find that they are paying in Federal income taxes the same as people with far higher incomes, many of them give up. We must use this opportunity to give them the chance they deserve, and if something must be thrown over the side, let us not throw over the side once again childless working poor people.

Finally, let me say a word about the Leland Act which also may be cut deeply. These figures in the black community should be noted. More than half of all working poor African-American families with children would receive the earned income tax credit. That is more than half of the working poor African-American families, while 41 percent of all African-American children live in families that receive food stamps for part of the year. There has to be a shocking increase in hunger in this country, and who bears the brunt of it? Our children.

When I was a young woman in the civil rights movement, I remember that the country moved very far toward eliminating hunger for children, and for Americans, and we have slid back. I hate to see us slide back when we made very significant progress as we did with hunger, and the Leland Act gives us an opportunity to move forward once again. Including either the childless worker credit or meaningful food stamp increases through the Leland Act, but not both, will still cause 50 percent of poor households to be taxed further into poverty. Thus I ask the inclusion of both the childless worker credit and the Leland Act so that we can make progress first with those who are doing the most they can to help themselves, but have received almost no reward for it, childless working poor people, and secondly innocent children who deserve at the very least enough to eat.

□ 1810

I want to thank the gentlewoman from North Carolina for the opportunity to be here and join with her.

Mrs. CLAYTON. I thank the gentlewoman from the District of Columbia for bringing up the childless worker, because she is absolutely right, if the taxes we know are going to be enacted—that is, those that are being discussed—they would disproportionately affect the childless worker because 15 percent of those taxes will impact them directly. And that is not all that will impact them. You will have a gas tax, you will have other taxes involved in that. These are people who are trying to make it. In fact, they want to become perhaps with children. You should want to raise them so they are not dependent, so that they will be independent when they do have children.

So I think the gentlewoman is so right to bring that up because it is so

easy to forget that. They do not have the all-American scene. So you put them out of the picture. But we must keep them in focus. It is very important.

Mr. Speaker, the gentlewoman from Oregon [Ms. FURSE] has joined us, and I yield to her at this time.

Ms. FURSE. I thank the gentlewoman for having this special order.

It is such a pleasure to join my colleague, the gentlewoman from North Carolina [Mrs. CLAYTON] and thank her for putting together these special orders. She serves her district so well, but she also serves our freshman class as our class president. It is a great honor to be part of that class.

We are here today on the brink of a historic agreement. Next week we will be voting on a comprehensive 5-year deficit reduction plan. Reducing the deficit, really reducing the deficit really means making hard choices. You cannot reduce the deficit unless you are prepared to make those hard choices. That is what all the discussion around the country is about, what are the hard choices we are going to make?

I am here tonight to put in my 2 cents for our choices and the direction, the real direction that I think this Nation must take, because lost in the din of the discussion of tax provisions, deficit goals has been, I think, the real goals of this administration, and in that din we have lost that. Most of my colleagues here in the House, particularly those of us, I think, who came here this year, we are refocusing our attention this year on the children of America, because children are without a constituency. They do not have a vote, but to me the children of my district are the most important constituency that I have.

We ask, I think, too often in this country, we ask too much of our families. Too often they are working two jobs, they do not have enough education, they have no job security, and in that suffering of those families the ones who suffer the most is the children.

So I think it is up to us in this House to try to do our bit to always think how can we relieve the suffering of the children? We can do that by supporting their families.

I would like to quote to you from a Member of this House who will be doing a very important job tonight and all the way through, Mr. ROSTENKOWSKI, who said:

> Those of us in Government, those who have the privilege of exercising power, should also feel a special obligation to those powerless in our society. We can't expect effective lobbying from a 15-year-old pregnant girl who lives in a 1-parent home. She cannot take the time nor have the energy to call me, the Member. So I have to be outgoing and ready to think of her interests. They deserve political representation even if they do not have the strength to fight for it. Their humanity entitles them to a decent standard of living.

Now, as you know, I was not born in this country, but I am very interested that every day in this country we talk genuinely about our concerns for the children. But what I think we have to ask ourselves every day is what are we doing for those children, really doing for them? Soon, as a Member of this House, I am going to be given that privilege to vote for a budget that I hope will include funding for the Mickey Leland Hunger Program, will include money for childhood immunization. What a saving. If we immunize our children today, we will not have the huge costs of their health care later.

Then, also I hope we will fund the family preservation and support provisions.

And when we say, and we do say it, "Our children are our future," I ask what kind of a future are we preparing them for? What are we doing for their present that will make them the kind of citizens that we want them to be in the future? Because if we do not invest that belief in our children now, invest in housing, health care, protecting them, providing food, if we do not do all of that, how will they be invested in us as a society, how will they protect this great democracy if they do not feel that we were there to protect them when they were so vulnerable?

So, I want to remind Members who serve in this great body of one thing: That it costs more to keep a person in prison for 1 year than it does to send that same person to Harvard for 1 year. Let us prioritize where we put our money. So, as every day in this institution we are called upon to represent our districts, I have to thank the gentlewoman from North Carolina for having this great privilege today, standing here representing the interests and the lives of the children in my district. I hope we will get a budget that would represent and support those children, not just for today but for their future.

Mrs. CLAYTON. I thank the gentlewoman for her comments and kind words. I also thank her for caring about children and their future.

Mr. Speaker, the gentleman from Illinois. [Mr. RUSH] has joined us. We are delighted to have the gentleman join us and to care about children. It is a delight to see men also care about children as well as families.

Mr. RUSH. Mr. Speaker, I want to thank the gentlewoman from North Carolina, who has done a remarkable, outstanding job of again organizing something that benefits the American people so well.

The gentlewoman has organized meetings and discussions with the President and other types of events. But I think tonight during this series of events, the gentlewoman has outdone herself.

Mrs. CLAYTON. I thank the gentleman.

Mr. RUSH. I thank the gentlewoman. It is quite extraordinary.

Mr. Speaker, I thank the gentlewoman for this opportunity to add my voice to those of my colleagues in the House who support the children and family initiatives currently being debated in the conference committee.

I cannot think of a single thing more important to the lives of children and families than this Nation's ability to support the willingness of parents and single heads of households to work.

Contrary to popular Republican misinformation, most Americans, especially poor and low-income Americans, want to work.

The problem is we are currently experiencing a structural overhauling of the American economy from a manufacturing base to a service base. As a result, millions of people are unable to access certain types of jobs. And, they frequently are unable to get retrained to work in new and emerging industries.

As I stand here today, I do so in the company of a majority of the American people. According to the latest public opinion poll, 43 percent of all Americans believe that President Clinton's economic plan must be adopted by this Congress. They are calling on us to act.

When we vote to approve this plan, a major increase in the level of funding for the earned income tax credit will be included.

The more than $18 billion in anticipated new funding for the tax credit means that millions of low-income and working class families will be able to receive lump sum cash payments. These payments will help to offset annual child care expenses.

The higher funding will now make it possible to increase the maximum amount that can be returned to families. This amounts, annually, to $3,371 per family.

The President's proposal represents a critical first step on perhaps his most important campaign promise. In his words, "If you work 40 hours a week and you've got a child in the house, you will no longer be in poverty."

The President's tax credit proposal helps us begin to meet this objective. I believe that is a vision everyone can support. The time has come for America to redefine how it views low-income Americans. Wealthy Americans and those who pay the taxes must stop assuming that poor people are lazy and do not want to work.

Likewise, people who find themselves on welfare must understand that nothing in life is free. All of us must accept the reality that the proper role of government is to offer a helping hand to its citizens when they are down on their luck. A temporary helping hand—not a long-term way of life.

The earned income tax credit provides an added incentive for those who are trying to work their way out of

poverty. It offers low-income Americans a helping hand, not a handout.

As today's poll results demonstrate, most Americans are tired of Republican policies that hinder rather than help the American spirit.

The earned income tax credit gives struggling Americans an incentive versus a disincentive to work.

Voting for the earned income tax credit, and the entire Clinton economic package, represents a long overdue first step in the process of putting America's economic engine back on track.

And when we do that, everyone wins.

□ 1820

Mrs. CLAYTON. Mr. Speaker, I thank the gentleman from the State of Illinois for that strong voice for children of America.

The gentleman from Massachusetts [Mr. OLVER] has come in. I just want to advise the gentleman, we may have some revision of time. We may have less time than we originally thought, but I thank the gentleman for being here. We will try to get all the three persons still remaining.

Mr. Speaker, I yield to the gentleman from Massachusetts [Mr. OLVER].

Mr. OLVER. Mr. Speaker, I want first of all to commend the gentlewoman from North Carolina for her leadership in support of children. I am very pleased to be able to join this distinguished group of both new and senior members.

Mrs. CLAYTON. The gentleman honors us by joining us, and I thank the gentleman for coming.

Mr. OLVER. Not very senior, in joining in the support for children.

We are in a time of crunch as we consider the deficit reduction and budget reconciliation package. Above all, it is time to end the gridlock that has allowed a quadrupling of debt, while the fiscal health of the country weakened over a period of quite a number of years.

While almost everyone has focused on some key provisions of that deficit reduction package, the need for at least $500 billion of reduction, the balance in that plan between cuts in government and taxes, those are important as well, and even focused on the tax fairness issues, the idea that 80 percent of that balanced amount of taxes would be paid by people who have incomes higher than $115,000 a year in our society, and at the other end of the scale the balance of providing tax fairness, that at the other end of the scale there would be a broad expansion of the earned income tax credit which allows or should allow people who are working full time and who have children, but their wages are so low they are still living in poverty and their children are growing up in poverty will have a tax cut, a significant tax cut to help to balance what are very difficult economics for them.

All of those are important features, but I want to stress several modest but important provisions in the House version of the legislation which I hope will be included in the final plan that would help our children who desperately need our help.

Statistics show there has been a dramatic rise in poverty in children in this country. In 1979, 10 million were living in poverty. By 1991, it was over 14 million.

More than 21 percent of the population under the age of 6 is growing up in poverty. That represents one in five children.

We have seen the Government safety nets fail during that period of time.

In 1979, roughly one out of five who would otherwise be in poverty were lifted out of poverty by Government assistance.

In 1991, only one out of eight were so helped out of poverty.

There has been a recurrence of childhood diseases in cases like rubella and measles, a 500-percent increase just in the last decade alone.

There has been a rise in childhood abuse and neglect. There were 2.9 million children reported abused and neglected in 1992. That is an average of 8,000 children a day, and more than three times the number of cases reported in 1980, only a little bit more than a decade earlier.

There are several provisions in this Reconciliation bill in the House version that form some help in children's initiatives. There is the Mickey Leland Childhood Hunger Relief Act, the Childhood Immunization Program, the Family Support and Preservation Program, and the earned income tax credit expansion that I have mentioned.

I just want in finishing here quickly in our short time to relate for the people of Massachusetts what those provisions mean for my State and our State.

In childhood immunizations, 100,000 additional children would be immunized if the House versions are adopted.

On the preservation issue, $20 million additional would be provided over a 5-year period to help strengthen families, because we know that children in broken families are far more likely to be growing up in poverty and leading to other kinds of social ills.

On the Mickey Leland Childhood Hunger Relief Act, almost 500,000 people would see their food stamp allocation expanded. They would have more to buy food to avoid hunger which is so much a problem for children.

On the Earned Income Tax Credit it helps low-income families, working families, working full-time to dig out of poverty, the poverty that plagues their families and the children growing up in those families, we would see $20 million more each year in the hands of those families that would help them with the desperate needs that they have in helping those families dig out of poverty.

□ 1830

So, those are important features that I hope very much will be in the bill when it comes out, and I want to thank the gentlewoman from North Carolina [Mrs. CLAYTON] very much for taking the leadership that she has in proving us the time for this special order.

Mrs. CLAYTON. Mr. Speaker, I thank the gentleman from Massachusetts [Mr. OLVER] for speaking about those four critical programs, and they all should be in the Reconciliation Act.

The SPEAKER pro tempore. (Mr. HILLIARD). The Chair advises the gentlewoman from North Carolina that she has 5 minutes remaining.

Mrs. CLAYTON. With that, Mr. Speaker, I have two more speakers, and I think they will recognize that the time is limited and will make their statements very brief. We appreciate their coming, and the gentleman who is from Michigan, we are delighted that he cares about children and is willing to speak.

Mr. STUPAK. Mr. Speaker, I thank the gentlewoman from North Carolina [Mrs. CLAYTON] for organizing this special order and for reminding us of the truth, the truth we seldom hear in the debate on President Clinton's deficit reduction package. The Clinton deficit reduction package accomplishes something for our children that no other reconciliation package could do. It reduces the Federal deficit by $500 billion. President Clinton is attacking the Federal deficit problem head-on instead of passing it on to our children and our grandchildren.

Mr. Speaker, so much of the public debate about this program has centered around spending cuts and revenue increases. That is good. It should center around these crucial issues, but there has not been enough attention paid to the investments this budget makes in our Nation's families and children.

Our children are our future, and this budget invests in our future.

This plan especially helps families and children in rural regions of the country like my district in northern Michigan where the average income for a worker is low, where access to quality health care is difficult to achieve, and where preventive medicine, which is so important to maintain a healthy standard of living for children, is sparse.

According to the Detroit Free Press, in Michigan's Upper Peninsula we see more doctors leaving town than staying to set up shop. Rural doctors typically receive a third to half as much money for their services as doctors in urban and suburban regions of the country.

In Delta County, where I grew up, there is only one pediatrician for the county's 11,200 residents aged 19 and under, and that doctor is leaving to take a post in the University of Illinois.

Children in rural America need preventive health care and the President's package invests in preventive care for our children.

The President's budget calls for a 96 percent increase in the funding received by the Centers for Disease Control for childhood immunizations.

According to the Detroit Free Press, in my district many more children live in greater poverty than the rest of the State of Michigan.

The earned income tax credit is nearly doubled in the President's budget. This plan ensures that no American family with a full-time worker will live below the poverty line.

I believe that the earned income tax credit is the central piece of the Clinton budget that is good for rural families. Many people in rural America live in poverty, but the Clinton budget ensures that no family with a working member will live below the poverty line, and there are other programs. There is the Head Start Program, there is the WIC Program, the Women, Infant, and Children Program, that helps our children grow up healthy, not hungry. There is the Mickey Leland Program that we heard about tonight.

But the sad point is in all the political rhetoric about the budget the truth has been lost. We have lost the truth. Politics has taken over. Politics has forgotten our children. Our families have been forgotten.

So, Mr. Speaker, I thank the gentlewoman from North Carolina [Mrs. CLAYTON] for reminding us why we are here and why we are in Congress. I thank her for reminding us of our children and of our families. Let this Congress pass a reconciliation package that is honest, with dignity for all Americans, for our families and especially for our children.

Mrs. CLAYTON. Mr. Speaker, I thank the gentleman from Michigan [Mr. STUPAK].

The gentleman from the State of California [Mr. BECERRA] will be our last participant in this discussion about children and families. I thank him for joining us.

Mr. BECERRA. Mr. Speaker, I thank the gentlewoman from North Carolina [Mrs. CLAYTON] first of all for her tireless efforts on behalf of children and, of course, for her taking the time to sponsor this special order.

Mr. Speaker, our words are most timely at this stage, and they must be registered.

I also thank our colleague, the gentleman from California [Mr. DREIER], who has given us generously a few extra minutes to go on with this special order.

Not only as a Member of Congress, Mr. Speaker, but as a new father, I wish to address these issues that affect our children. I feel very privileged today to be here with my colleagues to speak on behalf of our Nation's future, and that is, of course, our children. We must send a clear message, I believe, to the conference committee for budget reconciliation that it must preserve the budget provisions that protect our Nation's children and offer them a window of hope. The message is simple, and it must register. We must hold children harmless.

How do we do that? How do we hold children harmless? Well, we have got several programs that people have talked about today, such as the childhood immunization initiative, and we have to focus on some of the facts that have been presented to us earlier.

For example, by the age of 2, Mr. Speaker, a child needs 15 immunization shots. Yet today only 55 percent of our 2-year-olds are fully immunized against vaccine-preventable diseases. The House budget reconciliation bill would provide vaccines to 11.1 million children, almost 5 million of whom currently have no health insurance for immunizations. The Senate version of the budget, on the other hand, offers nothing to these uninsured, unimmunized children. Yet we know from research that for every dollar invested in child immunization that we save 4 or more dollars in averted health-care costs.

Another program is the family preservation and support program. In 1992, Mr. Speaker, 2.9 million children were reported abused or neglected, an average of about 8,000 per day. Family preservation and support focuses on prevention of child abuse and neglect and improves our foster care, adoption, and our welfare systems at the same time. The House bill provides $1.5 billion for this initiative. The Senate offers no such provision.

We have the Mickey Leland Hunger Program, and, as we have heard, over 11 million children are at risk of going hungry in the United States already. The Mickey Leland Hunger Program increase food assistance to the poor and encourages child support from absent parents, mostly fathers. The Senate version offers no funds to combat childhood hunger. The House reconciliation bill would provide $7.3 billion.

And of course we have the earned income tax credit. With so many people struggling in today's economy, Mr. Speaker, we must do whatever we can to provide them with some assistance to lift themselves, if possible, out of poverty. The House bill provides $28.3 billion for the earned income tax credit for the working poor. The Senate, $18 billion. We are talking about people, in the case of a family of two, a mother and a child, $9,441. It is nothing to get rich on.

Mr. Speaker, it would be tragic if these provisions were denied to our families and their children. Again I strongly urge my colleagues on the conference committee to remember the children, these children whom we brought into the world and to whom we are responsible. They do not deserve to live in poverty, go hungry, be abused or be denied immunization when we can offer them an alternative. We must support the children's provisions in the reconciliation bill, and we must, most of all, hold children harmless in this budget debate.

Mr. Speaker, I thank the gentlewoman from North Carolina [Mrs. CLAYTON] for her time.

Mrs. CLAYTON. Mr. Speaker, I thank the gentleman from California [Mr. BECERRA] as a young father for speaking to the point.

Mr. Speaker, I also want to thank the gentleman from California [Mr. DREIER] on the other side of the aisle for giving us this extra few minutes to allow us to finish this discussion. I say to the gentleman, "Thank you. It's very kind of you."

Mr. Speaker, finally I want to urge my colleagues to join me in standing up for America's children and families by keeping those initiatives we heard discussed here today fully intact and fully funded, fully committed to those children and families who cannot speak for themselves. We ask our conferees to be reminded that we are indeed here to make a difference, to make a differences for those who cannot speak for themselves.

Mr. FILNER. Last December, I was proud to run for office with a Presidential candidate whose slogan was "Putting People First."

Mr. Chairman, today I am joining my colleagues to call for a budget that keeps people first—keeping people first by providing for our Nation's families.

I am urging our budget conferences to hold fast to the House provisions in the reconciliation bill and to keep people first by enacting the following priorities.

Childhood immunization. Only 55 percent of our 2-year-olds are fully immunized against vaccine preventable diseases. Recently, a measles epidemic affected over 55,000 victims between 1989 and 1991. The House immunization plan would serve 11.1 million children nationwide—651,000 more in my home State of California than are currently receiving immunizations.

Childhood hunger. Over 11 million children in this country under the age of 12 are at risk of hunger. This is a national disgrace. The House bill provides an increase of $7.3 billion for the Mickey Leland Hunger Program—serving almost 3 million people in California alone.

KEEPING CHILDREN FIRST

Earned income tax credit. If a parent in a family of four works full-time, year-round, that family should not have to live in poverty. Families in my own State of California will receive approximately $1 billion in earned income tax credit in the legislation passed by the House.

Family preservation and support. We must help States develop programs for families in crisis, to keep children safe, to prevent child abuse and neglect, and to keep families together. In the House bill, California's programs will get almost $7 million for families and children.

KEEPING FAMILIES FIRST

We are the voice of our families, speaking out today. We are the voice of our children, speaking out today. We must remember that we have been sent here to make changes, to reorder our priorities, to ensure that we are keeping people first.

Ms. PELOSI. Mr. Speaker, I rise today in strong support of the children and family initiatives included in the House budget reconciliation bill and to urge the budget conferees to include these provisions in the conference report.

Among the children and family priorities in the reconciliation bill are provisions for family preservation and support, for an earned income tax credit, for universal childhood immunizations and for childhood hunger relief. These provisions represent a comprehensive set of reforms necessary to preserve and strengthen families in need of assistance.

Forty-two percent of American families with children are living on incomes under $30,000. In my district alone, Mr. Speaker, 19,750 children are living in poverty and many more children and their families are struggling to survive just over the poverty line. These figures are intolerable. We cannot stand idly by as thousands of our children—our future—live in destitution, hungry, sick, abused, and neglected.

The children's programs in the House reconciliation bill will provide food assistance to children whose families cannot afford enough food. No child should go to bed hungry. The programs will also provide uninsured and Medicaid-eligible children with needed immunizations. No child should be denied health care.

The initiatives will encourage parents to choose work over welfare, supplementing the incomes of those whose working wages are lower than welfare payments. They will also help to keep families together by fighting the alarmingly high incidence of child abuse and neglect through early intervention, education and support.

These provisions are good for children and families of the United States. They are also fiscally forward-looking, costing us much less in the short run and in the long run than if we were to not implement them. Clearly, offering subsidies to the working poor costs less than paying them welfare. Immunizing and properly feeding children costs less than healing them once they are sick. Protecting children from neglect and abuse while working to keep families together costs less than aiding victims with emotional and developmental problems and providing family alternatives like foster care.

Though the House reconciliation bill includes funding for all these necessary programs, the Senate version of reconciliation falls short on each of them. We know that our conferees must emphasize the importance of these provisions as they work out the details of the budget conference report.

Americans decided last November that it was time to put people first. Our budget should be responsive to the needs of people. The budget should not be about tax breaks for the wealthy, about corporate writeoffs, about loopholes—it should be about people.

Mr. Speaker, I cannot emphasize enough that these initiatives are the most important part of our entire budget. Why? Because children are the most important part of our country. Children are our future, they are our hope. The wisest investment we can make is in our children and we cannot afford to scrimp when it comes to this investment.

Mr. Speaker, I implore my colleagues on the budget conference committee to fight for the children and family initiatives—initiatives that this body has already voted for and passed—and make them their top priority. Congress cannot afford to compromise on the needs of our Nation's most destitute children.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

JOBS FOR U.S. WORKERS—IMPLEMENT NAFTA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona [Mr. KOLBE] is recognized for 60 minutes.

Mr. KOLBE. Mr. Speaker, this evening I want to talk, as we have been talking before, about the North American Free-Trade Agreement. I am joined this evening by my colleague from California [Mr. DREIER].

I heard earlier in the discussion about women and children and problems that we have, and I think many of us can relate to that. What we heard underscored the issue of jobs, and jobs is really what we are talking about here with the North American Free-Trade Agreement.

It is not, as one of the speakers on the other side talked about in the earlier special order, that I believe that Republicans, or those from other parts of the country, or those who may not represent heavily minority districts, do not care about jobs. We care very much about jobs. It is indeed jobs that is the driving force of the economy.

For whatever reason we come to this Congress, for whatever group we represent, jobs are important. Jobs are important to us. Jobs are what makes it possible for the people we represent to carry on with the lives that they have, to provide for the education of their families, to have a roof and a shelter over their head, to clothe and feed them. Jobs are important for all Americans. And that is why I stand today as such a strong supporter of the North American Free-Trade Agreement, because the North American Free-Trade Agreement is about creating jobs.

Let me just begin by pointing out the number of jobs that have been created in this country with the increased exports that we have had to Mexico over the last several years.

As a result of the changes that have taken place in Mexico, as they have joined the General Agreement on Trade and Tariffs, as they have reduced their tariffs, as they have opened up their economy to the private sector and to more market-oriented forces, and as their economy has grown and they have found it possible to buy more goods in this country, we have increased our exports, that is, the dollar sales of goods and services to Mexico, by a whopping 227 percent since 1986. That is the time that Mexico joined the General Agreement on Trade and Tariffs.

That increase, from $16 billion in 1987, and actually about $13 billion in 1986, to more than $43 billion last year, represents not only an increase in a percentage figure of 227 percent, but, more importantly, 700,000 jobs, jobs for working men and women in America, jobs for men and women who have families and children, jobs in the inner cities, jobs in the manufacturing heartland of America, jobs in the agricultural sector producing the corn and soybeans and grain that is being absorbed in such increasing amounts in Mexico. Jobs in cities like Houston, where engineering firms are adding new people in order to provide the services that are needed in Mexico. These are the jobs that make America go.

Exports have provided 70 percent—let me underscore that figure—70 percent of the growth in this country. Since 1985, 70 percent of our growth has come from our growth of exports. We can ill afford to turn our back on any country that offers us the opportunity to sell more goods and services to them, and certainly we can ill afford to turn our backs on Mexico, a country that is a growing market, a country that has a growing economy, a country with a growing middle class, a country with growing wealth, and an increasing demand and desire for American goods.

□ 1850

Mr. Speaker, I yield to the gentleman from California [Mr. DREIER], who I notice has put up a map there which illustrates in very concrete terms how, on a State-by-State basis, what I have been talking about and what he and I have been talking about and he so eloquently has talked about through these last several months about NAFTA and shows how jobs have been created in each State.

Mr. DREIER. Mr. Speaker, I thank the gentleman for yielding to me.

I congratulate him for taking out this special order and for diligently remaining on the front line to try and implement what I happen to believe is the single most important job creation proposal that we will face here in the U.S. Congress.

Many of our colleagues on the other side of the aisle share our concern about job creation. We happen to know, based on every shred of empirical evidence that we have, that implementation of a North American Free-Trade

Agreement is clearly going to create jobs right here in the United States.

One of the things that I think is important for us to realize in our goal of job creation, we, interestingly enough, are joined with President Clinton, Labor Secretary Robert Reich, and other leaders in the Clinton administration in supporting the North American Free-Trade Agreement.

I think something that we should point to is that as we look at the many very partisan arguments that take place in this body, clearly implementation of NAFTA is one of the very few bipartisan areas of agreement.

There are many very thoughtful, hardworking Democrats who want to join with Republicans in implementing NAFTA. Why? Because as my friend from Tucson has said so well, it will create jobs here in the United States.

We, frankly, want to see jobs created not only here in the United States but in Mexico. And the confusion surrounding the whole debate on NAFTA is, if you want to create jobs and maintain them here in the United States, you have got to pull them from Mexico. And this argument that we constantly hear is that trade and NAFTA itself is something other than a zero-sum gain and that there are, in fact, winners and losers.

Mr. KOLBE. Mr. Speaker, the gentleman has made a very good point. The media is making much these days and, in fact, the President of the United States has been going around the country talking about gridlock. But this is an example of where none of us are interested in gridlock. We are interested in making sure there is not gridlock. We are interested in being sure that there is bipartisan support for this.

You and I and a lot of other Republicans and a lot of other Democrats have been on the forefront of this issue.

President Bush began the negotiation for this; President Clinton has endorsed it and said that he supports it and that he will send it up without altering the agreement itself.

I think that Republicans and Democrats can endorse it as a job creation program. So for those out there talking about gridlock, I would say, wait, look at the issue. What we are talking about here, where there is clear, common economic interest for the country, such as the North American Free-Trade Agreement, there is no gridlock here in Congress. There is only the common spirit of working together to solve this problem.

Mr. DREIER. Mr. Speaker, if the gentleman will continue to yield, let us get right to this issue of job creation, job creation specifically here in the United States, because this is what is of great concern. This is the red herring that has been thrown out there that somehow implementation of NAFTA is going to encourage the flow of business from the United States to Mexico.

One of the things that my friend has not said this evening but he has said on many occasions in the past is that as we have looked at the economic growth which has taken place in Mexico over the past 7 years, it has come about for really a few very basic reasons.

At the very end of the last administration in Mexico, Miguel de la Madrid, who was President of the country, began very gradually moving in the direction of the rest of the world. The rest of the world moved toward free markets, elimination of barriers, lower levels of taxation, and a lower level of regulation.

Mr. KOLBE. As the gentleman knows, it was President de la Madrid who brought Mexico into the General Agreement on Trade and Tariffs, GATT, and that really has been the impetus for Mexico having to make so many other changes in its economy that has now brought it to the state we are talking about today, the free-trade agreement.

Mr. DREIER. Absolutely. And then the transition to the Presidency of President Carlos Salinas de Gortari has been one which has been so overwhelming and bold. It has brought about clearly the most dramatic positive changes in Mexico's recent history. I think that as we look at the arguments that have so often been made by our colleagues who are opponents to NAFTA that somehow we see this great level of corruption in Mexico, we do not stand here as apologists of the present government. We stand here recognizing that positive changes have taken place.

What has been the byproduct of that? We have seen privatization of the banking industry, the telephone industry, a wide range of other industries in Mexico. And as the economy is improved, and we have witnessed just last year an economic growth rate in Mexico which was clearly twice the economic growth rate right here in the United States.

So from 1987 to 1992, what has that brought about? It has brought about an unprecedented level of exports from the United States to an economically improved Mexico.

Mr. KOLBE. Here is a fact. The gentleman is quite correct about the rapid growth of the economy in Mexico. Here is a fact that I think a lot of people do not understand. Mexicans have a very high propensity for buying their goods that they buy outside of Mexico in the United States. In fact, few other countries spend 70 cents of every dollar that is spent overseas in one country. But Mexico does. It is in the United States, and it has resulted in the growth of exports.

I think the gentleman from California may want to share just a few of the data there, particularly in light of the fact that we hear so often on this floor from opponents of NAFTA who come from the heartland of America who say that it is going to be bad for the industrial Midwest. That just simply is not borne out by these statistics here.

Mr. DREIER. Mr. Speaker, I would like to ask that we focus at this moment on this map which shows State export growth to Mexico of goods manufactured in the United States from 1987 to 1992. And remember, it was in 1987 that we began seeing these moves toward privatization.

There are 11 States, the red States here that have seen over 300-percent growth in their level of exports between 1987 and 1992: the States of Washington, Oregon, Nevada, Illinois, Kentucky, Tennessee, North Carolina, Georgia, Pennsylvania, Vermont, Maine, and Maryland. I guess that is 12 States that have seen this kind of growth, over 300 percent, in the level of exports from their States to Mexico.

And then if one looks at the yellow States here, Montana, Idaho, New Mexico, Iowa, Wisconsin, Alabama, Florida, South Carolina, Virginia, the District of Columbia, and New Hampshire, we have seen between 200- and 300-percent growth between 1987 and 1992 in the level of exports of goods manufactured in those States to Mexico.

Mr. KOLBE. So it goes right down the line. I think you will find that there are only two States, I believe it is Utah and North Dakota that have actually had a drop in exports. So two relatively small States. And actually, if you included 1992 figures in there, that would not be true of those two States.

My State of Arizona, which is in the blue, showing around 100-percent increase, would be very different if 1992 figures were included.

The gentleman from California may be interested to know that Arizona last year experienced 92-percent increase in one year's time from $930 million to $1.9 billion of exports to Mexico. That places us now fourth in the Nation in total dollars being exported to one country and a dramatic increase.

No other State even comes remotely close to a 92-percent growth rate in one single year. So there are very dramatic increases that are taking place here.

What I would like to do, after I yield to the gentleman, is go through some of the myths that we have about this and perhaps dispel some concerns that people have.

Mr. DREIER. Mr. Speaker, if the gentleman will continue to yield, I think it is important for us to realize that my friend from Tucson, AZ, happens to represent the border with Mexico. I represent Los Angeles, CA, not quite the border. It is a couple hundred miles or 150 miles or so north of the border, the Los Angeles Basin. And so one would conclude that we happen to be, being on the border, interested in just taking advantage of the opportunity to

export there. And one should conclude that our States would be at the top. But I think it is interesting to note that it is other States, like the opposite end of the country, Maine, which has had a growth rate significantly higher, between 1987 and 1992, than ours.

Now, our States do export in great amounts to Mexico, but there are States which also are on here that are often mentioned by our colleagues as States that are great losers under the present situation and, they argue, would be greater losers under NAFTA.

□ 1900

If one looks at the State of Michigan, Michigan has been discussed on a regular basis here, and there are many companies in Michigan which today are exporting goods to Mexico. Their increase in Michigan has been up to 100 percent between the period of 1987 to 1992.

Ohio has had the exact same percentage growth rate between 1987 and 1992 as my friend's State of Arizona and my State of California, so I think that we should realize that while we often hear this argument made here on the floor that if you drive through Pennsylvania and Ohio and Michigan, what one will see is a situation where businesses have closed down, now, those businesses have closed down and there is no NAFTA. I like to argue that it is going to be implementation of NAFTA which will help us respond to that.

Pennsylvania's growth, for example, is in the very top level, being a State in red here with over 300-percent growth in exports between 1987 and 1992.

Mr. KOLBE. The gentleman's figures are very helpful to us, and I think this map illustrates as clearly to the American people and to the Members of Congress as we could possibly point out to them, how the trade is actually enhanced and increased by having additional trade with Mexico.

We should be keeping in mind that for every $1 billion of increase in exports to Mexico, and remember, the figure has gone from $16 billion in 1987 to $43 billion a year ago, that is a tremendous increase.

Mr. DREIER. Will my friend repeat that figure again?

Mr. KOLBE. The increase is from $16 billion in 1987 to $43 billion.

Mr. DREIER. $16 billion in goods manufactured in 1986?

Mr. KOLBE. That is right. That is a $27 billion increase, increase in actual exports, sales of goods to Mexico. For every $1 billion of exports, economists on all sides seem to agree on this figure, about 20,000 jobs are created.

If my math is correct, you multiply 20,000 times the $27 billion increase, and we are talking about 540,000 jobs that have been added since 1987 in this country as a result of the trade with Mexico.

Mr. DREIER. If my friend would yield briefly, I think something else we ought to point out is that as we have moved from that $16-billion level of exports in 1986 to $43 billion, which has taken us from a trade deficit in 1986 of around $4 billion to a trade surplus of nearly $6 billion last year, we have to realize that there are still punitive tariffs which penalize the United States.

In fact, the average tariff on United States-manufactured goods going to Mexico today is 10 percent, whereas the average tariff on Mexican goods coming into the United States is only 4 percent, meaning there is a 2½-times differential, which actually makes it more difficult for United States manufacturers to export to Mexico today.

In spite of that, we have seen this very dramatic increase in our level of exports to Mexico in the latter part of the 1980's.

Mr. KOLBE. And that tariff rate that Mexico has is almost five times as high as the tariff rate that Japan applies to products coming from the United States. We have been engaging in a lot of talk with Japan, some of it not so pleasant, and a lot of it hard efforts to try to get the Japanese companies and Government to increase their purchases of American goods and services. Think of what would happen with Mexico if they were to reduce their average tariff to 2 percent, or under NAFTA, to zero. Imagine the increase in the amount of sales that we have to Mexico.

Caterpillar has estimated that there are 1,300 people that work in Decatur and Peoria, IL, whose jobs depend solely on the sales of Caterpillar equipment to Mexico. Last year, Mr. Speaker, $360 million of Caterpillar equipment was sold to Mexico. Those jobs, not to mention all the others that work in related services in Decatur and Peoria, would be lost if we did not have access to that Mexican market. Think how much more we could sell if their tariffs came down to zero.

There was a wonderful picture that I saw not too long ago of a ceremony that took place in Erie, PA, where General Electric rolled out the first diesel engine for the Mexican railroad system. They were going to have a several-hundred-million-dollar contract over the next several years of building diesel engines for the Mexican railroad. The people in Erie, PA, in that General Electric plant, they understood exactly where their jobs were coming from, because they were all there at this ceremony, waving United States and Mexican flags, saying, "Thank God for the business we are doing with Mexico that allows us to have a job here in Erie, Pennsylvania."

Those people who say that the United States cannot compete with the Mexican wages simply are not stating the facts. We can compete. We are competing. We do compete every single day. That is one of the myths I think that we need to dispel.

There is another myth, and maybe my colleague might want to comment on that. We have kind of talked about the larger myth about jobs, but then there is kind of a subset of that, where it is said, "Well, yes, the United States will gain jobs in the long run, but we are going to have severe job loss in the short run."

The facts and the studies simply do not bear that out. Perhaps the gentleman would like to comment on that.

Mr. DREIER. If my friend would yield briefly on that, for starters, implementation of NAFTA is going to help to ensure that we maintain the 700,000 jobs that are in existence today, based on exports that are taking place to Mexico. That includes that growth that we have seen during the latter part of the 1980's and the early 1990's, and clearly, based on every economic study that I have seen to date on this issue that relates to job creation under NAFTA by 1995, and here we are midway through 1993. If we can implement NAFTA by the end of this calendar year, we will create an additional 200,000 jobs here in the United States.

I hear many of my friends argue that what we should do is change the timing of NAFTA. If we really want to work at creating U.S. jobs now, we should as quickly as possible move toward implementation of NAFTA. Any short-run job loss in import-sensitive industries will be minimized by extended phaseout periods for United States restrictions on Mexican goods.

Mr. KOLBE. I think that this is a very important point the gentleman has just raised. NAFTA does not instantaneously go into effect with regard to phasing out the tariffs on every product. Both sides recognized there were certain products that were particularly sensitive, certain industries that were sensitive, so, for example, with fruits and vegetables that are of particular concern in the gentleman's State of California, the Central Valley, and in the Rio Grande Valley of Texas and in central Florida with citrus and with tomatoes, there are particularly long provisions, in fact, as long as 15 years, for the phaseout of some of those tariffs.

We do have an opportunity to protect ourselves against that. At the same time we are getting access to the market down there in areas where there is not that kind of protection that is needed.

Mr. DREIER. One of the things that I think needs to be pointed out, too, is that job gains have already begun based on the prospect of implementation of NAFTA. We have discussed it on several occasions. We most recently saw this amazing coalition that was put together, the United Auto Workers joined with General Motors, and they made a decision to move directly from

Mexico a Chevrolet Cavalier manufacturing operation back to Lansing, MI. Based on the projections on that, it should create a thousand jobs in Lansing, MI, so this was a very positive sign that came based on the fact that we have seen a five times greater level of productivity of American workers juxtaposed to those workers in Mexico.

Mr. GRANDY. Mr. Speaker, would my friend yield to me on that point?

Mr. KOLBE. I am delighted to yield to the gentleman. We are delighted to be joined by the gentleman from Iowa [Mr. GRANDY] who has been a member of the Committee on Ways and Means, one of the outstanding leaders on that committee on trade issues, as well as health care and a variety of other issues. His knowledge and understanding of these issues I think adds a great deal to the debate in this House. I am very pleased that the gentleman is here this afternoon.

Mr. GRANDY. I appreciate those kind compliments from the gentleman. Let us be honest. It is 7 o'clock. We are all dressed up and we have nowhere to go, so we come to the floor and talk about NAFTA, and I join the gentlemen enthusiastically.

Mr. DREIER. Speak for yourself.

Mr. GRANDY. I want to put this in some context. As the debate rages, there are obviously other events that are going on. Two things have happened most recently. The President has gone to Japan and at least begun some kind of positive negotiations to get them to open up their markets. It just so happens that yesterday I was meeting with a member of the business community who happens to represent one of the larger grain producers, and he informed me that because of the potential of NAFTA, this particular company, which produces feeds for animals and has a company in Mexico, has found that the Mexicans, because they are so eagerly anticipating this trade agreement, have begun to reduce their rather prohibitive licensing agreements, which would require American companies making feed in Mexico to buy Mexican grain. Something they would rather not do because the quality is, quite honestly, not as good. They are now, under NAFTA, able to buy American grain to make the feed in Mexico.

□ 1910

Now that is exactly what we want the Mexicans to do. Am I not right on this? I mean, we have been waiting for them to open up their markets, source more of our inventory to put into their products.

The gentleman and I were in Tokyo last year and met with the Japanese parliamentarians, and as I recall, they were very concerned about these North American content requirements under NAFTA, because it is going to require these products to source 65 percent North American components, is that not true?

Mr. KOLBE. It is 65 percent in the automobile industry, and not as much or as high in some of the others. But, still, it is well over 50 percent in every industry.

Mr. GRANDY. Yes, but the auto industry is exactly the sticking point we have with Japan, and that is why I wanted to make that point. What we are begging, and hoping, and cajoling, and threatening Japan with, and hoping that they will do is exactly what Mexico is doing voluntarily. They are right next door, and are much more capable of sourcing inventory for products that are finished in Mexico than Japan will ever be.

Mr. KOLBE. I think, if I might interject for just a minute, the gentleman is absolutely right and his point is well taken. I have a little story that I know some of my colleagues have heard before, but it illustrates this point exactly.

Not long ago I was in Hermosillo, which is the capital of Sonora, the state directly south of us in Arizona, and I visited a plant that was being built there, about 170 square foot plant being built for a Mexican subsidiary of a Hong Kong toy manufacturing company. Now what they are going to do at this point in that plant is to manufacture all the Barbie Dolls in the world. They currently manufacture them in the People's Republic of China. But they are going to move the production to Hermosillos. Currently they buy all of their plastic, which is 85 percent of the value of the Barbie Doll, in South Korea and Japan, and they are going to move it to Hermosillos because the tariffs have come down from an average of 50 to 10 percent, and with the prospect of zero, and now they are going to buy all of that plastic in the United States. So literally scores, probably hundreds of jobs in the United States will be created just supporting, making the plastic, hundreds of millions of dollars of plastic that will go each year into making Barbie Dolls in Mexico, jobs that used to be in Japan and South Korea and China, which will now be brought back to Mexico and the United States. It is a classic example of what is happening and why so many of the Asian rim countries are concerned indeed.

Mr. GRANDY. Is the gentleman directing that comment on the Barbie Dolls at me as a consumer of Barbie Dolls? Because, that is true. I have a 4-year-old daughter, and Barbie Dolls make up a very significant part of her particular toy inventory, which in our home takes up two rooms.

Mr. DREIER. My friend is quite a job creator in both the United States and in Mexico.

Mr. GRANDY. Hey, is this a great country or what? All I am saying is these stories are going to proliferate as NAFTA begins to fix itself into the America economy.

Let me just add one more point about job creation. And I am sure you gentleman have discussed this thoroughly. There have been criticisms and I think shibboleths frankly about environmental concerns directed against the Mexican Government. Right now the Mexican Government is obligated and is trying to implement more quickly than required by statute the auto emissions standard in Mexico City, arguably one of the most polluted places on Earth. The contract for those emission monitoring standards and cleanup is going to a company in Connecticut, an environmental-produced job, creating jobs in the United States.

Mr. DREIER. If my friend will yield on that point, I think that is something that is important for us to realize, that there are a lot of people who criticize the Clean Air Act here in the United States, and I argued supporting that as I am a representative from the Los Angeles Basin, one of the most polluted areas in the entire country. And if anyone happened to see Dan Rather's 48 Hours last night in which he talked about the traffic congestion and the problems which are not as bad as Mexico City, but still very, very serious, it is obvious that implementation of the Clean Air Act is going to enhance the opportunity for businesses not only in Connecticut, but in other parts of the United States which are moving into the area of improving air quality, and will have opportunities to sell in Mexico, other parts of Latin America and other emerging democracies, as we know full well that economies that see a higher standard of living naturally insist on higher environmental quality. That is why I am so concerned when I constantly hear my colleagues point to the admittedly horrendous environmental situation that today exists along the border and in other parts of Mexico. And they believe that implementation of NAFTA will not help. But we know that the rising tide lifts all shifts concept is going to see the improvement of the economy in Mexico, and a byproduct of that will be an insistence on the improvement of environmental quality. And the way they do that is to purchase U.S.-manufactured technology.

Mr. GRANDY. If my friend will yield, just no less a person than the Vice President of the United States has made a rather big deal of this first as a candidate, and now as the Vice President of the United States. What he was talking about in terms of environmental compliance, producing new cottage industries in environmental technology is actually coming home to roost under NAFTA, so I hope those people who supported him when he was a candidate, and now that he is the No. 2 executive in the United States will listen and heed some of the things that

he specified in Earth in the Balance, which actually we have to admit as Republicans are really taking shape.

Mr. KOLBE. As the gentleman has correctly pointed out, the theory of a rising tide lifting all boats I think absolutely applies here.

There is another area we have discussed on this floor in the last several weeks several times that I think bears some attention, and that is the issue of immigration. We are concerned with illegal immigration, and yet I think ultimately most of us would have to concede, if we honestly answer the question, that in the long run the only solution to the problem of illegal immigration is if we lift the economy of the country that is shipping people to our country, if we lift the economy so they do not have to have jobs.

Mr. Speaker, before I yield to the gentleman, in fact I would like, Mr. Speaker, contrary to what the gentleman from Iowa said, some of us do have other obligations.

Mr. GRANDY. Don't ask, don't tell, don't pursue. I am not assuming the gentleman has nothing to do today.

Mr. KOLBE. I yielded earlier some of my time to the other special order, Mr. Speaker, and I would ask unanimous consent to yield the balance of my time to the gentleman from California [Mr. DREIER].

The SPEAKER pro tempore (Mr. HILLIARD). Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. KOLBE. I thank the gentleman for participating.

Mr. DREIER. Mr. Speaker, I would like to thank my friend from Tucson who has done an excellent job of focusing a great deal of attention on this issue.

I want to get into this immigration question, but I also want to follow up briefly on the statements made by my friend from Iowa that relate to the Vice President's commitment to the improvement of environmental quality. We know that this has been an issue that has been of great concern. And I think that we should underscore the fact that Vice President GORE and President Clinton are strong supporters of the North American Free-Trade Agreement. In fact, we are standing here in hopes that we will be able to implement NAFTA based on meetings that we have had with my fellow Californian and the U.S. Trade Representative, Mickey Kantor, and others in the administration. I mentioned Labor Secretary Robert Reich, who is not necessarily known as a supporter of the Republican economic policies of the past. He has committed to this plan which has been put into place initially by President Bush and is now supported by President Clinton.

So this commitment to the environment exists among Members of both political parties, and something that we said earlier, and I know my friend is serving on the Trade Subcommittee and knows this, that there is bipartisan support within the Trade Subcommittee for implementation of NAFTA. And we have many on the other side of the aisle who have been trying to make this in some way a partisan issue. But they have to know that it is Republicans who are standing with President Clinton in support of NAFTA.

I am happy to yield to my friend from Iowa.

Mr. GRANDY. I want to reemphasize this point. There has been a lot of ugliness on this floor this session in the short time we have been here, and a pronounced lack of bipartisanship on most issues. But that does not take into consideration the ongoing cooperation that the gentleman and I have had with colleagues on the Democratic side, and the U.S. Trade Representative, as he mentioned, and other administration officials who are trying to complete this deal, because we know it is good for the country. This is economic stimulus that both Republicans and Democrats understand, and I cannot make the point strongly enough, because this is one place where the gentleman from California and I walk in absolutely lockstep with the President of the United States and the Vice President, and his Cabinet officials.

As a matter of fact, we have, as you know, implored the administration to use the bully pulpit more, because this is a very easy selling product, if we bother to go out and market it.

Mr. DREIER. If I can reclaim the time, I think it is important for us to note that last week the New York Times had an interesting story. They did a survey among several economists, some Republicans, some Democrats, some independents, and in fact it included among them Ed Yarnell with C.J. Lawrence who had been a strong supporter of President Clinton's in the campaign, and they said that he said that quite frankly he believed that the best thing that the President could do would be to find a politically expedient way to step away from his budget package, and as they talked about what should be their economic priorities for the Clinton administration they had several points.

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First, they said they should work more diligently to bring about spending cuts rather than tax increases. Second, they said go slowly on taxes. The third point is, go very cautiously on implementation of this so-called health care plan that is under consideration.

The fourth item which seemed to come to the forefront from virtually every economist was, move as quickly as possible to implement the North American Free-Trade Agreement. So, we have seen people from a broad cross section of the political perspective argue in strong support of it. Why? Because they know it is going to be one of the best job-creating mechanisms we could possibly put into place.

Mr. GRANDY. But the alternative is frightening. To do nothing and let that market be grabbed off either by our Asian counterparts or European counterparts is, to me, economic treason.

Mr. DREIER. My friend is absolutely right. We have tried to point out that that is an accurate statement on a regular basis here. In very, very strong presentations, our opponents of NAFTA have stood at the well and at the microphones throughout the chamber pointing out human rights problems, enivornmental problems, economic problems that exist in Mexico. You are supposed to infer from that that all of these things came about because of the North American Free-Trade Agreement. The thing I would like to underscore is that all of these things happened without NAFTA. I happen to believe that as we look at some of the problems of jobs and businesses moving from the United States to Mexico, even though we now run a $6 billion trade surplus with Mexico, which has grown, from 1986, from a $4 billion trade deficit to a $6 billion surplus level, but as we move in that direction, clearly implementation of NAFTA is the best way to counter the horrendous situation which has been outlined by our colleagues who are opponents of NAFTA.

Mr. GRANDY. If my friend would yield, and I know he wants to discuss the immigration component of this and I want him to because even though I am not from a border State I want to be part of this discussion because it affects an area like Iowa, too.

Mr. DREIER. I do know that the gentleman has spent a great deal of time in one particular border State and has benefited from the economy in that border State.

Mr. GRANDY. California was very good to me. The gentleman is correct. However, I am proud to not be a resident of California. I must say when the gentleman talks about how dirty the L.A. basin is, it is always a mystery to me how tidy the gentleman is, despite all that pollution and filth and moral decay.

But let me say one thing about immigration: Because I think the best statement on this was uttered by no less a person than the President of Mexico, who said some time ago—and I use this in all of my pro-NAFTA speeches—it only works one way, either Mexico gets jobs or America gets Mexicans.

I say this now representing a community of Sioux City, IA, 100,000 people, that has one of the fastest-growing Hispanic communities in the United States because we have got people who come up here and take jobs in packing plants that Americans no longer want. That has produced a problem in the

schools with English as a second language. It is of critical proportions. I was meeting today with one of our school principals. We teach 11 languages in the Sioux City public school system. Ten years ago we had one, English.

Mr. DREIER. I mentioned last night this program, "48 Hours," with Dan Rather. They had a segment on Hollywood High School in that segment, and they talked about the famous alumni of the Hollywood High School, referred to the fact that at that time years ago there was one language. Today there are 52 languages spoken at Hollywood High School. And even more throughout the Los Angeles school system.

So, my friends in Sioux City have something to look forward to if we do not deal with this issue of trying to enhance the economies of other parts of the world.

Mr. GRANDY. That is really kind of a Malthusian prediction, if we do not do something. But clearly, and the gentleman from Arizona said it before he departed, if we do not do something to raise the standard of living, that standard of living will come up into this country and seek to entitle itself to the benefits that are now obviously attracting many folks up into this particular society.

Mr. DREIER. It is so interesting because I happen to be an advocate of toughening up our border patrol, and I supported the amendment that we had 2 weeks ago to provide an additional $60 million in the Commerce, State, Justice appropriation bill, as I am sure my colleague did, to toughen up the border patrol because we cannot allow this flow of illegal immigrants to come across the border.

In fact, during the month of August I am going to be touring the border and looking at the situation.

But I have argued consistently that there is no way we are going to be able to block people as long as they continue to want to come across the border. Why is it people flee Mexico and other parts of Latin America for the United States? One simple, very simple, basic reason: economic opportunity, whether it is a job or whether it is the Government services that are created by the unfunded Federal mandates which the Federal Government imposes on the State of California, the county of Los Angeles and other States, forcing them to provide a wide range of services which really should not be provided unless that State chooses to provide those services.

I happen to believe that if we could eliminate that magnet which draws people across the border for Government services, and create the opportunity for those who come across the border to the United States and gain a job and save the money that they have from that job and send it back to their families in Mexico or they have an opportunity in Mexico to get a job, which implementation of NAFTA will clearly aid and create, we would be better off if we get at the root of the immigration problem which is so serious.

Mr. GRANDY. As the gentleman knows, we had a rather nasty and petulant debate on the floor of this House yesterday about an immigration-related matter. It seemed extraneous at the time, but it became a rather, I would have to say, painful debate on immigration. I think we can expect more of that unless we own up to the fact that unless we do something to provide opportunity on the other side of the border, and by that I mean trade, not aid, because the gentleman will also have to argue that most of those programs have failed miserably. Indeed, if we are talking about programs like AID, they have actually taken jobs out of this country in an attempt to subsidize growth through Government programs in foreign countries. So, we know the kind of Government-sponsored relief is at best a poor substitute and usually an opponent of the economic growth that we try to expand through market-oriented policies.

We do not have many choices here, as I see it.

We have either got to let the Mexican Government, through acceptance of NAFTA, create the opportunities they want and follow through with the reforms that President Salinas has bravely undertaken, or we are going to have debates the likes of which yesterday will be timid compared to the kind of anger and bitterness that will explode on this floor if we do not do something to provide more opportunity south of the border.

Mr. DREIER. If we look at the past several years, clearly the United States has had a pattern of providing foreign assistance to countries throughout the world. We know how, No. 1, politically unpopular that is; and how financially difficult it is as we look at a $4.6 trillion national debt and a $300 billion-plus deficit; clearly it is not a positive thing. But I happen to believe that the most positive thing is, as my friend said, trade. I have always argued that trade is the currency of friendship.

If we are going to strengthen this relationship among the three countries—Canada, the United States, and Mexico—the best way to do that is to encourage the diminution of those trade barriers which, heretofore, have played a role in jeopardizing a strong relationship.

Mr. GRANDY. But, again, I want to stress that what we do on this floor to the casual observer has to be inherently contradictory if you watch these debates in context. A few months ago we stood up here and extended again with bipartisan cooperative efforts aid and free-market opportunity to the emerging Russian Republics because we know that without that kind of underpinning, Boris Yeltsin will fail and the Republics will dovetail behind him.

What is good for Russia is good for Mexico. Yet, we do not seem to draw that kind of economic comparison, which I think should be kind of standard operating procedure for us.

Mr. DREIER. I do think we should underscore the disparity which exists there, too. There are 27,000 nuclear warheads among the 15 former Republics of the Soviet Union; 6,000 alone in the Ukraine. One of the goals of the assistance package which we provided from the Congress to the Russian Republic was to deal with the dismantling of those warheads. Another aspect, of course, was to bring home many of the troops who have been overseas. So, we have a very unstable political situation there which has led to that.

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Frankly, Mexico has moved light years ahead of so many other countries in their economic growth due to that privatization and the political reforms which have taken place in that country in the last 7 years.

Mr. GRANDY. Well, again, just to kind of reemphasize and underline that from an agricultural point of view, because obviously agriculture in Iowa is very well under the free-trade agreement, we know in our country that unless we start processing more of what we produce, unless we start having what we call value-added agriculture, which would be soybean oil or corn meal or livestock, poultry, and dairy, we will not be able to survive as a farm-intensive State.

Mexico is our largest purchaser of high-value agriculture, specifically red meat, dairy, soybean meal, products you only buy when you have money, exactly the things we want the Soviets to buy, the former Soviets once they stabilize their currency and begin to get beyond their basic needs.

Again, to make the gentleman's point, Mexico has moved light years beyond. We unfortunately seem to want to move light years back from an opportunity that they are I think willing to go more than halfway to meet.

Mr. DREIER. Quite frankly, as we look at a wide range of the proposals that have been considered in this Congress, we are moving in a direction that is 180 degrees from many of the emerging democracies throughout the world.

It seems to me one of the points that I like to make on this as we look at this issue of fairness, which is something to which we all aspire on a regular basis, the argument that has been given by the chairman of the Trade Subcommittee, the gentleman from Florida [Mr. GIBBONS], who has pointed to the fact that Mexico has had virtual one-way free trade with the United States for three decades. For three decades Mexico has had the ability to sell

goods and services into the United States with virtually no tariffs.

The goal of NAFTA is to create a two-way opportunity and that is why it strikes me that we are going to be in a position where we will greatly enhance the U.S. economy.

I would not stand here, as I know my friend would not, either, as a strong proponent if we thought that this was going to in any way jeopardize job opportunities right here in the United States.

Mr. GRANDY. Well, we do know, of course, there will be sectoral losses, offset by much larger gains.

Now, of course, if you come from one of those regions that is going to experience job loss, NAFTA is a tough sale, and obviously we acknowledge that politically; but just again, from an Iowa point of view, a State that is very export dependent, because we are dependent on agriculture and will be for long in the future, but our biggest trade surplus with Mexico right now is in computer equipment and light manufacturing, things you do not associate with a State like Iowa; so the opportunities for diversification in our economy between the Missouri and the Mississippi, assuming they stay relatively within their borders, is almost unlimited, and that has generally been lost, too.

For example, I know a State like Ohio, which has some of the most virulent opponents of NAFTA among their delegation, has done extraordinarily well with their balance of trade to Mexico.

Mr. DREIER. Mr. Speaker, if the gentleman will permit me on that point, once again, Mr. Speaker, I would like to focus attention on this map here which points to all 50 States and the level of increase in exports over the past 7 years.

As we look at this issue, there are—I guess I forgot Hawaii when I was talking earlier—I guess there are 12 or 13 States that have seen an increase from 1987 to 1992 of over 300 percent in export growth. Among those top 12 or 13 States, as my friend has pointed out, includes Ohio. Ohio has seen a 100-percent or 200-percent increase.

Pennsylvania, which is another State to which opponents of NAFTA often refer as being devastated with the prospect of NAFTA, has seen an increase in exports of over 300 percent from 1987 to 1992. Ohio has been between 100 and 200 percent. So the kind of improvement has been dramatic.

Last night when I was here I referred to some of the specific job creating operations in the district of my friend, the gentlewoman from Ohio [Ms. KAPTUR] who is a virulent opponent of NAFTA, and yet there are many businesses in her district in Ohio which have benefited from the present structure that exists, that being the privatization of Mexico, and clearly will benefit even further if we are to zero out that tariff from the United States to Mexico.

Mr. GRANDY. Well, I watched some of the debate last night and was impressed by the numbers that were slung back and forth, particularly those relating to job loss.

I wonder if we can really calculate some of the dynamic economic activity that has happened and will happen even to a greater extent when NAFTA is enacted.3

For example, yes, the apparel industry will probably experience some short-term job loss; but do not forget, many of those jobs have already located to low labor markets in Southeast Asia. With the opportunities of NAFTA, there is a good chance many of those companies will come back to the Northern Hemisphere, namely, Mexico, and source their inventory in the United States. That produces jobs in our country that otherwise would not be created, because obviously if you are making clothing in Taiwan, you are probably not going to buy your fabrics in Ohio.

Mr. DREIER. Mr. Speaker, if I could strengthen that argument, if my friend would bear with me for just a moment, I was asked to read a letter in the CONGRESSIONAL RECORD that was sent to our very good friend and colleague, the gentleman from North Carolina. This letter is addressed to CASS BALLENGER and it gets right to the point that my friend has raised. It was written to him by William Armfield IV, who is vice chairman of Unifi, and he says:

UNIFI,
July 23, 1993.

Hon. CASS BALLENGER,
House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CASS: As the first vice president of the American Textile Manufacturers Institute [ATMI] and Vice Chairman of Unifi, Inc. which operates two facilities in your district employing nearly 1,500 of your constituents, I am writing to inform you of my unequivocal support for the North American Free Trade Agreement [NAFTA], and to ask for your support. Under NAFTA, I am confident that Unifi will export more yarn to the Mexican market which will benefit Unifi workers in your district and our other 3,100 employees across North Carolina.

For Unifi and the American textile industry, NAFTA represents opportunity—it is a trade agreement that is fair, balanced, reciprocal, and equitable, one in which the United States does not open its market unilaterally.

Last year, Mexico was our second largest customer for textile exports. In fact, in 1992 we rang up a $3 billion deficit in nonapparel textile trade with Asia while we had a surplus with Mexico. In just 4 years' time, this industry's exports to Mexico have doubled—to nearly $700 million—and our trade surplus has more than doubled to $481 million. This was done without NAFTA and while Mexico's average import duty on goods from the United States is more than twice as high as the average tariff on goods we import from Mexico.

NAFTA will create a common market of some 370 million consumers, all of whom need clothes to wear, sheets to sleep on, towels to dry with, automotive upholstery to ride on and so on. The increase in wages, disposable income and living standards that will occur in Mexico as a result of NAFTA will make it possible for more Mexican consumers to buy more of these American products. Also, as Mexico continues its program of economic reform, greater quantities of industrial fabrics will be needed.

In addition to creating textile jobs in the United States, NAFTA will also help the U.S. textile industry preserve American jobs. Without NAFTA, many of these jobs will be lost forever to the Far East. If Mexico cannot get the investment, technical expertise, raw materials and economic cooperation it needs from the United States, it will get them elsewhere, probably from Asia. Then, our worst nightmare will become reality: Mexico will become a springboard for Asian firms wishing to export to the United States. There will be no strong rules of origin, there will be no enhanced Customs enforcement and surveillance and there certainly will be no inclination on the part of the Mexico Government to go out of its way to use United States components and inputs. Instead of a friendly partner on our southern border, we will have a neighbor who feels appreciated by and obligated, not to the United States, but to the Far East.

The Mexican economy will continue to grow and with the Mexican market but the United States will not have preferential access to that market. Ironically, the fears of those who oppose NAFTA will come to pass only if those opponents succeed—that is, if NAFTA fails to be approved.

For those who fear jobs will be lost to Mexico, they should realize that many jobs are already going to Mexico without NAFTA. American companies can go to Mexico today to seek lower labor costs, if that is all that truly matters to them, and defeating NAFTA will not slow this exodus. There are other selection criteria which manufacturers consider including access to raw materials, infrastructure, energy and other manufacturing costs, and availability of a skilled, experienced workforce.

Thank you for giving consideration to my views. Please let me know if I can provide you with any additional information.

Sincerely,

WILLIAM J. ARMFIELD IV,
Vice Chairman.

Now he makes some incredibly positive points here, and I think one of the most important ones has to do with the fact that we want to maintain a strong working relationship with Mexico.

I am happy to yield to the gentleman from Iowa [Mr. GRANDY].

Mr. GRANDY. Mr. Speaker, on that point, he knows because we have fought on the same side of many trade battles in this House. A textile vote is always a tough one on a trade issue because it is a protected industry, and it is a vulnerable industry. But the fact that the gentleman kept referencing Asia reminds me of the slugfests that he and I have had over MFN in China. One of the arguments that is always made is about the Chinese apparel industry ripping off jobs from the United States, one——

Mr. DREIER. We are always on the same side of that one, too, I should say.

Mr. GRANDY. But one of the most effective ways to fight that is to pass

NAFTA so those jobs would move closer to home, and——

Mr. DREIER. Exactly.

Mr. GRANDY. That is a point that is usually not argued when we fight back and forth on MFN, but if it is true that the Chinese are having labor costs that are perhaps subsidized by their prisoners and some of the other horror stories that we have heard when we have debated that issue, fight the market with the market.

Mr. DREIER. Exactly, and I think that one of the points that needs to be made is that there are many people who have said that with implementation of NAFTA and a zeroing of that tariff we are going to see so many countries coming to Mexico to use Mexico as a springboard for these products to sell them in the United States, and we know that under NAFTA that is the only way that we can ensure these tough, as Mr. Armfield says, rule-of-origin requirements, but that without NAFTA that invites the Mexican Government to say to countries like China, Japan, and other countries throughout the world, "Come here. We will, in fact, create a situation in a climate which will allow you to export into the United States," and so clearly those who are concerned about the prospect of that should support NAFTA because it is the only way that with these tough rule-of-origin requirements we can prevent other countries from using Mexico as an export platform.

Mr. GRANDY. And, if the gentleman would yield, think of the message that it sends to Central and South American nations that are watching carefully to see what we actually do or do not do under NAFTA. As Mexico goes, so go most of the Central American nations, clearly so go most of the South American nations.

As the gentleman knows, Mr. Speaker, Chile is waiting in the wings to create a free-trade agreement with the United States, and, if we do not follow through on the Enterprise of the Americas initiative that was created by President Bush and strongly endorsed by many of those countries, again we will lose markets that are just crying out for American participation.

Mr. DREIER. And I think that I have always felt uncomfortable as we have looked at this competition that is being created by so-called trading blocs. As we have seen the emergence of EC '92, as we have seen four countries on the South American continent unite as they plan to in 1995, forming a free-trade zone among them, as we see the unity being established in the Pacific rim, I felt uncomfortable about that because I happen to believe in GATT and the needs to try and bring about a reduction of barriers all the way around. But the fact of the matter is, as we work toward this zero goal, we should, as a hemisphere, realize that there is no benefit whatsoever to the United States of America having a poor southern neighbor, and, as we look at that issue itself, clearly benefiting and improving the economies of the Americas will benefit the United States because we cannot.

We, as Republicans, and I cannot understand why Republicans have opposed this because we have been the ones who have heralded the fact that we have seen technological expansion which brought down the Berlin wall and allowed satellite technology to give us cellular telephones and cable television, CNN and C-SPAN, and all these other things, and yet at the same time there is a desire to maintain this barrier right here in the Americas.

So, Mr. Speaker, that is why it is such a difficult one for me to reconcile and why I feel so strongly about it.

I am happy to yield.

Mr. GRANDY. Well, as the gentleman knows, the irony is we know the Mexican economy is not going to turn south and move back to the kind of command structures that crippled it for so many years, and I had a conversation the other day with the Guatemalan Ambassador who again paraphrased President Salinas who said, "I do not——"

Mr. DREIER. The gentleman runs with a pretty impressive crowd there.

Mr. GRANDY. Yes, very impressive, but the point that I took away from that meeting is Salinas has said, "Look, I don't want to be the best nation in the Third World. I want to be a rising nation in the First World." And it would be a terribly ironic circumstance if, because we could not get our political act together, there was a North American trading bloc that did not include the United States.

Mr. Speaker, that could happen if we continue to kind of fuss and fret over side agreements and various sectors being denied various accesses, and I hope that that does not happen because there are too many people now in the global market, as the gentleman knows, and more are arriving all the time who know a market when they see it and will capture it if we do not respond first.

Mr. DREIER. As the gentleman knows, it is very interesting what my friend has said, and I hope he is right, that Mexico does not take a retrograde step if we do not see NAFTA implemented. But, as the gentleman knows, one of the things that opponents of NAFTA have said is that President Salinas is only moving toward addressing the questions of the need for political pluralism.

The SPEAKER pro tempore (Mr. HILLIARD). The time of the gentleman has expired.

JOBS FOR U.S. WORKERS—IMPLEMENT NAFTA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DREIER] is recognized for 60 minutes.

Mr. DREIER. It seems to me, Mr. Speaker, that, as we look at the threat of Mexico taking a retrograde step on the kinds of political reforms that have been taking place there, improvements in human rights, there are many of our friends who are opponents to NAFTA who have stood here and said that President Salinas is only doing those things so that he can gain access to the United States markets.

Well, quite frankly, if that is the reason it is, frankly, fine with me because he is recognizing the changes that have taken place in the world. But the gentleman and I know, and my friend has been following this debate recently, that one of the things that we have had are some very, very tragic stories told by our colleagues who are opponents to NAFTA who have talked about human rights violations, the political problems which exist in Mexico, and I think that what we should do is spend just a moment focusing on the improvements that have taken place there.

Mr. Speaker, we all know that in 1929 Mr. Cardenas nationalized the oil industry and established the PRI party, the commanding party, the Institutional Revolutionary Party, of Mexico, and there is no doubt about the fact that over the past 60-plus years we have seen basically one-party control, and in many cases a very, very backward electoral system and a control which has not allowed for the kind of freedom which we in the United States would like to see. And there are people who say that, because we are supporters of NAFTA, we are somehow apologists for this kind of behavior.

Mr. Speaker, nothing could be further from the truth as we look at this issue because the issue of human rights and political pluralism is one which has dramatically improved, and we have seen the Salinas administration focus attention on it. In fact, in July 1990, Mr. Speaker, President Salinas established his Federal Code of Electoral Institutions and Procedures, and we know that the National Action Party, the PAN party, which is the center-right opposition to the Institutional Revolutionary Party, has been able to, for the first time ever, win governorships and mayoral votes throughout Mexico. We would like to see a greater degree of political pluralism, but there are many who have said that we cannot in any way support a system like that.

Unfortunately, Mr. Speaker, some of those who are opponents to NAFTA have not focused attention on the agreement itself, and I know my friend is well aware of this. If we witnessed the kind of political problems which some people say will come about if we implement NAFTA because President Salinas is only doing these things because of the prospect of NAFTA, the United States can, within a 6-month period, withdraw the agreement.

As my colleagues know, there is this belief that, once we get in it that there is no turning back at all. If we find that there are serious problems with NAFTA, Mr. Speaker, we can, in fact, withdraw from the agreement.

Mr. GRANDY. Well, obviously we do have an out clause, as we do in any treaty, but I think it should not be lost in the discussion that President Salinas has probably done more with his economy in the last 5 years than we have done with our economy in the last 5 years. His has gone north. Ours continues to go south. We are constantly kind of badgering him to make environmental breakthroughs and reforms in labor law, and, quite honestly, what have we done over the last 7 years but add more labor restrictions which have impinged upon small businesses, which, as the gentleman knows, is the greatest engine of job growth in the country?

□ 1950

We have not in many cases effectively enforced some of our environmental laws, and in many other cases created new conditions that have made them unenforceable. I happen to come from a part of the country that is wetland sensitive, even more so now that we have floods. But what it has created is a body of statutes that is so confusing that even the bureaucrats do not understand what the laws mean.

Now, clearly that should not be a message that we want to send down to the Salinas government in terms of getting their act together. I find it sometimes just a little bit patronizing that America is so quick to criticize our partners in these trade deals, when we ourselves cannot really point to a stellar record of accomplishment, particularly over the last few years in these areas.

Mr. DREIER. As my friend once again raises this issue of the environment, we constantly hear of the horrendous environmental conditions that exist in Mexico. Not everyone knows that in 1988, under what is known as the Sedui, which includes what would be our Environmental Protection Agency, as part of it the Mexican Government implemented a law which is modeled after our environmental laws here in the United States to improve environmental quality there.

Opponents of NAFTA say yes, it looks great on the books, but they do not enforce it at all. There is no enforcement provision, and they basically ignore that law.

One of the things that has been said to both of us in meetings that we have attended is that we need to get newer industry in Mexico so that we can have the technological advances which will allow us to have a better environmental quality there. One of the boldest statements that was made was actual action by President Salinas, when about 2 years ago he looked at the greatest polluter in Mexico City, which was a major oil refinery. It employed 5,000 Mexican workers. To improve the environment of Mexico City, President Salinas said he could not continue polluting like this, and he closed down this refinery, demonstrating a strong commitment to an improvement in environmental quality.

Mr. GRANDY. That is a Government-run facility, is it not?

Mr. DREIER. Absolutely.

Mr. GRANDY. Therein lies the difference between what is a potential for environmental protection in a command economy, and what is the potential in a market economy.

Mr. DREIER. Absolutely. I think the point that needs to be made is if you look at the poorest countries throughout the world, that is where the environmental quality is the worst. And there are so many people who are opponents to NAFTA who seem to want to maintain the status quo. What does that do to improve the environment?

One of the things we have talked about time and time again on this issue was this decision that was rendered by Judge Charles Richey, which basically jeopardizes the implementation of NAFTA because of the environmental question which has been raised here in the ruling that came down saying that compliance with the Environmental Policy Act here is a prerequisite for implementation of NAFTA.

The thing that you have to conclude is, is the prevention of implementation of NAFTA going to improve the environmental quality on either side of the border? Absolutely not.

Mr. GRANDY. To that point, and I think we both anticipate that that decision will be overturned, and hopefully within the next 6 weeks, but even from the administration point of view, an administration obviously that the gentleman and I did not support in the last election, but clearly support the constitutional sovereignty of the President of the United States, whoever he or she may be, to effect multilateral agreements, whether it is trade or foreign policy.

Can you imagine NEPA taking effect in an arms agreement? Are we going to use this as a one-size-fits-all litmus test the next time we want to get into some kind of arms proliferation agreement, or a strategic armament dismantlement discussion, the likes of which we are currently having with the former Soviet Union? It is ridiculous and I think very pernicious to the Constitution, let alone NAFTA.

Mr. DREIER. I would like to focus for just a moment, since we have this map here of the 50 States, on one point, and then I am going to yield back to the balance of my time here because we have spend a great deal of time on this, and I know there are going to be opportunities in the future, and I do have something else to do now that it is 5 minutes to 8 o'clock.

There was a survey recently conducted which showed that 40 out of 50 State Governors happen to be strong proponents of NAFTA, and not one Governor of a State has actually come out in opposition to the North American Free-Trade Agreement.

I think as we look at a number of these States which have seen improvement in job creation in their areas, we have got to realize that these governors, who are actually on the front line dealing with the job creating challenges that their States face, clearly do recognize that implementation of a North American Free-Trade Agreement is the wave of the future and going to be beneficial.

I would like to thank my friend for his diligent work, not only for the people of Sioux City and the people of the United States, but for his strong effort in addressing the trade challenges that we face, and the fact that eliminating trade barriers throughout the world is going to enhance the opportunity for us to create jobs right here in the United States of America.

THIRD BIENNIAL REVISION (1994–95) TO THE U.S. ARCTIC RESEARCH PLAN—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Science, Space, and Technology.

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.*

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MCDADE (at the request of Mr. MICHEL), for today, on account of medical reasons.

Mr. DERRICK (at the request of Mr. GEPHARDT) for today.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. ROS-LEHTINEN) to revise and extend their remarks and include extraneous material:)

Mr. WELDON, for 60 minutes, today.

Mr. DOOLITTLE, for 5 minutes, today, and for 60 minutes on July 30.

Mr. GOSS, for 5 minutes, today.

Mrs. BENTLEY, for 5 minutes, today.

Mr. BOEHLERT, for 5 minutes, today.

(The following Members (at the request of Mr. SCOTT) to revise and extend their remarks and include extraneous material:)

Mr. NADLER, for 5 minutes, today.

Mr. EDWARDS of California, for 5 minutes, today.

Mr. BACCHUS of Florida, for 5 minutes, today.

Mr. MONTGOMERY, for 5 minutes, today.

Mr. LAUGHLIN, for 60 minutes, on August 3.

Mr. KANJORSKI, for 60 minutes each day, on August 2, 3, and 4.

(The following Member (at the request of Mr. BOEHLERT) to revise and extend his remarks and include extraneous material:)

Mr. HOUGHTON, for 5 minutes, today.

(The following Member (at the request of Mr. LIVINGSTON) to revise and extend his remarks and include extraneous material:)

Mr. PORTER, for 5 minutes, on July 30.

(The following Member (at the request of Mr. FROST) to revise and extend his remarks and include extraneous material:)

Mr. MCCLOSKEY, for 5 minutes, on July 30.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Ms. ROS-LEHTINEN) and to include extraneous matter:)

Mr. SOLOMON in two instances.

Mr. GILMAN.

Mr. BALLENGER.

Mr. RIDGE.

Mr. LAZIO.

(The following Members (at the request of Mr. SCOTT) and to include extraneous matter:)

Ms. VELÁZQUEZ in two instances.

Mr. FORD of Michigan in two instances.

Mr. DINGELL.

Mr. HAMBURG.

Mr. BROWN of Ohio.

(The following Members (at the request of Mr. DREIER) and to include extraneous matter:)

Mr. BONIOR in two instances.

Mr. BARCIA in two instances.

Mr. MCCURDY.

Mr. FAWELL.

Mr. DEUTSCH.

Mr. WELDON

Mr. BROWN of California.

Mr. WOLF.

Mr. KOPETSKI.

Mrs. SCHROEDER.

Mr. MFUME.

Mr. CARDIN in two instances.

Mr. WAXMAN.

Mr. SWETT.

Mr. LEWIS of Florida.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1131. An act to extend the method of computing the average subscription charges under section 8906(a) of title 5, United States Code, relating to Federal employee health benefits programs; to the Committee on Post Office and Civil Service.

ENROLLED BILLS SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 63. An act to establish the Spring Mountains National Recreation Area in Nevada, and for other purposes.

H.R. 2683. An act to extend the operation of the migrant student record transfer system.

ADJOURNMENT

Mr. DREIER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 58 minutes p.m.) the House adjourned until tomorrow, Friday, July 30, 1993, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1672. A letter from the Principal Deputy Comptroller, Department of Defense, transmitting a letter stating, that on June 1, 1993 the Department notified the Congress of its intent to obligate up to $30 million to assist the Russian Federation in establishing a Central Chemical Weapons Destruction Analytical Laboratory, this letter is to inform the Congress that the funds appropriated for the Advanced Tactical Airborne Reconnaissance System ($12.8 million from Aircraft Procurement, Air Force and $17.2 million from RDT&E Air Force appropriations) will be the funding source for this effort; jointly, to the Committees on Appropriations and Armed Services.

1673. A letter from the Director, Congressional Budget Office, transmitting the CBO Staff Memorandum, "The Inpatient Psychiatric Hospital Benefit Under Medicare"; jointly, to the Committees on Ways and Means and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MONTGOMERY: Committee on Veterans' Affairs. H.R. 821. A bill to amend title 38, United States Code, to extend eligibility for burial in national cemeteries to persons who have 20 years of service creditable for retired pay as members of a reserve component of the Armed Forces (Rept. 103–197). Referred to the Committee of the Whole House on the State of the Union.

Mr. MONTGOMERY: Committee on Veterans' Affairs. H.R. 2535. A bill to amend title 38, United States Code, to provide additional authority for the Secretary of Veterans Affairs to provide health care for veterans of the Persian Gulf War, with amendments (Rept. 103–198). Referred to the Committee of the Whole House on the State of the Union.

Mr. MONTGOMERY: Committee on Veterans' Affairs. H.R. 2647. A bill to amend title 38, United States Code, to provide that the effective date of any changes in benefits under the Servicemen's Group Life Insurance program shall be based on the International Date Line, with an amendment (Rept. 103–199). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HALL of Texas:

H.R. 2795. A bill to expand the mail-order pharmaceutical program of the Department of Defense to cover all members and former members of the uniformed services, and their dependents, who are eligible for health care in medical facilities of the uniformed services; to the Committee on Armed Services.

By Mr. PAXON:

H.R. 2796. A bill relating to the tariff treatment of certain footwear; to the Committee on Ways and Means.

By Mrs. SCHROEDER (for herself, Mrs. LLOYD, Mr. EVANS, Mr. FILNER, Mr. EDWARDS of California, Mr. KENNEDY, Mrs. MEEK, Mr. MCDERMOTT, Ms. DELAURO, Ms. DANNER, Mr. DELLUMS, Mr. LIPINSKI, Ms. KAPTUR, Mr. PETERSON of Minnesota, Mr. WAXMAN, Ms. NORTON, Ms. SLAUGHTER, Mr. BILBRAY, Mr. KOPETSKI, Mr. TORRES, Mr. DEUTSCH, Ms. MARGOLIES-MEZVINSKY, Ms. VELAZQUEZ, Mrs. MORELLA, Mr. GENE GREEN of Texas, Mr. HUGHES, Mr. SLATTERY, Mr. BOUCHER, Ms. PELOSI, Ms. WOOLSEY, and Mr. INSLEE):

H.R. 2797. A bill to improve programs of the Department of Veterans Affairs relating to women's health, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SHAYS:

H.R. 2798. A bill to revive the suspension of duty 3,5,6-trichlorosalicylic acid; to the Committee on Ways and Means.

H.R. 2799. A bill to suspend temporarily the duty on anthraquinone disulfonic acid sodium salt; to the Committee on Ways and Means.

By Mr. BROWN of California:

H.R. 2800. A bill to promote and support management reorganization of the National Aeronautics and Space Administration; to the Committee on Science, Space, and Technology.

By Mr. SHAYS:

H.R. 2801. A bill to suspend temporarily the duty on acid violet 19; to the Committee on Ways and Means.

By Mr. BLACKWELL:

H.R. 2802. A bill to amend the Internal Revenue Code of 1986 to exempt unemployment

benefits from Federal and State income taxation; jointly, to the Committees on Ways and Means and the Judiciary.

By Mr. LAROCCO:

H.R. 2803. A bill to amend the Consumer Credit Protection Act to improve disclosures made to consumers who enter into rental-purchase transactions, to set standards for collection practices, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. WAXMAN (for himself and Mr. CARDIN):

H.R. 2804. A bill to establish a national policy respecting medical residency training programs and the health care work force, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GONZALEZ (for himself, Mr. GRAMS, Mr. NEAL of North Carolina, Mr. LEACH, Mr. MCCOLLUM, Mr. BEREUTER, Mr. NUSSLE, Mr. WHEAT, and Mr. BARLOW):

H.R. 2808. A bill to facilitate recovery from the recent flooding of the Mississippi River and its tributaries by providing greater flexibility for depository institutions and their regulators, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. LANCASTER (for himself, Mr. BAKER of Louisiana, Mrs. CLAYTON, Mr. FIELDS of Louisiana, Mr. HAYES, Mr. HEFNER, Mr. HUTCHINSON, Mr. JEFFERSON, Mr. NEAL of North Carolina, Mr. PARKER, Mr. ROSE, Mr. THOMPSON, Mr. VALENTINE, and Mr. WHITTEN):

H.R. 2809. A bill to establish a national research program to improve the production and marketing of sweet potatoes and increase the consumption and use of sweet potatoes by domestic and foreign consumers; to the Committee on Agriculture.

By Mrs. MINK (for herself, Ms. ESHOO, Ms. FURSE, Ms. WOOLSEY, Ms. CANTWELL, Ms. MALONEY, and Ms. ROYBAL-ALLARD):

H.R. 2810. A bill to amend the Public Health Service Act to provide for programs regarding ovarian cancer; to the Committee on Energy and Commerce.

By Mr. COX:

H.J. Res. 244. Joint resolution designating September 6, 1993, as "Try American Day"; to the Committee on Post Office and Civil Service.

By Mr. TRAFICANT:

H. Con. Res. 128. Concurrent resolution commending Israel concerning the decision of the Supreme Court of Israel in the case of John Demjanjuk, Sr.; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII.

230. The SPEAKER presented a memorial of the House of Representatives of the Commonwealth of The Mariana Islands, relative to establishing a nonvoting Delegate from the Northern Mariana Islands within the U.S. House of Representatives; to the Committee on Natural Resources.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. STUPAK:

H.R. 2805. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade of the United States and on the Great Lakes and their tributary and connecting waters in trade with Canada for the vessel *Amanda*; to the Committee on Merchant Marine and Fisheries.

H.R. 2806. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade of the United States and on the Great Lakes and their tributary and connecting waters in trade with Canada for the vessel *Juliet*; to the Committee on Merchant Marine and Fisheries.

By Mr. TRAFICANT:

H.R. 2807. A bill for the relief of John Demjanjuk, Sr.; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 52: Mr. HANCOCK.

H.R. 87: Mr. SHAW.

H.R. 127: Mr. JOHNSON of Georgia, Miss COLLINS of Michigan, and Mr. HINCHEY.

H.R. 253: Mr. MCNULTY.

H.R. 429: Mr. BLUTE, Ms. DUNN, Mr. EVERETT, Mr. FRANKS of Connecticut, Mr. PETE GEREN of Texas, Mr. ISTOOK, Mr. LINDER, Mr. MILLER of Florida, and Mr. SHAYS.

H.R. 436: Mr. YOUNG of Alaska, Mr. CANADY, Mr. GILMAN, Mr. HOUGHTON, Mr. HUFFINGTON, Mr. KLUG, Mr. MICA, Mr. WALKER, Mr. PORTMAN, Mr. EVERETT, Mr. SHUSTER, Mr. FALEOMAVAEGA, Mr. MCINNIS, and Mr. ROBERTS.

H.R. 466: Mr. ENGEL and Mrs. MEYERS of Kansas.

H.R. 587: Mr. VENTO and Mr. INSLEE.

H.R. 830: Mr. HUFFINGTON, Mr. MCINNIS, Mr. WELDON, and Mr. KLUG.

H.R. 921: Mr. CONYERS, Mr. WYNN, Ms. THURMAN, Mr. DELLUMS, and Mr. PASTOR.

H.R. 1056: Mr. SCHIFF, Mr. JOHNSON of South Dakota, Mr. PETERSON of Minnesota, Mr. STUPAK, Mrs. MEEK, Mr. ENGEL, and Mr. TORRICELLI.

H.R. 1152: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FILNER, and Mr. KLUG.

H.R. 1153: Mr. GLICKMAN.

H.R. 1181: Mr. BOUCHER.

H.R. 1238: Mrs. LLOYD.

H.R. 1314: Mr. BOUCHER and Mr. GLICKMAN.

H.R. 1324: Mr. MINGE.

H.R. 1360: Mr. MARTINEZ.

H.R. 1402: Mr. TAYLOR of Mississippi.

H.R. 1406: Mr. TORRES, Mr. PASTOR, Ms. KAPTUR, and Mr. WELDON.

H.R. 1407: Mr. MENENDEZ.

H.R. 1472: Mr. MCDERMOTT, Mr. WYNN, and Mr. BACCHUS of Florida.

H.R. 1687: Mr. BAESLER.

H.R. 1702: Ms. BYRNE.

H.R. 1738: Mr. FARR.

H.R. 1795: Mr. ACKERMAN.

H.R. 1900: Ms. KAPTUR, Mr. WILSON, Mr. KOPETSKI, Mr. FAZIO, Ms. MALONEY, Mr. MCCLOSKEY, Mr. BACCHUS of Florida, Mr. GEPHARDT, Mr. NEAL of Massachusetts, Mr. JEFFERSON, and Mr. BORSKI.

H.R. 1915: Mr. HUGHES and Mr. WILSON.

H.R. 1923: Ms. BROWN of Florida.

H.R. 1989: Mr. HANCOCK.

H.R. 2092: Mr. RAVENEL and Ms. DANNER.

H.R. 2134: Mr. CARDIN.

H.R. 2140: Mr. MINGE, Ms. MALONEY, and Mr. FALEOMAVAEGA.

H.R. 2226: Mr. COX, Mr. KLUG, Mr. FROST, Mr. BATEMAN, Mr. BAKER of Louisiana, Mr. PARKER, Mr. ENGEL, and Mr. ACKERMAN.

H.R. 2268: Mr. MCDADE, Mr. FILNER, and Mr. FINGERHUT.

H.R. 2326: Mr. PETERSON of Florida, Mr. DARDEN, Mr. SPRATT, Mr. VALENTINE, Mr. POSHARD, Mr. GEKAS, Mr. STUMP, Mr. GALLO, Mr. DOOLEY, Mr. NEAL of Massachusetts, Mr. CRAMER, Mr. RAVENEL, Mrs. VUCANOVICH, Mr. CASTLE, Ms. SNOWE, Mr. FAWELL, Mr. SHAYS, Ms. FURSE, Mr. ZIMMER, Mr. GOODLING, Mr. INSLEE, Mr. TAYLOR of North Carolina, Ms. LONG, Mr. GINGRICH, and Mr. THORNTON.

H.R. 2331: Mr. FALEOMAVAEGA.

H.R. 2375: Mr. KOPETSKI, Mrs. UNSOELD, and Ms. NORTON.

H.R. 2394: Mr. RANGEL, Ms. VELAZQUEZ, and Mr. GEJDENSON.

H.R. 2395: Mr. RANGEL, Ms. VELAZQUEZ, and Mr. GEJDENSON.

H.R. 2414: Mr. BOUCHER, Mr. RUSH, Mr. FALEOMAVAEGA, Ms. MALONEY, Mr. BROWDER, and Mrs. SCHROEDER.

H.R. 2434: Mr. MOORHEAD, Mr. CANADY, and Mr. SAM JOHNSON.

H.R. 2438: Mr. HOLDEN, Mr. MILLER of Florida, Mr. STARK, Mr. BILBRAY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. EMERSON, Mr. DOOLEY, Mr. FROST, Mr. GLICKMAN, Ms. MALONEY, Mr. ENGEL, Mr. JOHNSTON of Florida, Mr. KOPETSKI, and Mrs. ROUKEMA.

H.R. 2469: Mr. BAESLER, Mr. HOBSON, Mr. GILLMOR, Mr. PAYNE of Virginia, Mr. MCHALE, and Mr. BOUCHER.

H.R. 2481: Mr. BOUCHER, Mrs. MALONEY, and Mr. HOLDEN.

H.R. 2535: Mr. DURBIN.

H.R. 2571: Mr. HALL of Texas, Mrs. UNSOELD, Ms. VELAZQUEZ, Mr. JEFFERSON, Mr. SWIFT, Mr. MORAN, Mr. ROMERO-BARCELO, Mr. RANGEL, Mr. KOPETSKI, Mr. ACKERMAN, Mrs. LLOYD, Mr. OWENS, and Mrs. SCHROEDER.

H.R. 2573: Mr. DELLUMS, Mr. RANGEL, Mr. FROST, Mrs. MEEK, Mr. PETERSON of Minnesota, Mr. TUCKER, and Mr. VENTO.

H.R. 2602: Mr. BARLOW.

H.R. 2662: Mr. FILNER, Ms. VELAZQUEZ, Mr. RUSH, Mrs. MEEK, Mr. SAXTON, Mr. THOMAS of Wyoming, Mr. SKEEN, Mr. YOUNG of Alaska, and Mr. CUNNINGHAM.

H.R. 2691: Ms. SLAUGHTER, Mr. LAZIO, and Mr. LAFALCE.

H.R. 2706: Ms. SHEPHERD, Mr. MINGE, Mr. SAWYER, and Ms. WOOLSEY.

H.R. 2735: Mr. JACOBS, Mr. PENNY, and Mr. POSHARD.

H.J. Res. 49: Mr. SOLOMON.

H.J. Res. 79: Mr. BARCA of Wisconsin, Mr. DICKS, Mr. ENGEL, Mr. FIELDS of Louisiana, Mr. HAMILTON, Ms. KAPTUR, Mr. MINETA, Mr. MONTGOMERY, Mr. MURPHY, and Mr. FALEOMAVAEGA.

H.J. Res. 86: Mr. DEFAZIO, Mr. FOGLIETTA, Mr. STUMP, and Mr. BARCA of Wisconsin.

H.J. Res 106: Mr. HAMILTON and Mr. RANGEL.

H.J. Res. 142: Mr. WYDEN and Mr. SMITH of Oregon.

H.J. Res. 157: Mr. BERMAN, Mr. DIXON, Mrs. KENNELLY, Ms. PELOSI, Mr. OBERSTAR, Mr. HOYER, Mr. CRANE, Mr. GALLEGLY, Mr. FORD of Tennessee, Mr. RICHARDSON, and Mrs. BENTLEY.

H.J. Res. 185: Mr. COLEMAN, Mr. GEKAS, Mr. GEPHARDT, Mr. GONZALEZ, Mr. HANSEN, Mr. HAYES, Mr. HYDE, Mr. KING, Mr. KREIDLER, Mr. LEVIN, Mr. MCCOLLUM, Mr. MCDADE, and Mr. WILSON.

H.J. Res. 198: Mrs. VUCANOVICH and Mr. SKEEN.

H.J. Res. 204: Mr. ROWLAND, Mr. HOYER, Mr. GINGRICH, and Mr. GALLO.

H.J. Res. 205: Mr. ROWLAND, Mr. MCCRERY, Mr. CASTLE, Mr. LEHMAN, Mr. MCCLOSKEY, Mr. MCDADE, Ms. BROWN of Florida, Mr.

WOLF, Mr. HAMILTON, Mr. MYERS of Indiana, Mr. GILMAN, Mr. PAXON, Mr. MARTINEZ, Mr. SMITH of Oregon, Mr. WHEAT, Mr. GUNDERSON, Mr. EVERETT, Mr. WISE, Mr. DICKS, Mrs. VUCANOVICH, Mr. BURTON of Indiana, Mr. MCCOLLUM, Mr. PORTER, Mr. YOUNG of Alaska, Mr. OBERSTAR, Mr. HOCHBRUECKNER, Mr. SPENCE, Mr. MANTON, and Mr. WILSON.

H.J. Res. 209: Mr. BREWSTER, Mr. CHAPMAN, Ms. EDDIE BERNICE-JOHNSON of Texas, Mr. CLYBURN, Mr. LAFALCE, Ms. THURMAN, Mr. FROST, Ms. NORTON, Mr. GUTIERREZ, Mr. SCOTT, Mr. HILLIARD, Mr. BLUTE, Mr. DIXON, Ms. MALONEY, Mr. QUILLEN, Mr. HANSEN, Mr. BONIOR, Mr. HOCHBRUECKNER, Mr. HOBSON, Mrs. LLOYD, Mr. DEUTSCH, Mr. MARTINEZ, Mr. EVANS, and Mr. GEKAS.

H.J. Res. 243: Mr. HOUGHTON, Mr. PETRI, Mr. HAYES, Mr. BLUTE, Mr. OXLEY, Mr. YOUNG of Florida, Mr. BLACKWELL, Mr. SANDERS, Mr. HYDE, Mr. CRANE, Mr. GOODLING, Mr. ABERCROMBIE, Mr. WELDON, Mr. GALLEGLY, Mr. LAZIO, Mr. FAZIO, and Mr. RAVENEL.

H. Con. Res. 24: Mr. TOWNS, Mr. RAVENEL, Mr. GILMAN, Mr. LAUGHLIN, Mr. KOPETSKI, Mr. FRANK of Massachusetts, and Mr. SCHIFF.

H. Res. 13: Mr. BONILLA.

H. Res. 175: Mr. SMITH of Oregon.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

[Omitted from the Record of July 28, 1993]

H.R. 1420: Mr. BACCHUS of Florida.

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.

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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SMITH, JON R. xxx-xx-x...
SMITH, KENNETH E. xxx-xx-x...
SMITH, MARIAN F. xxx-xx-x...
SMITH, RICKY C. xxx-xx-x...
SMITH, RONALD xxx-xx-x...
SNYDER, ALLEN N. xxx-xx-x...
SOBEY, ROBERT L. xxx-xx-x...
SOLOMON, ALONZA xxx-xx-x...
SOLTERO, MARK A. xxx-xx-x...
SOLYNTJES, CRAIG F. xxx-xx-x...
SOUTHERLAND, NOBLE xxx-xx-x...
SPACKMAN, WILLIAM V. xxx-xx-x...
SPALDING, VERSAL D. xxx-xx-x...
SPENCER, JACK H. xxx-xx-x...
SPENCER, PAUL A. xxx-xx-x...
SPRUILL, LARRY D. xxx-xx-x...
SPURLOCK, VIRGIL K. xxx-xx-x...
STACKHOUSE, ROBERT xxx-xx-x...
STAFFIERI, PATRICK xxx-xx-x...
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STALLCUP, DEBBIE J. xxx-xx-x...
STANCU, JOHN W. xxx-xx-x...
STANHAGEN, ERIC W. xxx-xx-x...
STANLEY, CHARLES D. xxx-xx-x...
STANLEY, JOHN L. xxx-xx-x...
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STARKWEATHER, GARY xxx-xx-x...
STAUTZ, THOMAS R. xxx-xx-x...
STCLAIR, RONNIE D. xxx-xx-x...
STEDMAN, KEITH R. xxx-xx-x...
STEFAN, WILLIAM F. xxx-xx-x...
STEFANOVICH, JOHN P. xxx-xx-x...
STEVENS, CHARLES R. xxx-xx-x...
STEVENS, JAMES G. xxx-xx-x...
STINE, MICHAEL J. xxx-xx-x...
STITH, LONNIE L. xxx-xx-x...
STOETZER, CHARLES E. xxx-xx-x...
STRAND, RONALD J. xxx-xx-x...
STRICKLAND, ROLAND xxx-xx-x...
STRIEGL, CONRAD J. xxx-xx-x...
STRONG, JOHN L. xxx-xx-x...
STRUDER, KURT D. xxx-xx-x...
SUAREZ, LARRY A. xxx-xx-x...
SULLIVAN, MICHAEL J. xxx-xx-x...
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SULLIVAN, NANCY B. xxx-xx-x...
SULLIVAN, RANDALL D. xxx-xx-x...
SUMMERS, KIM L. xxx-xx-x...
SUTTON, EARL D. xxx-xx-x...
SUTTON, WILLIAM L. xxx-xx-x...
SWACINA, DANIEL J. xxx-xx-x...
SWAN, ROBIN P. xxx-xx-x...
SWARINGEN, MARK A. xxx-xx-x...
SWART, BRENT M. xxx-xx-x...
SWEATMAN, JOHN C. xxx-xx-x...
SWEENEY, ROBERT N. xxx-xx-x...
SWEET, WILLIAM A. xxx-xx-x...
SZYDLOSKI, DENNIS J. xxx-xx-x...
TAFLAN, SIMON J. xxx-xx-x...
TAKAO, ROBERT K. xxx-xx-x...
TALLEY, RICHARD E. xxx-xx-x...
TARANTINO, FREDERIC xxx-xx-x...
TATE, GREGORY S. xxx-xx-x...
TAYLOR, ALLEN B. xxx-xx-x...
TAYLOR, SAMUEL T. xxx-xx-x...
TAYLOR, WILLIAM C. xxx-xx-x...
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TEEL, ROGER N. xxx-xx-x...
TENSFELDT, JEFFREY xxx-xx-xx...
TERRANOVAREA, SUSAN xxx-xx-x...
THEW, KENT D. xxx-xx-x...
THIBEAULT, ANDRE E. xxx-xx-x...
THOMAS, DAVID J. xxx-xx-x...
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THOMAS, TIMOTHY N. xxx-xx-x...
THOMPSON, ARTHUR G. xxx-xx-x...
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]
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TRAMONTINI, KARINE [redacted]
TREECE, CHARLES F. [redacted]
TRIMBLE, MICHAEL D. [redacted]
TROUT, TERRY E. [redacted]
TRUBIA, MICHAEL D. [redacted]
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TYLER, JACQUELINE J. [redacted]
ULMER, WALTER F. [redacted]
UNANGST, JOHN C. [redacted]
UDNERWOOD, CHARLES [redacted]
URBAN, STEPHEN A. [redacted]
UTTERBACK, GARY W. [redacted]
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VANCE, JACKIE L. [redacted]
VANDRIE, MARK D. [redacted]
VANE, TIMOTHY D. [redacted]
VANGORDEN, WAYNE J. [redacted]
VARNADO, SHEILA A. [redacted]
VAUGHAN, PATRICK J. [redacted]
VERMILLION, MICHAEL [redacted]
VILLARE, PAUL R. [redacted]
VINCENT, JAMES C. [redacted]
VINSON, MARK E. [redacted]
VOGT, THOMAS S. [redacted]
VOLK, MARK [redacted]
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WATSON, LARRY [redacted]
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WILLIS, PAUL L. [redacted]
WILSON, ALRED A. [redacted]
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WILSON, WALTER JR. [redacted]
WISE, JOHN E. [redacted]
WISE, MARK R. [redacted]
WITCHER, CARL J. [redacted]
WITHROW, MARGARET A. [redacted]
WITTEN, BENARD J. [redacted]
WOJCIECHOWSKI, PAUL [redacted]
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WONG, DICKIE [redacted]
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WOODSON, WILLIAM H. [redacted]
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*WOOTEN, WILLIAM H. [redacted]
WOZNIAK, EDWARD A. [redacted]
WOZNICK, JOHN C. [redacted]
WRENN, CURTIS L. [redacted]
WRIGHT, GEORGE E. [redacted]
YARBROUGH, JAMES C. [redacted]
YAVORSKY, JOSEPH S. [redacted]
YAWN, BARBARA A. [redacted]
YOUNG, HARRY D. [redacted]
YOUNG, RAYMOND S. [redacted]
YOUNG, VICTOR J. [redacted]
YOUNGS, RAYMOND R. [redacted]
ZELLMER, JOHN G. [redacted]
ZOOK, DAVID H. [redacted]
ZYGMUNTOWICZ, ANDRE [redacted]

EXTENSIONS OF REMARKS

THE NEED FOR FOREIGN AID REFORM NOW

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1993

Mr. GILMAN. Mr. Speaker, this morning, the Washington Post joined those of us who have been urging the Clinton administration to get off the dime and move forward with much needed reform of the Foreign Assistance Program. In essence, the Post called on President Clinton to do what candidate Clinton promised—to clean up and redirect our foreign assistance programs toward assisting poorer nations that are taking the right measures to raise living standards.

On June 16, the House passed—by a vote of 421 to 2—an amendment calling for reform of the foreign aid program in time for the fiscal year 1995 budget cycle. We were prepared to enact reform legislation this spring but the Clinton administration was not. We were promised recommendations by the beginning of May. We still await them.

Most agree the blueprint for reform already exists in the work done by this body and contained in the 1989 Hamilton-Gilman report. What we need now is reform leadership from the administration.

President Clinton needs to remember what candidate Clinton said. Foreign assistance needs reform. And that reform must move forward before our opportunity to achieve it fades.

The full text of the July 29 Washington Post editorial follows:

[From the Washington Post, July 29, 1993]

WHO WILL AID FOREIGN AID?

This was supposed to be the year in which America's foreign aid program experienced the comprehensive restructuring long sought by supporters and opponents alike. It was also to be the year in which a new administration committed to sustainable economic development and the eradication of poverty would provide leadership in targeting aid money on poorer nations that are taking the right measures to raise living standards. Unfortunately, the opportunity for achieving both ends is fading fast. If the moment is lost, the Clinton administration will have itself to blame.

The time was ripe for addressing the host of aid reform issues when the House Foreign Affairs Committee considered the foreign assistance authorizing legislation earlier this year. Chairman Lee Hamilton and his Republican counterpart, Benjamin Gilman, had produced a first-rate reform package four years ago and were eagerly awaiting an administration that had a genuine interest in fixing foreign aid. But the Clinton administration was unprepared to engage the House in a serious discussion, despite earlier pledges to have a restructuring plan ready for Congress in the spring. The Senate Foreign Relations Committee is faced with a similar dilemma; it's ready to tackle the problems as well. But the Hill has been stymied by interminable executive branch reviews and turf battles that have left the reform plan languishing in the in-boxes of senior bureaucrats.

Meanwhile, it's close to business as usual with the foreign aid appropriations bill. As the administration meanders, the House has sent to the Senate a spending bill that chops away at what is already a tight aid request. The bill's huge engines—aid to Russia, Israel and Egypt—almost guarantee that most of the administration's money requests will safely pass through Congress in spite of overall budget constraints. But a terrible price is being paid as a result. To make room for these politically inviolable items, programs that serve the poorest of the poor—the World Bank's International Development Association, AID's Development Fund for Africa—had to take serious hits in the House-passed bill. What's worse, people in the world's poorest nations must bear the burden of cuts in order to fund aid to the International Fund for Ireland, Portugal, Greece, Turkey and—unkindest of all—$7 million for African elephant conservation. Where is the administration?

YES, EASE THE HATCH ACT

The Hatch Act was passed in 1939, in part in response to reports that Democrats were extorting campaign funds and votes from holders of scarce Depression-era government jobs. The authors could simply have barred the pressuring of federal employees for political purposes, but as an insurance policy went beyond that: The statute also bars most participation of federal employees in partisan campaigns. The Supreme Court has upheld these terms as not being a violation of the First Amendment on grounds that Congress also has a legitimate interest in seeing to creation of a politically neutral civil service.

There nonetheless have been repeated efforts on the part of federal employee unions, civil liberties groups and others to have the restrictions eased. In 1976 such legislation was passed but successfully vetoed by President Ford. The same thing happened in 1990, when a bill was vetoed by President Bush and an effort to override failed by two votes in the Senate. Now, however, Congress seems headed toward passage of a bill again, and President Clinton has indicated he will sign it.

Our sense is that it's the right thing to do if done carefully. There are lots of protections now in place in the country that didn't exist a half-century ago; the risk of a politicized federal civil service marching in some kind of lockstep seems to us to be pretty remote. It would still be against the law for a covered employee to use any "official authority of influence" to affect the result of an election. Nor could a covered employee either solicit or receive a political contribution from a subordinate. The Senate bill would also continue to bar members of the senior executive service and employees in certain sensitive agencies and positions from running for partisan offices, holding party offices or taking on active roles in political campaigns. That's okay.

But otherwise, federal employees who wish to do so ought to be free as private citizens, and on their own time, to take full part in the political process. They're not going to hurt anything. The latitude ought to include the right to run for even partisan local office, which the Senate would forbid, but the House would not; the conferees should adopt the House position. Both sides in this debate exaggerate the likely practical effect that the legislation will have. Resisting Republicans and some of the measure's sponsors alike imagine a world in which federal employees as a group or through their unions will be more powerful. But federal employees are likely to participate and divide in politics pretty much the same way other citizens do. All the more reason to let them in.

TRIBUTE TO PAULA FAY

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1993

Mr. WELDON. Mr. Speaker, I would like to call your attention to the heroism of Paula Fay, a constituent of mine from Chester County, PA. A lifeguard at a public pool in Spring City, Miss Fay recently saved a 3-year-old boy from drowning, performing mouth-to-mouth resuscitation until a police rescue squad arrived.

Paula Fay was just changing shifts when a 3-year-old boy was pulled out of the pool by his father. Miss Fay ran to the boy, who laid by the pool, limp, unconscious, and not breathing. According to a member of the Spring City Police, Miss Fay displayed maturity beyond her 16 years in keeping calm and collected as she went about reviving the boy, especially since she was being watched by a crowd of nervous adults. By the time the police arrived, the boy was standing—a testament to her competence. Although the boy was subsequently admitted to the hospital, his stay was brief, and thankfully, he is now home and well.

In the past weeks, we have spent much time debating the merits of national service. Paula Fay truly represents public service at its finest. All of us in Pennsylvania's Seventh Congressional District are proud of her lifesaving accomplishment. I ask you now to recognize her tremendous achievement.

NAFTA: WATER AND SOIL SAMPLES

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1993

Ms. VELÁZQUEZ. Mr. Speaker, I would like to begin by thanking MARCY KAPTUR for organizing the Congressional delegation's visit to

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

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

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Mexico. I think we all agree that what we learned on the trip has proven truly invaluable in our understanding of NAFTA and its effects on both the United States and Mexico.

The reports of the water and soil samples taken during our trip to Mexico are not surprising for those of us who saw the environmental disaster that has been created by the irresponsible dumping of waste by the United States-owned maquiladora plants. The images of dead animals lying in pools of filthy waters, of innocent children naively playing in fields of toxic waste—I will remember these scenes for as long as I live. NAFTA would bring the numbers of maquiladora plants to an all time high, worsening the subhuman conditions under which thousands of Mexican families live.

Most of the families in this area were lured by the promises made by American-based companies—promises of decent wages and a higher standard of living. For over a decade now these promises have not been kept. They were forgotten by those same companies that relocated their operations seeking lower labor costs, companies that left behind displaced workers throughout much of the United States as they searched for higher profits, submitting workers in Mexico to the deadly consequences of a toxic wasteland—all for the sake of profit. NAFTA threatens to aggravate all of these conditions, allowing for the continuation of worker exploitation by United States-owned factories in Mexico, while creating an even greater legion of unemployed in our own country.

I hope that when my colleagues are faced with a vote on NAFTA, they will consider what it would be like to grow up a Mexican child surrounded by the contaminated water and toxic waste of the maquiladoras, to struggle with cholera and typhoid fever, to toil long hours for meager pay, to have no electricity or even basic sewage—or what it would be like to have grown up in this country, known around the world as the land of opportunity, to have worked hard to earn a living, and to lose one's job with a firm to which years of dedicated service seem to mean much less than lower labor costs.

The studies released today should not be viewed as a failure of the Mexican system, but as a challenge to the American conscience. They should serve as a reminder that no prosperity is attainable through NAFTA. Some may think this agreement promises benefits to all nations involved—but I ask them to look behind its mask of fancy language, and see the cold reality of the victimization of innocent people in Mexico and throughout the United States that lies behind it.

GOOD LUCK BILL

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1993

Mr. BARCIA. Mr. Speaker, on Sunday, August 1, friends and family of Thomas Bill Varney will come together to celebrate his retirement after 36 years of productive work and community service. It is a pleasure to have this chance to share with my colleagues the accomplishments of a man we should all admire.

Bill started as a teacher, and soon afterwards went to work for General Motors for 27½ years. He followed that career with another 8½ years at EDS.

While he was busy with his professional career, he always made time for civic involvement. He has been a very active part of the Frankenmuth community, from his work on the City Planning Commission over many years, to his participation in the Lions Club, to his extensive involvement with the United Methodist Church for over 20 years. He has always worked to make his community a better place through his involvement with the city beautification program as its head of fundraising for 2 years, along with his work with the Civic Events Council, a body that is responsible for the annual Frankenmuth Bavarian Festival, one of the grandest events throughout the country drawing people by the hundreds of thousands each year.

He has worked to provide cultural and learning opportunities through his work with the Frankenmuth Museum.

Mr. Speaker, retirement often means the end of one phase of activity in a person's life, and the beginning of another. Given what Bill Varney has done so far, I am sure that we are all quite excited to see what Bill will do next. I urge all of my colleagues in wishing Bill a most enjoyable retirement.

HON. WILLIAM D. FORD JOINS WITH THE INDEPENDENT BENEVOLENT, PROTECTIVE ORDER OF ELKS OF THE WORLD TO HONOR SPECIAL PEOPLE ON AUGUST 2, 1993

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1993

Mr. FORD of Michigan. Mr. Speaker, I would like to draw the attention of this body to an extraordinary young woman, Carla Rene Cobbs. Carla was recently selected to be this year's Special People National Poster Child by the Independent Benevolent, Protective Order of Elks of the World. Carla is representing all special people—people who have additional needs due to physical or mental challenges.

Although Carla, a victim of cerebral palsy, has never walked and has limited use of her hands, she has accomplished more than most other children have in her 9 years. She is an honor roll student at Featherbed Lane Elementary School in Baltimore, MD, where she has been a recipient of the Good Citizenship Award, the Outstanding Effort Award, the Outstanding Achievement in Tumbling Award, and the Bright Smile Award, just to name a few.

Carla is also involved in many activities. She sang a solo in her school's "Musical Day in May" spring program, and participated in the "Nutcracker" school play. Her grandmother describes her as "effervescent, bubbling over, making those around her happy." Carla will use these gifts for the next year to encourage others to aid and foster the well-being of all special people.

I would also like to commend the IBPOE of W on their efforts in this important area. Their establishment of a department of special people has served to promote assistance for people with special needs and to improve the quality of life of special people around the world.

I encourage my colleagues to join with Carla, the IBPOE of W, and with me on August 2d to recognize the accomplishments and needs of special people everywhere.

STATEMENT ON NORTH KOREA

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1993

Mr. SOLOMON. Mr. Speaker, the Director of the CIA confirmed to the House this morning that North Korea has tested a missile with a range of over 1,000 kilometers and capable of carrying nuclear, chemical, and biological weapons.

A range of 1,000 kilometers means that this little outlaw regime can now reach our ally Japan with weapons of mass destruction.

A range of 1,000 kilometers means that North Korea's rogue friends Iran and Libya could lob similar weapons at Israel and at United States bases in the Mediterranean.

Mr. Speaker, this ominous development is laden with several lessons. First and foremost, this should be a reminder that the world remains a very dangerous place.

To those who are right now busying themselves with gutting our defense capabilities and turning the Armed Forces into a social laboratory, I say, look around the world.

North Korea is but one of a list of states with an implacably hostile attitude toward the West. Our need for vigilance, backed by a first-rate military, remains undiminished.

And the first-rate military which we have right now is in danger of becoming second-rate because of the administration's precipitous defense cuts and because of radical attempts to turn the military into a new age feel-good group.

Let's draw the line on this administration's draconian defense cuts Mr. Speaker, right here and right now.

Let this also be a cold shower to those Members who just last week voted to give preferential trade treatment to North Korea's principal sponsor, Communist China.

Ronald Reagan's military buildup and unyielding moral opposition made short work of the Soviets, so tell me, why on Earth are we pursuing the opposite policies today, when there are still so many threats to deal with?

We are on the verge of Jimmy Carterizing our defense and foreign policies, Mr. Speaker, and the rogue regimes of the world, like North Korea and China, are licking their chops.

ADMINISTRATION MOVES ON CHINA AND TEXTILE TRANSSHIPMENT

HON. MICHAEL J. KOPETSKI

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1993

Mr. KOPETSKI. Mr. Speaker, I rise to commend the Clinton administration and the USTR for moving to address a serious issue in our relations with China and numerous other countries. The administration announced recently the formation of an Interagency Task Force on Textile Transshipment. I support this effort and the message this effort sends to the Congress, the Chinese, and all those interested in China. The Clinton administration has pledged to engage China on numerous fronts. The formation of this interagency task force demonstrates President Clinton's commitment and resolve to address problem areas in our relations with China.

The USTR announcement of the task force follows:

[For immediate release Monday, July 26, 1993]

USTR ANNOUNCES FORMATION OF INTERAGENCY TASK FORCE ON TEXTILE TRANSSHIPMENT

Ambassador Mickey Kantor, the United States Trade Representative, today announced the formation of an Interagency Task Force on Textile Transshipment to address the growing problem of circumvention of our textile and apparel agreements. Chaired by Jennifer Hilman, USTR Chief Textile Negotiator, the Task Force will include representatives of the Commerce, Treasury, Labor, State, and Justice Departments, as well as the US Customs Service.

The United States currently has bilateral textile agreements, negotiated under the auspices of the Multifiber Arrangement, with over thirty countries. Transshipment occurs when a country attempts to circumvent the agreement by shipping through a third country. This results in the flooding of the US market and hurts American firms and workers.

"At present over $2 billion in transshipped apparel and textiles are entering the United States annually from China alone," Ambassador Kantor said, "This problem is growing, and the Administration must develop a comprehensive plan to combat this fraud."

The goal of the Task Force will be to develop an overall strategy for dealing with the transshipment problem.

"We want our workers to compete on fair terms with other countries," Ambassador Kantor said. "The formation of this Task Force shows that this Administration will enforce our trade agreements so that those workers can do so."

Although all the departments and agencies on the Task Force have some jurisdiction on the issue, until now there has been no interagency strategic development. The Task Force, which is temporary, hopes to conclude its work within two months.

NATIONAL SERVICE TRUST ACT

HON. KARAN ENGLISH

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1993

Ms. ENGLISH of Arizona. Mr. Speaker, as a former VISTA volunteer and cofounder of the Arizona Conservation Corps, I have long been a supporter of community service and I have seen firsthand the benefits these volunteer programs offer communities in need of a helping hand and the young people who learn life's lessons through their work. I urge my colleagues to vote in favor of H.R. 2010—the National Service Trust Act.

This bill will create a national network of service organizations that will invest both in our communities and our young people. It will help meet the needs of citizens and local young people. It will help meet the needs of citizens and local governments in each of our districts and home communities in many ways.

The national service initiative will promote the positive work of the Arizona Conservation Corps and other public lands-oriented service organizations. These groups participate in environmental cleanup and conservation efforts of our vast and beautiful public lands in Arizona and across the country.

In rural Arizona, local governments struggle to provide adequate health care and other social, education, and public safety services to their underserved populations. The National Service Trust Act will provide the tools necessary to recruit the people who can help provide these desperately needed services to those remote areas.

The National Service Trust Act also includes special incentives for Indian tribal governments to establish service programs that serve and recruit on Indian lands. These areas, many of which are in Arizona, are some of the most remote and economically desolate areas of this country. This bill recognizes the special needs of Native American communities and it will help provide the young people of these communities with the educational opportunities and job training they seek. This aspect of the bill is of great importance to the district I represent.

In addition, 50 percent of the funds in this initiative are targeted to service programs that serve and recruit their volunteers from areas facing economic distress. This includes areas in districts, like the one I represent, that are adjusting to painful military conversion or are plagued by persistent poverty and a need for economic development in both rural and urban areas.

Besides the benefit this bill will bring to communities in Arizona and each of our districts from the service perspective, the young people in our home States will benefit as well.

The National Service Trust Act will provide educational opportunities for all young people, regardless of income. Diversity is the key to the successful educational experience of a service corps and this bill encourages involvement in community service by both wealthy and disadvantaged volunteers alike.

In addition to the job training skills and personal fulfillment that I know these programs can give a young person, the National Service Trust Act offers financial assistance that will help our young people pursue a higher education.

In exchange for 2 years of service, participants can receive up to $10,000 toward their higher education aspirations. This will mean a great deal to families who lack the funds to pay for their children's higher education but are unable to qualify for regular needs-based financial aid programs.

Finally, the National Service Trust Act will enable our young people to play their part in our effort to rebuild America. It will expand educational opportunity, reward individual responsibility and help build a sense of community and—at the same time—will help our communities provide desperately needed services to underserved populations.

The National Service Trust Act is a bill that will invest in each of our communities and I urge my colleagues to vote in favor of this important legislation.

COMMUNITY LEADERS TO HOLD PEACE SUMMIT

HON. SHERROD BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1993

Mr. BROWN of Ohio. Mr. Speaker, gang violence is a growing threat in many communities across the country. In my own district, cities like Lorain, Elyria, and Oberlin are plagued by gang-related violence. Now, when our society is overrun with crime and violence, we must take the time to invest in our young people.

On July 31, 1993, community leaders from my district will hold a peace summit. The summit is to be held in one of my district's most violent neighborhoods, the Wilkes Villa housing project, and will hopefully bring rival youth gangs from Lorain, Elyria, and Oberlin together to talk peace.

Fashioned after a recent summit in Cleveland, this event will include rallies, speeches, and workshops on self-esteem, self-awareness, and teen-age pregnancies. It is the hope of its planners that the summit will provide positive role models for young people, and will teach them the importance and relevance of investing in their own future.

Today, I ask my colleagues to recognize a truly outstanding community effort. Please join me in commending those who have planned this peace summit, and wish them well in their efforts to address the serious problem of gang-violence.

REMEMBERING REGGIE LEWIS

HON. KWEISI MFUME

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1993

Mr. MFUME. Mr. Speaker, I rise to mourn the untimely loss of one of Baltimore's most prominent young men. Reggie Lewis of the National Basketball Association's [NBA] Boston Celtics died unexpectedly last Tuesday at the Celtics training camp in Waltham, MA.

Reggie Lewis stopped breathing while shooting free throws during a Celtics summer camp workout. He was under a doctor's supervision following his collapse during a NBA playoff game on April 29, 1993.

Lewis was diagnosed as suffering from a severe heart ailment which endangered his professional basketball career. A second diagnosis revealed the condition to be related to a neural disorder that could be treated with medication, allowing him to resume his playing career.

The city of Baltimore mourns the loss of this young role model and hero. Reggie graduated from Dunbar High School, where he played on the national championship team that included standout professionals Tyrone "Mugsy" Bogues of the Charlotte Hornets and Reggie Williams of the Denver Nuggets.

Reggie Lewis was as graceful in life as he was on the court. Dedicated to his family and community, he leaves behind a loving wife and a 1-year-old child.

Hundreds of playground youngsters were inspired to stay off the streets and remain in school by his exemplary commitment to scholarship and excellence.

Mr. Speaker, the death of any man diminishes me. However, a shining star extinguished before reaching his zenith of light is truly tragic.

I wish to offer my deepest condolences to Reggie's family and friends.

As we go about our busy schedules today, I encourage everyone to take the time to appreciate life and all the wonderful things it has to offer.

EXPLANATION OF VOTE

HON. TOM LEWIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1993

Mr. LEWIS of Florida. Mr. Speaker, yesterday I voted with regret against H.R. 2010, the National Service Trust Act. I have long supported the national service concept because I believe it would foster an important spirit of service and sense of community in young Americans. In addition, such a program could help us tackle some of the most pressing problems of our economically depressed urban and rural areas.

However, the cost of this new program under H.R. 2010 is too high, costing an estimated $7.4 billion over the next 4 years. It is my hope that the conference committee on this bill will bring it back to us with refinements that will make the bill less expensive and preserve the essential objective of instilling the values of service and community in more Americans.

For example, I strongly supported the Molinari amendment, which would have reduced the costs of the program by providing the educational benefits only and shortening the term of service required. To compensate for the absence of stipends and health and child care benefits, this amendment rewards participating organizations for coming up with innovative ways to enlist the participation of disadvantaged youth. Optimally, we should be able to fund stipends and benefits for participants, but in the current fiscal climate, we must keep the costs of the program as low as possible.

I am hopeful that the conference committee will produce a more fiscally responsible program that I can support.

INTRODUCTION OF THE NASA MANAGEMENT REORGANIZATION ACT

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1993

Mr. BROWN of California. Mr. Speaker, today I am introducing the NASA Management Reorganization Act of 1993. This act provides NASA with the necessary authority to achieve the personnel reductions required as a result of the redesigned space station.

On June 22, 1993, the President endorsed recommendations made by the Vest Panel, selecting a space station design which would reduce costs while preserving critical research goals and honoring international commitments. As part of this decision, NASA was directed to implement personnel reductions and major management changes to cut costs, reduce bureaucracy, and improve efficiency.

The Committee on Science, Space, and Technology reflected the President's decision for a redesigned space station in H.R. 2200, the NASA Authorization Act for fiscal years 1994 and 1995, which was passed today by the House. In addition, the House passed H.R. 2491, the VA–HUD–IA Appropriations Act for fiscal year 1994, which appropriates money for the redesigned space station and, consistent with the redesign cost cuts, reduces the funding available for personnel.

To meet fiscal year 1994 funding, NASA is required to reduce space station personnel by 1,100 to 1,300 civil service employees. This reduction necessitates a well-planned and managed program to facilitate voluntary retirement.

The NASA Management Reorganization Act of 1993 provides authority to NASA to offer monetary incentives for voluntary retirement. It is intended that this buy out legislation, coupled with existing authority to establish an early out program, will facilitate voluntary retirement of civil service employees to meet the required personnel reduction. This act is consistent with the buy out authority provided to the Department of Defense and the Central Intelligence Agency.

The Committee on Science, Space, and Technology strongly supports a managed, voluntary retirement program at NASA. If, at the end of fiscal year 1994, not enough civil service employees have retired or resigned, NASA will be faced with implementing furloughs and, ultimately, a reduction in force. Under current laws and procedures, a reduction in force disproportionately subjects the most recently hired employees to layoffs. These include NASA's young researchers, recent graduates, and women and minorities.

We are working with the Committee on Post Office and Civil Service to address any outstanding concerns and hope to expedite this legislation. By providing monetary incentives now for voluntary retirement of civil service employees, NASA will meet fiscal year 1994 funding requirements and avoid a more costly and disruptive reduction in force.

NATIONAL EDUCATION GOAL FOR PARENTAL PARTICIPATION ACT

HON. DAVE McCURDY

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1993

Mr. McCURDY. Mr. Speaker, I rise to urge my colleagues' support of H.R. 2712, the national Education Goal for Parental Participation Act of 1993. This legislation directs the National Education Goals Panel to establish among its goals for the year 2000, that every school and home will engage in partnerships that will increase parental involvement and participation in promoting the social, emotional, and academic growth of children.

Four years ago, President Bush and the Nation's Governors, including then Govs. Bill Clinton and Richard Riley, created six goals for the year 2000 to improve the state of education for our children and to encourage lifelong learning in our adults. This year, President Clinton proposed these goals to Congress in the form of the Goals 2000: Educate America Act. I commend the President and Secretary Riley for their leadership on this very important issue, and I strongly support the Goals 2000 legislation. But, I also believe that the legislation is incomplete without the inclusion of a directive for increased parental participation in education.

Mr. Speaker, America is a big country with a lot of problems and there exists in our society a collective anxiety about the seeming inability of the individual to have an impact. If we as Members of Congress are to be successful stewards of this democracy, we must work to create opportunities for individuals to choose to be involved in their communities and governments and to feel they are making a difference. Support of this legislation is one small way to empower parents to be involved in the improvement of education in their communities and the Nation.

Ms. Pat Henry, immediate past president of the National Parent-Teacher Association and a constituent from Lawton, OK, has worked tirelessly during her administration to raise awareness nationwide of the need for greater parental and family participation in education. She has said of this legislation, "If indeed the education goals are going to be accomplished by the year 2000, then parents must be involved in full partnership with our schools. This piece of legislation does not add any extra costs to the taxpayers' bills for schools, yet it reaps untold benefits for all children." This legislation is also supported by such groups as the NAACP, the National Council of Jewish Women, the American Association of School Administrators, Parents for Public Schools, and the National Coalition of Title I/Chapter I Parents.

Parents are very often, and ideally should always be, a child's first teacher. It has been demonstrated time and again that children whose parents take an active role in their education achieve more and perform better. In our

efforts to improve education in America, we must take steps to improve the communication and cooperation between parents and schools. The addition of a National Education Goal for parental participation will emphasize our commitment to strengthening the relationship between parents and educators and our belief in the community's responsibility for educating our children. I would urge my colleagues to support this effort.

THE WOMEN'S HEALTH IMPROVEMENT ACT GIVES WOMEN VETERANS WHAT THEY NEED

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1993

Mrs. SCHROEDER. Mr. Speaker, last month the inspector general of the Department of Veterans Affairs released a report on women's health care services at the VA. The report vividly illustrates how the VA provides health services for women veterans on a haphazard and random basis. For instance, women's health care clinics, staffed by overworked personnel with limited medical supplies, are often inaccessible, and trained women veteran coordinators are hard to come by. All in all, according to the VA IG, the women's health care system at the VA is in shambles.

This outrageous situation is not new. In 1982, the GAO discovered that women veterans were not receiving routine gynecological care. In 1991, the GAO revealed that things were not any better. Routine gynecological services were still not provided, privacy provisions for women veterans in VA hospitals were nonexistent, and mammography machines were often of dubious quality.

Today, Representative MARILYN LLOYD and I, with the support of 25 of our colleagues, are introducing the Women Veterans Health Improvements Act. This bill will address many of these issues by creating a primary and preventive health care package for women veterans, expanding the research agenda on women's health at the VA, and bringing VA mammography facilities under strict quality control standards.

The Women Veterans Health Improvement Act will help the VA provide our 1.2 million women veterans with the care and respect they deserve.

SALUTE TO THE LIONS CLUBS INTERNATIONAL FOUNDATION

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1993

Mr. WOLF. Mr. Speaker, blindness is a terrible affliction that affects over 40 million people worldwide and may climb to over 80 million early in the next century. Can you imagine never seeing a deep blue sky, white snow-capped mountains, a bright red sail, or your children? The Lions Clubs International Foundation again has made a significant contribution to helping those afflicted by loss of sight through the Campaign SightFirst. Internationally, the Lions Clubs Campaign SightFirst has raised over $32 million. Thirty-seven lead gifts contributed over $2.9 million, over $950,000 of which came from the United States. The Lions Clubs International Foundation and all its members deserve commendation.

Mr. Speaker, I commend to the attention of my colleagues the following resolution passed by the Lions Clubs International Foundation's Board of Trustees.

A RESOLUTION OF THE BOARD OF TRUSTEES OF LIONS CLUBS INTERNATIONAL FOUNDATION REGARDING LIONS ONGOING COMMITMENT TO SIGHT PRESERVATION AND WORK WITH THE BLIND

Whereas sight preservation and work with the blind has characterized the humanitarian tradition of the association since the earliest days of Lionism;

Whereas Lions, drawing inspiration from the stirring words of Helen Keller, continue in their commitment to be "knights of the blind in the crusade against darkness;"

Whereas the world's leading ophthalmological and public health experts estimate that the number of blind people in the world exceeds 40 million and further estimate that the number could reach 80 million early in the 21st century;

Whereas 80 percent of all who are blind have lost their sight to causes that could have been prevented or may still be reversed;

Whereas Lions' established international structure and the experience gained through many years of service make the association uniquely qualified to address the challenge of blindness on a global scale;

Whereas the association is committed to funding, through Campaign SightFirst, special Lions' projects around the globe that will dramatically reduce the number of blind people in the world;

Be it therefore resolved, That this board calls upon all Lions and friends of Lionism to unite in a single worldwide humanitarian effort—to eradicate preventable and reversible blindness—through Campaign SightFirst.

Be it further resolved, That the year beginning on July 1, 1993 and ending June 30, 1994 be declared The Year of Campaign SightFirst, and that Campaign SightFirst should be given the highest priority in the fundraising activities of all Lions clubs and that the attention of the entire association be focused upon this historic effort.

SUPPORT SMALL BUSINESS INCENTIVES IN RECONCILIATION BILL

HON. DAN HAMBURG

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1993

Mr. HAMBURG. Mr. Speaker, I rise today in strong support of the small business incentives in the House reconciliation bill.

Mr. Speaker, the House bill has strong incentives to encourage small businesses to create jobs and economic growth by investing money back into their businesses. The bill more than doubles the deduction allowed to small businesses for investment in new equipment. Many of the 11 million small businesses now taking a deduction will benefit from this provision, according to the Small Business Legislative Council.

The bill also includes a targeted small business capital gains tax cut to encourage new investment in small businesses. These two provisions will create 200,000 jobs in small businesses.

Mr. Speaker, small businesses are the lifeblood of our economy. They are the engine that can create jobs and make our economy strong again. Incentives to help small businesses are long overdue. They are in this bill. I urge the conferees to adopt the House bill's strong investment incentives for small business and honor our commitment to help small businesses in this legislation.

ISRAEL'S REACTION

HON. RICK LAZIO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1993

Mr. LAZIO. Mr. Speaker, on Sunday, Israel initiated air, sea, and artillery attacks against bases of the pro-Iranian guerrilla group Hezbollah in southern Lebanon, and villages in which this group operates. Israel has stated that these attacks were launched in retaliation for recent guerrilla offensives which have led to the deaths of seven Israeli soldiers and in the hope that the Lebanese Government and its backer, Syria, will at last disarm or rein in Hezbollah.

This issue is of grave importance for the United States, as evidenced by Secretary of State Christopher's premature return from Asia to discuss the situation with the President and other top officials.

Hezbollah, or Party of God, seeks to derail the Middle East peace process and is dedicated to the elimination of Israel as an Independent State. Hezbollah has long been guilty of attacking northern Israeli towns and Israeli forces in the security zone.

Israel showed remarkable restraint in the face of increasingly violent Hezbollah action in recent months. Israel resorted to military action only after all efforts to find a diplomatic solution failed. Its decision to retaliate was made in the best interest of its security.

IN TRIBUTE TO TERRY POCIUS

HON. HARRIS W. FAWELL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1993

Mr. FAWELL. Mr. Speaker, I rise today to pay tribute to a long-time member of my staff, Terry Pocius, who is leaving my staff after 8 years. I have never made a statement in the RECORD on behalf of a staff member, but in Terry's case, I must make an exception. Terry is one of the finest and most dedicated people I've ever worked with. But what truly distinguishes Terry is her unequaled energy and enthusiasm that has lifted the spirits of everyone who has worked in my office.

Terry was one of Naperville's finest teachers when she left to join my Washington staff in

1985. In Washington, she served as my "constituent relations director"—in this role Terry made a Washington trip an exciting, interesting, and fun experience for hundreds of constituents visiting Washington from my district. She also was instrumental in organizing my then-freshman office. As we all know, that first term in office can be a difficult time, but Terry did a magnificent job getting things in order.

When I needed her help back in my district office a year later, Terry eagerly filled the role as my assistant district director. For the past 7 years, Terry was a "jack of all trades." She did my scheduling in the district—a particularly thankless task. She worked with advisory committees in the district. Terry was always willing to make personal sacrifices for her job. When we needed her on the campaign, she went off the official staff and worked tremendously hard pulling together the campaign effort. I don't know what I would have done without her.

I particularly remember those cold January days when Terry would pick me up at Midway Airport—no matter how late my plane was, or how cold it was. There Terry would be, always happy to see me, with a big smile on her face greeting me. For years I was amazed how happy the Chicago policemen were to see Terry pull up at the airport—then one day I saw her bringing them "treats" before I arrived, cookies and the like, to brighten up their day. That warmth and caring for those policemen epitomizes Terry's spirit that all of us around her have come to enjoy.

Terry is going back to teaching, this time in the Hinsdale school system. While I'm losing one of the best from my office, the public schools are gaining one of the best teachers ever. I wish Terry, and her husband Dan—who also has been such a great asset and friend to the Fawell "family"—the best in the future. But, this isn't the end of our association—Terry will be part of our family forever.

STOP PRICE GOUGING, SUPPORT H.R. 1087

HON. THOMAS J. RIDGE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1993

Mr. RIDGE. Mr. Speaker, I rise today in support of Congressman RICHARD BAKER's "Disaster Area Price Gouging Prevention Act," H.R. 1087. This bill will prevent the exploitive practice of price gouging in the wake of a natural disaster.

I have decided to cosponsor this legislation, Mr. Speaker, because I have a keen interest in disaster relief. In 1985, a series of devastating tornadoes swept through my western Pennsylvania district destroying farms, families and lives. Though I did see some overzealous opportunists take advantage of tornado victims, overall I am proud to say I witnessed communities pulling together in a spirit of kind goodwill. However, this has not been the case in other recent disasters.

Price gouging ran rampant, for instance, after Hurricane Andrew swept through the South last year. Now, as you know, several Midwestern States are struggling as they try to cope with tragic flooding. Unfortunately, these Americans are also faced with paying exorbitant prices for basic necessities.

Natural disasters, like the Midwest flooding of the Mississippi River or Hurricane Andrew, come upon people suddenly and unexpectedly, often destroying entire livelihoods. Allowing businesses to jack-up prices on basic necessities is not only unethical behavior, but takes advantage of those disaster victims who are desperately in need of goods, services and the kindness of neighbors and communities.

Price gouging does not lend itself to the strength, courage and community spirit imperative in disaster and emergency situations. Congressman BAKER's legislation would provide the disincentive needed to put an end to these unethical practices.

This bill punishes those who exploit disaster victims by fining them or sentencing them up to 5 years in prison. However, this is not an "anti-business" bill. It allows breathing room for businesses who are trying to recover from the disaster themselves. Most importantly, it protects those affected by natural disasters before one occurs by ensuring them goods and services they can afford.

Now is the time to continue making unfortunate acts of nature less painful for those who are victims of disaster by making price gouging more than a petty crime. Join me today in supporting Congressman RICHARD BAKER's bill, the "Disaster Area Price Gouging Prevention Act of 1993," H.R. 1087.

CONGRESSMAN WILLIAM D. FORD HONORS DR. WILLIAM SIMMONS ON HIS RETIREMENT

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1993

Mr. FORD of Michigan. Mr. Speaker, it is my distinct pleasure to rise today in recognition of my very good friend, Dr. William Simmons, who is retiring after 20 years as superintendent of Michigan's Wayne County Regional Educational Service Agency.

Dr. Simmons and I first met over 30 years ago, before I was even a part of this distinguished body, and our relationship has continued to grow and prosper since then. Our professional collaboration began when I was serving in the Michigan State Senate and he was the Deputy Superintendent for Detroit Public Schools. It was renewed when we worked together on the first Elementary and Secondary Education Act back in 1965, specifically the impacted aid area. His counsel, cooperation, and expertise have been invaluable to me ever since.

For the last 30 years, Dr. Simmons has served as one of the most respected leaders in education on both the State and national level. His incredible grasp of the basic issues and his ability to work quickly and effectively in solving the most complex problems never fail to amaze me. He was one of the founders of the Michigan Association of Intermediate School Administrators and currently chairs its federal legislative committee. He has served on the blue ribbon task force on intermediate school districts and the ad hoc task force on special education. His achievements and awards are overwhelming in their significance and number.

William Simmons began his career in education in 1945 as a journalism teacher in Belleville, MI, after earning a bachelor of arts degree from Eastern Michigan University. He received a master of arts degree in school administration from the University of Michigan in 1948, and a doctor of education degree from Wayne State University in 1960. In addition to serving in an assortment of administrative capacities in Michigan school districts throughout his career, he was a member of the Eastern Michigan University board of regents from 1982–90.

Dr. William Simmons has served as an inspirational leader and educator for many years. There is no form of recognition that can adequately praise his accomplishments. Although his retirement will constitute a great loss to the Wayne County Regional Educational Service Agency, I am confident that Dr. Simmons will continue to be at the forefront of education reform and serve as an active force in determining the future of education.

ASYLUM REFORM

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1993

Ms. VELÁZQUEZ. Mr. Speaker, I rise before you today to discuss a topic that has received a great deal of media coverage lately. I am referring to the issue of immigration, and more specifically, to that of asylum reform.

The American people have realized that the current system is highly inadequate and their call for change has echoed loudly throughout Capital Hill and the country. Much of this demand for reform, however, may be based on misinformation about the problems with the current system.

Mr. Speaker, I'd like to submit an editorial from last week's New York Times for the RECORD. Not only does it do an excellent job of pointing out the fundamental problems of the American asylum system, but it provides sensible recommendations for just and equitable reform of the United States asylum system. It is our responsibility, as asylum reform is instituted, to make sure that rights as basic as that of due process are not compromised. Only then will we uphold the basic principles that have made our Nation so great.

[From the New York Times, July 23, 1993]

THE REFUGEE PANIC ACT OF 1993

America, true to its tradition of sheltering the oppressed, guarantees due process to all who claim asylum here. Recently, however, America has devalued that guarantee. Public anxieties about job competition and terrorists as well as plain racism have so frightened Washington that it's been intercepting shiploads of Haitians and Chinese on the high seas before they can get a fair hearing on their claims of persecution.

Now the Clinton Administration, in cooperation with senators from both parties, is

about to unveil a politically driven, poorly targeted package of legal changes, tentatively called the Expedited Exclusion and Asylum Reform Act of 1993.

Some asylum-seekers are phony. And granting everyone due process is time-consuming. But where's the crisis? Surely not in this year's expected total of 120,000 asylum claimants, 90 percent of whom are likely to be ruled ineligible and deported.

The real crisis in U.S. asylum policy is one of poor management and scandalously inadequate resources. A shortage of asylum officers keeps the system in chronic backlog. At present, there are only 150 asylum officers in the whole U.S. By contrast, Germany has 3,000; even Sweden has 800. That shortage leaves legitimate refugees in protracted limbo and extends the period during which excludable aliens can slip unnoticed into society.

Unfortunately, the Administration's proposals focus neither on resources nor even on the largest category of asylum claimants, those already within the United States when they initiate their asylum claims. Instead, they concentrate on speeding and simplifying procedures at airports and other points of entry, adding new grounds for exclusion and restricting court review of deportation decisions.

These changes would make it easier to deport future shiploads of smuggled Chinese without having to hustle them off on Mexico, as the Clinton Administration did this month. But they would do so at the risk of repatriating people who could face persecution upon their return.

Asylum is a very different thing from immigration. Over the years, U.S. and international law have carefully and strictly defined categories of people who need protection from abusive governments or violently hostile neighbors. America, the land of liberty, has played a proud role in shaping international asylum law and has opened its arms over the years to East Europeans, Cubans, Indochinese and, more grudgingly, Central Americans.

But the record of the past two Administrations has been anything but proud. President Clinton, who once correctly characterized the Bush Administration policy of forcibly repatriating Haitians as cruel, has now outdone his predecessor in returning boat people to the countries they are trying to flee.

There's surely room for constructive streamlining of procedures—principally by hiring and training additional asylum officers and judges and providing more adequate detention facilities. Some tightening is also needed in defining persecution under China's strict population control policies. And tougher penalties need to be imposed on smugglers and others willfully abusing the asylum system.

But there's no justification for compromising due process in the hearing of claims. As Congress deliberates the Administration's proposals, it needs to douse the panic, provide the resources, and focus on reform rather than exclusion.

GRIDLOCK OR PORK

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1993

Mr. SOLOMON. Mr. Speaker, in response to the ineptitude of this House, yesterday's Wall Street Journal carried an editorial entitled "why gridlock." President Clinton blames the delay and gridlock on the Republicans, all 176 of them, who can't pass or block anything by themselves even if they all voted together. In contrast, the Wall Street Journal correctly blames gridlock in Congress on boondoggle legislation.

The British statesman Edmund Burke once said "Bad laws are the worst form of tyranny." The flood relief bill that was passed by this House established a bad law. Those $100-a-week handouts to youths aged 17 to 30 is not deficit-wise legislation, it's pork-barrel spending, the same old song from the same old crowd. Regardless of its merits, it didn't belong in the disaster assistance bill.

I, and every other Member of this body, would be extremely negligent in our duties as representatives of 585,000 constituents if we didn't oppose poor laws. The disaster assistance bill was not stopped by Republican opposition alone but also by a sizeable number of Democrats. Why? Because it was tainted by the smell of pork. It's a very sad day when this House can't pass disaster assistance without trying to find a kickback.

Mr. Speaker, if every emergency becomes an excuse for deficit-swelling pork, maybe a little gridlock isn't all a bad thing. I commend the following article to the attention of my colleagues.

WHY GRIDLOCK

In attacking Congress for "delay and gridlock" this week, President Clinton complained that it hasn't even passed a Midwest flood relief bill. "Why?" he asked. "Got me."

Well, there's an answer. The delay has been over whether flood relief should include $100-a-week handouts to "youths" aged 17 to 30 enrolled in job training programs. Despite all the talk of deficit cutting, the bill that rolled through the House yesterday included this boondoggle intact.

Last week, 45 House Democrats joined with Republicans to block the flood bill. Many Members were upset that House Rules prevented them from offering amendments that would have cut spending elsewhere to pay for flood relief. Democratic Rep. Tim Penny, for example, suggested that dozens of federal programs be trimmed first: "This crisis presents an opportunity to the President and to the Congress." He was ignored. So were Republicans, who finally caved on the "pay as you go" issue and offered to support the bill if only the $100-a-week stipends were removed.

Democratic Whip David Bonior agreed to speak with Rep. Maxine Waters of California, the sponsor of the stipends. But she refused to budge, and to satisfy her, Democratic leaders had to delay the vote until they could twist enough arms to pass the bill stipends and all.

The stipends are to pay for "food, transportation and grooming" costs of people already enrolled in a job training program. We were curious about why the House leadership would prolong "gridlock" on flood relief for such a program; Democratic Members told us it was to appease the Black Caucus. Ever since the defeat of the stimulus package, the Black Caucus has made it clear its vote for President Clinton's overall budget depended on first getting money funneled into inner-city programs. The $5,200-a-year stipends are part of that ante.

Interestingly, $5,200 is about the nationwide average to educate someone in public schools; if it went into school vouchers maybe graduates would have an education good enough not to need job training. In the meantime, if every emergency becomes an excuse for deficit-swelling pork, maybe a little gridlock isn't all a bad thing.

TRIBUTE TO EDWARD J. RENOUARD

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1993

Mr. WELDON. Mr. Speaker, I would like to call your attention to the outstanding public and professional achievements of Boeing Corp.'s Edward J. Renouard. Mr. Renouard, who joined Boeing in 1959, has recently been named vice president and general manager of Boeing commercial airplane group's Everett division.

An engineering graduate of Gonzaga University in Spokane, WA., Mr. Renouard also studied at Columbia Business School. He has applied his excellent education to many positions at Boeing, including director of simulations and training for Boeing military airplanes and president of Boeing aerospace operations. Most recently, he served as vice president and assistant general manager at the helicopters division, which is located in Ridley Park, PA. As you can see, Mr. Renouard is one of many fine Americans whose careers positively impact our level of national defense and preparedness, as well as improving the quality of civilian aviation.

Mr. Renouard is active in community affairs, having served on the board of directors of United Way in Washington and Florida and of Junior Achievement in Florida and Alabama, as well as having been a member of the Seattle School Board. He is also active in his church. In the Philadelphia area, Mr. Renouard is on several boards, including those of the Franklin Institute, the World Affairs Council of Philadelphia and the Greater Philadelphia Chamber of Commerce. In addition he serves as president of the Philadelphia Area Council for Excellence [PACE].

In my capacity as an advocate of the V–22 Osprey, I worked with Mr. Renouard closely, during which time he gained my highest personal regard. As his strong advocacy of the important V–22 Osprey project suggests, Mr. Renouard is affiliated with several military organizations, including the Marine Corps Aviation Association and the Army Aviation Association of America. He is involved in several other professional associations and is president of the American Helicopter Society.

Clearly, Mr. Renouard's long career at Boeing, as well as his long-standing commitment to charitable service, are deserving of recognition by this body. I hope you join me in offering congratulations to Mr. Renouard, as well as his wife Bunny and their six children, for a job well done.

CHARLIE KELSEY: A PUBLIC SERVANT IN THE BEST TRADITION

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1993

Mr. BARCIA. Mr. Speaker, I rise today to pay tribute to a man who is truly a public servant in the best tradition, Mr. Charles Kelsey, the District Director for the Farmers Home Administration in the Caro, MI, district office for over 22-years.

Charlie Kelsey has had the reputation of being a good and capable individual with whom to work. While always representing the Farmers Home Administration in the best possible manner, Charlie has been helpful to countless farmers, rural homeowners, and communities throughout Michigan's 5th Congressional District. He has been responsive to inquiries from my office and from those of my predecessor, Bob Traxler.

Mr. Speaker, being a Farmers Home official has been one of the most challenging posts in the past decade. Dealing with budget cuts, program redirections and demand for assistance frequently far in excess of available resources has been difficult. Charlie Kelsey has handled that arduous task very well, and those who are paying tribute to him on his retirement recognize this fact.

I believe that a key reason for Charlie's success with difficult tasks is his willingness to undertake different challenges. His work as president of the Indianfields Township Library Board, and his term as elder of the Presbyterian Church in Caro shows his many capabilities, while his finding time for hobbies like fishing, golf, and woodworking demonstrate that a busy person like Charlie is always busy.

Mr. Speaker, the people in Port Huron and Hastings who got to know Charlie Kelsey during his early years with Farmers Home had the good fortune of his early service. Those of us in the thumb area of Michigan had the bigger benefit of his longer and more experienced service. After 34 years and 11 months, he will be missed. I urge all of my colleagues in wishing Charlie and his family the very best for his well-earned and well-deserved retirement.

AMERICA TAKES THE LEAD IN ENERGY-EFFICIENT REFRIGERATORS

HON. DICK SWETT

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1993

Mr. SWETT. Mr. Speaker, America has taken the lead in yet another field—energy-efficient refrigerators. In 1991, with the Environmental Protection Agency's [EPA] encouragement, 24 utilities offered $30 million to the company that could create the best, most energy-efficient refrigerator at the lowest cost. This Golden Carrot initiative was seen as the most effective way to accelerate development of an environmentally friendly, energy-efficient refrigerator. EPA recently announced that the Whirlpool Corp. had won the competition, beating out 13 U.S. refrigerator manufacturers.

Refrigerators currently consume up to 20 percent of the electricity used by American households, and they contribute significantly to emissions of greenhouse gasses and other air pollutants. Virtually all refrigerators on the market today contain chemicals that cause ozone depletion.

The new Whirlpool refrigerator consumes 25 percent less energy than currently available models, and it contains no CFCs. In addition to these important environmental and energy attributes, Whirlpool's winning design can save consumers $100 to $150 per year on their electric bills.

The Golden Carrot refrigerator program is an excellent example of a voluntary partnership between the Government and the private sector which can help protect the environment and spur our Nation's technological advancement.

The EPA is currently working with the private sector on similar programs for even more energy-efficient freezers and air conditioners. The EPA is also continuing research to make these efficient models more widely available.

Mr. Speaker, I hope my colleagues will join me in supporting these innovative programs which are helping to keep the United States in the lead in energy-efficient technology.

PRIMARY CARE WORKFORCE ACT OF 1993 INTRODUCED

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1993

Mr. CARDIN. Mr. Speaker, today I am pleased to join with Senator JAY ROCKEFELLER and Representative HENRY WAXMAN in introducing the Primary Care Workforce Act of 1993.

The shortage of generalist primary care physicians is one of the roadblocks to reform of our health care system. These physicians are the family doctors, general internists, and pediatricians who care for the day-to-day health problems that most often affect our citizens. No health reform efforts can be considered effective unless it addresses the imbalance of specialists and generalists. While many experts agree that the specialist to generalist ratio should be 50–50, in the United States the ratio is more like 70–30 and moving in the wrong direction.

This shortage of primary care physicians harms our medical delivery system in several ways: Access to care is difficult in many areas, especially inner cities and rural areas; quality of care is lower because patients need generalist physicians to provide continuity and to deal with multiple health problems; the cost of care is driven up because specialists typically charge higher fees and order more tests and procedures for the same conditions.

Our legislation proposes a strong and comprehensive approach toward increasing the proportion of physicians going into generalist residency programs and into practice. The legislation proposes a new National Health Professional Workforce Advisory Board to replace the Council on Graduate Medicare Education. The advisory board, in consultation with the appropriate accrediting bodies, would propose to the Secretary of Health and Human Services the numbers of residents that should go into the various specialties to meet national health needs. The Secretary would then allocate these residency slots to graduate medical education programs based on the quality of the programs, geographic diversity, the needs of underserved communities, and other appropriate criteria. Only graduate medical education programs that comply with these allocations would be eligible for Medicare direct and indirect medical education payments.

In addition, the Primary Care Workforce Act would significantly increase scholarship and loan repayment available through the National Health Service Corps; extend and expand community scholarship programs; increase funding for research in primary medical care; and support programs for retraining specialist physicians in primary care.

These reforms are consistent with all of the major reform proposals that will be considered by Congress. I encourage my colleagues to cosponsor this important legislation.

LIFTING EMBARGO WOULD HELP CASTRO, HURT CUBANS

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1993

Mr. DEUTSCH. Mr. Speaker, I would like to bring your attention to a piece that appeared on July 21, 1993, in the Miami Herald. This article clearly defines the current situation in Cuba and responds to those who believe that it is time to lift the embargo on the Castro regime.

The article follows:

[From the Miami (FL) Herald, July 21, 1993]

LIFTING EMBARGO WOULD HELP CASTRO, HURT CUBANS

(By Domingo Moreira)

As Fidel Castro continues to force greater suffering and deprivation on the Cuban people, certain sectors in the United States are seeking to shift the blame to U.S. policy. They claim, among other things, that the embargo is "inhumane"; that it provokes "confrontation," giving Castro an excuse to repress the Cuban people; and besides, that embargoes do not work because they have been ineffective in bringing about change. They claim that easing the embargo would be the catalyst for the Castro dictatorship's demise.

Before discussing these arguments, let us recognize that Castro's main objective in lifting the embargo is not to gain access to American goods and services. He can trade right now with any other country in the world and acquire these goods if he pays for them. Rather, lifting the embargo would mean that Castro can realize two goals; (1) to gain access to U.S. credits; and (2) to acquire hard currency by enticing dollar-toting American citizens to visit Cuba's segregated tourist ("tourism apartheid") zones.

The Cuban people's suffering is caused by an inefficient system, not the embargo. It is Castro who, by refusing to allow any reforms, denies Cubans the opportunities to improve their lives.

For example, he abolished the Farmer's Free Markets because some individuals became very effective in producing goods independent of the state—that is, independent of Castro. Never mind that the farmers provided urgently needed goods.

Furthermore, the Cuban Democracy Act allows for humanitarian (food, medicine) assistance to the Cuban people. If Castro allowed internationally recognized, independent relief organizations to distribute goods, even more assistance would reach Cuba. So far, he has refused. Castro would rather see his own people go hungry than permit initiatives that would alter his regime's totalitarian climate.

On the charge that Castro uses U.S. policy to justify his siege mentality, quite simply, Castro does not need a reason to crack down on the Cuban people. In fact, he draws his strength not from foreign specters but from a security apparatus that KGB officials have said supersedes anything that Russia has ever known. Therefore, if U.S. policy serves to solidify his power, why is Castro always calling for an end to the embargo?

If embargoes do not work, how then do we explain South Africa's gradual dismantling of its apartheid system? How do we explain Haiti's dictator Raoul Cedras agreeing to return President Jean-Bertrand Aristide to power? And how do we justify Vietnam's "all-of-a-sudden" effort to account for missing U.S. military personnel?

Let's remember that the Cuban embargo is, in practical terms, only two years old. Until the fall of the Soviet Union, Russian subsidies to Cuba more than compensated for Castro's inefficiencies and shortcomings.

Will lifting trade sanctions and extending credits help topple Castro? This hypothesis has been tested before by the Europeans, who are stuck with more than $8 billion in uncollectable credits. (Because of the embargo, no private or public U.S. institutions face the same predicament.) What did the Europeans get for their money? Increased repression in Cuba, export of Castro's revolution abroad, and a government engaged in a wide range of illicit activities. Some payoff!

Castro recognizes that trade and diplomatic benefits from relations with the United States would provide critically needed resources and a symbolic victory for his beleaguered regime, bolstering it for a few more years. In fact, opposition groups in Cuba have declared that it is Castro who gains and the Cuban people who suffer when countries trade with Cuba. They have called for increased efforts to isolate Castro internationally.

The end of the Castro regime is only a question of when, not if. In the near future we may witness some attempts by Castro to persuade the world that he is changing. These will be only superficial, designed to keep his tight grip on the island. Only a real transition to democracy, including internationally supervised free and open elections and restoration of human, political, and religious freedoms, should justify lifting the embargo.

In the words of British philosopher William Inge, Castro has "built himself a throne of bayonets," but now he finds that "he cannot sit on it." To provide him with a cushion now would only deny the Cuban people their right to freedom.

THE PRIMARY CARE WORKFORCE ACT OF 1993

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1993

Mr. WAXMAN. Mr. Speaker, on behalf of Mr. Cardin and myself, I am pleased to announce the introduction of the Primary Care Workforce Act of 1993.

Mr. Speaker, as we consider the many challenges of reforming our health care financing and delivery system, few problems are as important and urgent as meeting the primary care needs of the American people. Amidst the many vexing problems of health reform, our Nation's inability to stem the tide of specialization has left the U.S. far behind other developed nations in meeting the basic primary and preventive care needs of our people.

If health reform is to succeed, we must develop a coherent workforce policy. Health reform will be a hollow promise if we do not assure that health professionals are in place to deliver needed primary and preventive services.

During the 1960's and 1970's efforts to increase enrollments in medical schools succeeded but left a substantial over-supply of specialists. Today there are thousands of medically underserved communities without access to basic primary care services. If we are to assure the availability of primary care providers in these areas as well as reduce our health care system's expensive reliance upon high priced specialty care, fundamental reforms in graduate medical education must be put into place.

This legislation draws upon the recommendations from the administration, the Physician Payment Review Commission, and the Council on Graduate Medical Education.

The bill establishes a national policy respecting the number and type of graduate medical education programs that will be eligible for Federal support. While the bill specifically revises Medicare payment policies for graduate medical education, I want to make it clear that—in the context of health reform legislation—all payers must share in the cost of educating health professionals.

The bill requires a 50–50 mix in the number of primary care and specialty training programs. After a transition period, the bill limits the total number of accredited residency positions that can receive Medicare funding.

The Secretary of Health and Human Services is directed to develop an implementation plan with the assistance of a National Health Professional Work Force Advisory Board, and the appropriate medical accrediting and certifying organizations.

The bill includes criteria for evaluating existing programs taking account of the need to maintain services to underserved communities, to insure equitable geographic distribution of training programs, and to assure that high quality programs are continued.

The bill also proposes a number of changes to the National Health Service Corps and to the authorities supporting research and research training in primary care. The bill would: First, provide a strategy for fully funding the Corps by the year 2000; second, increase funding for the Agency for Health Care Policy and Research to conduct primary care research and expand the number of young investigators through the National Research Service Award program; and third, establish a new Presidential Commission to provide recommendations on national service by students of the health professions.

As difficult and contentious as health reform will certainly be, if we fail to act on GME reform we will continue on a course that is certain to result in the collapse of our insurance system, unacceptable financial burdens, and a dramatic decline in the quality of our lives. If we fail to act we will continue to see barriers to primary care, an increase in medically underserved areas, and critical shortages of primary care practitioners.

Mr. Speaker, I am pleased to announce that identical legislation is being introduced today in the other body by Senator JAY ROCKEFELLER.

This legislation provides a model for the President's health reform initiative.

A summary of this legislation follows:

SUMMARY OF THE 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 non-primary care positions to be 50:50 after a 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 Presidentially appointed National Health Care Professional Workforce Advisory Board

d. Assuming Conformity of Medicare Payments for Medical Education with National Policy

1. Medicare to provide direct 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.

c. 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 of 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 specialty 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. Payments for Direct Medical Education Costs of Non-Hospital Providers Operating Residency Training Programs (establishes criteria for determining amount of payment based on a 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 $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.