SENATE—*Tuesday, September 28, 1993*

(Legislative day of Monday, September 27, 1993)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the Honorable HARRIS WOFFORD, a Senator from the State of Pennsylvania.

PRAYER

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

Let us pray:

And whosoever of you will be the chiefest, shall be servant of all.—Mark 10:44.

Eternal God our Father, this morning we remember in prayer the many who serve the Senate behind the scenes, without whom the Senate could not function. We pray for those responsible for maintenance of buildings and grounds, for food service personnel, for security, for office and committee staffs, for those who are on the floor and in the cloakrooms when the Senate is in session.

We thank Thee for the service and dedication of all of these who, though unheralded, are faithful at their daily tasks. May Thy blessing rest upon them, their families, and their labors.

We pray in His name who is the Servant of servants. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 28, 1993.

To the Senate:

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

ROBERT C. BYRD,
President pro tempore.

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

RESERVATION OF LEADER TIME

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

Mrs. MURRAY and Mr. RIEGLE addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Washington.

PRIVILEGE OF THE FLOOR—H.R. 2518

Mrs. MURRAY. Mr. President, I would like to ask that for the duration of the Hyde debate, floor privileges be granted to Ms. Amy Spencer. Ms. Spencer is a Georgetown women's law fellow in Senator MIKULSKI's office.

I ask unanimous consent that permission be granted to extend floor privileges to her for this debate.

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

MORNING BUSINESS

Mr. RIEGLE. Mr. President, I ask unanimous consent that there be a period for morning business up to 25 minutes and that I be permitted to speak therein; that the time I utilize not be charged against the time of debate on the committee amendment on page 74; and that the time for recess be adjusted accordingly.

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

RETIREMENT ANNOUNCEMENT

Mr. RIEGLE. Mr. President, I asked for the time this morning to indicate to my constituents, my colleagues, and my supporters that this will be my final term here in the Senate and I will not seek reelection in 1994. Lori and I reached the decision together, over the weekend, after much deep soul searching and reflection. Clearly, it is an emotional decision because both our hearts and minds are truly in public service work.

As every colleague and congressional spouse knows, politics at this level is a family business of the most intense kind. Among my considerations, two were overriding: My present Senate responsibilities and my present family responsibilities.

Let me address my Senate work duties first. With the new Clinton administration now in place, we face a historic opportunity to pass national health care reform legislation that will affect every person in America. It is an epic issue of great complexity, and I am deeply committed and have worked on this issue for many years.

A unique legislative window is now open to us and we must enact this health care reform over the next year during this Congress. Otherwise, the chance to do it may once again slip away.

As Senate chairman of the Finance Subcommittee on Health for Families and the Uninsured, I am directly assigned a key role with others for getting this health care reform package properly written and enacted. It is an urgent national need, and it will require many hundreds of hours of personal work over the next year. I want to do the best job that I possibly can in getting my part of this task done. I have already held 38 public hearings on health care and have written an entire health reform plan with Senators MITCHELL, KENNEDY, and ROCKEFELLER.

As I listened to President Clinton's powerful call to the Congress and to the Nation last week, I felt a deep sense of duty and personal responsibility to respond in kind. My Health Subcommittee chairmanship imposes extraordinary time and commitment. I welcomed it, and I now intend to meet it fully. Passage of health care reform also requires bipartisan cooperation and goodwill. That will be better achieved if I am not otherwise engaged in a partisan reelection campaign.

Beyond my health care duties, I also serve as chairman of the Senate Banking, Housing, and Urban Affairs Committee which has its own vital and full work agenda at this time. I have had the committee moving aggressively to get a fresh, new urban revitalization strategy in place for America. America is years late in this area, largely because the executive branch over the past 12 years really turned its back on our cities. Full generations of urban poor are being lost. The urban underclass is growing at a terrific rate. Detroit has the highest rate of child poverty of any American city. Recently, a mother of three was shot to death beside a bank teller machine by a 9-year-old who shows no comprehension of the crime he committed.

These growing manifestations of a clock-worn society require our most urgent attention. Working with the new administration, we must now do everything we can to reverse these trends.

Many of our new urban initiatives—empowerment and enterprise zones, increased earned income tax credit, making permanent low-income housing tax credits, the mortgage revenue bonds program, free vaccines for poor and uninsured children—were all just incorporated in the recent deficit-reduction package and they are now the law of the land. But other key pieces of the strategy, like community development banks, securitizing small business

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

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

loans, ending urban credit discrimination and price gobbling all, just moved through our committee last week with, I might say, a bipartisan vote of 18 to 1. We are now ready for floor action, and then a move to the conference with the House.

These special institutional work responsibilities as a full committee chairman also require an extraordinary amount of my time and attention in order to drive this work through the process. It has taken 17 years of effort here in the Senate trenches to now have the work leadership role in the Senate. I am absolutely determined to get this work done now while we have an open legislative window.

Over the past three decades, I have seen legislative windows open and then close abruptly. This legislative window could close in November 1994 like it did in 1980, when Democrats lost control of the Senate. So we must act now while we can.

A third vital area of personal work experience over many years was with the serious problems of American competitiveness, chronic and damaging trade deficits, the continuing erosion of the U.S. manufacturing and job base, and the grinding down of the working middle class.

As one born and raised in the industrial town of Flint, I have seen these problems firsthand. They were reflected in my earlier efforts to lead the Chrysler loan guarantee through the Senate, and draft and enact with Senator DANFORTH the super 301 trade law to deal with trade cheating by Japan and others, to do things to save and strengthen the United States job base.

Now, we face NAFTA efforts, a free-trade agreement with Mexico, which I strongly oppose.

While helping the administration on key areas of health care reform and urban revitalization, I found it necessary to confront the NAFTA agreement head-on. I believe NAFTA is fatally flawed and will be terribly destructive to the American job base. Michigan has already lost tens of thousands of good jobs to Mexico, and I believe NAFTA will make the job loss much worse.

While intelligent people of experience and conscience are on both sides of this issue, it is my deeply held conviction that NAFTA will severely damage the economy and country. It could not come at a worse time, as we struggle with defense conversion job loss, corporate downsizing, and other damaging economic riptides. If it were to pass, NAFTA would in effect increase the United States work force by some 50 million Mexican workers who will work for about one-seventh to one-ninth of what a comparable United States worker now earns.

So the fight against NAFTA is a fight to save the jobs of millions of our working people, jobs that under NAFTA will be packed up and shipped to Mexico.

My announcement today should clear up the misconception of some that my aggressive opposition to NAFTA is based on reelection politics. Exactly the reverse is true. Defeating NAFTA requires a major commitment of time and work energy as I am spearheading the opposition's effort here in the Senate. The simple truth is that reelection campaigning drains time and effort that I just cannot afford if these multiple Senate work objectives are all to be met, and I intend to meet them all.

With the pressing Senate work duties and others I will not mention here, it just makes no sense to cut corners on my existing job responsibilities in order to spend the time campaigning and fundraising in an effort to win still another 6-year term. I believe I should give every ounce of my work energy to do my job now and let others who can spend the time and effort necessary to win the next 6-year term.

Let me also say that I want President Clinton to have a strong record of legislative achievement with which to earn and win a second 4-year term. The last Democratic President to be elected President and then reelected was Franklin Roosevelt. So it is not easy.

I have helped President Clinton on every legislative initiative to date, with the lone exception of NAFTA, where we have agreed to disagree. He and the First Lady have shown strong, energetic leadership, and the country is the better for it. He has been most generous to agree to come to Michigan next month to hear directly from the Michigan citizens about their health care concerns and later attend a campaign fundraising event in my behalf. Perhaps the focus of that fundraising event can be directed to help all the Michigan Democratic candidates running in 1994 and also help the Democratic Senate Campaign Committee as it strives to retain Senate control in 1994.

While I have spent time here explaining the job side of this decision, let me say that the family side is just as compelling.

On the family side of the equation, I face exactly the same conflict as my House colleague FRED UPTON, who recently declined to run for the Senate due to family considerations involving his two young children.

Very few current Senators have young children. I am one who does. My youngest two children, Ashley and Allison, are now 8½ years old and 20 months old, with Allison being the youngest of all Senate children. Both Ashley and Allison need adequate quality time with their dad now, just as I need time with them. Ashley has just started the third grade. She has a new ball glove and she and her dad need to play some catch. That and other normal family activity is nearly impossible when I am away traveling virtually every moment the Senate is not in session, much of it campaigning.

We all know that the typical Senate workday starts early and ends late, despite the best efforts of our leadership. Those of us with children at home are finding we seldom get home in time for dinner with our families, and many evenings we even arrive too late to say good night to children, who have already gone to bed.

Now, families everywhere struggle with such demands. And Senate life here has been taking on, I would say, an increasing toll on family life, particularly with the heavy travel demand on weekends to our home States. I was once again reminded of this just 2 weeks ago when I traveled over 1,100 miles by car across Michigan to various stops—Grand Rapids, Muskegon, Traverse City, Posen, Bay City, Flint, Lansing, Sterling Heights, Warren, Detroit, and Dearborn. Like so many other weekends, Lori had to be both mother and dad, while I was once again an absent father.

If I were to serve another 6-year term, Ashley would then be 16 and Allison would be 9. If those intervening years were to speed by as the years thus far have, the real family cost has to be measured in terms that can never be recaptured, especially as a father who is now, as I stand here, 55 years old.

I do not want to leave the Senate after a fourth term in the year 2001 to finally return to a normal family life and, in fact, pass my daughter Ashley in the doorway as she is finishing high school and preparing to leave for college. All my children need more from me at this point in their lives than I have been able to give them, and I must change that.

I lost my dad last year. I loved him very much. He, too, was in politics and loved public service. I know firsthand how hard it is to lose family hours together when your dad is out campaigning and then never get them back. Harry Chapin's song "Cat's in the Cradle" has gotten harder and harder for me to listen to.

So these and other important family responsibilities require more of my time and effort now and in the future. They cannot be set aside for another reelection campaign or another 6-year Senate term. Eight elections to the Congress will have to be enough. They add up to 28 years of continuous congressional services at the end of this term. Only six Senators now serving have longer congressional seniority than I do. It spans seven Presidents and can be said, I think, to constitute a full career here. My season of congressional services will, therefore, end with this current term next year.

As a family, we also want to return to Michigan so our children can be raised and educated in Michigan, put

their roots down there, and be closer to other family members. We love Michigan. We miss living there. We look forward to going home. For a time, we considered a plan to relocate to Michigan while still remaining here in the Senate, with me commuting back and forth to Washington each week by plane, as some Members do. But the more we considered it, the less practical it seemed. Given my advanced Senate seniority and heavy institutional work duties and our own family requirements, we finally concluded that that just was not a workable option.

While we will not be waging a Senate campaign, I do intend to stay active in politics, encouraging and supporting good Democratic candidates and actively supporting my party and its values and priorities. By announcing this decision now, strong new Democratic contenders will have the time they need to seek the nomination for this seat and build a winning campaign.

While I have no current plan to pursue any other elective office, I may well do so in the future when our children are more fully grown and we, as a family, are resituated again in Michigan.

When this Senate term ends in 15 months, I will return to private life and look for opportunities to create more private sector jobs in Michigan and participate in the development of good public policy. Most of all, I want to play some catch with Ashley, look at some books with Allison, and spend more time with my older children and our other family members, including that long postponed fishing trip which my daughter Laurie and I talked about last week.

My wife Lori, my best counselor and best friend, has been like the Rock of Gibraltar during our 15½ years of marriage. And we, too, need more time together. She has given thousands of hours of volunteer work within the office on virtually every key issue. She has had a great impact and has helped countless people. I could not have done this job without her, and I want to thank her for all of the hard work she has done.

Every colleague knows that our marriages need more than the weary shards of time that we are often left with after an exhausting Senate day or week. As this job has accelerated over the years, I have often described it as like riding a bullet. Little time is left for any semblance of normal living, a reality we all do our best to cope with. And as I will be 57 years old shortly after this term ends, I am rebalancing my priorities.

Understandably, some will wonder if we are leaving because Senate life is too frustrating and contemporary politics too brutalizing or whether I had deep doubts about winning a fourth Senate term. Let me address both points.

First, the frequently heard complaints about the frustratingly slow Senate work process, with its antiquated procedures, along with the miserable condition of our campaign financing system, are absolutely valid. As maddening and debilitating as they are, however, they are not the principal cause of my leaving, although they reinforce one's decision to leave, as Tim Wirth and Warren Rudman and others before me have said.

These corrosive problems are an everyday fact of life for every Senator. A single, willful colleague can tie the Senate in knots, as we so often see, and it then reduces the Senate to a shell of what it could or should be. Yet, even in the teeth of these impediments, it is still possible to accomplish important work here. And that is why many of us have stayed on. But by any objective measure, we are working harder and harder to achieve even modest policy gains.

Our political system is in serious trouble, and the Senate is squandering much of its relevancy. This requires more discussion than time permits today. It would take a book. But that helps underscore the urgent need to make the major legislative breakthroughs over the next year, over the next 12 months, as we now have an extraordinary chance to do.

On the 1994 Senate race in Michigan, let me admit, a large part of me would relish winning another Senate campaign. I love campaigns. I like meeting people face to face. Having that direct personal bond is the best part of the job. That I will greatly miss.

Despite the carping of some of my critics, I think it is fair to say most of the serious and respected political pundits of Michigan have indicated they expected me to win again next year now that the competitive picture is quite clear, the most recent being George Weeks in the Detroit News just 2 days ago predicting a reelection victory. My own recent polls show me receiving over 50 percent of the vote when matched against any well-known prospective challenger, all of whom ran far behind, including Michigan's present Governor.

My volunteer base is stronger than ever and I have, without false modesty, a number of important legislative accomplishments to highlight in a reelection campaign. Despite very tough self-imposed campaigning restrictions, we are raising all the contributions we would need for a winning campaign. There is not a doubt in my mind that I could conduct another winning campaign next year. In my last election in 1988, I received 2,116,865 votes, the highest total ever received by a Michigan Democratic Senate candidate. I am proud to leave that number there for others to challenge.

Now the most important part of what I want to say; I want to express my deepest appreciation to the people of Michigan for allowing me this rare privilege of nearly three decades of service to my State and country. It has been an amazing period of our history. I have cast many thousands of votes and, as those who watch C-SPAN know, I have spoken out forcefully and often, and I will continue to do so until my last day here—and I have never pulled my punches. My family and I, along with my staff members and our supporters, have striven to give the full measure of our best effort. We have accomplished much, and where we have fallen short it has not been for lack of effort or good motive.

My main efforts here in Congress have been aimed at achieving economic, social, and racial justice for our people. That has been my driving passion. One of my proudest accomplishments is that I have nominated more African-American persons to the Federal judiciary than any Senator in our Nation's history.

I also want to thank the Senate for designating me as chairman of the Banking, Housing, and Urban Affairs Committee over the last 4½ years, a time of great challenge. Since assuming that chairmanship in 1989 I have been able to guide to passage landmark legislation of great importance to our country.

My actions as chairman have led to enactment of the sweeping reforms of the S&L industry, the toughest financial reform law in the past 50 years. That legislation stopped all the abuses, provided funds to prosecute the wrongdoers, and restructured the regulatory process, all of which has put the industry on a proper path toward solvency based on sound practice.

That was followed in 1991 by enactment of sweeping reforms of our commercial banking system. That bank reform bill strengthened regulatory standards and supervision, and reversed the negative trends that had threatened the very solvency of the Federal Deposit Insurance Fund. The banking industry is now back on a solid footing and, by strong, timely action, we have averted what could have become a systemic breakdown of our financial system. The committee has also moved aggressively to stop discriminatory lending practices and bring a full measure of equity and fairness to the everyday workings of our financial system. All these initiatives will have important and lasting value.

I am very proud of the committee's work during my tenure as chairman. I have insisted that we function on a bipartisan basis and every Member has contributed importantly. So I again thank the Senate for having entrusted me with this special responsibility at such a challenging time.

Let me now just in closing also say some other special thank you's, starting with my family members, for their

sacrifices and strong support over these many years. I want to thank, in addition to my wife Lori, who is here in the gallery with me now, my sister, Dee Riegle Torres, who like Lori has been a solid rock of support and encouragement at every point. I want also to express deepest thanks to all my loyal supporters and volunteers over these many years, and the truly exceptional staff members have worked so hard and accomplished so much that is good for the people.

I especially want to thank those who stepped forward to help early with this 1994 reelection effort, and my campaign staff, to whom I am also deeply grateful.

It is said that all things have their season. Eight elections to Federal office, three Senate terms and five House terms will have to mark my season. I look forward to finishing my work here with all the force at my command, without any of the distractions of a reelection campaign. I will give it my all for the next 15 months and come 1995 will then move on to new challenges.

I might just finally say, too, because a number of my colleagues are on the floor, and particularly the newer women Democratic Members of the Senate—and a veteran in that group, BARBARA MIKULSKI—I thank you more than I can say for your early endorsement of me, each of you, in this reelection campaign effort. That means a very great deal to me and is something I have a very special feeling and pride about.

So I will always leave a part of my heart here in the U.S. Senate where so many bonds of shared experience, teamwork and personal affection tie us all together. I thank my colleagues for permitting me to make these remarks here this morning.

I thank you, and I thank the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

SENATOR RIEGLE'S ANNOUNCED RETIREMENT

Mr. SPECTER. Mr. President, I was very surprised to hear Senator RIEGLE's announcement this morning, when I came to the floor expecting to begin the debate on the Labor, Health, Human Services and Education bill. I do believe that the announcement by the distinguished Senator from Michigan takes precedence over any other Senate business. I am sorry to see that Senator RIEGLE will be ending his career in the Senate.

I had the opportunity and good fortune to work with Senator RIEGLE for 4 years on the Northeast-Midwest Coalition in my first year in the Senate after my election here in 1980. That is an organization which has cochairs from each party, one from the Northeast and one from the Midwest.

I found my close work with Senator RIEGLE at that time to be very enjoyable and gratifying, and found Senator RIEGLE to beextremely capable, of the highest integrity, and always moving in lines of the best public policy as he saw it. I know it is a difficult decision. I see Lori Riegle in the gallery. It is obviously a very difficult matter. I empathize with Senator RIEGLE on the portion of his presentation, especially when he talks about the difficulties and travail in the Senate. There is no Member among the 535 of us in the Congress, or those who hold public office other places, who have not observed that as public officials. I know in my case nobody asked me to run for the Senate. I understand the pitfalls and the kinds of critiques. But I do think we are past the point where there ought to be a reevaluation. Fair criticism is fine, but there are vast excesses which we have in this country today.

I know in my own family, my sons, Shanin and Steve, have been a part of a political family since they attended their first election day. I was asked to be at the polls at 7 when the polls opened, and at 11 o'clock the night before. I had no time for a babysitter and they came at 7 and participated in the publicity of their father's first candidacy. They have great potential as public servants. But they would not touch it because they see what it is like. I am not so immodest to suggest the country may be deprived of potential public service of my sons and many others, who see what is happening. I think that is something we ought to pause on for just a moment this morning.

But the main point is Senator RIEGLE's contribution to his State and his country and to the Senate and to the Congress. I served with him on the Banking Committee where he did an outstanding job and he will be sorely missed as a Senator and as a friend.

I thank the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Iowa. May I suggest the period for morning business, without objection, be extended on the same terms for a little while.

Mr. HARKIN. I ask unanimous consent the period for morning business be extended.

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

SENATOR RIEGLE'S RETIREMENT

Mr. HARKIN. Mr. President, It was like stepping into an ice cold shower when I walked onto the Senate floor this morning and heard my good friend DON RIEGLE say he was not seeking reelection. I have known DON RIEGLE since I first came to Congress in 1974—actually before that. I remember reading his book, "O Congress," and saying that is the kind of person I want to be associated with when I get to Congress. Because I thought, in reading that book, he had the right kind of detachment from the rarefied atmosphere of the House of Representatives and the Senate, could look at it objectively. It was a book of good humor, but also an insight into how Congress operates. It was a reform type of book. It inspired a lot of us, I think, who came to that class, that "wannabe" class of 1974. I know a lot of us who were in that class looked to DON RIEGLE for leadership in the House of Representatives, in making some of the changes that we made.

All I can say is he has been a close friend for all these years, someone I have always looked up to for guidance and for counsel, someone I have shared many laughs with.

DON RIEGLE to me represents what it means to really be the finest public servant, an individual of deep intellect, of strong commitment and compassion. He is someone who has fought harder than anyone I have known for the working people in this country, the little person, I call them, someone out there who does not have the strong lobby and big powerful economic forces behind them. That is the individual DON RIEGLE has fought for all these years.

So there is going to be, really, an empty seat in this Senate. I am very saddened by this. I guess I am just going to have to sort it all out in my own mind. I know my wife Ruth and I send to DON and Lori our best wishes.

But we do have a long way to go before the end of the session, and if I know anything about DON RIEGLE, he is not going to go quietly into the night. He is going to be right here on the Senate floor and fighting for the things he talked about: Economic justice, social justice, racial equality in our country. That is what he always stood for, and that is what he will always stand for, because that is who DON RIEGLE is.

I am just as proud as I can be that he gave this many years of his life to both the House and the Senate. I am deeply proud to call him a real friend.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. MATHEWS). The Senator from Illinois.

A GENUINE HUMAN BEING—SENATOR DON RIEGLE

Ms. MOSELEY-BRAUN. Mr. President, I, too, would like to add my voice—of sadness, really—about the announcement that Senator RIEGLE has just made. We were all shocked by it. I had come on the floor to talk with Senator RIEGLE just a few minutes before. We talked about Senate business. I had no clue that he was going to announce his intent not to run for reelection.

It is always a sadness, Mr. President, when a champion decides not to reenter the race, and I daresay, while I have not had the experience and the

time that DON RIEGLE, TOM HARKIN, ARLEN SPECTER, or some of the others have had, I have found him in my 9 months in the Senate to be nothing less than a champion, to be nothing less than someone who was there for the little guy, someone who cared deeply and passionately about the issues and, most importantly, who is a genuine, genuine human being.

DON RIEGLE took me under his wing when I first got here. I have often been asked how I found the U.S. Senate coming in as the first African-American woman, how I was received by my colleagues, the kind of treatment that I received when I arrived here. I always point to the first meeting I had with DON RIEGLE in his office, even before I took my seat. He said, "You're going to be fine. We're going to work together. I'd love to have you on my committee."

I went on the Banking Committee, and I found he was true to his word in every possible way. He guided me through some of the intricacies of what was going on in that committee. He addressed the kind of issues I cared about: Issues going to how poor people were treated in our financial system, whether or not there was equality of opportunity, what kinds of access to capital women business owners and African-Americans, Asians, Hispanics and minorities have. He talked about the kinds of things that I knew when I got here I wanted to talk about. He gave me an opportunity to participate in discussions with the leaders of the financial industries in this country about the direction that our country was going to take, and what kind of America we were going to have, what kind of system we were going to have, and whether that was going to reflect the true ideals of our country.

DON RIEGLE has been just a real stalwart and a real friend to me. While I have not, again, known him as long as some others, I hope he will consider me to be one of his newest, "bestest" buddies who will be a lifelong friend. I certainly have all the respect in the world for him and regard for him. I think it is going to be a tremendous loss to this body, to the Senate, as well as to our country that he will no longer stand for reelection to this body.

Following my leader, Senator MIKULSKI, and other women Members, freshmen Members who are here, we all endorsed DON RIEGLE's reelection bid early. We thought this was one of the good men who we absolutely would stand by as part of our effort to open up and make the Senate look like America.

We want the Senate to look like the America DON RIEGLE stands for, and I think we are all going to have to redouble our efforts now that he is not going to be here in the next term of the U.S. Senate. We all are going to miss you, DON. I just want to say I feel very privileged to have been able to serve this time with you.

Ms. MIKULSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that I be allowed to speak for 1 minute in morning business.

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

DON RIEGLE—WE LOVE WHAT YOU HAVE DONE

Ms. MIKULSKI. Mr. President, I rise not only as one of the five Democratic women in the U.S. Senate who were enthusiastic in our endorsement of Senator RIEGLE, but I also rise as chair of the VA–HUD Appropriations Committee. I rise in tribute to the authorizer, the authorizer of housing and banking legislation in the United States of America. And I, as the appropriator, whose responsibility it is to try to make wise decisions to put money in the Federal checkbook around the authorization, I can say that Senator RIEGLE has truly been an architect for housing policy in the United States of America. His approach has been to see housing framework as a way not only to provide shelter for the homeless but also to look at how we can generate jobs today and opportunity tomorrow.

He has looked at the modernization of public housing, getting the lead out of public housing, getting the drugs out of public housing. He saw that as a way to generate jobs in the construction industry and also to provide an opportunity ladder for those who are in public housing for it not to be a way of life but to be a way to a better life.

As we see the homeless ever-growing on our streets, Senator RIEGLE's commitment to dealing with those who have been left out and left behind has been unabashed.

On the Finance Committee, on which I do not serve, I know he has been an able advocate, again, of jobs in manufacturing. But if there could be one thing that sums up Senator RIEGLE's whole commitment to public service it is that he believed in empowerment, he believed in empowerment to give help to those who practiced self-help here. He believed in empowerment of people around the world in promoting democracy, and he believed in the empowerment of newcomers to the U.S. Senate.

I, too, welcomed his advice and counsel when I first came to this Senate, and I will always welcome that advice and counsel wherever Senator RIEGLE seeks to choose to exercise his considerable God-given talents. This is not meant to be a eulogy. It is meant to say we love what you have done, DON, and we are ready to rock and roll in the next 15 months in meeting that agenda.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

TO SENATOR RIEGLE—THE ABSOLUTE BEST OF LUCK

Mrs. MURRAY. Mr. President, I just wish to add my words to the words that have come before me from my colleagues in wishing Senator RIEGLE, the Senator from Michigan, the absolute best of luck. Your announcement has taken us by astonishment, and I share the words of my colleague from Illinois, Senator CAROL MOSELEY-BRAUN.

Senator RIEGLE, when I came to the Senate, I did not know what kind of a reception I would get here, and you were one of the first who extended your hand and said, "I'll help you and let me know what you need," and I appreciate it very much.

It especially saddens me today, your reason for departing, because, as you and I have discussed many times, it is so difficult to be a U.S. Senator and a parent as well, to try and balance the job of being a parent with the job of being a U.S. Senator. It bothers me that we have to choose between those two roles. I hope the message that comes out of your retirement is that we in the U.S. Senate have to do a better job of managing our time here so that Senators do not have to make that choice in the future.

Senator RIEGLE, I wish you the very best of luck, and I thank you for having served with you.

Mr. SMITH addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

RETIREMENT OF SENATOR DON RIEGLE

Mr. SMITH. Mr. President, I also would like to take this opportunity to respond to the rather surprise announcement by my friend from Michigan. I just want to mention two very brief things that he addressed. One he addressed and one he did not.

I will always remember Senator RIEGLE for the support and the behind-the-scenes, very kind and encouraging remarks you made to me throughout this whole investigation of the POW matter.

A lot of the American people need to know not only of his support but keen interest in it. He has on many occasions gone out of his way to encourage me at some times when things were pretty rough, especially during the Senate investigation. I will always remember that and be very grateful to the Senator for it.

Second, I think it is also a sad commentary in many ways, as was just said, that the demands of this job have such an impact on our family lives. Thinking about my own reelection in 1996, it has crossed my mind many

times whether or not the decision would be worth it in terms of the family sacrifice. I think we can all identify, there is not a Senator here who cannot identify, with a missed fishing trip or missed dinner, more than once. The demands are heavy on all of us, especially on our families. It is tough enough on us, but it is worse on them.

The Senator certainly in a very moving way brought that matter to a head. I hope that if anything positive could come out of what he said in that regard, it would be that somehow we could change things around here to set a timetable or a schedule so that we could leave for work in the morning and tell our wives and children, our husbands and children, whatever the case may be, look, we will be home at 6 or we will be here all night, we will not be home until 5 in the morning, but at least be able to tell them. There is not any reason we cannot make a agreement to have votes specific and talk all night if people want to talk but votes can be at a certain time so we can make plans and adjust our schedules accordingly.

So this is one friend that wishes you the very best and your family as well. Thank you.

I yield the floor.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

RETIREMENT OF SENATOR RIEGLE

Mrs. BOXER. Mr. President, this morning I was getting ready to come to the floor to debate the Hyde amendment. I had my TV set on at home—I live right near here—and when I saw the Senator from Michigan stand up, I said, "Well, what great issue is he going to tell us about today?" The last time I was doing a similar thing, Sentor RIEGLE broke the news really about the terrible health problems that gulf war veterans are facing. And when I heard the subject of his statement this morning, I involuntarily yelled, "Oh, no," because I think the Senator knows how much I respect what he fights for and in what he believes.

When I came to the Senate from the House of Representatives and joined the new class, it was very evident to me the people who stand up and fight for our working families—the people who do not wear the pinstriped suits and cannot afford to come here. Senator RIEGLE is their champion.

So I say to his family, you are about to gain a wonderful, new, invigorated presence. But in this Senate we are going to lose a fighter for the people. I am so proud that the Democratic women, way back when and without being asked, said we want this man back here with all of his force and strength. I am so pleased that we did that.

Senator RIEGLE, you are my chairman. We are going to work hard to make life better for people, and I am going to miss you very much.

I yield the floor.

SENATOR DON RIEGLE OF MICHIGAN

Mr. LEVIN. Mr. President, I was shocked to be told that Senator RIEGLE, my friend and my colleague from Michigan, is not going to be running for reelection next year.

There was no warning to the people of Michigan. Quite the opposite; DON was gearing up for another winning campaign. So that there is no doubt in anyone's mind about this—there is no doubt in mine, nor in, I think, the minds of the political commentators of Michigan—that DON RIEGLE was going to win his next reelection.

Most recently, a column from the Detroit News reported the feeling of that columnist that Senator RIEGLE was on his way to reelection for a number of reasons. First and foremost, he is an impassioned voice for working men and women. He fights for issues that the people care about who work, day in and day out, to raise their families. Whether the issue is trade, where he is a strong opponent of NAFTA; whether it is for unemployment compensation; whether it is for a fair tax system—you name the issue that matters for the working men and women of Michigan and America—DON RIEGLE is on their side, standing up, and in the words of Elie Wiesel, speaking truth to power.

He did it during the Vietnam war. He had a running start on his approach to power. That is that when there is a moral issue, an issue which is of great moment to the people of his State and to the Nation, that he will speak the truth as he sees it, regardless of whether or not he is stepping on some toes at the same time.

He is a powerful speaker. He is a courageous Senator. He is one of the Senators in this body who is willing to stand up on issues, even though it creates some difficulties and ruffles some feathers around here.

I have watched him. I admire the way he addresses issues. As long as I have been in the Senate, he has been my senior Senator. He has helped me immeasurably along the way. I am very much in his debt for all he has done to make that possible.

He decided to put his family first. He has two young children now, and he wants to be with his young children. Even though he was going to win this campaign, the requirements of the campaign were such that, day in and day out, every night, he is out there on the hustings, out having to raise funds for his reelection. It was a choice that he made with clear conscience.

I spoke with him very briefly just a few moments ago. It was a choice that he made for his family. It was a choice he will make for Lori and the kids. Even though I am surprised, I am shocked, and it is hard for me to accept that decision, I understand that decision. Any of us in this body that has to go through a reelection campaign that has a family, that has to go through the fundraising rigors, can understand what even someone as tough and strong and dynamic as DON RIEGLE has decided: That he wants to put his family first and not go through that kind of campaign again.

So as sad as I am that he will not be here 2 years from now, I understand that decision. I am grateful for the time that he has been able to give to his State and to the Nation. I know that he will now be able to spend more time with his beloved wife, Lori, and the kids, and that he will be grateful for that.

We look forward to the many months that he has left here as a continuation of a great career, and then afterward to a new career, which he deserves, whatever that may be.

I thank again my friends for allowing me to speak.

I yield the floor.

THE RETIREMENT OF SENATOR RIEGLE

Mr. KENNEDY. Mr. President, DON RIEGLE's announcement that he will not seek reelection comes as a surprise and shock to all of us in the Senate. He is an outstanding Senator and a loyal friend. His wisdom, hard work, and commitment to public service will be missed by his constituents in Michigan, by his colleagues in the Senate, and by Americans throughout the Nation who admire his ability and have benefited from his extraordinary achievements in more than a quarter century of distinguished public service.

DON RIEGLE has been an effective and tenacious leader on the most important issues facing Congress. As a young Congressman in the House of Representatives in the 1960's and early 1970's, he was an eloquent voice against the Vietnam war, and his leadership helped to end that war which America never should have fought.

I first came to know DON in those years, and we have been friends ever since. He had been named 1 of the 10 outstanding young men of the year by the Junior Chamber of Commerce, and I attended a reception where he spoke. Even after the passage of nearly two decades, I still recall the force of his personality and the power of his vision of the future for the Nation.

After DON's election to the Senate in 1976, it was a privilege to serve with him on the Labor and Human Resources Committee. It was clear from the beginning that he had a thorough understanding of the needs of working families and that he would be an effective leader for more jobs, better education, decent housing, and higher

quality health care for his constituents and the Nation.

With his decision today, it is clear that every working man and woman is losing a powerful voice in the Senate for justice and fairness and opportunity. Every senior citizen is losing one of the strongest defenders of Social Security and Medicare that those two vital programs have ever had. And consumers throughout the Nation are losing one of their most effective advocates.

I know that the decision he has announced today has been a difficult and painful one. Like all of us who know DON RIEGLE, I am confident he would have prevailed in this campaign. But I respect his decision to put his responsibility to his family first. We feel a sense of joy and relief for Lori and their children, but we also feel a sense of sadness and regret for the Senate, and especially for the people of Michigan he has served so well.

SENATOR DONALD RIEGLE

Mr. WELLSTONE. Mr. President, if I could—seeing that the Senator from Maryland is here and I know that he wants to speak about Senator RIEGLE—I would like to take 1 minute, because Senator SARBANES has known Senator RIEGLE for a far longer period of time than I have.

I just repeat what I said to Senator RIEGLE when I learned the news that he was not running for office again. I told him that when I see my wife Sheila, I am going to tell her that I am really very disappointed, I am really down about it.

Because I will tell you, as somebody who has been here just a few years, when I think about these issues—Senator SARBANES has been maybe the most powerful voice in the Senate on this—when I think of issues of employment and jobs and decent wages and basic economic justice, issues that are so important to the vast majority of people in this Nation, I do not know that there has been a Senator that has stood up for people in a stronger way than Senator RIEGLE.

He combines a savvy, an experience, and immense ability as a U.S. Senator with an unbelievable commitment to people.

I am very disappointed at his decision. If it was a good decision for Senator RIEGLE and it is a good decision for his family, then it is the right decision.

I just have to say, as someone who has watched him and appreciated his commitments in many of the issues that I care about, I think it will be a real loss to the U.S. Senate and a real loss to our country.

SENATOR DONALD RIEGLE

Mr. SARBANES. Mr. President, I, like many of my colleagues, was saddened by Senator RIEGLE's announcement earlier today that he would not seek reelection to the U.S. Senate.

He has been a close friend of mine since even before we came to the Senate, but even more so since we both came to the Senate in 1976. I am going to miss him very, very much. He has been a friend and he has been an ally on some of the toughest fights on the floor of the Senate on behalf of working men and women in this country. There is no one in the Senate who has taken a more forthright and determined stance in defense of working people in America than Senator DON RIEGLE, of Michigan, and his voice and his efforts are going to be sorely missed in this body.

I want to note that he will remain chairman of the Banking, Housing, and Urban Affairs Committee for the next 15 months. He has done an extraordinary job as chairman of the committee. He has led that committee through some very difficult issues. For example, landmark legislation has been shaped under his leadership dealing with the safety and soundness of our savings and loan and banking industry, affordable housing for millions of Americans across the country, an urban policy, the Community Development Block Grant Program. On many of the issues that would be forgotten, Senator RIEGLE has been there on the front line urging them in the committee, in this body, and in the country.

I understand the reasons. I am privileged to know his lovely wife Lori and his two young children, Ashley and Allison. I know how much they mean to Senator RIEGLE and how much of a concern it has been to him that he should be there as a father of his two young daughters, one not quite 2 and the other 9, as they grow up.

So in a way, his decision is understandable in those personal terms.

But in public policy terms, the Senate will have lost one of its great champions on behalf of equity and fairness in the working of our economic system, one of the great champions for opportunity for all of our people, one of the great champions to ensure that every young child's talents and abilities should have developed to their fullest capacity.

I, for one, am going to miss him very much. I intend to continue to work closely with him in the 15 months in which he will continue to serve in the U.S. Senate, continue to chair the Banking Committee in his vigorous and effective way on behalf of the people of this country.

Mr. President, I yield the floor.

SENATOR DONALD RIEGLE

Mr. METZENBAUM. Mr. President, it was a bombshell. I could not believe my ears when I heard my good friend DON RIEGLE this morning indicating that he would not run for reelection.

He and I were seatmates back there. We were great, good friends. My wife Shirley and I went up when he and his wife were married. And I remember that occasion so well, way up in the northern part of Michigan.

I always considered DON very special. It is indeed with a real sense of sadness that I learned that he is not going to run for reelection to the Senate next year.

DON RIEGLE is a very, very specific kind of U.S. Senator. He has been a voice of strength. He has been progressive. He has been courageous. And he will, indeed, be missed in this body.

I understand his decision and I respect it because I know how close he is with his lovely wife, Lori, and Ashley and Allison, his children. They are beautiful children and I know he wants to spend some time with them.

I spoke with him this morning. I was very touched, and I could understand it as a father and grandfather when he said Allison wanted to throw a ball with him, a new ball she had, for a period of about a month, and he had not been able to find the time. He found 5 minutes for her before he had to leave on some fundraising trip.

So I understand full well his priorities and recognize and respect his decision to spend more time with his family. It is certainly a decision he will not regret.

But I will say this, that their gain will be a loss to this country and a loss to this body. I am very pleased that he intends to use the time remaining in this session to seize a rare and historic opportunity to reform the Nation's health care system. He will do the job and do it well. His Subcommittee on Finance will place him at the center of the debate, and without the distractions of a campaign to run, I know the concerns of the people of this country will be served by DON RIEGLE. He has guts. He has courage. He has compassion. He has brains.

He and I will be working closely together before the close of this session. We will make the battle to defeat NAFTA and DON will be providing a leadership role in connection with that.

He and I have worked closely on a committee the Senator from Maryland talked about a few moments ago, the Banking Committee. Although I am not on the Banking Committee, I have had a strong interest in the activities of the Banking Committee, activities such as the concern of people being able to cash their checks at banks. Banks are not willing to let them do that unless they have some special kind of relationship with the bank. So they are forced to go to the money-cashing stores and pay high fees. DON RIEGLE empathized and sympathized with those people.

With respect to the RTC, which has been one of the greatest tragedies of

this country from a financial standpoint, nobody has been more resolute, nobody has been more determined, nobody has been more willing to stand up and be counted, to see to it the officers and the directors do not get off scot-free, to see to it the RTC meets its responsibilities.

I participated in a hearing at Senator RIEGLE's invitation just the other day, one of the most momentous, most moving hearings I have ever attended in the U.S. Senate, when 11 people—I think it was 11—came forward from across the country and told of the chicanery and improprieties and illegalities that were going on at the RTC. They had courage. But they knew, in standing before Senator RIEGLE's committee, their position would be protected.

I cannot conclude without pointing out it will be a personal loss for me. I will not be here, so I would not have been able to spend that much more time with him. But I consider him one of my very best friends in this body. The country will suffer a great loss. He is a magnificent Senator, a great human being, and a warm, close personal friend of mine.

I am indeed sorry Senator RIEGLE has decided not to run for reelection, but I certainly understand it.

REGARDING S. 1493, REPEALING SANCTIONS AGAINST SOUTH AFRICA

Mr. HELMS. Mr. President, I commend the able Senator from Kansas and I am honored to cosponsor S. 1493, her legislation to remove the remaining sanctions against South Africa.

It was not the Senate's finest hour when it voted to impose sanctions in the first place. I opposed the Senate's action then and, I submit, Mr. President, that the sanctions damaged the South African economy at a time when every possible resource at its disposal was needed to weather the transition facing the people of that fine nation, a nation which had always been an ally of the United States.

Mr. President, some Senators support this legislation largely because Nelson Mandela and the African National Congress have called for it. That is certainly not my motivation. Quite to the contrary, I confess that I continue to have grave concerns about the African National Congress and its links to the South African Communist Party.

Repeal of sanctions will not guarantee investment in South Africa. Investors require stability and certainty, and South Africa currently is not in a position to offer either. More than 1,200 people have been murdered in the past 2 months alone. The concerns of several political parties regarding regional powers and individual liberties have not been met. Some of those parties have hinted at civil war.

On the economic front, Mr. President, the current draft of South Africa's interim constitution subordinates economic and property rights to vague principles of social justice. Even those protections and rights which are contained in this constitution may be lost when it expires in 2 years. No one can reliably predict what shape the new and permanent constitution will take. This uncertainty will make even the boldest investor hesitate.

In any case, Mr. President, this bill has the virtue of repealing the remaining U.S. Federal sanctions. States and municipalities, if they wish to act responsibly, will repeal their remaining sanctions as well. Canada, the European Community, and others should do the same. But South Africa can bring prosperity to itself only with sound economic policies and strong legal protection of economic and individual liberty.

REFUGEE ADMISSIONS FOR 1994

Mr. KENNEDY. Mr. President, as required by the Refugee Act of 1980, the Judiciary Committee held a hearing last week with Secretary of State Warren Christopher to consult on the number of refugees to be admitted to the United States next year, and to review worldwide refugee programs.

This week, the committee completed the consultation process by sending the following letter to the President, which I ask be printed at this point in the RECORD.

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

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, September 27, 1993.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: Under the provisions of the Refugee Act of 1980 (P.L. 96-212), members of the Committee on the Judiciary have now consulted with your representative, Secretary of State Warren Christopher, on the proposed admissions of refugees for fiscal year 1994.

We are particularly gratified that your Administration has taken steps necessary to assure that funding for the resettlement of refugees more accurately matches the numbers to be admitted. As you probably know, over the past several consultations the Committee has expressed its concern over the continuing high level of refugee admissions accompanied by a failure to provide funding levels adequate to meet the resettlement needs of the refugees admitted.

This said, we remain concerned that current funding levels—approximately eight months of federal reimbursement—still fall short of actual needs. We would urge the Administration to move towards an assistance program of at least 12 months, through reforms and other savings like those envisioned in the refugee reauthorization bill this Committee reported favorably to the Senate in the 102nd Congress (S. 1941, Report 102-316, July 2, 1992).

In addition, the Committee is gratified to learn of the Administration's commitment to end the "pipeline" of in-country processing which has developed over recent years—to shift this flow to more appropriate immigrant-related preferences—and to reserve refugee admission numbers for those truly in need of immediate resettlement to avoid persecution or threat of life and safety. The Committee will continue to monitor progress in this area over the coming year.

The Committee continues to support the objectives of our Nation's program to assist refugees of "special humanitarian concern" to the United States, and we accept your proposals to do so during the coming fiscal year.

With best wishes,

Sincerely,

Orrin G. Hatch, Ranking Member, Committee on the Judiciary; Alan K. Simpson, Ranking Member, Subcommittee on Immigration and Refugee Affairs; Joseph R. Biden, Jr., Chairman, Committee on the Judiciary; Edward M. Kennedy, Chairman, Subcommittee on Immigration and Refugee Affairs.

Mr. KENNEDY. In addition, Mr. President, I would like to share the text of Secretary Christopher's prepared testimony, and the following two tables that outline the 1993 ceilings and actual admissions, and the proposed ceilings for 1994—which are approximately 10,000 less than the previous year.

I ask they be included in the RECORD.

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

TABLE I.—REFUGEE ADMISSIONS IN FISCAL YEAR 1992 AND FISCAL YEAR 1993

Region	Fiscal year 1992 actual	Fiscal year 1993 Ceiling	Estimated 1993 arrivals thru July 1993	Total fiscal year 1993 anticipated
Africa	5,491	7,000	3,831	7,000
East Asia	51,848	[1] 51,000	42,380	51,000
Eastern Europe	2,886	[1] 2,725	1,474	2,725
Latin America/Caribbean	2,924	[2] 4,500	3,252	4,500
Near East/South Asia	6,844	7,000	5,886	7,000
Former Soviet Union	61,298	[1] 49,775	40,451	49,775
Former Soviet Union/Eastern Europe [4]				
U.N. allocated reserve	[3] 0	[2] 0		
PSI	853	10,000	251	500
Total	132,144	132,000	97,525	122,500

[1] 1,000 numbers in original ceiling reallocated from East Asia to Eastern Europe. 225 numbers in original ceiling reallocated from Former Soviet Union to Europe.
[2] 1,000 numbers allocated to Latin America/Caribbean in fiscal year 1993.
[3] 1,000 numbers allocated to Near East/South Asia in fiscal year 1992.
[4] Former Soviet Union and Eastern Europe ceilings are being combined in fiscal year 1994.

The President proposes to respond to the humanitarian needs of refugees by establishing for FY 1994 an admissions ceiling of 121,000 refugees for permanent resettlement in the United States. Proposed allocations within this ceiling are shown in Table II below:

TABLE II.—*Proposal for U.S. refugee admissions in fiscal year 1994*

	Proposed Ceiling
Area of Origin:	
Africa	7,000
East Asia	[1] 45,000
Former Soviet Union/Eastern Europe	55,000
Latin America and the Caribbean	4,000
Near East and South Asia	6,000

	Proposed Ceiling
Area of Origin:	
Unallocated Reserve	3,000
Subtotal	120,000
Private Sector Programs	1,000
Total	121,000

[1] This figure includes Amerasians and their family members who enter as immigrants under a special statutory provision but receive the same benefits as refugees.

STATEMENT OF THE HONORABLE WARREN CHRISTOPHER, SECRETARY OF STATE BEFORE THE SENATE COMMITTEE ON THE JUDICIARY SEPTEMBER 23, 1993

Mr. Chairman and Members of the Committee:

I am very pleased to appear before the Committee today to outline the President's proposal for the admission of 120,000 refugees to the United States in fiscal year 1994. The Committee has already received a report that provides detailed information about refugee admissions, as required by the Refugee Act. It is our hope that the 1994 refugee admissions program will receive the broad bipartisan support from the Congress that it has received in the past.

Before turning specifically to the refugee admissions program, however, I would like to comment briefly on the past year's worldwide refugee situation and the future direction of U.S. refugee policy.

Positive political changes in several parts of the world have reduced the "push" factor—the conditions that impel people to leave their countries—and increased the "pull" factor—the conditions that cause people to return home.

In Cambodia, a major repatriation effort, directed by the UNHCR, resulted in the return of 370,000 persons from camps along the Thai-Cambodian border. An internationally-sanctioned election in May of this year will enable repatriated refugees to re-build their society.

In Afghanistan and Central America, refugees continue to return home.

Following a political settlement in Mozambique, upwards of 200,000 refugees have returned home in the past year.

For the first time in almost two years, there is hope that respect for human rights and democracy will be restored to Haiti. When implemented, the Governor's Island accords, together with the resumption of economic development, will help put an end to the despair that has caused so many Haitians to leave their country.

The prospects for peace in the Middle East have never been brighter. The agreement signed in Washington on September 13 is a major step in a process that will address the needs of the Palestinian refugees. We are only at the beginning, and much work will have to be done, but the foundations have been laid. It is the responsibility of the United States and the rest of the international community to help the Palestinians and the Israelis continue the peace process.

On the other hand, genuine Human tragedies in the former Yugoslavia and the Horn of Africa are creating hundreds of thousands of refugees. In Bosnia-Herzegovina, we continue our efforts to assist the more than 4 million displaced persons and refugees in the area. The United States has contributed over $350 million to the relief effort. We continue to look for ways and means to increase assistance. We are very concerned about the shortage of both funding and food for the United Nations agencies working in the former Yugoslavia. Under almost any scenario, the problems of food and shelter will be a major challenge to the international community this winter. We are encouraging action by other nations, especially the European countries, which we believe have a special responsibility for providing humanitarian assistance to the region.

MIGRATION

In addition to these widely-publicized conflicts, there is also overall migration of persons around the world as the result of population pressures, poverty, environmental degradation and other factors. While seeking to aid refugees, we must be resolute in our efforts to improve conditions so as to make it possible for would-be migrants to opt to remain at home. This Administration's determination to spur world economic growth through efforts such as NAFTA and the Uruguay Round, will help. So will our work on global issues such as population and the environment.

While legal immigration enriches our country, it is important to reduce illegal immigration. The President has already taken significant steps and has placed proposals before the Congress to address illegal immigration to the United States in a more effective manner. Improvements include increasing border control resources, improving visa issuance procedures, our repatriating illegal and criminal aliens and increasing criminal penalties for alien smuggling. At the same time, we will seek to ensure protection for genuine refugees who are fleeing persecution.

NEW APPROACHES TO REFUGEE ASSISTANCE

Ten years ago there were approximately 8 million refugees worldwide; now there are an estimated 18 million. Ten years ago, most of those assisted had crossed an international border to become refugees. Now many populations receiving assistance are displaced persons still within their national borders. This complicates relief efforts—and also creates security problems for the UN and NGO personnel engaged in relief—as we have seen all too often in Bosnia and Somalia.

The United Nations system has begun to move more effectively to coordinate its emergency relief activities in complex emergencies. UNHCR, the World Food Program, UNICEF, and the World Health Organization have taken measures to improve their emergency response capabilities. All have played an important role in Bosnia. Further work is needed, in particular the coordination of humanitarian activities with peace-keeping and political affairs at UN Headquarters. Enhancing such coordination is an important foreign policy objective for the Clinton Administration. We have also moved to streamline our own refugee programs; I will have more to say on that in a moment.

In responding to large-scale refugee emergencies, we believe that two objectives must be pursued simultaneously: (1) humanitarian assistance and protection for those in need, and (2) durable solutions, especially conflict resolution and repatriation when conditions permit. We must recognize that third-country resettlement, while an appropriate option in many cases, is not a realistic alternative for the large majority of the world's nearly 18 million refugees.

REFUGEE ADMISSIONS

As reported before this Committee last year, current trends indicate that the number of persons requiring permanent resettlement in the United States should decline significantly in the next few years. By year end, we will have met our commitment to resettle in the United States all known and eligible Amerasian children and their families from Vietnam. Within the next two years, we anticipate that all eligible Vietnamese reeducation camp prisoners, that is, those interned for more than three years because of their association with the U.S., will have entered the U.S. We also expect that within the next two years, we will need to bring the Soviet refugee admissions program into conformity with emerging realities in the former Soviet Union. In the future, the U.S. will continue, although on a smaller scale, to resettle our fair share of those refugees who have no alternative to resettlement.

I would like to address for a moment the recent expressions of concern in the Congress and the press about the resettlement of Iraqi refugees in the United States. Contrary to some press reports, no one is resettled in the United States without demonstrating a well-founded fear of persecution. Many of these Iraqi refugees have credible accounts of torture and abuse. Many of the Iraqi draftees held little enthusiasm for the war and fled their country early on—sometimes at the behest of the allied forces. These deserters actively opposed the regime and formed the corps of freedom fighters who refused to participate in the invasion of Kuwait and who fought to overthrow Saddam in March of 1991. Many were themselves members of persecuted ethnic or religious minority groups.

We fully recognize that members of Congress want to be reassured that our government will not resettle Iraqi soldiers who took up arms against our country. We are prepared to explore additional safeguards to ensure against U.S. entry of those whose activities might have been inimical to U.S. interests. However, all available evidence, including a just completed review of several hundred recent cases, indicates that all accepted applicants were deserving beneficiaries of our humanitarian effort. Those who fail to meet our rigorous criteria are not admitted for resettlement. It is an honorable policy, in full accord with the American tradition.

The President's proposal for fiscal year 1994 permits the funded admission of 120,000 refugees—a reduction of 2,000 from the current fiscal year. I am pleased to report that as part of this year's consultations process, improved high level coordination between State and HHS has permitted us to ensure that sufficient funds will be available to cover the costs of resettlement of up to 120,000 refugees.

Since 1990, separate regional ceilings have been used for the former Soviet Union and for Eastern Europe. However, given the crisis in the former Yugoslavia and the need for maximum flexibility in refugee admissions processing, we propose to recombine these two ceilings for fiscal year 1994.

We propose that the 120,000 admissions numbers be divided as follows: East Asia—45,000; Former Soviet Union and Eastern Europe—55,000; Near East/South Asia—6,000; Africa—7,000; and Latin America/Caribbean—4,000. In addition, we have included an unallocated reserve of 3,000 numbers, up from 1,000 numbers last year. This reserve, after consultation with Congress, could be used in regions where allocated numbers prove to be insufficient.

In connection with next year's program, we note that last year we initiated or improved several refugee admission programs, most notably for Haitians and Bosnians. The week after President Clinton's inauguration, a technical team composed of State Department, INS and Congressional staff, travelled to Haiti to determine ways to enhance in-country refugee processing. That effort was

in support of the President's commitment to expand viable alternatives to perilous boat departures. Based upon the team's recommendations, significant improvements to the program were made. We doubt processing capacity, streamlined processing procedures, opened two new refugee processing facilities, and expanded access to those Haitians interdicted by the Coast Guard. Our policy towards Haitian migrants and refugees is under continual review and we will consult with Congress on this important issue as political developments unfold.

As I stated earlier, the United States has committed a significant amount of money and materiel to help Bosnians who are displaced within Bosnia or have become refugees beyond its borders. We continue to believe that assistance in piece should be the primary focus of our efforts. However, we do believe that it is necessary to admit certain groups of special humanitarian concern. Moreover, while we hope there will be a peace agreement that will allow Bosnians to return home, we also recognize that with little warning, this program may have to be expanded further.

CONCLUSION

The U.S. refugee program has enjoyed broad bipartisan support over the years. There is a great American tradition of providing refuge to the persecuted. This tradition goes back to the founding of our nation. It links generations of Americans to one another. It reinforces our democratic values. Indeed, it is part of our national identity. Under President Clinton's leadership, this noble tradition will continue.

NELSON MANDELA'S ADDRESS TO THE UNITED NATIONS

Mr. KENNEDY. Mr. President, last Friday, Nelson Mandela, the courageous President of the African National Congress, delivered a thoughtful and eloquent address to the United Nations.

In his address, Nelson Mandela observed that he and the representatives of the world community had worked together for many years to defend human dignity. Together, they had been outraged by South Africa's brutal and repressive apartheid policies. Together, they had struggled to end it. And, as a consequence of their efforts, all South Africans will soon have the opportunity to participate in the first nonracial democratic election in South African history.

The preceding day, the white-dominated South African Parliament had yielded to the forces of democracy and approved the creation of a multiracial Transitional Executive Council to oversee key government functions. Recognizing this historic step as the end of the cruel legacy of apartheid and the beginning of a nonracial democracy in South Africa, Nelson Mandela thanked the world community for its engagement in the common struggle to end the system of apartheid. To strengthen the forces of democratic change and help create the conditions for stability and economic progress, he also appealed to the international community to end the economic sanctions that had helped bring South Africa to this day.

Within hours of Nelson Mandela's address, the Senate unanimously approved legislation that will repeal most of the Federal prohibitions on economic contact with South Africa, and that will repeal the remaining provisions upon the President's certification to Congress that an interim government has been elected in South Africa on a nonracial basis through free and fair elections.

This legislation also emphasizes the importance of continuing assistance to South Africa during the transitional process to a new democracy, especially to help South Africans victimized by apartheid, to support democratic institution-building and activities to prepare for the election, to end political violence, and to promote human rights.

The Senate's swift passage of this legislation in response to Nelson Mandela's request is a tribute to his leadership and his effective representation to the vast majority of South Africans. It is also an affirmation of our commitment to a nonracial democracy in South Africa.

Now more than ever, we must work with the future leaders of the new South Africa and lend our continuing support to the process of democratization. The stakes are too high, and our goal is too near, to allow this historic opportunity to pass without giving Nelson Mandela and other thoughtful leaders the means to bring peace, freedom, and democracy to the people of South Africa.

Mr. President, I ask that the full text of Nelson Mandela's address to the United Nations may be printed in the RECORD.

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

STATEMENT OF THE PRESIDENT OF THE AFRICAN NATIONAL CONGRESS, NELSON MANDELA, AT THE UNITED NATIONS: NEW YORK, SEPTEMBER 24, 1993

Chairperson, Your Excellencies, Ambassadors to the United Nations; Ladies and Gentlemen:

We are most grateful to the Special Committee against Apartheid and its distinguished Chairman, His Excellency Professor Ibrahim Gambari, as well as the United Nations as a whole, for enabling us to address this gathering today.

We have, together, walked a very long road. We have travelled together to reach a common destination.

The common destination towards which we have been advancing defines the very reason for the existence of this world Organisation.

The goal we have sought to reach is the consummation of the yearning of all humankind for human dignity and human fulfillment. For that reason, we have been outraged and enraged that there could be imposed on any people the criminal system of apartheid.

Each and every one of us have felt our humanity denied by the mere existence of this system. Each and every one of us have felt brandished as sub-human by the fact that some could treat others as though they were no more than disposable garbage.

In the end, there was nobody of conscience who could stand by and do nothing in the search for an end to the apartheid crime against humanity.

We are here today to convey to you, who are the representatives of the peoples of the world, the profound gratitude of the people of South Africa for your engagement, over the decades, in the common struggle to end the system of apartheid.

We are deeply moved by the fact that almost from its birth, this Organisation had kept on its agenda the vital question of the liquidation of the system of apartheid and white minority rule in our country.

Throughout the many years of struggle, we as South Africans, have been greatly inspired and strengthened as you took action both severally and collectively, to escalate your offensive against apartheid rule, as the white minority regime itself took new steps in its own offensive further to entrench its illegitimate rule and draw tribute from those it had enslaved.

In particular, we are most grateful for the measures that the United Nations, the OAU, the commonwealth, the Non-Aligned Movement, the European Community and other intergovernmental organisations took to isolate apartheid South Africa.

We are deeply appreciative of similar initiatives that individual countries, nongovernmental organisations, local communities and even single individuals took, as part of their contribution to the common effort to deny the apartheid system all international sustenance.

This global struggle, perhaps without precedent in the inestimable number of people it united around one common issue, has helped decisively to bring us to where we are today.

Finally, the apartheid regime was forced to concede that the system of white minority rule could no longer be sustained. It was forced to accept that it had to enter into negotiations with the genuine representatives of our people to arrive at a solution which, as agreed at the first sitting of the Convention for a Democratic South Africa, CODESA, would transform South Africa into a united, democratic, non-racial and nonsexist country.

This and other agreements have now been translated into a specific programme that will enable our country to take a leap forward from its dark, painful and turbulent past to a glorious future, which or people will strive with all their strength to make a future of democracy, peace, stability and prosperity.

The countdown to democracy in South Africa has begun. The date for the demise of the white minority regime has been determined, agreed and set.

Seven months from, on April 27, 1994, all the people of South Africa, without discrimination on grounds of gender, race, colour or belief, will join in the historic act of electing a government of their choice.

The legislation has also been passed to create the institutions of state, the statutory organs that will ensure that these elections are held and that they are free and fair.

As a consequence of the creation of these statutory instruments, we have arrived at the point where our country will no longer be governed exclusively by a white minority regime.

The Transitional Executive Council, provided for in this legislation, will mark the first ever participation by the majority of

our people at governmental level in the process of determining the destiny of our country.

It will be the historic precursor to the Interim Government of National Unity which will be formed after the democratic elections of April 27th.

The other structures now provided for in law, the Independent Election Commission and the Independent Broadcasting Authority will themselves play their specified roles in ensuring a process of transition and a result which our people as a whole will accept as having been legitimate and therefore acceptable.

We must however warn that we are not yet out of the woods.

Negotiations are continuing to agree on the interim constitution, according to which the country will be governed as the elected national assembly works on the final constitution.

There will therefore be continuing need that this organization and the world movement for a democratic South Africa as a whole, sustain their focus on the transitional processes, so that everybody concerned in our country is left in no doubt about the continuing determination of the international community to help see us through to democracy.

The reality is that there are various forces within South Africa which do not accept the inevitability of the common outcome which all humanity seeks.

Within our country, these forces, which seek to deny us liberty by resorting to brute force, and which have already murdered and maimed people by the tens of thousands, represent a minority of the people.

They derive their strength not from the people but from the fear, insecurity and destabilization which they seek to impose through a campaign of terrorism conducted by unknown killers whose hallmark is brutality and total disregard for the value of human life.

There are other forces which because of narrow, sectarian interest, are also opposed to genuine change. These are engaged in other actions which seek to create obstacles on the way to a smooth transition to democracy.

We believe that it is critically important that these forces too should understand that the international community has the will and determination to act in concert with the majority of the people of our country, to ensure that the democratic change which is long overdue is not delayed.

The apartheid system has left a swathe of disaster in its trail. We have an economy that is tottering on the brink of an even deeper depression than the one we are experiencing now.

What this means practically is millions of people who have no food, no jobs, and no homes.

The very fabric of society is threatened by a process of disintegration, characterized by high and increasing rates of violent crime, the growth in the numbers of people so brutalized that they will kill for a pittance and the collapse of all social norms.

In addition, the absence of a legitimate state authority, enjoying the support of the majority of the people, immensely exacerbates this general crisis, emphasizing the critical importance of speedy movement forward to democratic change.

In sum, acting together, we must, at all costs, resist and rebuff any tendency of a slide towards another Somalia or a Bosnia, a development which would have disastrous repercussions extending far beyond the borders of South Africa.

What we have just said is not intended to alarm this august gathering. Rather, it is meant to say—now is the time to take new steps to move us forward to the common victory we have all fought for.

We believe the moment has come when the United Nations Organization and the international community as a whole should take stock of the decisive advances that have been made to create the setting for the victory of the cause of democracy in our country.

We further believe that the moment has come when this same community should lay the basis for halting the slide to a socio-economic disaster in South Africa, as one of the imperatives in ensuring the very success of the democratic transformation itself.

In response to the historic advances towards democracy that have been achieved; further to give added impetus to this process; to strengthen the forces of democratic change and to help create the necessary conditions for stability and social progress, we believe the time has come when the international community should lift all economic sanctions against South Africa.

We therefore extend an earnest appeal to you, the governments and peoples you represent, to take all necessary measures to end the economic sanctions you imposed and which have brought us to the point where the transition to democracy has now been enshrined in the law of our country.

We further urge that this historic step, marking a turning point in the history of the relations between South Africa and the rest of the world, should not be viewed as an act of abstention but one of engagement.

Let us all treat this new reality as an opportunity and a challenge to engage with the South Africa situation in a way that will advance the democratic cause and create the best possible social and economic conditions for the victory of that cause.

The Special Committee Against Apartheid has itself led the process of preparing the United Nations and its specialised agencies for the new reality that is the fruit of our common struggle. We trust that the UN family therefore not delay in engaging the people of South Africa in a new way.

We trust also that the governments across the globe, that have been so central in the effort to defeat the system of apartheid, will do what they can to help us ensure the upliftment of our people.

A similar appeal extends to the millions of people organised in the broad non-governmental anti-Apartheid movement themselves to remain involved in the continuing struggle for a democratic South Africa and to add to their programmes the extension of all-round development assistance from people to people.

We hope that both the South African and the international investor communities will also take this opportunity themselves to help regenerate the South African economy, to the mutual benefit.

As you know, our people have not yet elected a democratic government. It is therefore important that the white minority government which remains in place in our country should not be granted recognition and treated as though it were representative of all the people of South Africa.

The Transitional Executive Council provides the appropriate mechanism for such interaction as should take place between ourselves and the international community in the period between now and the formation of the new government.

We should here mention that within the ambit of the diplomatic sanctions which many countries imposed, we also believe that such countries may now establish a diplomatic presence in South Africa to enhance their capacity to assist the people of our country to realise the common objectives.

This Organisation also imposed special sanctions relating to arms, nuclear matters and oil.

In this regard, we would like to urge that the mandatory sanctions be maintained until the new government has been formed. We would leave the issue of the oil embargo to the discretion of the Committee of the General Assembly responsible for the enforcement of this particular sanction.

We would further like to request the Security Council should begin consideration of the very important issue of what this Organisation should do to assist in the process of organising for and ensuring that the forthcoming elections are indeed free and fair.

This, naturally, should be accompanied by a review of the important contribution that has been made by the UN Observer Mission to South Africa, which is helping us to address the issue of political violence, to ensure that this contribution addresses adequately this continuing problem.

We cannot close without extending our congratulations to the PLO and the government of Israel for the important step forward they have taken which, hopefully, will lead to a just and lasting settlement of the Middle East question.

To them and to the peoples and governments of the region as a whole, we extend the good wishes of all the people of our country and the assurance of our support for their noble effort to establish justice and peace.

We continue to hope that progress will be made towards the just resolution of the outstanding issue of Western Sahara.

Angola continues to bleed. We urged this Organisation and especially the Security Council to leave no stone unturned to ensure that the killing ends the democratic process respected.

We are encouraged by the steps that have been taken to bring peace to Mozambique and trust that no new obstacles will emerge to deny the people of this sister country the peace, stability and prosperity which they have been denied for so long.

Our common victory against the only system to be declared a crime against humanity since the defeat of Nazism is in sight.

The historic need to end this crime as speedily and peacefully as possible requires that we, the peoples of the world, should remain as united as we have been and as committed as we have been to the cause of democracy, peace, human dignity and prosperity for all the people of South Africa.

Standing among you today, we continue to be moved by the selfless solidarity you have extended to our people. We are aware that by our common actions we have sought not only the liberation of the people of South Africa but also the extension of the frontiers of democracy, non-racial, non-sexism and human solidarity throughout the world.

Understanding that, we undertake before you all that we will not rest until the noble cause which unites us all emerges triumphant and a new South Africa fully rejoins the rest of the international community as a country which will we can all be proud of.

Thank you.

BUDGET SCOREKEEPING REPORT

Mr. SASSER. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of section 5 of Senate Concurrent Resolution 32, the first concurrent resolution on the budget for 1986.

This report shows the effects of congressional action on the budget through September 24, 1993. The estimates of budget authority, outlays, and revenues, which are consistent with the technical and economic assumptions of the concurrent resolution on the budget (H. Con. Res. 287), show that current level spending is below the budget resolution by $1.6 billion in budget authority and above by $0.6 billion in outlays. Current level is $0.5 billion above the revenue floor in 1993 and above by $1.4 billion over the 5 years, 1993–97. The current estimate of the deficit for purposes of calculating the maximum deficit amount is $393.5 billion, $27.3 billion below the maximum deficit amount for 1993 of $420.8 billion.

There has been no action that affects the current level of budget authority, outlays, or revenues since the last report, dated September 21, 1993.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 27, 1993.

Hon. JIM SASSER,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report shows the effects of Congressional action on the budget for fiscal year 1993 and is current through September 24, 1993. The estimates of budget authority, outlays and revenues are consistent with the technical and economic assumptions of the Concurrent Resolution on the Budget (H. Con. Res. 287). This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended, and meets the requirements for Senate scorekeeping of section 5 of S. Con. Res. 32, the 1986 First Concurrent Resolution on the Budget.

Since my last report, dated September 20, 1993, there has been no action that affects the current level of budget authority, outlays, or revenues.

Sincerely,

JAMES L. BLUM,
(For Robert D. Reischauer).

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, 103D CONG., 1ST SESS., AS OF CLOSE OF BUSINESS SEPT. 24, 1993

[In billions of dollars]

	Budget resolution H. Con. Res. 287	Current level [1]	Current level over/under resolution
On-budget:			
Budget authority	1,250.0	1,248.4	−1.6
Outlays	1,242.3	1,242.9	.6
Revenues:			
1993	848.9	849.4	.5
1993–97	4,818.6	4,820.0	1.4
Maximum deficit amount	420.8	393.5	−27.3
Debt subject to limit	4,461.2	4,284.9	−176.3
Off-budget:			
Social Security outlays:			
1993	260.0	260.0	

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, 103D CONG., 1ST SESS., AS OF CLOSE OF BUSINESS SEPT. 24, 1993—Continued

[In billions of dollars]

	Budget resolution H. Con. Res. 287	Current level [1]	Current level over/under resolution
1993–97	1,415.0	1,415.0	
Social Security revenues:			
1993	328.1	328.1	(2)
1993–97	1,865.0	1,865.0	(2)

[1] Current level represents the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

[2] Less than $50,000,000.

Note.—Detail may not add due to rounding.

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 103D CONG., 1ST SESS., SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1993 AS OF CLOSE OF BUSINESS SEPT. 24, 1993

[In millions of dollars]

	Budget authority	Outlays	Revenues
ENACTED IN PREVIOUS SESSION			
Revenues	0	0	849,425
Permanents and other spending legislation	764,283	737,413	0
Appropriation legislation	732,061	743,943	0
Offsetting receipts	(240,524)	(240,524)	0
Total previously enacted	1,255,820	1,240,833	849,425
ENACTED THIS SESSION			
CIA Voluntary Separation Incentive Act (Public Law 103–36)	1	1	0
Unclaimed Deposits Amendments Act (Public Law 103–44)	0	1	0
1993 spring supplemental (Public Law (103–50)	1,003	1,199	0
Transfer of naval vessels to certain foreign countries (Public Law 103–54)	(8)	(8)	0
Small Business Guaranteed Credit Enhancement Act (Public Law 103–81)	(12)	(12)	0
Total enacted this session	984	1,181	0
ENTITLEMENTS AND MANDATORIES			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted	(8,443)	922	0
Total current level [1]	1,248,361	1,242,935	849,425
Total Budget Resolution [2]	1,249,990	1,242,290	848,890
Amount remaining:			
Under budget resolution	1,629	0	0
Over budget resolution	0	645	535

[1] In accordance with the Budget Enforcement Act, budget authority and outlay totals do not include the following in emergency funding:

[In millions of dollars]

	Budget authority	Outlays
Public Law:		
102–229	0	712
102–266	0	33
102–302	0	380
102–368	1,060	5,873
102–381	218	13
103–6	3,322	3,322
103–24	4,000	4,000
Offsetting receipts	(4,000)	(4,000)
103–50	0	(30)
103–75	4,190	141
Total 1993 emergency funding	8,790	10,144

[2] Includes a revision under sec. 9 of the concurrent resolution on the budget.

Note.—Amounts in parentheses are negative. Detail may not add due to rounding.

AARON WILDAVSKY, R.I.P.

Mr. MOYNIHAN. Mr. President, I rise today to recognize the passing of one of America's greatest intellects, Aaron Wildavsky. The October 4, 1993, issue of the National Review contains a appropriate memorial to this distinguished scholar. Mr. President, at this time I ask that my statement and the following obituary be submitted into the RECORD.

AARON WILDAVSKY, R.I.P.

(By A. Lawrence Chickering)

Aaron Wildavsky's untimely passing from lung cancer has deprived the conservative movement of one of its most eloquent spokesmen and distinguished scholars.

The child of Ukrainian immigrants, he grew up in Brooklyn and went to Brooklyn College. After serving in the U.S. Army, he received a PhD in political science from Yale in 1958. From 1962 until his death, he was a professor of political science at the University of California at Berkeley, where he served as department chairman during the stormy 1960s, and as founding dean of its Graduate School of Public Policy.

A former president of the American Political Science Association, Aaron Wildavsky was perhaps the most honored political scientist of his generation, winning prizes and awards galore. He was a prolific writer, the author or co-author of 36 books on subjects such as the budgetary process, policy analysis, foreign affairs, public administration, and presidential elections.

Mr. Wildavsky was often mentioned as one of the "neoconservatives" who "came over" in the 1960s. But his contributions to conservatism spanned the whole of a scholarly life devoted to documenting the limitations and failures of government. The Berkeley faculty has never been as liberal as its reputation, and Mr. Wildavsky was one of the reasons. A meeting room at the Public Policy School is decorated with a Latin translation of the school's informal motto: "There is no such thing as a free lunch."

Mr. Wildavsky was an extraordinary teacher, a provocative writer, and a flamboyant personality. Remarking on his book on Moses as a political leader, an Old Testament scholar once remarked: "There is more Wildavsky than Moses in the book; but then of course Wildavsky was more interesting than Moses." It was a pity that he did not have his own television show, since he was also far more entertaining than most television personalities.

In his last weeks, he continued his life's work—debating ideas with the stream of visitors from everywhere. On his deathbed, he wrote his last paper, a critique of Freud on the subject of humor.

He died at age 63, a great loss for those who knew him and for the cause of liberty.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

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

So when you hear a politician or an editor or a commentator declare that "Reagan ran up the Federal debt" or that "Bush ran it up," bear in mind that it was, and is, the constitutional duty of Congress to control Federal

spending. Congress has failed miserably in that responsibility for about 50 years.

The fiscal irresponsibility of Congress has created a Federal debt which stood at $4,381,848,418,221.23 as of the close of business on Friday, September 24. Averaged out, every man, woman, and child in America owes a share of this massive debt, and that per capita share is $17,057.94.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1994

Mr. HARKIN. Mr. President, what is the pending business now before the Senate?

The PRESIDING OFFICER. The pending business is H.R. 2518, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2518) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1994, and for other purposes.

The Senate resumed consideration of the bill.

EXCEPTED COMMITTEE AMENDMENT ON PAGE 74

The PRESIDING OFFICER. There will now be 3 hours of debate on the committee amendment beginning on page 74.

Mr. HARKIN. Mr. President, I understand that under the previous unanimous-consent agreement entered into, there is 3 hours of debate on the committee excepted amendment on page 74; that those 3 hours of debate are divided evenly, and I believe 1½ hours will be controlled by the Senator from New Hampshire, another 1½ hours by myself; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. HARKIN. Mr. President, I yield my entire 1½ hours of time to the Senator from Washington for her control to dispense time as she sees fit under this order.

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

The Senator from Washington.

Mrs. MURRAY. I thank the Chair.

Mr. President, I rise today in support of the committee amendment to strike section 510 of the House Labor, Health and Human Services, and Education appropriations bill. Section 510 discriminates against poor and low-income women by severely limiting their access to abortion services through Medicaid.

Today, I speak first as a member of the Appropriations Subcommittee on Labor, Health and Human Services, and Education. Section 510 in the House bill was struck by both the subcommittee and the full committee prior to reaching the Senate floor. I believe that section 510 is legislating on an appropriations bill in violation of the Senate rules. However, Senate rules do not allow me to make a point of order.

The antichoice language included in the House bill is just another attempt to have the Government intrude upon women's health decisions and decisions about whether or not to bear children. I strongly support the committee amendment to strike the House language.

Section 510 goes beyond a simple limitation of funds. It prohibits Medicaid funding of abortion services except when necessary to save the life of the woman or in cases of rape or incest. It tells women what type of abortions would be covered under Medicaid and which women would be covered.

Furthermore, the amendment would require the executive branch to interpret and implement new policy in direct violation of rule XVI of the Standing Rules of the Senate. We did not permit this type of Government intrusion on the District of Columbia appropriations bill. We did not permit it on the Treasury, Postal Service, and general Government appropriations bill, and we should not permit this type of Government intrusion here either.

Today, we have the opportunity to send a very clear message to this Nation, a message that this Senate will no longer hide behind the political process. Let us face it, there is no threat of a Presidential veto this year. We have a pro-choice President who also supports a bill free of all Hyde-type language.

The choice for us today is to allow all women in this Nation, regardless of income or status, the ability to exercise their constitutional right to choose. If we fail to strike the Hyde language, the message is very clear: In the United States, if you have money, you are free to make your decisions about your health care. If you do not have money, you do not have a choice.

I urge my colleagues to vote to strike the Hyde language and affirm the constitutional rights of all women.

Those leading the fight for Hyde restrictions on this bill want to deny women their right to choose. Today, their target is poor and low-income women across this country. Last month, the Senate rejected their antichoice attack on Federal employees' health benefits. Instead, we voted to affirm the right of Federal employees to choose whether and when to bear a child. We must do the same today for women of lower incomes.

The discrimination embodied in section 510 is undeniable. If the Senate adopts the House language, we would prohibit Medicaid funding of abortions except in very limited instances: When the procedure is necessary to save the life of the woman or in cases of rape or incest. We would be choosing to exercise our legislative power to deny poor women their ability to exercise their constitutional right.

Personally, I cannot vote to affirm the right to choose for middle-class women and vote to deny low-income women their ability to exercise that right next. That is a double standard and it is not fair.

I come from one of the most pro-choice States in this Nation. The legislature in my State of Washington has voted consistently to fund comprehensive reproductive health care for poor and low-income women. A woman eligible for public medical assistance for her general health care can obtain funds to obtain an abortion if she so chooses. We do not discriminate against poor and low-income women in the provision of those services. The Government does not place explicit moral restrictions on any other type of health care services under Medicaid. We should not do so here, either.

This country does not deny health care to victims of car accidents if they were driving drunk. This country does not deny treatment for lung cancer if the victim was a smoker. We do not make moral judgments in the dispensing of health care services. How can we deny poor women access to health care services simply because they are poor, or because the service they seek is an abortion?

Every woman in this country has a constitutional right to obtain an abortion if she so chooses. That is not what today's debate is about. Every woman has a right to make that choice based on her own moral and religious beliefs. It is a time of change for the U.S. Senate and for this Nation. Many of us were elected to this body because the American people are tired of business as usual. We were elected to speak up and take a stand on issues like this one.

For too long, the debate has centered around the notion that something is better than nothing. Today, we have the opportunity to change that debate. We have the opportunity to choose between allowing all women, regardless of income, the health care choices to which they are entitled under our Constitution. Or we can restrict access on the basis of a woman's income.

The right to choose is a right which belongs to all women, and not just to some women in this Nation. Mr. President, I challenge my colleagues to join me in refusing to discriminate against poor women. I challenge them to be fully pro-choice, not just pro-choice for those who have the financial resources to cover the expenses themselves.

Mr. President, I come to this issue from a perspective different from many Members of this body. I come to this issue as a woman and as a mother. I also come to this issue as someone who has personally witnessed the effects of choices not being available simply on the basis of income.

My personal awakening on the abortion issue came when I was in college. A friend of mine was what we today would call date raped. Abortion was not legal at the time. However, those with enough money had the option to go abroad or were able to find a doctor who could provide them with a safe procedure. My friend did not have money. She was forced to obtain a back-alley abortion. The damage done during that procedure prevented her from ever having children.

Mr. President, I vowed at that time that I would never allow that to happen to my daughter. Because of the laws of this country, my friend was never able to be a mother. Choice has always been available for wealthy women. Today, it is our responsibility to assure that income is no longer a barrier for any woman. Rather, we must ensure that all women regardless of income or status, have the opportunity to choose whether or not to bear children for themselves.

For this reason, I speak today in favor of Medicaid funding of abortion services, and the support of the committee amendment to strike section 510 of this bill.

Several Senators addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mrs. MURRAY. I yield 8 minutes to the Senator from Pennsylvania [Mr. SPECTER].

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

Mr. President, I am opposed to limiting the payment of Medicaid for abortions for poor women on the essential proposition that I do not believe that access to abortion ought to depend on ability to pay.

At the outset, I say that I am personally opposed to abortion. I believe that the matter really is one for family, one for clergy and their parishioners, rabbis, ministers, and priests, a subject which my wife and I have dealt with within our family, a subject that my parents dealt with, my brother, two sisters, and myself about, and it ought not to be a matter for Government.

A very compelling statement on this issue was made by a distinguished Republican, a conservative, former Senator Barry Goldwater, who said:

> The least government is the best government. I am all on the side of choice.

I do believe that it is a matter of choice. A woman candidate for public office articulated it perhaps best when she said that the issue of abortion, so far as she was concerned, was between herself, the physician, and God. My view is that is not a matter for government intrusion.

We have come to a point, Mr. President, where America is dedicated to a basic proposition of having universal health coverage for all, and that has come to be a common goal and a consensus in America, if not a uniform observation. It is my sense that, especially having reached that consensus on the uniform objective, it is especially important that we not restrict the access for women to abortion.

There is a notable trend on this precise issue—that is, of restricting Federal funding for abortion for poor women—that has moved to a point where it is time that it come off the bill on Labor, Health and Human Services, and Education. The issue of having abortion covered under Federal insurance policies, where it has been for so long prohibited under the Treasury and Postal Service appropriations bill, has now been removed. This year, the appropriations process does not limit access to abortion along that line. For years, there has been a denial of the use of Federal funding, including the use of District of Columbia funding, to provide for abortions for poor women, and that now has been eliminated.

There had been restrictions on the Department of Justice for the availability of abortion for women in prison, and that limitation has now been eliminated. Mr. President, if you take a look at the trend in the United States on all of the other bills where there had been restrictions on access of poor women to abortion, they have been eliminated. I think the day has arisen when on Medicaid the restriction on the availability of abortion for poor women, too, should be eliminated.

It is my hope, Mr. President, that we should take this issue out of politics. The pro-choice, pro-life abortion issue has been the most divisive issue in our society since slavery. I have made an effort to try to remove abortion from the Republican platform. Many people think that it has always been in the Republican platform, but that is not true. It is only since 1984, when abortion became a very hotly contested political item, that it was inserted in the Republican platform. A number of us sought—perhaps too late—on the eve of the 1992 Republican convention, to remove abortion from the platform by finding six States which would take the issue to the floor.

It is my hope that we will remove abortion from the Republican platform in 1996. Just as I would like to do that for my party, I would like to do it for my Senate and for my Congress. In the 10 years before Roe versus Wade was decided, I am advised, there were only 10 bills in the Congress dealing with abortion. In the 20 years since Roe versus Wade was decided, there have been more than 1,000 bills dealing with abortion.

In my 12 years plus in the U.S. Senate, I have seen this issue occupy a tremendous amount of time on the Senate floor. And on the issue which we are currently facing, there are 3 hours of debate reserved which, perhaps, is a short time limit compared to the amount of time which we have spent on this issue in the past. I believe that it would be much more useful for the U.S. Senate and the U.S. House of Representatives to be focusing our attention on other issues and issues which are closely related to those who have an interest in this debate.

I respect their sincerity in trying to move this issue along. I have supported funding for information and education for young people and abstinence. I believe it is vital that we move ahead for very substantial funding on prenatal care, so that we avoid the human tragedy of having babies born that way—1 pound or 18 or 20 ounces—where it is not only a human tragedy because those deformities are kept for the rest of their lives, but there is a heavy financial cost, with some children costing more than $150,000 on a multibillion dollar national expense.

We ought to be spending our time on women, infants, and children legislation and protecting the families, mothers, and children against violence. All of these are in line with the objective of bringing children into the world and encouraging women not to have abortions.

But in the final analysis, it seems to me that is a choice which the woman must make. At a time when we are about to consider national health coverage for all Americans, and when the issues have moved away from restricting access to abortion on all of the other lines, this is an especially appropriate time to eliminate this restriction on Government insurance policies and women who are in prison and in the District of Columbia.

The governmental philosophy best expressed by former Senator Goldwater that the least government is the best government, which led Senator Goldwater to conclude that he is on the side of choice, I think ought to lead this body at this time to the conclusion of choice and not to prohibit access to abortion to poor women.

I thank my colleague from Washington, and I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. SMITH addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. SMITH. Mr. President, I rise in opposition to the last committee amendment, which is H.R. 2518, because that committee amendment strikes from the bill the House-passed language known as the Hyde amendment, which bans Federal funding of abortions under Medicaid, except in cases of rape or incest or to save the life of the mother.

Before speaking specifically about the committee amendment, Mr. President, let me put the matter into some historical perspective here. In its 1973 decision in the case of Roe versus

Wade, the U.S. Supreme Court created a new constitutional right to abortion. And the effect of the Roe decision was to invalidate the abortion laws of all 50 States. Under the new Roe regime, all 50 States were required to allow abortion on demand, until the point at which the unborn child is viable outside her mother's womb. After viability, the court permitted the States to restrict abortions, except when the mother's life or health is in danger.

Although the Roe Court seemed to permit that States to ban most abortions after "viability," a case decided on the very same day, called Doe versus Bolton, defined the "health" exception in a very broad manner. Let me indicate what that is. In Doe—not Roe—the Court defined "health" abortions as those relating to "all factors—physical, emotional, psychological, familial, and the woman's age—relevant to the well-being of the patient." Physical, emotional, psychological, having to do with the family, woman's age, are all relevant to the well-being of the patient; that is how health was defined.

It is nearly impossible, Mr. President, to imagine a circumstance under which a woman would seek an abortion after her unborn child is viable that would not fit the Court's very liberal definition of "health." Thus, it is fair to say, Roe versus Wade and Doe versus Bolton had the combined effect of legalizing abortion on demand, through all 9 months of pregnancy, for any reason that any doctor is willing to accept as making an abortion necessary to the mother's well-being.

After the Roe and Doe decisions, the Federal Government began funding elective abortions through Medicaid. The Medicaid statute mandates payments for all medically necessary medical services. In light of the 1973 Supreme Court abortion decisions, medically necessary was interpreted to include any abortion performed by a physician on a Medicaid-eligible woman, for any reason—no questions asked.

In the years immediately following the Supreme Court's 1973 abortion decisions, the Federal Government paid for about 300,000 abortions per year through Medicaid. In 1976, however, the Congress passed the Hyde amendment, which is named for its sponsor, Representative HENRY HYDE of Illinois.

The Hyde amendment prohibited the Federal funding of abortions, except in cases in which the mother's life is in danger. Following the enactment of the Hyde amendment, the Federal Government paid for fewer than 150 abortions per year.

With the support of President Carter, the Congress continued to pass the Hyde amendment throughout the decade of the 1970's. Having thus lost the battle in both the legislative and executive branches of the Government, the proponents of taxpayer-funded abortions took their battle to the judicial branch. After protracted litigation in the Federal Courts, in the 1980 case of Harris versus McRae the U.S. Supreme Court upheld the constitutionality of the Hyde amendment, that being the life of the mother.

Presidents Reagan and Bush, of course, supported the Hyde amendment throughout their Presidencies and Congress continued to pass it every year. The Hyde amendment did not face a serious challenge until this year, when President Clinton, who has pledged to remove all barriers to taxpayer-funded abortions through Medicaid, took office.

Earlier this year, the new Clinton administration formally asked the Congress not to pass the Hyde amendment. In other words, the administration asked the Congress to open the floodgates and mandate taxpayer-funding of hundreds of thousands of abortions a year.

But, Mr. President, the U.S. House of Representatives courageously refused to adopt President Clinton's extreme position that all abortions sought by Medicaid-eligible women should be financed by the taxpayers. During its consideration of H.R. 2518, on June 30 of this year the House of Representatives adopted a revised version of the Hyde amendment by the unexpectedly decisive margin of 256 to 171. The Hyde amendment to H.R. 2518 that the House passed prohibits Federal funding of abortions, except in cases in which the life of the mother is endangered or where the pregnancy resulted from rape or incest. It is a very reasonable amendment, Mr. President. I think that is why the House passed it so overwhelmingly.

Let me pause here, Mr. President, to pay tribute to Congressman HENRY HYDE. I had the honor and privilege to serve with Congressman HYDE in the House of Representatives. The Hyde amendment stands as a great monument to Congressman HYDE's dedication to the cause of the right to life of unborn children. It is not easy to be out front on this issue these days, HENRY HYDE has been there.

As I mentioned earlier, before the Hyde amendment was passed in 1976, Medicaid paid for 300,000 abortions per year. That means the taxpayers paid for those abortions. Thus, since that time, Medicaid has not financed about 5.1 million abortions for which it otherwise would have paid. It is no exaggeration to say, Mr. President, that millions of people alive today owe their lives—in a very significant way—to HENRY HYDE.

I know that it pained HENRY HYDE, because I know him personally and I know how deeply he feels about this issue, and I know it pained him to add the exceptions for rape and incest, but he did.

He said on the modification:

My commitment to protect unborn children has not diminished in the slightest, but I recognize that this approach * * * offers the greatest hope to save the lives of many children and protects taxpayers from being forced to pay for abortion on demand.

Unfortunately, however, on September 14, the Senate Appropriations Committee voted to strike the Hyde amendment, in its entirety, from H.R. 2518. That is why we are here today. Under the committee amendment that strikes the Hyde amendment, therefore, all restrictions on taxpayer-financed abortions under Medicaid would be removed. Under the committee amendment, in other words, the United States would return to the day when American taxpayers are required to pay for abortion on demand—to the tune of at least 300,000 taxpayer-funded abortions per year—for all Medicaid-eligible women.

Let us stop and pause for a moment. It is an emotional issue. We all know that. But let us stop and pause for a moment for what that would mean.

I have no doubt that every Senator has heard of the morally repugnant practice of sex-selection abortions. The development of medical technologies that reveal the gender of the unborn child early in pregnancy has led to the increased prevalence of the use of abortion solely for the purpose of destroying unborn children who are not of the desired gender. The available evidence suggests that this despicable practice tends to target little unborn baby girls more than it does unborn baby boys.

Under the committee amendment, the taxpayers would be forced to pay for sex-selection abortions. That is because under the Supreme Court's liberal definition of "health," sex selection abortions are medically necessary for Medicaid purposes whenever a woman who wants one is able to convince her doctor that the birth of a child of the undesired gender would harm her emotional well-being.

Likewise, under the committee amendment, the taxpayers would be forced to pay for late-term abortions. Anyone who has studied the public opinion polls on abortion knows that most Americans believe that abortions should be prohibited at the point at which the unborn child would be viable outside her mother's womb. Overwhelmingly, polls support that.

But under the committee amendment, the taxpayers would be required to pay for all post-viability abortions sought by Medicaid-eligible women. That is because under the Roe and Doe standards, which remain intact even after the Supreme Court's 1989 Webster decision and its 1992 Casey ruling, all 50 States must allow abortions after viability whenever a woman is able to find a doctor who is willing to say that such an abortion is necessary to her emotional well-being.

Mr. President, President Clinton is on record saying that "almost all Americans believe that abortions

should be illegal when the children can live * * * outside the mother's womb." Isn't it ironic, to say the least, that he favors a policy on Medicaid funding of abortions that is so liberal that it would finance abortions performed after the unborn child is viable?

That seems to me to be backing off dramatically on a commitment that this President made to the American people when he ran.

Mr. President, when I talk about late-term abortions, I am not speaking of a minuscule number of such procedures. I am not talking about a couple dozen. According to the Centers for Disease Control, in the last year for which statistics are currently available—1990—there were 14,296 abortions performed in the 21st week of pregnancy and beyond. Twenty-one weeks marks the early range of viability. Babies born at 21 weeks and beyond have a fighting chance—ever so slim but a fighting chance—to survive with the aid of modern technologies.

The proponents of the committee amendment, which mandates taxpayer-funded abortion on demand for Medicaid-eligible women, make the argument that the committee amendment would only require Medicaid to pay for those abortions that are medically necessary. That, of course, makes the committee amendment sound moderate. That is a good argument.

But, as I have said, what is medically necessary is determined in light of the Supreme Court's extremely liberal definition of the "health of the mother." Thus, those who say that the committee amendment would result in any genuine limitations on what kind of abortions Medicaid would be required to fund are frankly not being totally candid.

Mr. President, Time magazine recently made note of what medically necessary really means in the abortion context. Time columnist Michael Kramer noted in the September 27 issue that "'medically necessary' is a term of bureaucratic art." "It dates," Mr. Kramer continued, "from the days before Hyde's amendment and was routinely interpreted as permitting abortion on demand."

Mr. President, the U.S. Supreme Court's all-encompassing definition of "health" in the Doe versus Bolton case is fully consistent with that of the World Health Organization. The WHO's [World Health Organization's] constitution defines "health" as "a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity." Thus, Mr. President, the committee amendment's blank check for abortions that are medically necessary would require Federal funding of abortions on precisely the same basis as contraception—on demand, with no restrictions.

Mr. President, the committee amendment would return us to the days before the adoption of the Hyde amendment in 1976. It would return us to the days when the taxpayers were forced to pay for 300,000 Medicaid abortions per year. In fact, that number would quite likely to go much higher today if the committee amendment were to become law and all medically necessary abortions were paid for by the Federal Government once again.

Due to expanded eligibility for pregnant women over the past 8 years—which helped insure that all pregnant women have an opportunity to receive prenatal care—as well as overall population growth, it is probable that repeal of the Hyde amendment would result in taxpayer funding of at least 400,000 abortions in fiscal year 1994 alone.

I hate to put these abortions—they are human lives—in terms of money, but in terms of money, that would cost the taxpayers of the United States of America $100 million per year in addition to 400,000 unborn children lost. And who knows what they might have contributed to society had they had the opportunity to life.

It is beyond dispute, Mr. President, that the American people do not want to pay for abortions with their tax dollars. In a CBS-New York Times poll reported in the Times on April 6 of this year:

> Only 23 percent said [a national health care plan] should cover abortions, while 72 percent said those costs should be paid for directly by the women who have them.

In a July 1992 ABC News-Washington Post poll, only 27 percent of those polled agreed with the statement that "[t]he Federal Government should pay for an abortion for any woman who want it and cannot afford to pay." The overwhelming majority—69 percent of those polled—disagreed.

Mr. President, regardless of where one stands on the issue of abortion as a moral or legal matter, there can be no doubt that millions of Americans believe that the unborn child is a human being.

Separate all the emotion, all the rhetoric, all of the debate, and all of the conversations we have, the unborn child is a human being from the moment of conception and that abortion is the wrongful taking of that innocent human life, many of them young girls.

Forcing those millions of pro-life Americans to pay for abortion on demand with their tax dollars would be a gross violation of their freedom of conscience. Put more bluntly, pro-life Americans would be forced to pay for the wholesale destruction of those whom they rationally regard as their innocent fellow human beings. That is not right. It is simply not right, Mr. President, to force taxpayer dollars to do that.

Mr. President, Bill Clinton is the first American President—the first—to support the radical policy of full taxpayer funding of abortions for all Medicaid eligible women through all 9 months of pregnancy, and for any reason.

I want to repeat that.

The first American President, Democrat or Republican, to support the policy of full taxpayer funding for all Medicaid eligible women through all 9 months of pregnancy for any reason.

We ought to stop and pause and think about that, Mr. President.

President Clinton's last Democratic predecessor, Jimmy Carter, by contrast, opposed taxpayer-financed abortions. President Clinton's support of taxpayer-funded abortion—a position that flies in the face of the views of the large majority of Americans—earlier this year prompted a highly insightful U.S. News & World Report column by the man who now serves as one of his principal White House advisers—David Gergen.

I want to share Mr. Gergen's highly insightful article with my colleagues in its entirety. It is entitled "Clinton's Abortion Problem" and appeared in the magazine's April 19, 1993, issue. It reads as follows:

> As candidate, Bill Clinton repeatedly promised that if he was elected, abortions in the United States would be "safe and legal, but rare." As President, he seems intent on keeping the first two-thirds of that promise. He is in serious danger, however, of breaking the last third.
>
> In the past few weeks, the administration has announced it will work with Congress to lift the ban on Federal funding of abortions under Medicaid. It has said health insurance policies for Federal workers will henceforth cover abortion. And Health and Human Services Secretary Donna Shalala has suggested that health system reform should include universal insurance coverage for abortion. Apparently abortion is to be treated as a routine medical procedure easily available to all—no questions, no costs, no issues of morality or personal responsibility. This will make abortions "rare"?
>
> In its eagerness to please the absolutists of its own party and defeat those on the other side, the administration threatens to ride roughshod over the sensibilities of most Americans struggling somewhere in between.

And many do struggle somewhere in between.

> Polls in recent years have shown that a majority have slowly reached an uneasy consensus on abortion: They don't like it, but they are willing to accept it—grudgingly. Three quarters have told Gallup pollsters, for example, that they disapprove of abortion; a third consider it murder. But most also think it should be legal.
>
> Where most Americans have drawn the line is on paying for other people's abortions, especially abortions on demand. In an ABC-Washington Post survey last year, 69 percent of those polled said the Federal Government should not pay "for an abortion for any woman who wants it and cannot afford to pay." Strikingly, a 1992 survey for Reader's Digest by Richard Wirthlin found that poorer Americans are the most opposed to Federal funding: Among those earning less than $15,000 a year, opposition ran 63 to 32 percent against funding—

Is that not ironic?—

while those making over $60,000 favored it by 57 to 41 percent.

So we have those with the higher incomes favoring it by 57 to 41 and those in the lower incomes, who we are hearing debate about today, the opposition was 63 to 32 percent, the exact opposite.

Is President Clinton listening to the American people he wants to help?

The Hyde Amendment barring Federal funds for most abortions first became effective in 1977 with the support of a president whose commitment to human rights is beyond question. Jimmy Carter (like this writer) was pro-choice but had deep reservations about the government financing abortions. He thought the government should stay out of a woman's decision, not blocking her but not encouraging her, either. By paying, the government sends the wrong message.

There is a real possibility that if Clinton prevails, the number of abortions will soar again. The Alan Guttmacher Institute records that in 1972, a year before the Supreme Court issued the Roe v. Wade decision and Washington began paying for abortions, only 12.9 percent of pregnancies in America ended in abortion.

By 1976, that percentage had doubled to 23.1. The Federal Government by then was paying for a third of all abortions. Since the Hyde Amendment took effect, the percentage of abortions has stabilized at roughly 25 percent of pregnancies.

Those who want to reverse course say the Hyde Amendment makes abortions unavailable to poor women. That is not really true. Guttmacher finds that poor women are three times more likely to have an abortion than are others. Yet, the question of fairness is pertinent and indeed makes the issue so horribly difficult. There is no doubt that many poor women, especially unwed pregnant teenagers, carry burdens that are intolerably heavy. But in moving to help them, as we must, we must also act wisely.

Far better than opening the floodgates to universal abortion on demand, funded by taxpayers, we should work to ensure that every child who comes into the world is wanted and has a decent chance in life.

That is what we ought to be doing. That is what we ought to be debating in this body today: How can we ensure that every child who comes into the world is wanted. Would it not be nice if the debate were framed around that, instead of about abortion? Would that not be nice?

We should start by taking more aggressive action to prevent undesired pregnancies. Sweden has embraced strong sex education and birth control programs, for example, and has seen its abortion rate decline sharply. Wrongheadedly, America under the past two administrations slashed federal funds for contraceptive services. In addition—and here Clinton deserves credit for moving in the right direction—the country should provide stronger medical and child support for women whobring children to term. What we need, then, are policies that show compassion toward women as well as a high ethical regard toward unborn children.

Both regard toward unborn children as well as toward women. That is the difference in this debate.

We stand in danger of having neither.

I wish Bill Clinton had taken the advice of his White House Adviser David Gergen. But the President has made it clear he wants the taxpayers to pay for abortion on demand, through all 9 months of pregnancy, for any reason and for all Medicaid-eligible women.

Mr. President, I would like to stop at this point and ask at this time how much time we have remaining on our side?

The PRESIDING OFFICER. The Senator from New Hampshire has 65 minutes remaining.

Mr. SMITH. I yield as much time as he may consume to the Senator from Utah.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Ms. MIKULSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland. For what purpose does the Senator rise?

Ms. MIKULSKI. Mr. President, parliamentary inquiry. I thought in the debate one seeks time to be yielded but the controller of the time can yield time? Or is it first to be recognized?

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator may seek recognition if that Senator controls time or is yielded time.

Mr. SMITH. Mr. President, I will yield the floor.

Ms. MIKULSKI. Mr. President, I believe I still have the floor, and quickly I wish to yield to the Senator from New Hampshire because I think we have been conducting this debate with enormous civility, and this Senator certainly appreciates it. I was just wondering what would be the framework for proceeding in the debate?

Several Senators addressed the Chair.

The PRESIDING OFFICER. Senator from Washington.

Mrs. MURRAY. Mr. President, it was my understanding we were going to go back and forth on this debate, and if the Senator would go with that, I would appreciate it.

Mr. SMITH. That is fine with me, Mr. President. I will yield the floor.

Mr. HATCH. Will my fellow Senator yield?

Mr. President, I have been sitting here, and while I do not want to disrupt the orderly flow of debate, I have to leave. I am only going to take about 7 minutes.

Several Senators addressed the Chair.

Mr. HATCH. I will take my turn. I will wait my turn.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I understand all of the Senators on the floor may have been waiting for a long period of time and do also have other commitments.

Mr. President, without objection I will yield to the Senator from Illinois, 10 minutes.

Mr. SMITH. Mr. President, just a parliamentary inquiry? I just want to point out to my colleague from Maryland I allowed two previous speakers who had other commitments to come and speak before I spoke, using time. I understand the parliamentary procedure. I am not going to object to it but I think Senator HATCH is making a point, that he had another commitment and wanted to speak. I do not think that is an unreasonable request since I did allow two previous speakers before anybody spoke on this side. I am not going to object but I wanted to point that out for the record.

Ms. MIKULSKI. Will the Senator yield? I understand that, and I understand the pressing demands on the time of the Senator from Utah. But this Senator is an appropriator who has a conference before her and has also been on the floor for an hour and a half.

Again, I think we are moving with an atmosphere of civility and I appreciate that.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. I yield 10 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois [Ms. MOSELEY-BRAUN], is recognized for 10 minutes.

Ms. MOSELEY-BRAUN. Thank you Mr. President, and thanks to the Senator from Washington and the Senator from Utah for his graciousness.

We have all been waiting a long time. This is an important debate and no doubt a heated one, although there has been great effort to keep it very civil.

But let me suggest, Mr. President, it is very important for us to remember what is and what is not at issue in this debate. We have to separate, as we listen to the debate, as we consider this issue, the reality from the fiction. In my opinion the only issue here is whether wealth—having money—gives some women more rights than others—that is to say whether or not one's choice is limited by poverty.

What is not at issue is the morality of abortion. For purposes of public morality, the fact is in a free society those decisions are to be decided by the individual and not by Government. Liberty, by definition, should not mean that Government will dictate as personal and private a decision as whether or not to bear a child.

I am not personally in favor of abortion. I favor the approaches that say we should educate, we should give people guidance in terms of abstinence, in terms of planning. But I am very much pro-choice. I am very much pro-choice because I recognize a woman should not be singled out for governmental intrusion on her right to control her body.

Also not at issue is the issue of legality. Abortion is legal in this country, and it is constitutionally protected. It is worth noting that our Founding Fathers did not use the process of creating the Constitution to end abortion,

which was legal—and I might say also not uncommon—even then. The Founding Fathers did not give rights to the unborn; they gave them to the living. And among the most important of those rights was one to equal treatment under the law. So in this debate at issue is whether or not poor women have equal rights to women of means.

Women want to make childbearing decisions themselves. They do not want Government to decide for them. That is why this issue is so important. What is at issue is discrimination based on wealth. Let us be clear. By attempting to financially coerce poor women into not exercising a right that is legally available to all other women, the Hyde amendment language discriminates against poor women.

It is true that the Federal Government has no obligation to pay for abortions for poor women, or for anybody else for that matter. However, the Federal Government has long ago decided to provide insurance, a program for health insurance, for the poor that is comparable to private insurance that is available to most Americans. That program is called Medicaid.

Medicaid is a Government-sponsored health insurance program for poor people, male and female. Most private insurance covers all reproductive health services, including abortion service. Blue Cross, Aetna, and Kaiser are just a few of the major insurance carriers who provide complete reproductive services. Since Medicaid is nothing more than health insurance for the poor for a whole range of health services, to single out abortion services essentially discriminates against poor women.

If, on the other hand, we decide as a body to increase welfare payments and let poor people purchase health insurance with the money, this issue, the issue we are debating today, would never even come up. But whether the Federal Government pays directly or not, the issue is still the same. Poor women ought to have the same access to health insurance that provides them with the same services, and that includes abortion services.

We have just had a vote on that very issue here in the Senate. By a vote of 51 to 48, the Senate decided that the Hyde amendment restrictions should not be placed on health insurance plans available to Federal employees. I support that view. Federal employees should not be limited and have less services available under their health insurance plans than other Americans who work for private companies. And if the Federal Government is going to pay the health insurance premiums for poor women, then it has no right to limit those services and choices either.

If private insurance is free under the law to provide a full range of reproductive services, then it is clearly discriminatory for us in Congress to micromanage the Medicaid Program so it cannot provide the same range of basic services to poor people and to poor women.

Some argue that the issue is not one of discrimination, that the real issue is that people should not have to fund activities they do not like, that people who do not support choice, who are anti-abortion, should not have to pay for this.

Well, but if that rationale is going to guide our deliberations today, then I think we are in some very choppy and serious waters indeed, because to say that one taxpayer in this United States can pick and choose what his or her tax dollars go for will put us in very serious trouble. To use an example, Illinois, the State that I represent, ranks 46th among the 50 States in the return on Federal dollars. We send a lot of money to Washington and we get very little back proportionally.

Now, if we, as Illinoisans, said we were not going to pay for activities we could not participate in, where would that leave the Federal Treasury? We are right now paying for a host of activities that if the people of my State knew about they might well object. For example, we have a Bureau of Reclamation, which by law cannot even operate in my State and yet Illinois citizens pay for that. We pay for cotton support. We cannot grow cotton in Illinois, but we pay for it nonetheless.

The truth, of course, Mr. President, is that our country could not function if that rationale was carried to its logical conclusion. The argument for restricting access of poor women to abortion services is just as fallacious. If we are going to provide health services and health services are to be comparable to health services available in the private sector, then to start limiting and discriminating against which services can and cannot be available to poor women because we may not like some of them is just a fallacious argument and flies in the face of the way that this country does business.

Some argue that the restrictions on Medicaid abortions are appropriate because if the Federal Government finances abortion, it will in so doing encourage them. Mr. President, I suggest to you that that argument is not only insulting, it is also wrong on the facts. Everyone, rich or poor, will decide to bear a child based on what is in her heart and what is in her mind. The truth is that if you want to lower the pregnancy rate for poor women, the answer is not the Hyde amendment. The answer is economic opportunity. Give poor women more of a chance and, like every other American, they will make use of that chance. Birth rates in this country, like most other places around the world, are related to income. Higher incomes lead to lower pregnancy rates.

The truth is that the reasons poor women choose abortions are no different than the reasons other women choose abortions; financial problems, lack of a stable family relationship with their partner, whatever the reasons. But the point I am trying to make, and I think needs to be made here, is that poor women are really no different than any other women except for their poverty, and their access to reproductive services should not be any different either.

The sad truth also is that because of their poverty, poor women are likely to be more susceptible to health problems that make the need for a full range of reproductive services more likely.

Mr. President, we have been talking about hypothetical situations, but I would point out that this is not just a hypothetical debate or argument. These are real people. There are over 9 million poor women who are impacted, who are covered under the Medicaid program, real people, including some 438,000 individuals in my State of Illinois, 1,571,000 in the State of California, 390,000 in the State of Michigan—I can go down the list—North Carolina, 236,000 real, living people, people who have rights, rights to be treated equally under the law, and they deserve fair treatment from this Senate.

What they want is not to be discriminated against because of their poverty. What they want is nothing more than to have the same access to health services through Medicaid that other Americans have through private health insurance. What they want is for the Congress to recognize that these women on Medicaid are no different than any other women. They are not less moral or less worthy or more likely to have an abortion. They are simply poorer. And that is not a permanent phenomenon, hopefully, in this land of opportunity.

Our obligation, Mr. President, therefore, is to see these poor women as people, and to treat them as people, and not just as easy political targets that can be used to satisfy other more vocal constituencies. Our obligation is to act based on what is really at issue. Our obligation is not to discriminate against poor women simply because we can get away with it politically, or because we can make a speech on some stump during the reelection campaign. Our obligation is not to substitute our judgment for the judgment of any individual poor woman regarding a very personal decision, whether or not to bear a child.

That means that we should not micromanage the Medicaid Program to disadvantaged poor women.

I would like to conclude by saying, Mr. President, that these are the most vulnerable people in our society. Instead of talking about the issues of how we can make life better, we should be—instead of having this debate, we should talk about how to make life better and how to give poor women the

kinds of opportunities to choose options other than abortion.

But, in the meantime, I urge my colleagues to put aside passion and fiction and respond to the simple reality and truth, that each American is equal under the law and that poor women are no exception to that rule.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Hampshire.

Mr. SMITH. Mr. President, I yield 10 minutes to the distinguished Senator from Utah [Mr. HATCH].

The PRESIDING OFFICER (Mr. DORGAN). The Senator from Utah is recognized for 10 minutes.

Mr. HATCH. I thank my colleague, and I thank the Chair.

I rise in opposition to the Federal taxpayer funding of abortion. I will vote "no" on the committee amendment to the Department of Labor, Health and Human Services appropriations bill, H.R. 2518, and I urge my colleagues to do the same.

I happen to disagree with my good friend, the distinguished Senator from Illinois. I think the most vulnerable in our society are the unborn children.

Mr. President, the Labor/HHS appropriations bill includes the so-called Hyde amendment, which passed the House of Representatives by an impressive margin. The Hyde amendment forbids Federal taxpayer funding of abortion through Medicaid, except in cases of rape, incest, or danger to the life of the mother. The committee amendment at page 74, lines 20 through 25, would strike the Hyde amendment from the HHS appropriations bill, and would instead require unlimited Federal taxpayer funding of abortion on demand throughout the whole Medicaid program.

The result of repealing the Hyde amendment would be immediate taxpayer funding of more than 400,000 abortions per year, at a price tag to the taxpayers of more than $100 million per year.

Mr. President, I ask my colleagues to consider the following facts in deciding whether they are going to vote to require all taxpayers to subsidize abortion in this country:

First, restrictions on Federal funding of abortions have been in place for many years. The American public strongly supports these restrictions and opposes Federal funding of abortion on demand. According to an ABC-Washington Post survey last year, 69 percent—more than two-thirds—of Americans oppose having the Federal Government pay for abortion on demand. Obviously, these opponents of Federal funding of abortion include many people who identify themselves as pro-choice on abortion.

In short, as David Gergen wrote in April of this year:

> In its eagerness to please the absolutists of its own party, the Clinton administration threatens to ride roughshod over the sensibilities of most Americans.

Second, even more strikingly, the socioeconomic groups who would supposedly benefit from taxpayer funding of abortion are especially opposed to it. According to a Wirthlin poll last year, Americans earning less than $15,000 a year oppose public funding of abortion by 21 percentage points more than Americans earning more than $60,000 per year. Likewise, African-Americans oppose public funding of abortion by a much larger margin than white Americans do.

Some might find these results paradoxical. I do not. In my view, they clearly reflect the wisdom of the disadvantaged that promotion of abortion by the Federal Government is a false and destructive answer to the problems they face.

Third, the laws and regulations of some 40 States restrict State taxpayer funding of abortion. But if Federal funding of abortion is mandated through Medicaid, every State will be required to provide matching funds for abortion on demand. In short, a vote for Medicaid funding of abortion on demand would force taxpayers to pay State as well as Federal taxes for abortion on demand.

Fourth, abortion is not just another medical procedure. As the Supreme Court recognized when it upheld restrictions on taxpayer funding of abortion more than a decade ago, abortion is:

> Inherently different from other medical procedures because no other procedure involves the purposeful termination of potential life.

Moreover, the overwhelming majority of abortions that would not be funded under the Hyde amendment are purely elective.

Fifth, there is no evidence that restrictions on Federal funding of abortion have had any adverse effect on women's health. By contrast, there is strong evidence that upwards of 1 million children are alive today thanks to the Hyde amendment and our colleague in the House, HENRY HYDE.

Sixth, the legal underpinning for abortion is that abortion is supposedly part of a right of privacy. But if abortion is a private matter, why should the public be forced to pay for it? The simple and correct answer is that the public should not be forced to pay for it.

As one Governor wrote in 1986, "I am opposed to abortion and to Government funding of abortions. We should not spend State funds on abortions because so many people believe abortion is wrong." Then-Governor Clinton was right then; President Clinton is wrong now.

I urge my colleagues not to force Federal taxpayers to pay more than $100 million a year to pay for more than 400,000 abortions. I urge my colleagues not to subsidize abortion on demand. I urge my colleagues not to impose a matching-grant burden on the States and their taxpayers. I urge them to maintain the Hyde amendment as part of existing law.

Therefore, I urge them to vote against the committee amendment to the Labor-HHS appropriations bill.

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

The PRESIDING OFFICER. Who yields time?

Mrs. MURRAY. Mr. President, I yield 10 minutes to the Senator from Maryland.

The PRESIDING OFFICER. The Senator from Maryland, Ms. MIKULSKI, is recognized.

Ms. MIKULSKI. I thank the Senator from the State of Washington for yielding the time.

Mr. President, I rise to voice my very strong opposition to any attempt to restore the Hyde restrictions to this bill.

THANKS TO SENATOR HARKIN

Ms. MIKULSKI. Before I enter into that part of the debate, however, I wish to speak about the excellent work that the Senator from Iowa [Mr. HARKIN] who chairs the Subcommittee on Aging, has done on this bill. First, it has been an outstanding achievement, meeting very tough fiscal demands, and at the same time our social responsibilities. And he has done an outstanding job in issues related to women's health and to the elderly.

Mr. President, before I speak on the matter at hand I would like to say a few words of sincere thanks to Senator HARKIN for his excellent work in this bill to improve women's health.

Senator HARKIN has always been one of what I call the Senate Galahads—those male colleagues who never fail to be here fighting to improve the lives and health of women in this country.

This bill is no exception to Senator HARKIN's long and distinguished record on behalf of women. This bill provides unprecedented increases in funding for women's health in two critical areas: For vital research on diseases unique to or more prevalent in women; and for health care services women would otherwise not receive.

This bill increases funding for research on: osteoporosis, breast cancer, ovarian and other gynecological cancer, and endometriosis and fibroid tumors; as well as heart disease that has become the No. 1 killer of women.

This bill also increases funding for: early detection and screening for breast and cervical cancer, family planning, and prevention of infertility.

This bill—not only provides the means—it supports the ways—Funds offices of women's health throughout the Public Health Service; provides oversight; and breaks new ground.

Senator HARKIN is to be commended.

As the chair of the Subcommittee on Aging I also want to thank Senator

HARKIN for working closely with on addressing the needs of the elderly.

This bill provides significant increases for critical nutrition and social services provided to the elderly under the Older Americans Act.

It increases funding for the Older Americans Act programs by almost $40 million.

It is the biggest increase in over a decade. These dollars will go a long way to keeping our seniors living longer and more healthfully in their own homes.

I applaud the chairman and look forward to our work together on behalf of women and the elderly.

COMMENDATION OF SENATOR MURRAY

Ms. MIKULSKI. Mr. President, I also compliment the Senator from the State of Washington for helping the Senator from Iowa manage this bill. I know that this is her first floor management responsibility. I would like to compliment her on the excellent way that she is handling the bill. I note her robust statements on this and many issues.

Mr. President, the reason I rise to voice my strong opposition to restoring the Hyde restrictions are simple: To restore the Hyde restrictions would take the decision of who chooses out of the hands of women and put that decision into the intrusive hand of government. We do not want government deciding those matters, matters that should be left up to a woman and her doctor, those matters that should be decided on the basis of a clinical situation and a person's individual conscience and individual faith preference. Far too often in the debate on Federal funding related to abortion or on abortion, generally we focus on what is decided rather than who decides.

Mr. President, I strongly object to government deciding who gets what related to pregnancy services in this legislation or all others, because when we see the heavy hand of government intruding, we see the emerging of the most repugnant practices.

The Senators on the other side of this issue and I would agree about the repugnant practices that have gone on in China related to coercive abortion and even forced sterilization. The Senator from New Hampshire spoke earlier about his concern about abortion for sex selection and I denounce that as much and as forcefully as he does.

What we saw in China, where they mandated abortions, and then government got involved in Romania encouraging women to have babies—once women reached child bearing age up until the time they were post menopausal, they had to go four times a year to be examined to see if they were practicing birth control. If they were, they were punished by the state, so that they could have babies to fund the Communist-laden Ceausescu regime.

We do not want extremism in this country. When government gets involved in reproductive issues, it is extreme. We have a constitutional framework that says this decision for all women is to be based on a clinical situation and a person's conscience and faith preference. That is what I believe we should adhere to.

But the Hyde restrictions represent another path. They bring government into the doctor's office. They bring government into the family living room. They would allow Medicaid funding for access to abortion only in certain circumstances; rape, incest, or to save the life of a woman. Those are excellent criteria. But they should not be the only criteria, and it is not the government that should decide what are those criteria.

What would this mean for the women receiving Medicaid? It would mean that the Federal Government has the power to decide for these women whether they would have access to an abortion simply because they are poor. It would put government in charge of deciding which abortions are OK, and which are not OK. If abortion is bad, then it is not OK under any circumstances.

I do not think that is what we are here to decide, what is OK and what is not OK. What is OK is the constitutional framework that allows us to make those decisions ourselves.

And it would make it virtually impossible for poor women to exercise their own choice to have a legal medical procedure protected by the Constitution.

Mr. President, of the 32 million Americans receiving Medicaid coverage more than 9 million of these recipients were women of childbearing age.

Almost two times the population of my State.

It is unacceptable to me, and to the women in this country, that the Government tell these women that just because they are poor—they do not have the same right that other women have to decide to have an abortion.

But that is exactly what we will be doing, Mr. President, if we fail to defeat this effort to restore the Hyde restrictions.

We are going to tell these women that because they are poor they do not have the same right to decide whether to have an abortion that other women have.

We are going to tell them that as citizens of the United States who make up a population almost two times my own State that the constitutional protection for access to abortion does not apply to them.

Mr. President, the effort to restore the Hyde restrictions is the worst kind of public policy. It discriminates against only one class of people, only one gender, for one reason and one reason only: They are poor and they are vulnerable.

Congress enacted Medicaid to increase access to the Nation's health care system for people whose incomes were insufficient to meet those costs. We did not say some people would have access to one type of medical care and not another. We gave doctors and patients the freedom to choose the best medical procedures best suited to meet the needs of the patient. That is what we must adhere to.

"The very heart of Medicaid," as Supreme Court Justice Brennan so eloquently put it, "is to give doctors and patients the complete freedom to choose those medical procedures best suited to the needs of the patient."

All women, regardless of income, should have access to the same reproductive health care services available to all other women.

Poor women must have the same right to decide whether or not to have an abortion as other women.

Opponents to abortion have tried every way they can to limit access to abortion, and today is no different, whether it is whittled away because of the waiting periods, mandatory counseling, and a whole host of others. This time they have aimed their voice exclusively at women who have no voice and little power.

I would like to take a moment to clarify the arguments that we have heard on this issue. First, lifting the restrictions does not mean that Government would advocate or encourage abortion. What lifting the restriction means is that the Government will get out of the business of intruding into the lives, private lives, of women and let a woman make that decision for herself. It means that Government will stop playing the role of the physician. It means that the Government will stop intervening between a woman and her doctor as they decide on this issue.

Second, the current Hyde restrictions are not neutral. They cut off access. They make it difficult, if not impossible, for a woman to make the choice. The only truly neutral position is to allow women themselves to choose, not Government to tell them what they can do and what they cannot do.

Mr. President, just last month the Senate and the Congress eliminated similar restrictions on a woman's access to abortion if they worked for the Federal Government or are spouses or dependents of Federal employees. Federal health benefits like Medicaid are paid for in large part by the Federal Government. In fact, the Federal Government pays on average 70 percent of the cost of Federal employees health plans. In fact, the Federal Government in lifting the restrictions of barring Federal employees' access to abortion did not send a message that Congress encourages abortion.

We simply took Government out of the equation.

We put a stop to Government intrusion into the personal lives of women.

We are not deciding for these women. We are not telling them to have an

abortion. We are not telling them not to.

We are simply saying they should have the ability to make that choice for themselves—that is what the Supreme Court said 20 years ago.

And that is exactly what I am arguing here for the 9 million women who receive their health care through the Medicaid Program.

Congress should be neutral in offering benefits under Medicaid just like it is with the Federal employees health benefit plan.

Mr. President, restoring the Hyde restrictions is about one thing: Government intrusion into the private lives of women. It is about denying women choice, and it is about discrimination against women, against the poor, against citizens who are vulnerable and have no voice in their Government.

It is time to put an end to this type of discrimination.

It is time to put an end to this type of governmental extremism.

And it is time to restore the issue of who decides to the women of America—rich or poor.

I urge my colleagues to keep Hyde restrictions on Medicaid funding for abortions out of this bill.

Mr. SMITH. Mr. President, I yield 10 minutes to the distinguished Senator from Pennsylvania [Mr. WOFFORD].

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. WOFFORD. I thank the Senator. I do not like to disagree with the Senator from Maryland, but today we are being given two bad choices: Either to reaffirm the two-tiered system in which the poor are denied an option available to other Americans in most private sector health insurance plans; or to affront the deep moral views of many Americans by extending direct Federal funding to pay for abortions.

The sad fact is that we are being asked to accept these choices at just the time a solution is within reach—a solution that will make such choices unnecessary.

The President has proposed a new system of universal health insurance that will end the present two tiers—one for the poor, through Medicaid, and another for everyone else. He proposes that the Government get out of the business of directly paying for particular health care services.

Under the President's plan, those now being assisted by Medicaid, like other citizens, will become members of regional health alliances—insurance purchasing cooperatives, nonprofit corporations, not Government agencies. The former Medicaid recipients will have their premiums in these alliances subsidized by the Government, but they will have the same choices of health plans as everyone else.

Most, but not all, of the private sector health plans from which they would choose—HMO's, Blue Cross/Blue Shield, insurance company fee-for-service plans, or new health care networks—would, as now, pay a participating doctor's bill for an abortion under the category of pregnancy-related services, subject to reasonable State regulations permitted by the Supreme Court.

But some providers, like religious hospitals for example, could explicitly preclude abortions, as they do now. The choice of what plan to choose, as of what services to request, would be up to the individual. The Government would be out of the business of directly paying doctor bills—not for abortions, not for anything else.

I am convinced that this proposed new universal health care system can, and will, solve this problem in a far better and much fairer way than either alternative before us today. It will enable those receiving subsidized premiums to choose among the same range of health care plans that other citizens can now choose. That is fair. That is a sensible American way to proceed.

Mr. President, my own long-held and repeatedly stated position on abortion has never satisfied either of the two contending principled camps. Nor will it now. I respect the convictions and the fervor of both these camps—those who defend the right to life of the unborn and those who, with equal power, defend the right of a woman to choose whether to terminate an unwanted pregnancy.

But I believe, Mr. President, that the real choices are not that simple.

When I came to the Senate, one of my new colleagues advised me that the easiest way to deal with this subject is simply pick one of the two sides—pro-choice or pro-life—and stick with it.

After 2 years in Washington, I can see the expediency of that advice. It would be a lot easier to choose a label. But for my whole adult life, I have resisted that kind of simplistic labeling. My reason and conscience long ago led me to reject the absolutism of either side of this issue. And it still does.

Over the years, I have had the counsel of my wife, my family, and my faith. I have listened to thousands of intelligent, caring Pennsylvanians on both sides of this issue. For me, the question of abortion could not be boiled down to a simple label, a verbal shorthand.

The passionate and loud voices from the two camps uphold what seems to them absolute truths, but they tend to drown any other voice. Mr. President, the American people are not just divided into those two parts. There is a much more broadly shared position held by those who stand on a different ground because they see the matter differently. I am one of these.

For my colleagues and constituents who may be interested, I again note for the record what I have said repeatedly and consistently since I was appointed to the Senate.

I support a woman's option to choose up to the point of fetal viability, subject to reasonable regulations that do not impose a substantial obstacle to the effective exercise of that right. That is what the Supreme Court says, and I believe it strikes the right balance.

I have long opposed efforts, by congressional action or constitutional amendment, to overturn the Supreme Court's decisions on abortion, beginning with Roe versus Wade.

I believe that unwanted pregnancies and abortions are tragic, and that the large number of such cases is a sign of a profound irresponsibility of our times.

Therefore, it is essential to increase the availability of adoption; improve and promote family planning and education programs, and contraceptive research; and take other steps to encourage self-discipline and individual responsibility to reduce the circumstances that lead to abortions.

From Roe versus Wade to the recent Casey case, the Supreme Court clearly holds that abortions, within reasonable regulations, are legal. I believe they should be safe. But I also believe we must work together to make them rare.

Reasonable regulations on abortion have seemed to me—as to the Supreme Court—to include provisions prohibiting abortion during the 7th, 8th, and 9th months, except when the life of the woman is at risk, or if she would suffer major health problems by carrying the pregnancy to birth. They also include requirements of parental consent in the case of minors, if there is a judicial bypass procedure.

Unreasonable regulations include the so-called gag rule, prohibiting a doctor or health professional from counseling patients against abortion, which I voted against. And I have also voted against the Mexico City policy, which applied the gag rule to international family planning programs. I voted to permit overseas military personnel and their families to obtain an abortion at a U.S. military hospital at a woman's expense, since it seemed unreasonable to deny those serving abroad a right they would have had at home. I am supporting the Freedom of Access to Clinic Entrance Act. And I have voted to increase funding for family planning services through title X.

It disappoints me that despite my long-held personal position and my consistent public statements since I came to the Senate, with each vote, one side or the other—or both at once—have mischaracterized my position. That will probably happen again today as I reluctantly vote on this question.

Because of my own beliefs and the deep division in our society, I have regularly opposed the use of Federal funds to directly pay for abortions except in cases of rape, or incest, or where the

woman would suffer major health problems by carrying the pregnancy to birth. That is what I believed before I came to the Senate, that is what I have said since I got here, and that is how I must vote today.

But I cast the vote unhappily because I do not think this is the time or the way to end the two-tiered system that denies equal opportunity to the poor. I want to see that system replaced by a fairer system which gets Government out of the business of paying directly for medical services. That kind of universal health insurance is what we must now work to achieve in this Congress.

Finally, there is another overwhelming practical reason why this is the wrong time and way to try to change that two-tiered system in relation to abortion. If the President's proposed new system is seen to be directly and explicitly paying for abortions, I do not think health reform will pass. Some of the same religious and medical groups that most want to support universal health insurance would have to oppose it. And I understand why.

On the other hand, if the new system seems to be taking the right to choose away from the great majority of women whose present private sector health plans pay for abortions as pregnancy-related services, there would also be no action—only more gridlock. The majority of American women, whatever limitations on abortion they would support, would not accept legislation that took that choice out of their health plans. Nor would I.

So the way ahead is clear and promising if we can move away from the divisiveness this issue represents today and develop the universal health insurance system that the great majority of Americans want and need.

Let us build on that common ground.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Chair recognizes the Senator from Washington.

Mrs. MURRAY. Mr. President, I yield 10 minutes to the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio [Mr. METZENBAUM] is recognized for 10 minutes.

Mr. METZENBAUM. Mr. President, I rise in opposition to this amendment which restricts Medicaid funded abortions. In reality, a woman's fundamental right to have an abortion is the equivalent of having the ability to pay for an abortion. Public financing of abortions is essential if the constitutional right to choose is to have any meaning for poor women.

There is something rather absurd about this debate. Why is it that rich women can get abortions but some would say that poor women cannot? Why do we discriminate against them? It is they who probably need the right to have abortion, and the right includes the ability to pay for it. More than women generally, it is they who do not know what to do when more and more children come into being, and they have no way of stopping.

The lack of Medicaid funding for complete reproductive services also has serious economic and health consequences for low-income women and their families. The goal of the Medicaid program is to protect the health of poor women by helping them obtain necessary medical services they cannot otherwise afford.

Women who are Medicaid eligible are particularly susceptible to having problem pregnancies because of the health risks and nutritional deficiencies that often result from their poverty. Yet we would turn our backs—some urge us to turn our backs—on these poor women. Denying these women Medicaid funding for abortion flies in the face of the program's goals. It increases the health risk for poor women by forcing them to carry health-threatening pregnancies to term. Even when these women on their own somehow raise the money to pay for an abortion, the delay in obtaining an abortion exposes them to the health risks associated with delayed abortions. Truly desperate women may even undergo unsafe or self-induced abortions because they simply cannot afford the cost for a legal procedure performed by competent health professionals.

In 27 States the cost of abortion is more than two-thirds the maximum monthly Medicaid payment. In nine States, this cost is higher than a family's entire monthly Medicaid allotment. Given this economic reality, finding the money to pay for an abortion sometimes means that women in their families go without food, clothing, and other essentials.

What kind of a crass attitude can we have that we turn our back on these poor women who are crying for help, who are crying for the privilege, the opportunity, the right— which is really the correct word— the right to have an abortion but do not have the funds to do it? But those women who do have the funds to do it can do it.

I fully support responsible efforts to reduce the need for and the number of abortions in this country. But denying complete and safe health services to the poorest of the poor is not the right way to go about it. Women, whether they be rich or poor, and not legislators, whether they be Democrats or Republicans, are best able to make this most intimate of decisions for themselves.

This is not a decision that should be made by those of us in the Congress. This should not be determined by whether the vote is 51 to 49 or 52 to 48. This is not a decision that we should be making.

This is a decision that the woman has a right to make for herself. But we are saying, yes, woman, you have a right to make it for yourself if you are rich, if you have the wherewithal to do it. But if you are poor and do not have the money to do it, you cannot make that decision, and we are not going to help you in any way. So we are going to turn our back on you because we, the Members of Congress, have decided who can and who cannot have an abortion.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio yields the floor. Who yields time?

The Chair recognizes the Senator from New Hampshire.

Mr. SMITH. May I please inquire how much time remains on this side?

The PRESIDING OFFICER. The Senator from New Hampshire has 48½ minutes remaining and the Senator from Washington 46½ minutes remaining.

Mr. SMITH. I yield 10 minutes to the distinguished Senator from Indiana.

The PRESIDING OFFICER. The Senator from Indiana is recognized for 10 minutes.

Mr. COATS. Mr. President, we are engaged in a very important debate today, namely how and whether taxpayer funds will be used to pay for the provision of elective abortion.

That is an issue that is being discussed and being discussed eloquently by people on both sides. But there really is a broader issue before us. And while I am rising to oppose the committee amendment it is that broader issue that I would like to address because I think that is an issue that the Senate and the American public tends to ignore and ultimately that we will have to face if we are going to resolve this and many other issues concerning the value of human life.

Mr. President, it seems we are a Nation at conflict among ourselves and within ourselves. The debate over abortion has divided our country. It has divided our minds and emotions as well. We have come over time to believe strongly in individual autonomy and personal privacy. We have come through dramatic advances in medical science to see the complexity in the humanity of life before birth.

The jarring inconsistency of our deepest beliefs about liberty, and our strongest convictions about life, have led to endless struggle and even broken the peace between neighbors. Law is set against medical science. Political rights are set against moral commitments. These are contradictions we cannot escape but we cannot accept either, and we cannot seem to overcome.

Abortion remains the second most frequently performed medical operation in America, following circumcision. But many of the same doctors also treat an unborn child with surgery, and drugs, and blood transfusions. And when we pray and hope for the recovery of that tiny unborn patient we also know in the back of our

minds that patient has no legal right to live, the same life and in the same hospital can either be heroically saved or tragically terminated.

Mr. President, this is a contradiction that cannot ultimately stand.

Abortion is available in this Nation at any moment of pregnancy. And though most abortions are early, many are quite late. But medical science has raised the fear that an unborn child cannot only respond to treatment but also feel pain. We hesitate to look at this contradiction full in its face. Political abstractions are easy. The pain of a child is difficult to comprehend and to face. This contradiction also cannot ultimately stand.

Many or most Americans, as the polls tell us, believe that abortion is a matter of a woman controlling her body. At the same time, in a crisis of drug abuse, the unborn are singled out as victims, and targeted for our help. When their mother uses drugs, these children suffer terribly. Were these children simply another part of their mother's body? Was the decision that a mother made to take drugs hers alone? Is not there a victim here that deserves our sympathy? This also is a contradiction that ultimately cannot stand.

We have tried as a society to live with these impossible internal conflicts that set our passion for freedom against our compassion for the weak. But we have found that we cannot live in two minds. We have found our bonds as citizens strained and broken. We have entered a new civil war where civility has been the first casualty.

It is true we have not reached an equilibrium as a Nation. We have reached impasse. And I think it is time some fundamental questions need to be asked and answered.

In an early debate over civil rights, Susan B. Anthony peeled the issue to its essentials, focused a Nation's attention, and forced a decision. In 1873 she gave a famous speech in which she stated, "The only question left to be settled now is: Are women persons?"

The debate before us today is a debate on the meaning of life. It is an opportunity for that same clarity. Here the question before us, for all to see, stripped of distraction is this: Does a human life before its birth deserve our love and protection or should it have in our hearts and in our laws no value at all?

Today by approving the committee amendment we will say something about the American experiment in limits we place on its promise. America's founders raised a standard for the ages, remarkable for its purity and its power that all men are created equal, and endowed by their Creator with certain unalienable rights. It is true that the laws they live by, even the Constitution they wrote, stood in tension with that traditional ideal, but the standard remained and sustained the options of the weak.

The history of our Nation is largely the story of how those hopes were advanced. Our progress toward the ideals of the declaration was bought with blood, demanded with eloquence and written into law.

One by one, the powerless, the weakest, were embraced and the American family was extended. African-Americans, women, the handicapped. Each found their place in our society. Each discovered that America's promise, though delayed, was not denied.

Over time our Nation has developed a system of rights deeper and wider through the persistence of those who have passionately argued for inclusion, not exclusion.

Abraham Lincoln wrote of our Founders:

> This was their majestic interpretation of the economy of the universe. This was their lofty, and wise, and noble understanding of the justice of the creator to his creatures. * * * in their enlightened belief, nothing stamped with the divine image and likeness was sent into the world to be trodden on * * * they grasped not only the whole race of man then living, but they reached forward and seized upon the farthest posterity. They erected a beacon to guide their children, and their children's children, and the countless myriads who should inhabit the earth in other ages.

That beacon still shines throughout the world. It still lights the path of nations where freedom is new.

It is my deepest concern, my nightmare fear, that we will shut out that light—that we will halt the progress of America's promise—and case one class of the powerless into the darkness beyond our protection.

Lincoln talked of America as a Nation dedicated to a proposition, embodied in the declaration. But can the weakest member of the human family find a humble share in the promise of our founding?

Will we say, after centuries of struggle, that the gate of mercy is now shut and locked and the key is lost?

These are questions that put the American experiment to the test.

We are told today we must make our choice between a mother and her child, as though the happiness of one was bought by the suffering of the other. Take your side, we are informed, and the fight can begin. Make your decision between liberty, on the one hand and life, on the other.

But no society, or human soul, can make such a terrible choice, and live with its nightmares. Life and liberty are inseparable promise. To choose between them is impossible—and unnecessary. For the same God has given both life and liberty and allows no final conflict between them.

We cannot, we must not, make that choice. For by that choice we set a limit on America's promise. By that choice, we strop the long advance of protection for the weak, saying: "enough, and no more."

We must not make a choice—we must make a promise—a promise to children that they will be protected by thick walls of law and love; a promise to women that they will not face their hardest moment alone—that even when they are abandoned by their child's father, they will find the comfort and help of a caring society; a promise to promote nurture and ease adoption.

Compassion, when used, is never used up. When we give it away, we find more in ourselves. As Americans, we have always found that the more places we set at the table, the more abundant the feast. Everyone is welcome. No one need be turned away.

Too often, we have been captives to our recent past. For two decades, too many bitter words have passed between those who should not be enemies. Conflict over abortion runs through American life like a poorly healed scar.

We must begin again—begin to emphasize, not the limits of our protection, but the need for inclusion. We need to begin to recover a passion for the priorities of our founding. We need to begin to seek ways to help both a mother and her child, even at a cost.

It is a promise still untried—but we must try it.

If the committee amendment before us today passes into law, it will mean the death of an ideal—an ideal in which the weak are protected, the powerless strengthened, and the silent given a voice. That ideal has never been fully reached, but it must never be finally abandoned.

Passage of this measure would mean that the world is too loud with struggle to hear the cry of an unborn child.

At another pivotal point in our history, as others argued to restrict the protections of the American experiment, Abraham Lincoln commented that such men were "blowing out the moral lights around us."

The darkness grows. It falls to us to carefully, one by one, relight the moral lights around us, so that the weak might find refuge in the circle of that glow, until the morning breaks, and the darkness will be like noonday.

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

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, how much time remains for debate?

The PRESIDING OFFICER. The Senator from Washington controls 46½ minutes and the Senator from New Hampshire controls 37 minutes.

Mrs. MURRAY. Thank you, Mr. President.

I yield 10 minutes to my colleague from California and thank her for waiting since 9:30 to be a part of this debate.

The PRESIDING OFFICER. The Senator from California [Mrs. BOXER] is recognized for 10 minutes.

Mrs. BOXER. Thank you very much, Mr. President.

I thank the Senator from Washington for her tremendous leadership on this very important issue.

I rise in support of the committee's amendment to strike the Hyde language from the Labor-HHS bill.

Maybe my colleague from Indiana, in his eloquence, revealed something about his argument when he started off his quotes with this one: "All men are created equal."

Well, Mr. President, we are debating here today whether it is all men who are created equal or all men and women. And today we are really debating the equality of women, particularly the equality of the most vulnerable women in our society—poor women.

For 17 long years, the Hyde amendment has attacked poor women by not allowing them to use their health insurance for abortions. The Federal Government, through the Hyde amendment, has targeted these women—treated them differently from rich women—and forced them to face a very difficult personal decision without the vital protection of health insurance.

By giving control over to big brother Federal Government, we have forced some of these women into back alleys and others into situations where they have to travel far and wide to find a nonprofit agency or charity that can help them. The Federal Government has forced many of them to continue their pregnancies. And I want to repeat those words: The Federal Government, the Congress, Senators and House Members have forced these poor women to continue their pregnancies. And that, Mr. President, is not right.

No one, as long as they abide by the law, should be forced to continue a pregnancy, just like no one should be forced to end a pregnancy if they do not want to. Abortion, under the law, is a legal right in America, but, through the Hyde amendment, Members of Congress have tried to shut off that legal right from poor women.

We have an opportunity today, under the leadership of the Senator from Iowa and the Senator from Washington, to close this dangerous chapter in our Nation's history. The appropriations subcommittee was right to strike the House language from the bill. This is a health issue. A safe abortion, paid for by insurance, is legal in this country. Medicaid is health insurance. It should pay for the same pregnancy-related procedures as private health insurance pays for.

Make no mistake about it. No matter how the supporters of this amendment try to paint this issue, its purpose is clear. The amendment is about taking away a woman's right to choose—in this case, a poor woman's right to choose. The Hyde amendment is about discrimination against poor women. It is about continuing an out-of-date policy that plays politics with women's health, creates a two-tier system for women, and leaves all too many of them out in the cold without their legal rights.

You see, there are many ways for Government to deny people their rights. One is to pass laws outlawing those rights. The people who do not want to see abortion continue to be legal do not have the votes to do it. They cannot do it. So rather than try to pass a law outlawing abortion, they make it impossible for certain women to exercise their rights. That is what the Hyde amendment is all about.

I think it is important for us to look at the Medicaid system and the people it serves. The program was enacted in 1965. I want to quote from the guidelines. Medicaid was set up in order to increase access to the Nation's health care system for individuals "whose incomes and resources are insufficient to meet the cost of necessary medical services"—and to—"help such families and individuals attain or retain capability for independence or self-care."

Those are the guidelines of Medicaid, and in my view the Hyde amendment goes against those guidelines.

Who are these women? In America, we have over 9 million women aged 15 to 44 who are eligible for Medicaid. So this is not an issue that just affects a few women.

When we lifted the restrictions on Federal employees, which I was proud to see us do, it reached thousands of women. This amendment reaches to millions of women. Forty-three of our States have less than 9 million people living in them. So you can see the magnitude of this issue.

These women live in every city, every town, every State; 1.5 million in my home State; 14,000 in Wyoming. What do these women look like? I have looked at the demographics of Medicaid. Most are Caucasian, but there are African-Americans, Asians, and Latinos, as well.

Their pathways to poverty are as varied as their backgrounds. Some lack education, some jobs, some had husbands who walked out on them without paying the bills, deserting these women, leaving them and their children behind, and not paying court orders. But these women have one thing in common: They are poor and they are powerless. And because of the actions of this Congress and past administrations, they have been denied their legal rights because they could not pay for an abortion.

The proponents of this amendment will tell you this is not about outlawing abortion. They say: We are not stopping these women from getting an abortion; we are just refusing to pay for it.

But what does this mean to these women? We are not talking about families who are making $1,000 a month, even. Many of them are living on $500 a month. So when you take away their fundamental rights by eliminating their ability to exercise those rights, you are hurting them; you are targeting them; you are selecting them; you are making them less of a citizen.

Just think about it. It is as if we locked these 9 million women in a room and told them they were welcome to come outside and exercise their freedom, except there is only one thing: We locked the door from the outside, and they cannot get out. We have locked them in, sometimes in abusive relationships, with health challenges, with other terrible problems, in addition to their unwanted pregnancies.

But those who would deny these women access to abortion donot seem to care about that. They do not care about these women who would have to choose between an abortion and providing food, shelter, and transportation for their families. They do not care about these women who might have to delay their abortion because they are looking for the money to pay for it. And as time goes by, the procedure gets more dangerous.

They do not care about the back alleys. My colleague from Washington told us about her friend who had to go to a back alley and that woman could never bear children again. They could not care and support the Hyde language that the Senator from New Hampshire supports.

But we ought to care. We had better care. Because behind the rhetoric, we will find the human faces of this issue. I will tell you about a couple. There is Monica, a 23-year-old with three children who called the Women's Reproductive Rights Assistance Project in Los Angeles. She called them for help because she became pregnant when her birth control failed. Unemployed and unable to care for another child, she became suicidal.

I say to my colleagues, how is it good for society if this woman kills herself and leaves her three children alone? How is that good? How is that pro-life, Mr. President?

Then we find Janet, a 23-year-old woman living in Denver, CO. Her counselor recently called the National Abortion Federation hotline to get help for this woman. A few years ago, she shot herself in the head and now needs medical care. Her doctors interpreted the fatigue and vomiting associated with her pregnancy to be a psychotic breakdown, and treated her with large doses of Lithium. By the time they realized she was pregnant, Janet had only $32 in resources. Her counselor says that often she does not even remember she is pregnant. She needs medical transportation, and the only clinic that might give her a significant discount is too far away.

We must ask ourselves today, do we really want to force this woman, a

woman already hurt by her physical and emotional problems, do we really want to force her to continue her pregnancy? Should we give her that right to continue it? Absolutely. Should she have the choice to continue it? Definitely.

So, yes, let us look at the human consequences of the Hyde amendment. Let us look at the fact that 20 percent of the women who are denied publicly funded abortions are forced to carry their pregnancies to term, usually at considerable emotional and physical cost. Let us look at the other 80 percent who find another way to terminate their pregnancies. Sure, this could mean borrowing the money. But, all too often it means attaining unsafe services that lead to health problems—and all too often—to death.

The PRESIDING OFFICER (Mr. CAMPBELL). The 10 minutes of the Senator has expired.

Mrs. BOXER. I ask for an additional 2 minutes.

Mrs. MURRAY. I yield 1 additional minute to the Senator.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator has 1 additional minute.

Mrs. BOXER. Obviously, I think women deserve that choice.

We all know what happens when we deny women safe, legal care. Have you seen the recent survey, Mr. President: 200,000 women die each and every year from the consequences of unsafe abortions worldwide.

We can hear every wonderful speech here, and I admire my colleagues for their deeply held beliefs. But we must deal with reality. If you outlaw abortion women will still get them. And 200,000 women worldwide die each and every year. Is that what we want to do to these poor women? Hurt them? Punish them? Force them? I hope not. I am sure that no Senator really wants to do that. Most of the Senators who support the Hyde amendment do so because they believe that they do not want to use Federal funds for abortion. But, we must look at the reality of what we are doing here. The reality is that denying Medicaid insurance for abortion causes the death of poor women, the despair of poor women and the discrimination—plain and simple—against poor women.

We have a chance today to repeal this Hyde amendment and give these 9 million American women not more rights than anyone else, but their legal rights.

Abortion is a legal right. There are some who do not want it to be a legal right. I respect them. I encourage them to work for the day when their way prevails. But their way has not prevailed.

So, let us be clear on the issues and defeat this amendment. Now is the time to repeal the Hyde amendment and give these 9 million American women the legal rights, the equality and the health care access that they deserve. Let us not forget that abortion is a legal right. Let us not take that right away from 9 million American women simply because they are poor. Let us defeat this amendment.

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

Mrs. BOXER. I hope we support the subcommittee.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH. I yield 5 minutes to the distinguished Senator from Oregon [Mr. HATFIELD].

The PRESIDING OFFICER. The Senator from Oregon is recognized for 5 minutes.

Mr. HATFIELD. Mr. President, for years, the Senate has been debating and voting on whether to restrict Federal funding for abortion through the appropriations process. Since 1977, the annual Labor, Health and Human Services, and Education appropriations bills have included the Hyde amendment, which restricted Federal funding for abortion except when the life of the mother was endangered. This year that amendment has been expanded to provide exceptions in the cases of rape and incest as well as when the life of the mother is endangered.

Similar restrictions on funding for abortion have also been included in other appropriations bills—creating a hodge-podge of abortion amendments that have bogged down the appropriations process for more than 10 years. Many attempts have been made to pass legislation to remove this issue from the appropriations process. In fact, in 1982, I introduced legislation which would codify Federal funding restrictions for abortion in statutory form. Unfortunately, these efforts have not been successful and we have been left grappling with this important issue on appropriations bills.

There is no doubt that the issue of abortion continues to divide our Nation. Each vote we cast in this body is important. By focusing so much attention on the gains or losses on either side, however, we lose touch with the real issues. How do we as policymakers assure that abortions become unnecessary? How do we address the societal, family, and personal conditions that contribute to the existence of abortion?

Unless we address these issues in a thoughtful manner, we will continue to have this debate over abortion year in and year out. We are not contributing to the healing or reconciling of the Nation. We are contributing to the dividing of the Nation.

I have supported efforts to protect the unborn because I believe abortion is taking a human life. I have long advocated efforts such as family planning, research and perfecting of contraceptives, and education to make abortion a moot issue. This often makes me an anomaly in the pro-life movement.

Yet, I truly believe we can and we must find areas of agreement so that both sides, pro-life and pro-choice, can come together and work to end the need for abortion. That is resolving the issue. How we have been doing it does not. Why can we not get together on those basics in order to prevent abortion from becoming necessary in anyone's life?

Mr. President, I will cast my vote today in favor of retaining the restrictions on federally funded abortion. I would like to go on the record, however, concerning my discomfort with the expanded Hyde amendment which includes exceptions for rape and incest. I have opposed this expansion in the past because I felt that life conceived through rape or incest was no less deserving of protection because of the circumstances under which it was conceived. I have not changed my views.

Sadly, as I stated during the debate on the fiscal year 1994 Treasury, Postal Service appropriations bill earlier this year, the changing politics of abortion have led pro-life supporters to bow to political realities by including an allowance for abortion for rape and incest victims and thus staving off an all out release of Federal tax dollars to pay for abortions.

Mr. President, as one who is strongly guided by conscience, I am not comfortable voting for an amendment which allows Federal funding for any abortion unless the life of the mother is in danger. But voting for some restriction on taxpayer-funded abortions is better than no restrictions at all. Therefore, I urge my colleagues to oppose the committee amendment to strike the restrictions on Federal funding for abortion included in this bill.

I yield the floor.

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

Mrs. MURRAY. I yield 10 minutes to the Senator from California.

The PRESIDING OFFICER. The Senator from California [Mrs. FEINSTEIN], is recognized for 10 minutes.

Mrs. FEINSTEIN. Thank you very much, Mr. President.

Mr. President, I rise to support the Democratic women of the Senate in urging that this amendment not be part of the bill. Mr. President, I have been a part of these discussions and debate for a long time. If I have found one thing out, the discussion that surrounds a woman's right to choose is very often filled with religious conviction, family conviction. It very often does not really connect with the personal circumstances of the women of this Nation, being as varied as they are today.

The amendment that is proposed here would strike at the root of funding. It would effectively deny funding for an abortion if you are poor and you have good reason to have an abortion. And I

believe many of those who say that you should deny this funding do so on the basis of their own framework of life; they have a healthy, happy family; they understand even an unwanted child can be well brought up in our Nation.

What I have seen is a lot of unwanted children who do not have that opportunity. I have seen, for example, crack-addicted babies, HIV-positive babies in intensive care units of hospitals where it costs the taxpayer $250,000 just to get a youngster out of a preemie intensive care unit into a regular intensive care unit. And then I have seen those children whose central nervous systems are damaged at birth, unwanted for adoption by anybody. So what happens to that child? What kind of quality of life does that child have? And all of these children, by and large, are produced by poor women.

In my State, there is a very interesting figure, and I would like to share it with you. Basically, that figure shows that the women who had Medicaid-supported abortions in 1977 when it was permitted and the women that had Medicaid-supported abortions in 1991 are 60 percent fewer. So that indicates to me, coming from a State that does permit the funding, that the rate of increase in publicly funded abortions is not necessarily going to increase as a product of this amendment.

Let me give you, beyond the statistics, a few examples of the kinds of women that this amendment would militate against:

A 30-year-old white woman with three young children on AFDC, no car, no indoor plumbing. She is unemployed with a ninth grade education. Her husband left her, came back, and left her again when she was pregnant. She does not believe she can bring another child into the world.

A woman who has been on AFDC for several years. She had her tubes tied but she was already pregnant at the time of the surgery. It was too early for a pregnancy test to show a positive result.

Another instance. A woman who is a violent schizophrenic, psychotic patient at a State mental hospital. She did not want to have a baby but would have been forced to do so without Medicaid funding.

A 15-year-old in a family of eight children, all on public assistance. She did not want to have a baby. She wanted to finish school. Her mother was supportive of the decision to choose abortion. She did not want her daughter to end up with a life like hers.

Another, a 42-year-old HIV-positive, crack-addicted woman who did have her child and subsequently abandoned the child at the hospital.

Let me read you about a Michigan case, the case of a woman who is 34. She has rheumatoid arthritis. Both her elbows and knees have been replaced with metal. She has little strength in her wrists and hands and had to struggle to hold a carton of milk. Her left foot does not move, her right foot hardly moves at all, and she cannot wear shoes because of a nodule on her left heel. She walks like a penguin, often falls down, and uses a crutch for balance. Sometimes the pain in her neck and head is so severe she cannot talk or eat. When she found out she was pregnant, she wanted an abortion. If it were not for a special nonprofit fund in her State, Michigan, she would not have been able to have had that abortion.

In my own life, I know a young woman, 14 years old, who had two members of her family—she is from a narcotics-addicted family—shot and killed. She is unstable. She is immature. She is unable to care for a child. Fortunately, in my State, she was able to obtain Medicaid to have an abortion and prevent giving birth to a child.

These are some of the real cases in the real world. There are no happy families in these cases. There is no real ability to take care of a child in these cases.

These are cases I often think that we who expound with a lot of rhetoric in this Chamber tend to forget, and yet they are the cases to which this legislation would apply. These are the poor people of our Nation, where there very often is not good family support, where there is not a healthy environment.

I believe that you cannot be prochoice today and be antifunding. One has to come with the other. Unfortunately, I see a tendency today to say, "I am pro-choice, but I will also vote to deny abortion to people who may be crack addicted, who may be mentally incompetent, who may be unable to rear a child, who may abandon a child."

I think if you are prochoice you have to be pro-funding.

In 1973, Roe versus Wade was passed. Roe essentially protects a woman's right to choose; it sets up a complicated trimester system which protects the viability of the fetus; in the early trimester, it gives the right to choice to the woman; in the later trimester, it says that States can regulate the rights under which a woman can have an abortion.

Today we have 13 States who permit Medicaid abortion. As I said, I come from a State where the rate has not increased, where the rate between 1977 and 1991 has actually dropped by two-thirds. Yet, I come from a State where every one of the cases I have mentioned today applies.

I believe that every woman has a constitutional right to privacy when it comes to this issue; that every woman has the right to determine when and if, based on viability of the fetus, she should bring her child to term.

I am the first one to recognize that the circumstances that surround this right vary wildly with every woman. They reach deep into the heart of a ghetto, where a woman is inundated with narcotics around her, or she may even be on narcotics herself. I believe that rather than deliver into the world a central-nervous-system-damaged baby, if she has the opportunity to abort that fetus, it may well be for the best.

These are the questions that we are pondering today: Whether someone who is poor and destitute with no family; whether someone who is young and mentally incompetent, who finds herself in this situation, with no method of support, will be able to maintain her basic right under the Constitution provided to those of us who do have family and support.

I think that in terms of the interest of poor women, funding in this situation is something that our Constitution also should provide.

So, Mr. President, I speak in opposition to the Hyde amendment or Hyde-type amendments. I do not believe you can be pro-choice and not be pro-funding.

I yield the floor. I thank the President.

Mr. SMITH. Mr. President, I yield 10 minutes to the distinguished Senator from Oklahoma [Senator NICKLES].

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

Mr. NICKLES. Mr. President, first I would like to congratulate my colleague, Senator SMITH from New Hampshire, for his leadership on this issue, also for the very eloquent statement that he made earlier, in addition to a statement that Senator COATS and Senator HATFIELD made, which I was privileged to listen to.

I would hope that many people throughout the country when they are trying to decide on this very controversial issue would have a chance to review and listen to the words that they have spoken.

I do not think that I can match them for eloquence, but I would like to respond to some of the statements that have been made by our colleagues both from California and elsewhere.

I have heard a lot of discussion about a right to abortion. This is not about a right to abortion. This is about an issue of whether or not we are going to have Federal funding paying for abortion. I usually use the word subsidies, but basically this is the Federal and the State government, since Medicaid is a Federal-State program paying for the abortion; paying the entire cost. That cost ranges anywhere from, I guess, a couple hundred to maybe $300 or $500. But in most cases I think it is around $300.

I have heard it mentioned that if this amendment—if we do not allow Federal funding to subsidize abortions, that this is unfair to women, particularly

poor women. I even heard that these are the most vulnerable people in society. I would say the most vulnerable people in society, or the most vulnerable persons, would be the unborn child. Half of those unborn children are women.

What about their right? What about their right to live?What about their option?

I heard some of the stories, and certainly there is no question some of those stories are very sad, real, and true. Crack-addicted babies, or babies whose mothers maybe are in serious mental or physical pain or are disabled, those are real tragedies. Caring for such babies is expensive. A crack-addicted baby—I think I heard the figure mentioned—costs a couple hundred thousand dollars, maybe even more.

So is the solution to destroy that unborn child in the mother's womb? Should we destroy the unborn child the day after the baby is born? If we are concerned about the finances, is there any difference?

I cannot follow that reasoning. It seems like people are saying, "Wait a minute, these people, because they are poor, because they have some physical ailments, we had better destroy their children while they are still in the womb." I think that is a serious mistake.

Mr. President, very seldom on the floor of——

Mrs. BOXER. Will the Senator yield because he is mischaracterizing——

Mr. NICKLES. I will not yield. I am not mischaracterizing the statement. I am responding to the statements that were made.

Mr. President, seldom on the floor of the Senate do we vote on life and death issues. This is one of those issues. This is an issue that if the committee amendment prevails and we eliminate the Hyde language, we are going to have the Federal Government financing the destruction of innocent unborn human beings. Make no mistake about it.

I remember my colleagues' predecessor from New Hampshire said how can two human beings create anything other than another human being? It is a human life that is involved. We are talking about the destruction of an innocent unborn life. Now we are talking about paying for it with Federal Government dollars.

I might mention that removal of the Hyde language would result in mandating that the States pay for these abortions with State dollars. Only 10 States in the United States now have unrestricted State funding of abortions. California happens to be one. But that also means that 40 States have restrictions on State funds, 40 States; the majority of States, a strong majority of States have restrictions on State funds.

Make no mistake about it. If we eliminate the so-called Hyde language, if we have this as a Federal Government policy for the Federal Government to pay for abortions, the States likewise have to match those funds. So we will be mandating to the States they have to share in this operation which destroys innocent human beings.

This is not a State opt out. There are no State options. States have to match the Federal funds.

Right now if the States wish to fund abortions, and 10 States do, and the District of Columbia does, they can do so. This Hyde language does not eliminate it. The Hyde language says no Federal funds shall be used for abortion unless necessary to save the life of the mother or in cases of rape or incest.

So all the Hyde language deals with is Federal funds. Do States really want to have Medicaid funding of abortion? They can do so, 10 States do, some other States have partial State funding of abortions. They can do that.

The Hyde language does not take that opportunity away if they so desire to do it. But if we eliminate the Hyde language, we are going to be mandating the other 40 States to fund abortion partially with State funds whether they want to or not. Frankly, the majority of American people do not want to.

Poll after poll, show that the American people do not support funding of abortions by the Federal Government; I am sure the polls would be the same concerning State government financing of abortion. You will find an overwhelming majority say no. They may support the right of a woman to have an abortion. But they do not want to have tax dollars used to pay for it.

So there is a significant difference.

I just mention this. It bothers me that in the United States we have laws on the books that are more protective of endangered species than they are to human beings. You know, today we have 913 endangered and threatened species in the animal kingdom, and 345 plant species that are protected by the Endangered Species Act. The penalties, if you destroy an endangered species or if you destroy the unborn of an endangered species, are significant. Civil penalties include not more than $25,000 for premeditated takings, down to $500 for an inadvertent taking. A taking is permissible only in the defense of personal life or the life of family.

We are not talking about the life of a human being. We are talking about the life of an endangered species, a plant or animal.

Criminal penalties up to $25,000 or imprisonment up to 1 year or both. That is the current law on endangered species that we evidently under this provision put at a much higher value than the lives of unborn human beings. Think about that. I am talking about, well, 339 mammals, 245 birds, 133 reptiles, 102 fish, 14 snails, 44 clams, 23 insects, and I could go on and on.

Three hundred forty-five plant species. In my State, we have the American burrowing beetle. If you destroy the American burrowing beetle, or its unborn, you could be subjected to fines and penalties up to $25,000 plus a year imprisonment. But instead of protecting unborn children, if we allow the committee amendment to go forward, we are going to subsidize, we are going to have the Government pay for the destruction of unborn innocent human beings.That is offensive. They happen to be the most vulnerable of any human beings.

Mr. President, we have had the Hyde language for the last 16 years—since 1977, 16 years. It has saved hundreds of thousands of lives every single year. There is an article out in Detroit where the State government or the city quit government funding of abortions, and the number of live births went up 20 percent. It was just announced.

If we have the Federal Government make payments for abortions throughout the country, you are going to see abortion numbers rise dramatically; you will see the acceptability of abortion as a method of birth control rise dramatically, as it has in Washington, DC, our Nation's Capital, where I think the majority of women having abortions have had their second, third, or fourth.

In other words, they are using abortion as a method of birth control. That is very unfortunate because, again, we are talking about lives. Maybe in their case it is an inconvenience. I know there are a lot of horror stories and difficult situations out there. I have heard about the crack babies and so on, and I empathize with the crack babies. I also empathize with a baby born with Down Syndrome, but I do not think the correct answer is to destroy it. Certainly, if we have Federal funding of abortion and mandate that the 40 States that now have restrictions on abortion have to pay for abortions, even against their will, that is very objectionable. And I tell my colleagues that I think it will be received very poorly in those 40 States.

Mr. President, I urge my colleagues to vote against the committee amendment when we vote later this afternoon. I thank my friend and colleague from New Hampshire.

Mrs. MURRAY. Mr. President, I yield 5 minutes to the Senator from Minnesota.

Mr. WELLSTONE. I say to my colleague from Washington that I will probably not need 5 minutes.

When I first came to the floor, before hearing the Senator from Oklahoma speak, I wanted to start out this way, and I think I will start out the same way. I wanted to say that for all of my years in public life, for that matter, just being involved in politics, I have found the debate on abortion to be the most painful debate because I believe

there are very powerful moral claims on both sides. I take a very strong prochoice position, but I deeply respect people who embrace another position. I understand the moral claim, just as I understand the moral claim of the prochoice position. That is what makes this so tough. Two moral claims, quite often, conflict with one another.

But I have to say to the Senator from Oklahoma that, as I hear him speak, it is difficult for some of us who feel strongly about this issue to hear a kind of debate language which implies that we are in favor of abortion, which implies we are not sensitive to a terribly important question. None of us are in favor of abortion.

The issue is whether or not a woman gets a right to choose, or whether the State decides. I think those who are opposed to the committee amendment really do not support the Roe versus Wade decision, and we understand that. They do not support the Roe versus Wade decision, or a woman's right to choose. Therefore, they are opposed to the committee amendment.

The problem is this: If you believe that Roe versus Wade was the correct decision, if you believe—as painful an issue as this is and as difficult a choice it would be for anybody—that it is not really the States that should decide, but rather a woman should decide, then you do not want to have a situation where some women, some families will have a choice, but others, because they are poor and do not have the income, will not have that choice. That is really what this vote is all about. Just because you are a woman of low-income, just because you are a Medicaid recipient, just because you do not have much by way of economic resources, does not mean that you should not have the same right to choose as all other women, as all other families in the United States of America.

I really believe that the committee amendment speaks to the best of what America is about, when we think of a standard of fairness, when we want to make sure that people have the same rights, that people are not discriminated against because of their income, and that each and every woman and each and every family gets to make the same choice. That is what the committee amendment speaks to.

That is the issue here before the Senate today. I hope out of a standard of fairness, regardless of Senators' positions on the overall question, they will support this committee amendment. I certainly rise to support it.

Mr. SMITH. Mr. President, I yield 5 minutes to the distinguished Senator from Alaska, Senator MURKOWSKI.

Mr. MURKOWSKI. Mr. President, I think we are all sensitive to the basic right of a woman to choose the disposition of her own body. But the issue here is the question of Federal funding of abortions. I think we have to recognize and keep the argument within those parameters.

I am here today to support my colleague's amendment to prohibit the Federal funding for abortions, except in the case of rape, incest, or to save the life of the mother.

For 16 years, we have had a firm national policy that has prohibited taxpayer funding for abortions. The House vote on this issue earlier this summer was not a close vote by any means. The Hyde amendment carried 255 to 178. I think that vote by the House accurately reflects the current views of a majority of the American people on the question of using—and I want to emphasize this—taxpayers' money to pay for abortions.

Abortion funding is a State rights issue. Why should taxpayers in my State of Alaska fund or subsidize abortions in California or Washington or Maryland? If the States want to use their funds—and I understand approximately 10 States do—or allow private funds, basically, that is their business. But now we are addressing the question of using Federal funds, taxpayers' funds, whether the taxpayers wants their funds used specifically for abortions or not.

Our President indicates that he hopes that abortions in this country will cease at some point in the future or be reduced substantially. We all hope that is the case. I, too, support what I believe our President is hinting at, which is personal responsibility. Along those lines, I believe what is often lost in the whole abortrion debate is the issue of male responsibility for birth control. Before I came to the floor today, I inquired about the need to propose Federal funding for vasectomies. I was informed that Medicaid does currently provide funding for these services in limited instances. While I understand that vasectomies and abortion cannot necessarily be equated in terms of a method of birth control, I do think this is an important issue and one that is not talked about enough.

The crux of this question before us is simply Federal funding, and it should not be construed to be anything else. We have had various committee bills reported that allowed taxpayer funding for abortions on demand. The Veterans' Affairs Committee, on which I serve as ranking member, has not been immune to this trend. Despite my efforts to place limits on abortion on demand in VA facilities, our committee reported Senate bill 1030 with a provision to do just that.

For over 60 years, the VA has been mandated by Congress to treat disabilities and diseases of America's veterans. It is certainly difficult to argue that the abortion services fall under this category. This addition of services represents, I think you would agree, a profound change in the VA health care mandate.

I defer to a question of the capability within the VA to provide abortion services. The VA health care system has indicated it is not equipped to expand into abortion and other pregnancy-related services, and the VA testified before the committee that it has neither the staff nor the equipment necessary to offer these services. To overcome this, the VA told our committee that it would have to contract with other doctors and hospitals to provide these services. This brings us back to the issue of how to pay for these procedures because the funds simply do not exist unless they are taken from other veterans benefits related to health care. Mr. President, I intend to oppose that change when this legislation comes befoe the full Senate.

I ask unanimous consent that the article I wrote on this particular issue concerning veterans and abortion be printed in the RECORD following my statement.

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

(See exhibit 1.)

Mr. MURKOWSKI. Mr. President, we all heard the President last week talk about basic health care needs that currently go unmet for many Americans due to lack of insurance coverage. I could not agree more that this is, indeed, a problem that needs fixing. But my concern is that we are, in essence, creating a Federal entitlement for abortion services. In each of these cases my point is the same: Taxpayers should not be forced to fund a procedure that is strongly opposed by a majority of Americans.

When we address the issues of: health care reform and its potential astronomical cost; and Congress' job of directing limited Federal resources for health care—whether it be for VA, Medicaid, or proposed Government subsidies, we must ask ourselves what are the basic health care needs Americans want their tax dollars to support? Should abortion be treated differently than other medical procedures? I think they should, and I think a majority of the American people think they should.

Mr. President, I do not believe federally funded abortions—other than in the cases of rape, incest, or when the life of the mother is at stake—constitutes medical necessity.

I urge my colleagues to support the Hyde language in the committee bill.

Mr. President, I yield the floor.

EXHIBIT 1

COMMENTARY: ABORTION POLITICS AND THE NATION'S VETERANS

(By Sen. Frank H. Murkowski)

The Senate Committee on Veterans' Affairs recently enlisted the Department of Veterans Affairs health care system as the point man in the movement for federally funded abortions.

While the veterans' committee seems an unlikely group to trump the 500-plus member

White House task force by breaking new ground for national health care reform, the committee's action broke with 16 years of legislative precedent against federal funding for abortions. The committee acted with little debate and no consideration of the impact on veterans' health care services.

By acting now, before the announcement of the president's health care reform package, the veterans committee has complicated the issue of health care services for the nation's veterans at a time when veterans can least afford it. Including abortion on the menu of VA services represents a fundamental change in the VA health care system, a change the committee made with no notion of the content or impact on the VA of the more comprehensive national health care changes to come.

For over 60 years, the VA has been mandated by Congress to treat the "disability and disease" of America's veterans. Now, the veterans committee is forcing abortion services into this mix by expanding the VA's mandate to cover a broad panoply of pregnancy-related services.

Leaving aside for now the American public's aversion to using tax dollars to pay for abortion—a sentiment recently echoed in the House of Representatives' reaffirmation of the Hyde amendment prohibiting federal funding for abortions—it is difficult to argue that pregnancy-related services—including abortions—fall under the categories of "disability and disease." This addition of services represents a profound change in the VA's health-care mandate.

While this change can be viewed as a desirable step away from reactive inpatient care, and towards proactive comprehensive health care, the committee's action is applicable to only 1.2 million of America's 26 million veterans. The overly complex criteria and priorities for VA care, as well as VA's inpatient focused philosophy of care, are ripe for reform. But successful reform should not be attempted on a piecemeal or ad hoc basis.

Clearly, the needs of the nation's female veterans—a growing presence in our armed services—need to be responded to. But what are the consequences of this expansion of services-adopted for the 1.2 million veterans who happen to be female—for the 26 million veterans; male and female, for which the system is responsible? The committee's action raises a host of such questions, none of which have yet to be asked, much less answered.

The first consideration is cost. Providing federal funding for abortion services by the VA will cost money—some estimates project up to $1 million a year. Finding funding sources for new health services in the VA system today is a zero sum game: When services are expanded in one area, payment for them must come from somewhere else.

Unfortunately, the veterans' committee conveniently chose to ignore this fact. But the difficult choices involved cannot be ignored. In a system that cannot adequately treat those veterans who already qualify for services, adding abortion services to the VA health care responsibilities means that other veterans—both men and women—will lose out. How many? The $1 million that it will take to cover abortions will pay for 10,000 ambulatory care visits, or 1,500 hospital admissions each year.

A second consideration is capability. The VA health care system is not equipped to expand into abortion and other pregnancy-related services. The VA itself testified before the committee that it has neither the staff nor the equipment necessary to offer these services. To overcome this, the VA told the committee that it would have to contract with other doctors and hospitals to provide these services. This brings us back to the issue of how to pay for these procedures. The funds simply do not exist.

Finally, a veterans' bill is neither the time, nor the place to tackle the difficult question of abortion. The question is not one of being "pro-life" or "pro-choice." The question is whether veterans are well served by the use of the veterans' committee, and its legislation, as a means to influence either side of this debate. Even though he is "pro-choice," this is the reason Sen. Alan Simpson of Wyoming argued against bringing an emotional outside issue like VA abortions into the veterans' benefits arena.

Throughout this spring and summer Americans have patiently waited for the president's national health care reform proposal. The nature and scope of the VA health care system will be profoundly affected by the changes that are ultimately announced. Some members may believe that they can influence the nature of the president's health care plan by beating him to the punch on issues like federal funding for abortions. These actions may serve a political purpose, but they do nothing to improve the quality or accessibility of health care for American veterans.

The nature of these questions is too complex, and our commitment to our nation's veterans too profound for this kind of haphazard, "backdoor" approach to health care issues. The veterans committee has made a mistake. Let's un-do it before it's too late.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I yield the Senator from Massachusetts 10 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 10 minutes.

Mr. KENNEDY. Mr. President, I support the committee amendment to strike the Hyde amendment from the bill. For the first time in 12 years we have a President who will sign this bill without a Hyde amendment restricting the use of Medicaid funds for abortion.

The Hyde amendment is discrimination, pure and simple. It is discrimination against poor women, and the Senate should not include any such provision in this legislation.

The Constitution of the United States guarantees to every American woman the right to choose to terminate her pregnancy. That is the law of the land. The Supreme Court recognized this right 20 years ago in Roe versus Wade, and reaffirmed it last year in Planned Parenthood versus Casey.

The existence of this fundamental right under the Constitution, as part of the right to privacy, is no longer open to doubt.

The Constitution guarantees that the decision of a woman whether or not to carry her pregnancy to term is a decision that is up to her, not the Government.

Unless you are poor. That is what the Hyde amendment says. It says that low-income women, dependent on Medicaid to meet their medical needs, are denied the opportunity to exercise the fundamental constitutional right that is supposedly guaranteed, equally, to everyone.

If you are a poor woman, the Hyde amendment says, you are on your own to find the funds needed to pay for an abortion. We would do well to consider the real-world impact of such a policy. Studies show that the vast majority of women denied public funding for an abortion do not decide to carry the pregnancy term. Instead, they find other ways to carry out their decision to end their pregnancy.

For some women, obtaining the money for an abortion means they will fall behind on their rent or their utility bills, or shortchange their families on food or clothing, or be forced to pawn household goods.

For other women, it means postponing the procedure to later in the pregnancy, while they try to raise the funds they need to pay their medical bills. On average, low-income women obtain abortions 2 to 3 weeks later than middle- or upper-income women—a disparity that did not exist prior to enactment of the Hyde amendment. A recent report by the Council on Scientific Affairs of the American Medical Association concluded that when an abortion is delayed, the health risk of complications from the procedure, and even the risk of death, increases. The earlier the procedure takes place in the pregnancy, the safer it is. In other words, when a woman postpones an abortion she has already decided to have, she is placing her health and even her life at unnecessary risk.

For still other women, the Hyde amendment means turning to illegal or self-induced abortions. According to a study of women who died of reported illegal abortions between 1975 and 1979, the most common reason for seeking an illegal abortion was financial need. Eighty-two percent of the women who died were African-American or Latina.

Fortunately, because of Roe versus Wade, the dangers of the back alley abortion are no longer common in this country. But they still exist—because of the Hyde amendment.

Clearly, the Hyde amendment is counterproductive as a matter of health care policy. It causes some women to jeopardize their health by delaying an abortion. It places others at risk by sending them into the back alley. And it forces still others to continue a pregnancy that may be dangerous to their health. At a time when the American people have made it clear that they want better access to health care, we should stop undermining the health of a segment of our population by blocking access to abortion.

The Hyde amendment is flatly inconsistent with the goals and objectives of the Medicaid Program. Medicaid was enacted nearly three decades ago so that families living in poverty and unable to afford health care would be assured of access to necessary medical

services. Some 32 million Americans receive their health care under this vital program. But under the Hyde amendment, women and their families eligible for other medical services are barred from access to abortion, even though it is a constitutionally protected right, and even though most private insurance plans cover it.

The prohibition in the Hyde amendment is discriminatory and unjust. It increases health risks. It reflects an utter lack of understanding of the harsh realities of life for large numbers of women in our society. As an editorial in the Boston Globe stated after the House vote to approve the amendment in June, "those who cast their votes for the amendment demonstrated their contempt not only for poor women but for all women."

The dissenting Justices discussed the issue eloquently in Beal versus Doe, the 1977 case in which the Supreme Court allowed a Hyde amendment-type restriction to stand. Justice Thurgood Marshall noted that these types of restrictions, ostensibly adopted to encourage women to carry pregnancies to term, are in reality intended to impose a moral viewpoint, and they do so with no regard whatsoever for their real-world impact—which, he said, "falls tragically upon those among us least able to help or defend themselves."

In an opinion by Justice Blackmun, joined by Justices Brennan and Marshall, the dissenters in Beal concluded that the Court was out of touch. "There is another world out there" they wrote, "the existence of which the Court * * * either chooses to ignore or fears to recognize."

If the Senate joins the House in approving the Hyde amendment, this Congress, like the Court in 1977, will be guilty of the same failure to acknowledge the harm it will be doing to real people—real women—in the world out there.

American women deserve better than that from their elected representatives in the Congress of the United States.

Some argue that the Hyde amendment is necessary to ensure that taxpayers with moral or religious objections to abortion will not be obliged to subsidize it with their tax dollars. But this rationale is not accepted in connection with other Federal policies to which some citizens are opposed as a matter of conscience. For example, many Quakers oppose war on moral and religious grounds, but when they withhold the portion of their taxes representing their contribution to the military budget, they are prosecuted to the full extent of the law.

Finally, in other contexts, Congress has already agreed that it is appropriate to use Federal funds for abortion. On August 3, the Senate joined the House in approving the Treasury-Post Office Appropriations Act, which permits coverage of abortion in the health insurance policy that is provided for Federal employees—which is paid for, in part, with Federal tax dollars.

We also spend Federal funds to subsidize abortion through the tax deductions and tax exclusions available for health insurance expenses and medical costs in the private sector. According to 1993 estimates of the staff of the Joint Committee on Taxation, prepared for the House Ways and Means Committee and the Senate Finance Committee, in fiscal year 1994 the United States will spend over $40 billion in such tax expenditures on health insurance and medical costs, yet there is no prohibition on abortion in any of these provisions.

The sponsors of the Hyde amendment do not challenge these Federal subsidies for abortion, which go overwhelmingly to middle-income and upper-income citizens. The only funding they challenge is for the neediest women in our society. That kind of discrimination is unacceptable. The Senate should not permit it.

I urge the Senate to approve the committee amendment striking the Hyde amendment.

I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. SMITH addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH. May I inquire as to how much time is remaining?

The PRESIDING OFFICER. The Senator from New Hampshire has 15 minutes and 13 seconds; the Senator from Washington, 13 minutes and 2 seconds.

Mr. SMITH. Mr. President, I assume that the other side has the right to close; is that correct?

The PRESIDING OFFICER. There was no unanimous consent agreement to that effect.

Mr. SMITH. Does the Senator from Washington wish to close the debate?

Mrs. MURRAY. Yes, I would like the right to close debate.

Mr. SMITH. I will yield the remaining time to myself.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. SMITH. Mr. President, I want to start by complimenting all of the speakers on this side. At the risk of singling one out for special consideration, I thought that Senator COATS, in his discussion of the contradiction involved in this issue, put it very well. I wanted briefly to respond to that.

He indicated the comparison or the contrast between this and the premature child, whom we so often see in pictures in hospitals with wires and tubes and masks and hoses, and whatever, all trying desperately to keep that child alive because the parent or parents want that child to live.

I might just say to my colleagues, what is really the difference between that child, who was born prematurely, and the child who was aborted prematurely? I think it is clear that there is no difference, unless we define it in somebody else's terms. But in terms of the child, there is no difference, Mr. President. And I think Senator COATS said that very beautifully.

Senator MIKULSKI also mentioned in debate that she shares my sense of revulsion toward abortions undertaken by sex selection. I was pleased to hear that.

But the problem is that this committee amendment does not stop abortions for the purpose of sex selection. As a matter of fact, it allows them, as we know. So the bottom line is that if we want to stop it, then we have to stop this amendment and leave the Hyde language.

Also, Senators BOXER and FEINSTEIN, I thought, very eloquently discussed the human aspect of this debate and howthere is a human face to this debate. I agree.

Mr. President, I have here behind me—I hope that the cameras can now focus on this for a moment or two, while I speak—a human face, who is a victim of the abortion tragedy in this country. Her name is Gianna Jessen. She is an abortion survivor, Mr. President.

I want to read just a few paragraphs from a very inspiring story about this beautiful 14-year-old girl which appeared in a Fargo, ND, newspaper in 1991.

Gianna Jessen quibbles with those who describe her as the girl who has no birthday. In fact, she says God put her on Earth against all odds to carry a special message of life.

The 14-year-old girl celebrates her birthday on April 6, the day she says she entered the world as a very ill, 2-pound survivor of a saline abortion.

"A lot of people say I was never born, because I was aborted," said the aspiring recording artist. "But yes, I was born. I arrived. I'm here."

And I hope that the American people will look into the eyes of this beautiful girl.

Indeed, she is here, there and everywhere, an enthusiastic international ambassador for pro-life, despite her cerebral palsy that is attributed to the abortion.

Jessen's medical records show that she was aborted—born—at 6 a.m. April 6, 1977, at 29 weeks' gestation in an abortion clinic. A clinic worker reportedly rescued her and spirited her to a hospital, where she remained for three and a half months as she fought to overcome her critical condition.

"I believe God spared my life," Jessen said during an interview. "He worked a complete miracle. I don't believe I could have come into the world without him. Somebody was trying to kill me, and he (God) worked."

Gianna, you know you are right. And if you want to put a human face to this debate, there it is, Mr. President.

Let me also say I find it interesting that some of the comments attributed

in this debate seem to make this a man-versus-woman issue, or a woman-versus-child issue. I regret that because there are very, very prominent women throughout America—throughout the world—who are pro-life. We all know that. They know that on the other side of the debate. Susan B. Anthony had this to say about abortion. She said it was "child murder."

Another leading 19th century feminist leader, Elizabeth Cady Stanton, said this:

When we consider that women are treated as property, it is degrading to women that we should treat our children as property to be disposed of as we see fit.

Stanton equated abortion with infanticide, calling it infanticide.

Finally, the founder of Planned Parenthood, Margaret Sanger, said that "abortion [is] the wrong way—no matter how early it's [is] performed it [is] the taking a life." She lamented the resort of poor people to "the most barbaric method of family limitation, namely the killing of babies—infanticide—abortion."

I might also say in the House vote there were 11 Members of the U.S. House of Representatives, women, about 25 percent of the women in the House, who voted for the Hyde amendment. I ask unanimous consent that list be printed in the RECORD.

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

WOMEN WHO VOTED FOR THE HYDE AMENDMENT IN THE HOUSE

1. Helen Delich Bentley (Republican of Maryland, 2nd).
2. Jennifer Dunn (Republican of Washington, 8th).
3. Pat Danner (Democrat of Missouri, 6th).
4. Tillie Fowler (Republican of Florida, 4th).
5. Marcy Kaptur (Democrat of Ohio, 9th).
6. Ileana Ros-Lehtinen (Republican of Florida, 18th).
7. Marilyn Lloyd (Democrat of Tennessee, 4h).
8. Nita Lowey (Democrat of New York, 18th).
9. Deborah Pryce (Republican of Ohio, 15th).
10. Karen Thurman (Democrat of Florida, 5th).
11. Barbara Vucanovich (Republican of Nevada, 2nd).

Mr. SMITH. I also would like to point out the debate on this issue is emotional. We have tried, I think fairly successfully today, to contain the emotion and try to stay on the facts. I think it is important to note there are some very prominent people around who have changed their opinions on this issue, which is interesting. I would like to read an open letter to Congress, which was written in 1977. It says:

As a matter of conscience I must oppose the use of Federal funds for a policy of killing infants. The money would much better be expended to meet human needs. I am therefore urging that the Hyde amendment be supported in the interest of a more humane policy and some new directions on issues of caring for the most precious resource we have—our children.

Mr. President, this telegram is signed by the Reverend Jesse L. Jackson, national president, Operation PUSH.

I will also quote from a letter to the Washington Post, a letter to the editor July 15, 1992. I ask unanimous consent this letter be printed in the RECORD.

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

INFANTS IN THE WOMB

I thought for sure I was missing something. I had read the Supreme Court's latest decision on abortion and the various editorials about it. And I heard what they all had to say about the rights of women and the rights of states. But neither the courts nor the editorial writers said anything about the rights of the infant in the womb. I thought for sure I had missed it.

Then the lawyers told me that this is because unborn children, according to the Supreme Court, are not considered "persons" under our Constitution and, therefore, don't have any rights. This is astounding.

This country has spent its energies and lived its history in defending the defenseless. We have opened our gates to persecuted immigrants. We have penned legislation to care for the handicapped and the elderly. Many of us work hard for the homeless. In short, we as a country clearly recognize that the defenseless are not excluded from the human community simply because they are defenseless.

If we are to keep this great tradition, we cannot exclude infants from the human community just because they are defenseless—the lawyers say "not viable"—inside the womb. The lawyers will no doubt object that infants in the womb are technically not "persons." Let the lawyers argue all they want. Down deep we all know better.

Many compassionate people believe even animals have some rights simply because they are alive. Abortions—the more than 150,000 second- and third-trimester abortions performed annually—are frequently far more gruesome and tortuous than even the worst treatment of animals. This is beneath us as Americans and as human beings. All infants are members of the human community and are entitled to its care and protection.

That is why we spend so much time and money on prenatal care. It is why we operate in utero on even second-trimester unborn infants to correct some birth defects. We even provide intensive care for newborns who are no larger or more mature than some second- and third-trimester infants whom we abort. Down deep we all know infants in the womb are, at the least, living beings and members of the species Homo sapiens. That is more than enough to entitle them to protection of the human community.

The best solution to the abortion question is to eliminate the need for abortion. Until this goal can be achieved we must support legislation that discourages abortion, especially late-term abortions. The Supreme Court has affirmed in *Gov. Casey* v. *Planned Parenthood* the right of the state to impose some restrictions on abortions.

Now it becomes our responsibility to protect the unborn infant by working for the passage in each state of legislation that will reduce the number of second- and third-trimester abortions performed each year.

We cannot be satisfied as Americans or as human beings with laws that exclude unborn infants from the human community and deny them any rights. We must also work to guarantee all mothers their full dignity and provide them with opportunities and resources to help them carry their infants to term and to assist them with the care of their children when born.

EUNICE KENNEDY SHRIVER.

WASHINGTON.

Mr. SMITH. Listen to this, Mr. President. This was Eunice Kennedy Shriver who made this statement. She said:

That is why we spend so much time and money on prenatal care. It is why we operate in utero, even on second-trimester unborn infants, to correct birth defects. We even provide intensive care for newborns who are no larger or more mature than the second and third trimester infants whom we abort. Down deep we all know infants in the womb are, at the least, living human beings and members of the species homo sapiens. That is more than enough to entitle them to the protection of the human community.

It cannot be said any more beautifully than that, Mr. President, from Eunice Kennedy Shriver.

Now, Mr. President, I want to share with my colleagues a very moving letter. It is addressed to Mr. Thomas E. Dennelly, of Great Neck, NY, and is dated August 3, 1971. It reads as follows:

DEAR MR. DENNELLY: I appreciate your letter containing your views on abortion. There are many moral and legal aspects arising from this complex issue which is gaining the acceptance of large numbers of women faced with unwanted pregnancies, while disturbing the consciences of a great many other Americans.

Opponents maintain that abortion is wrong from every theological, moral and medical aspect. Proponents are firmly convinced that the woman, alone, has the right to decide.

While the deep concern of a woman bearing an unwanted child merits consideration and sympathy, it is my personal feeling that the legalization of abortion on demand is not in accordance with the value which our civilization places on human life. Wanted or unwanted, I believe that human life, even at its earliest stages, has certain rights which must be recognized—the right to be born, the right to love, the right to grow old.

On the question of the individual's freedom of choice there are easily available birth control methods and information which women can employ to prevent or postpone pregnancy. But once life has begun, no matter at what stage of growth, it is my belief that termination should not be decided merely by desire.

I share the confidence of those who feel that America is willing to care for its unwanted as well as wanted children, protecting particularly those who cannot protect themselves. I also share the opinions of those who do not accept abortion as a response to our society's problems—an inadequate welfare system, unsatisfactory job training programs, and insufficient financial support for all its citizens.

When history looks back to this era it should recognize this generation as one which cared about human beings enough to halt the practice of war, to provide a decent living for every family, and to fulfill its responsibility to its children from the very moment of conception.

Mr. President, that eloquent, deeply moving letter was written on the stationery of the U.S. Senate. It is signed

"EDWARD M. KENNEDY." I could not have said it better myself.

I have another letter, Mr. President, that I want to share with my colleagues. It is dated May 26, 1987, and is addressed to a couple in Dayton, TN. In relevant part, it reads as follows:

During my 11 years in Congress, I have consistently opposed federal funding of abortions. In my opinion, it is wrong to spend federal funds for what is arguably the taking of a human life. Let me assure you that I share your belief that innocent human life must be protected, and I am committed to furthering this goal.

That well-reasoned letter is signed by then U.S. Senator AL GORE, of Tennessee, currently the Vice President of the United States—and a supporter of the President's position, I assume.

Let me also say in the instructions from the U.S. Senate Democratic Policy Committee, which is a staff preparation which we get on both sides—this happens to be the Democrat position.

Major issue. Here is the "con":

Unrestricted abortion funding means taxpayers will be paying for 400,000 abortions next year, at a cost of $100 million. Until the Supreme Court cut off abortion funding, taxpayers were buying 300,000 abortions annually. By contrast the Hyde amendment had limited tax-paid abortions to 89 last year.

That is the instructions to our Democrat colleagues. I hope they will hear it.

Madam President, how much time do I have remaining?

The PRESIDING OFFICER (Mrs. FEINSTEIN). The Senator has 4 minutes 28 seconds.

Mr. SMITH. Madam President, I would like to just, in the interests of trying to put this matter to as serious consideration as possible, knowing most people have made up their minds but hoping there may be three or four who are listening and are undecided, let me remind even those who are opposed to my position on this issue—whom I respect; this is a deliberative body and I respect the rights of others to disagree—but each one of you, every one of you, was an unborn child at one time. I was. Of course, on our side we were, and so were you.

Is it not interesting that if your mother had not made the decision for life, you would not be here today to participate in this debate. That is really the issue. That is the issue. This is human life we are talking about. The Hyde amendment protects that life. It gives exceptions in the case of rape and incest and the life of the mother. As Senator HATFIELD so eloquently said, some of us would prefer in the case of rape and incest even, when there is an innocent life, we not include that. But in order to save lives, we have agreed and the House of Representatives has agreed overwhelmingly. This is a fair, reasonable compromise. It is a fair, reasonable amendment. It will save hundreds of thousands of American lives.

Madam President, I urge we defeat the committee amendment and I ask for the yeas and nays on the committee amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Who yields time? Senator MURRAY.

Mrs. MURRAY. I yield 5 minutes to the Senator from Wisconsin.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized for 5 minutes.

Mr. FEINGOLD. Madam President, I rise in opposition to any attempt to prohibit Federal funding for abortion services. Before 1977, abortion services were covered under Medicaid, such as any other surgical procedure. However, every year since that time Congress has placed restrictions on abortion coverage and for the last 12 years Medicaid coverage has been permitted only to save the life of the mother.

I think this prohibition thwarts the very purpose of the Medicaid Program. Medicaid was enacted in 1965 with two major objectives in mind: To help low-income individuals access medical services and to thereby help them attain or retain capability for independence or self care.

Instead of striving for these goals, we are faced with yet another attempt to erect barriers to a legal health service for one of the most vulnerable groups of citizens—women with little income who are faced with an unintended pregnancy. I am distressed by the lack of compassion this policy shows. By forcing poor women into waiting while trying to obtain needed funds, they often face later and often more dangerous procedures.

It is a vicious cycle, as a second trimester abortion is even then more expensive and more out of reach.

Madam President, there is one statistic that I find particularly compelling in this case. The average cost of an early out-patient abortion is $250. This is actually higher than the maximum monthly AFDC payment for a family of three in eight States.

What is an impoverished woman to do when faced with this situation? Turn to an illegal, back-alley doctor? What is an HIV-positive woman who cannot even afford her medication to do? Carry to term a child that will likely be infected with AIDS and live a brief, painful existence? And what is a poor preteen girl who is the victim of incest to do? Bring another child into her own abusive situation? It is a sad truth that these tragedies occur.

Madam President, we have made great strides in eliminating inequality in the treatment of individual rights in this century, but without full coverage of abortion services for women who depend on the Federal Government for their health care, we are creating a two-tiered system that will further trap women in the poverty spiral.

Access to legal health services should not be dependent on wealth or education, nor should it depend upon the State in which one happens to live. Because 13 States are responsible enough to use their own funds to provide this coverage but 37 do not, this is actually a reality in the United States.

Earlier this year, I was proud to cast my vote to once again provide coverage of abortion services to Federal employees. That, I hoped, was an important turning point, a recognition that the right to choose should be a right to choose for all women. Now we face this challenge.

Madam President, I hope my colleagues will join me in removing another barrier to health care and vote yes on this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, how much time remains?

The PRESIDING OFFICER. The Senator has 9 minutes, 20 seconds.

Mrs. MURRAY. I thank the Chair.

I thank the Senator from Wisconsin and all Senators who have come to the floor to speak so eloquently today for women, for women's rights to choose, and for the ability of all women in this Nation to have that constitutional right.

I could not help but notice that the five women Democratic Senators who today came to speak, spoke from their hearts and really showed to us the faces in this debate which are not the faces of middle-class or upper income women but faces of lower income women who face horrendous situations that probably no one on this floor has ever faced personally.

I believe that the women of this Senate, Democratic women, are uniquely qualified to speak to this debate. So often on this floor I hear my fellow Senators say, well, I own a business so I know how to speak to business issues or I own a farm so I know how to speak to agricultural issues. I think that women's voices today are the ones that really understand the issue of choice. This has been a very emotional debate and I understand that. It is an emotional issue for all of us.

Oftentimes, I hear our opponents speak, and I worry because it makes it sound like every woman in this Nation wants an abortion. Madam President, that is not what we are asking. We are not asking to have an abortion. We are asking for the ability for every woman to make that choice on their own. If I had to make the choice, I would probably not choose to have an abortion, but it is not my right to tell any other woman in this Nation whether or not she should have an abortion because I do not live in those women's shoes. I do not understand the circumstances in which they live.

Those women ought to have the right, as every woman in this Nation has, to make that decision for themselves and about themselves.

I listened to the rhetoric in this Chamber today, and I have to remind all of my colleagues the issue before us today is not about the right to have an abortion. It is about the right of all women, rich or poor, to have an abortion.

Twenty years ago, when I was in college, abortion was not legal in this Nation, yet rich women still had the ability and the opportunity to have an abortion. They went abroad. They were able to find a doctor that they could afford. Women who were not wealthy could not have an abortion.

That has not changed. It remains the same in this Nation despite all of the legal challenges that have been won. It appears to me, Madam President, that in this Nation today if you are a wealthy woman, you make your choice without Government intervention. But if you are a poor woman in this Nation today, the Government chooses whether or not you have an abortion.

Madam President, today is a very special day in my home; it is my daughter's 14th birthday. I listened to Senator RIEGLE announce this morning that he was not going to run for another term, that he had to balance the demands of the Senate life with his family and he chose to not run again next year. I understand that.

I quickly dropped off my daughter at school today, and I realized that on her 14th birthday I will be here late tonight debating amendments and will probably not have dinner with her, which is what I would choose to do.

But I do believe that one of the best gifts I can give my 14-year old daughter on her birthday today is a country that she can grow up in that allows the same constitutional right for all women, regardless of their money, regardless of their status, regardless of their family background. I wish to give my daughter a country where she truly will have the ability to make all choices in her own life without Government intervention, a country that in 1993 has the courage to say all women will be treated equally.

Madam President, I yield back my time.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, I ask of the Senate to speak as if in morning business.

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

Mr. BAUCUS. Madam President, I wish to join with the comments of my esteemed colleague, the Senator from Washington, and associate myself with her remarks. I, too, have a child whose birthday is today. My child is 17 years old. However, my child is a boy. But I, nevertheless, fully agree with the comments of the Senator from Washington. I think that the lives of both men and women in this country are richly enhanced if the positions that the Senator from Washington articulates are adopted. This is not a matter specifically for women; it is also very much a matter for men, and I very much commend the Senator from Washington for her remarks.

CHAPTER 2 OF "SAVE YOUR JOB, SAVE YOUR COUNTRY"

Mr. BAUCUS. Madam President, today I rise to discuss the second chapter of Ross Perot's book entitled "Save Your Job, Save Your Country."

Yesterday, I discussed chapter 1 entitled "Outtraded Again." That chapter is full of misleading comparisons, facts taken violently out of context, and references to problems like drug trafficking and runaway plants which exist today and will continue to exist regardless of whether NAFTA passes. But that chapter is a gold mine of relevant facts and useful information compared with Chapter 2.

The main thing to remember about chapter 2 is that it cites no problems NAFTA may actually cause except for a very peculiar complaint about one industry, which I will get to later. Instead, the chapter deals only with the negotiating process.

Now, you might ask, why talk about the negotiating process? What does that have to do with NAFTA? Why not talk about what NAFTA does? Is that not what really is important?

Madam President, you would be right to ask those questions, and I do not know the answers. My guess is because without chapter 2 the book would fall below 100 pages, and that means it would be hard to call it a book.

But let us take a look at chapter 2. Mr. Perot begins chapter 2 by saying it was a bad idea for Congress to allow NAFTA to be negotiated under fast track. Under fast track, of course, Congress authorizes the administration to negotiate a trade agreement and it agrees to vote "yes" or "no" on the completed agreement within 90 legislative days.

I happen to disagree with Ross Perot. I think the case for fast track, in fact, is very good. In fact, I do not believe NAFTA could have been negotiated, or any trade agreement could have been negotiated—any trade agreement—without it. The big majority of Congress then, when fast track was adopted, and now, agree.

I was in the Senate in 1991 when we debated the fast track resolution for NAFTA, and we debated that at excruciating length in committee hearings, in markup, and in this Chamber. Most of us were here. Does anybody remember seeing Ross Perot?

Where was he? I do not remember seeing Ross Perot involved in that debate. The fast-track debate was debated fully in public, was voted on in public, and if he did not show up, then he should not make comments on fast track. I have a hard time seeing how he has a right today to yelp about that process.

Second, in chapter 2 he charges that President Bush chose many business leaders as advisers for the talks. This is the same man who complained that President Clinton ignored all executives and let "poets, philosophers, and beekeepers" develop energy policy. Mr. Perot was a hard man to satisfy.

Third, in chapter 2 he complains that NAFTA was negotiated "in secrecy." This is a truly ridiculous charge. Of course it was negotiated in secrecy. Would Mr. Perot prefer that we fax our goals and our negotiating strategy to the Mexicans and the Canadians, fax our fallback positions, fax our bottom lines, go to the public and newspapers; announce them in press conferences? Of course not. No good negotiator publishes his strategy to the other side.

This chapter goes on for a few more pages. Most of it is taken up by irrelevant comments about the Bush administration's policy toward Turkey during the gulf war and the fact that the Bush administration did not release the NAFTA text until last January despite resounding success in August.

Whatever your thoughts are about the Bush administration, this debate should be about the substance of NAFTA. The text has now been public for months. If side agreements are out, it is now the Clinton administration's NAFTA, not the Bush administration's. In short the matter is moot.

The one part of chapter 2 that does actually bear on NAFTA's actual effects is the passage dealing with the broom industry. This sinister table explains how Mexico brought the leading Mexican corn broom manufacturer in the country. Meanwhile, the American side kept our leading broom executive in the dark. U.S. negotiators—amateurs at best—went into a back room with the ruthless Mexicans and their industrial mastermind, the Mexican broom king.

Well, what happened in that back room? According to Mr. Perot, Mexico scored a major victory that will cause the U.S. broom industry to disappear. Why? Because after NAFTA passes, Mexican broom companies will join the Caribbean Basin Initiative countries and the Andean nations in exporting brooms to the United States duty free. Believe it or not, we will have free trade in brooms. The broom industry may have legitimate concerns about the negotiating process but free trade in brooms is hardly a shocking thing to find in a trade agreement.

Under the agreement, Mexico will export brooms duty free to the United States. Under the agreement, we Americans will export brooms duty free to

Mexico. Consumers will benefit. That is one of the benefits of free trade.

Opening the Mexican market means we will have to open ours. It means both countries will export more and both nations will prosper. Of course, already our market is largely open, which reminds ourselves that our barriers to trade with Mexico are virtually nonexistent. They are very low, whereas currently Mexican trade of United States products to Mexico is very high, and yet under NAFTA they are phased out. That means we again benefit.

A full 30 percent of Mexico's exports already comes to the United States duty free. Our average tariff on Mexican exports is only 4 percent. Meanwhile, Mexico's average tariff on our goods is 10 percent. Again, NAFTA eliminates both. That is a good deal for the United States.

Now there are some who say that this NAFTA—one which cuts Mexican tariffs, eliminates Mexican investment restrictions, allows us to impose trade sanctions, is a last resort to ensure compliance with labor environmental standards—is not good enough. They say we should have a common market instead, and Perot hints at this toward the end of his book.

Backers of a common market however should think very long and hard about this idea. Why is that? Three reasons: First, a common market like the European Community has totally free movement of labor. What does that mean? That means a Spanish citizen, for example, in Madrid can get on a train, go to Paris, London, anywhere in the Common Market, find work on a visa, without a permit, no hindrances, no restrictions, get off the train, walk to the plant, and apply. I do not think that we Americans would like that to apply in this continent now.

In addition, the European Common Market has coordinated tax and health policies. It has a unified value added tax throughout Europe. It is true that different countries impose slightly different rates. Nevertheless, there is a unified tax system in the Common Market. I do not think that the Americans who talk about a common market in North America want a unified Mexican-American-Canadian tax system. I strongly doubt that.

In addition, some of those who propose a common market say, well, a common market waited a few years to bring Portugal or Spain up to standards. What they do not tell you is in bringing Spain and Portugal up to standards the rest of the community gave $10 billion grants to Spain and Portugal. I doubt very seriously that the United States public, the American taxpayers, would want to give $10 billion to Mexico to bring Mexico up to standards.

Supporters of the Common Market therefore in my view have not really thought through the full implications of what they say, and if we negotiate an agreement that created such a market, I think it would create such an uproar that the present concern about NAFTA would pale in comparison to the uproar that it would create.

There is not much more to say about chapter 2. It is fun to read, unlike some of the other chapters, but nothing in it gives any reason to vote "no" on NAFTA. Stay tuned tomorrow, Madam President, for chapter 3.

Madam President, I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until 2:15 p.m.

Thereupon, the Senate, at 1:26 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Ms. MOSELEY-BRAUN].

DEPARTMENT OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1994

The Senate continued with the consideration of the bill.

EXCEPTED COMMITTEE AMENDMENT ON PAGE 19

The PRESIDING OFFICER. Under the previous order, there will now be 20 minutes for debate on the committee amendment on page 19 of the bill. The time is to be equally divided and controlled by Senators KENNEDY and NICKLES.

Who yields time?

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Madam President, as I understand it, we have 10 minutes on our side?

The PRESIDING OFFICER. Yes, 10 minutes remain on both sides.

Mr. KENNEDY. I yield myself 4 minutes.

Madam President, as has been pointed out in the debate on this issue yesterday, this is not a new issue before the U.S. Senate. I am hopeful that we will resolve it in a way that we have in the past.

I want to point out, Madam President, some really important authoritative statements and comments that have been made about this whole subject matter by individuals who have broad and wide experience in this whole area of construction, construction skills, and apprenticeship programs.

I particularly want to point out for the record that the notion that using untrained, low-wage helpers to construct our public works and public buildings will result in substantial cost savings for the Federal Government has been examined and categorically rejected by one of the leading construction economists in the country, John Dunlop, a former Secretary of Labor under President Ford, a Republican.

Let me quote from what Dr. Dunlop had said about various studies that purport to show that the new helper regulations will save the Government money.

The authors of these studies have simply taken the current wage rates and subtracted from them the alleged savings to be gained by paying lower rates to the helpers who will replace the laborers and journeymen. But, as Dr. Dunlop has stated, that methodology is "totally unsupportable" from an economist's point of view and "proves nothing."

> In the real world, helpers are used in a system which requires more supervisors and uses less journeymen than the system that does not use the helpers. While * * * wage costs may be lower, labor costs may be higher because of the greater cost of supervision. Also, increased use of helpers quite frequently leads to lower productivity of workers or inferior products. * * * There is simply no sound basis for gratuitously assuming that lower wage rates in the construction industry generally mean lower costs to the public * * *.

And then, Madam President, the argument has been made by proponents of the helper regulations that they are going to help to ensure jobs for women and other minority groups. In fact, substantial percentage of the work force that would be displaced if these regulations were implemented is already composed of women and minorities. In 1989, 40 percent of all the laborers trained by the Laborers/Associated General Contractors Educational Training Fund were women or members of minority groups. If the new helper regulations are implemented, these are the people who will either lose their jobs or be forced to accept the low-wage helper jobs, losing access not only to training but to the opportunity for advancement that goes along with it.

Madam President, I also just want to mention the types of wages that workers are required to be paid under Davis-Bacon. The Senator from Oklahoma has made reference to the supposedly exorbitant rates that have to be paid to workers on public housing rehabilitation project in Tulsa, OK. Well, I have here a copy of the wage determination issued by the Department of Labor that specifies the prevailing wage rates for workers employed on residential construction and rehabilitation projects in Tulsa. It says that bricklayers must be paid at least $8.93 an hour. No fringe benefits. The average workers in construction work 1,500 hours a year, so that comes to about $13,000 a year. The rate for carpenters is $6.58 an hour, so that is $9,870 per year. Masons get $6.80 per hour, or $10,200 per year. These are hardworking

men and women in the construction industry that are trying to provide for their families.

These are not individuals who are trying to impose an indefensible kind of expense on the Federal taxpayer. These individuals have special skills in the construction industry and are trying to provide quality work at competitive prices, while earning enough to support their families.

So, Madam President, I feel for these reasons, those illustrated in the debate yesterday, and for all the reasons that have been very clearly outlined in previous debates on this issue that the Senate should vote as it has in the past on this issue. The new administration has indicated they want to review these regulations closely and make their own policy decision about how to proceed. It does seem to me with a new administration, they are entitled to that kind of consideration.

I withhold the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Oklahoma controls 10 minutes.

Who yields time?

Mr. NICKLES. I yield the Senator 5 minutes.

The PRESIDING OFFICER. The Senator from Idaho is recognized for 5 minutes.

Mr. CRAIG. Madam President, I thank the colleague from Oklahoma for yielding.

I am pleased to join the Senator in an amendment to strike section 104 of this legislation. There are a variety of reasons why, in our opinion, the committee should not have moved in the fashion it did, inconsistent with the actions of the House in dealing with this very important issue.

My colleague from Massachusetts has researched the importance of the workforce and the quality of work done, and I have no disagreement with him on that issue. It is not an issue of quality, it is an issue of access; and that becomes very important at a time when we are stretched with our budgets and we are working overtime to support an administration in their reinventing of Government.

So it is not a question of quality, it is a question of access. And in allowing minorities and those who are impoverished and seeking to find a place in the workforce from which they can gain a skill and become a marketable worker does this provision really begin to take hold.

It is a provision that represents a $600 million savings on an annual basis to our budget, or nearly a $3 billion savings over the next five years. And that is a real legitimate question on the issue of reinventing Government.

Beyond all these arguments is a more profound argument. As we have discussed Davis-Bacon over the years, the courts have consistently ruled that this effort is, in fact, consistent with Davis-Bacon, and that was a circuit court in the District of Columbia that has consistently ruled that. And they, in fact, ruled during the Bush administration, that the Bush administration —not this one—was too lenient in its regulations and needed to be more flexible in providing the helper provision to this important part of labor law.

That is really what is at issue here. It is an issue of the wise expenditure of money. It is an issue of access. It is an issue of opportunity to provide an experience in the workplace at a reasonable salary rate so that a person can learn and ultimately become a journeyman in the trades profession to be employed at an even higher wage rate.

That is the opportunity in this country, and I would suggest today that to support the committee and not to support the Craig-Nickles or Nickles-Craig amendment would, in fact, be an effort to deny that kind of opportunity and experience. It would certainly deny the wise and responsible use of the Federal tax dollar. It would certainly deny a reasonable relationship with this administration in the issue of reinventing Government. And it would fly in the face of court decision after court decision that our actions in the past to expand this opportunity by the use of helpers was inconsistent with Davis-Bacon.

It is not, and they have so ruled. And it was not the conservative courts of Oklahoma or the conservative courts of Idaho. It was the courts of the District of Columbia.

What are the issues here? I have covered them: The wise use of our dollars; and the increased access and opportunity for minorities and poor to enter our work force and gain a talent and gain a skill to become more marketable, to allow themselves the kind of upward mobility that all of us would seek for our fellow persons in this country. That is the wise expenditure of Federal dollars, not to set the highest and not to seek the highest in one jump, but to allow entry opportunity. That is what a repeal of section 104 of this particular legislation does.

It is a chance for this Senate to speak to the issue of wise expenditure of money while at the same time recognizing the importance of current labor law while gaining flexibility for that labor law.

I believe those are the fundamental issues here that really bring this vote to bear, and I hope that my colleagues will support us in repeal of section 104 of this particular act.

I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Oklahoma.

Mr. NICKLES. Madam President, how much time remains on both sides?

The PRESIDING OFFICER. Five minutes, twenty seconds.

Mr. NICKLES. How much on the other side?

The PRESIDING OFFICER. Five minutes, thirty-five seconds.

Mr. NICKLES. Madam President, I wish to thank my friend and colleague, Senator CRAIG from Idaho, for his statement, not only today but yesterday.

I yield to Senator DOLE.

Mr. DOLE. Madam President, I want to take a few moments to express my support for the amendment offered by my distinguished colleagues, Senator NICKLES and Senator CRAIG. This amendment strikes section 104 of the pending labor, HHS appropriations bill, which would prohibit the Secretary of Labor from implementing the final Davis-Bacon helper regulations.

Madam President, these regulations have been in the works for some time now. In a nutshell, they would allow those Federal contractors subject to the Davis-Bacon Act to hire helpers or semiskilled workers at less than the journey-level wage. The regulations were first published by the Department of Labor in 1982. All subsequent court challenges to them have failed. In fact, I cannot imagine a set of regulations that have been more carefully scrutinized.

Implementation of the helper regulations is crucial for a number of reasons. Most important, they will create jobs. According to one estimate, if the regulations were fully implemented, nearly 250,000 new jobs would be created.

The helper regulations also provide important opportunities for those who have been traditionally shut out of the construction business. As Samuel Carradine, the executive director of the National Association of Minority Contractors, explained to me in a recent letter:

> The helper classification serves as an entrance into the industry for groups not traditionally prevalent in construction—such as minorities and women. The helper classification serves as a strong stepping stone for those who are interested in pursuing a career in construction. Without the helper regulations, all workers, regardless of task, must be paid the journey-level wage on Davis-Bacon work. This effectively precludes groups who have not been previously trained in construction from having the opportunity to work on Federal construction contracts. It also serves as a serious disadvantage for minority-owned and small construction firms, who frequently utilize helpers in private work, in bidding for Federal projects.

Not only will the helper regulations create thousands of new jobs and open up employment opportunities for women and minorities, they will also save money for the taxpayers. In 1992, the Congressional Budget Office estimated that the employment of semiskilled workers would save the Federal Government $600 million annually, a very large sum of money even by Washington standards.

I might add that the helper regulations have been carefully crafted so that they are limited in their application.

For example, the employment of helpers is permitted only when their use is the prevailing practice in an area. The regulations also place limitations on the ratio of helpers to journeymen.

So, Madam President, I urge all my colleagues—Democrat and Republican—to vote for the Nickles-Craig amendment, which would allow the helper regulations to go into effect. Although I would like to repeal the anachronistic Davis-Bacon Act entirely, the new helper rules are a step in the right direction. They will create jobs. They will save millions of dollars in taxpayer money. And they are sound public policy. The Nickles-Craig amendment deserves the Senate's support.

Mr. NICKLES. Madam President, I would like to inform my colleagues, we are going to have the vote probably in 10 minutes, at about 2:35, first on this amendment, which I will explain; and then, following that, there will be a vote on the Hyde language on this appropriations bill. So all colleagues should be aware of the fact there will be a rollcall vote commencing in about 10 minutes.

Madam President, actually there is not an amendment by Senator NICKLES or Senator CRAIG, but what there is a vote on is the committee amendment, which is section 104, and we believe we should vote against this committee amendment.

The committee amendment, section 104, would deny any funds for the Department of Labor to implement so-called helper regulations. These regulations have been worked on for over a decade. They have been supported by the court of appeals and the district court, as well as affirmed by the Supreme Court. They are consistent with current statute.

So this is not an effort to repeal Davis-Bacon, or anything of the sort. This is an attempt to allow these regulations to go forth so we can use helpers in construction projects.

It just so happens that the facts are that helpers are used in 75 percent of the construction projects in the private sector. In other words, the great majority of private-sector construction projects use helpers. The Federal Government, because of this language, is saying: No; you cannot use them on Federal construction.

What does that mean? It means you are going to be paying journeyman rates even for unskilled labor classifications; that is, if you are building a dam, there are some jobs involved in building that dam that probably involve using a wheelbarrow and shovel. It does not require a great deal of skill.

What we are saying is, we should allow helpers in these classifications. Not only that, but the helpers have a tendency, if they work in such a capacity, to learn journeyman trades and skills.

I will give a couple of examples.

Our friend from Massachusetts was kind enough to mention what bricklayers might make in Tulsa. I found out public housing units in Tulsa, OK, were in despicable condition. The unemployed who lived in the units could not work to rehab them or maintain them. I find that outlandish situation was because of the law. If we allow helpers, frankly, they would be able to work on those units.

So I come at this from two directions. One is financial. The Congressional Budget Office says that we can save $600 million per year if we allow the use of helpers. That is the law.

The Senator from Iowa and the committee amendment will not allow us to use helpers. That will cost $600 million per year, over $3 billion over a 5-year period of time.

So I come out from a financial standpoint: We are wasting taxpayers' dollars. But even more importantly, and I hope the Chair will agree, I want to provide economic opportunity for minorities and other people who are shut out of the system, who will not be hired at journeyman rates.

Many, many people find themselves unemployed. They want to work in construction, but right now there is a law that says: No; you cannot work on this project unless you make $25 an hour in L.A. County. The unemployed worker in Watts is not going to be able to get a job. So he is going to watch people rebuild this riot-torn area, but he is not going to be able to get a job because the contractor is not going to pay him $25 an hour to sweep the floor or to clean up, or to do a lot of other what I am going to call routine or semiskilled jobs. They are prohibited by law from paying less than $25 an hour.

So what the contractor is going to do is he is going to hire journeymen and bring them in from outside. They are going to be predominantly white or nonminority.

So those minority persons are going to be sitting there, still unemployed, watching someone else come in and fix their apartment or unit, or build their building. They are not going to have sweat equity in it. They are not going to have any work involved in working to rehab that unit.

I think that is an outrage. This law was discriminatory when passed. That was one of the reasons that it did pass in 1931. Allowing the use of helpers—which is now current law, unless the Senator from Iowa is successful—will enable people to climb that economic ladder. I think we should give them a chance. We should save taxpayers' money.

I hope my colleagues will vote against the committee amendment and give people all across this country a chance to work in Federal construction.

The PRESIDING OFFICER. Who yields time?

Mr. HARKIN addressed the Chair.

Mr. KENNEDY. I yield to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Madam President, first of all, let me say, if you want to enable minorities and low-income people to climb the ladder, then you want to have a good apprenticeship program where they could go to work on a job and learn a trade and a skill and climb up that apprenticeship ladder so they can become a journeyman.

We have had these apprenticeship programs since 1937. Thirty States have these apprenticeship programs with management and labor. If they have not operated well in the past, it is because we have had discrimination in the past. A lot of minorities have been kept out of the trades. But we have washed that behind us. We now have a new era where minorities can now get in those apprenticeship programs and become journeymen.

Madam President, here is a resolution passed by the NAACP just this summer saying that the NAACP supports the Davis-Bacon Act and takes steps to strengthen its enforcement and supports the creation of opportunities through training and apprenticeship programs. It did not say through helper programs, because they know what a helper program is. That is a subclass of workers, low paid, with no hope of ever climbing that apprenticeship ladder. That is why the NAACP took their action to support the Davis-Bacon Act.

Last, Madam President, I heard a lot of talk from my friend from Idaho about the courts. But I want to make it clear that what the courts said was basically that the Department has broad regulatory powers. It can regulate just about anything it wants to regulate. The issue is what is the law? What is the policy? That is for us to decide here. And we have decided it twice, once in 1991 and again last year on September 15, 1992, in the same amendment by the same Senator from Oklahoma. The Senate spoke 58 to 37, and turned down the Senator's amendment.

So, if the Senate, again, wants to continue to have at least a 1-year moratorium—that is what this is, a 1-year moratorium—on helper regs so the Department and the administration can carve out what its policy is, if you want to give them that 1-year moratorium, then we must defeat the amendment of the Senator from Oklahoma.

As I said, it was defeated last year, 58 to 37.

Mr. KENNEDY. How much time do we have, Madam President?

The PRESIDING OFFICER. The Senator from Massachusetts controls 3 minutes.

Mr. KENNEDY. Thank you.

Madam President, I think the Senator from Iowa has stated the case well, both today and yesterday.

Just to underscore the point that he has just made, I'd like to quote again, so everyone in this body understands, Prof. John Dunlop of Harvard, who worked in Republican administrations and was Secretary of Labor in the Ford administration, and who is probably the preeminent labor economist in this country. He states:

> I strongly disagree with the conclusion that allowing contractors to employ the helper classification throughout the entire construction industry will enhance work opportunities for minorities or women. To the contrary, the increased use of helpers will mean that minorities and women who have gained higher wages and access to fringe benefits such as pension and health programs will experience immediate loss of employment, displaced by helpers who will have no access to training programs or fringe benefit programs. Rather than utilize minorities and women as untrained, low wage "helpers", it is my opinion that formal training programs are essential to recruit and train such workers for the construction industry.

Just as the Senator from Iowa has pointed out.

Mr. President, I have difficulty in understanding what the Senator from Oklahoma has against members of the construction industry in his own State—bricklayers, who under Davis-Bacon prevailing wage rates for residential construction in Tulsa make about $13,500 a year; carpenters, who make $9,750; cement masons, who make $10,200; drywall installers, who make $11,250. These people are the backbone of the construction industry.

Mr. NICKLES. Will the Senator yield?

Mr. KENNEDY. No, not until I finish the point.

These workers are the backbone of the construction industry. What his amendment would do is basically undermine their ability to maintain those wage levels.

What is his objection to the requirement that contractors working on federally funded or assisted residential construction or rehabilitation projects pay the laborers they employ the prevailing wage, which happens to be $4.72 an hour? What is that, 35 or 40 cents higher than the minimum wage? And the minimum wage has not even been kept up to a level sufficient to ensure that working Americans who want to work 40 hours a week, 52 weeks a year will be able to have a living wage and not be in poverty.

I just cannot understand what it is that he finds so offensive about workers receiving these kinds of wages that he is raising this issue again for the third time in 3 years. He seems to have something against working men and women in this country.

Moreover, the Senator from Oklahoma is simply wrong when he says that workers cannot be employed on Federal projects except at the journeyman rates. If a worker lacks skills, he or she can be employed as a laborer at a much lower rate. And contractors can also hire apprentices at below journeyman wage rates, provided that the apprentice is in an approved training program.

So, Madam President, I think the committee amendment to impose a 1-year moratorium on implementation of the helper regulations is a well-conceived amendment that is consistent with what we are attempting to do in other areas with the support of the National Association of Manufacturers and others to try to increase the skills of American workers. That is a key element of the President's program, and we are going just the opposite way if we defeat the committee amendment.

Mr. NICKLES. Will the Senator yield?

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

Mr. NICKLES. Will the Senator yield?

The PRESIDING OFFICER. All time has expired on the amendment.

Mr. KENNEDY. I ask unanimous consent that we be given 2 more minutes, 1 minute for the Senator from Oklahoma and 1 minute to respond.

Mr. NICKLES. Madam President, I thank my friend and colleague. But let me correct him. I think I heard him say the Senator from Oklahoma was against individual members in the construction industry. I would like to say that is blatantly not the case. I happen to be in favor, Madam President, of allowing opportunity for all individuals, so when we have public housing units, all individuals can work there.

It just so happens that this law, in not allowing helpers, is going to deny a lot of minorities, a lot of unemployed individuals, from climbing the economic ladder. Maybe they can do it through an apprenticeship program, but, frankly, the helper program works in 57 percent of the private construction industry and works quite well.

Why in the world should we have a law on the books that says you cannot do work in rehabbing a building unless you are paid journeyman rates and deny somebody the opportunity to begin work? Why would we have a law on the books that says we do not care if you are living in low-income housing and you are unemployed, we do not care that that is the case; we think there is a law that says you have to be paid rates and, therefore, denied that opportunity. I think that is wrong.

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. KENNEDY. I thought I was going to have a question. Since I did not get a question, I am prepared to yield back. I think we debated that issue. I am prepared to yield back my time.

Mr. DURENBERGER. Madam President, I am casting my vote today in opposition to the amendment to the Labor-HHS 1994 appropriations bill offered by my friends and colleagues, Senator NICKLES and Senator CRAIG.

If the Department of Labor's helper and apprenticeship regulations are allowed to go into effect, the Associated Builders and Contractors estimates that up to 40 percent of the current Davis-Bacon work force would be replaced with untrained helpers.

Contractors bidding for new construction contracts will be free to substitute lower paid, inexperienced helpers for experienced workers.

Trained journeymen and laborers will simply lose their jobs.

Contractors will be allowed to hire helpers and never enroll them in a certified training program.

This practice would not only reduce the quality of Federal construction, but would make Federal projects less safe for both workers and the public alike.

My colleagues' amendment is well-intentioned. They have eloquently stated their belief here today that the helper regulations would provide a stepping stone for non-college-bound youth, minorities and women to advance in the construction industry.

The second reason I am voting against this amendment, however, is that I believe there are much better ways to address the concerns of my colleagues.

We can do more to attract and encourage non-college-bound youth groups to participate in certified training and apprenticeship programs.

Take a look at the Simon-Durenberger School to Work Opportunities Act, which will help students prepare for the transition from school to meaningful work opportunities and which both Labor Secretary Reich and Education Secretary Reilly testified in support of this afternoon.

Without the proper training and supervision guaranteed by current apprenticeship programs, construction helpers who get in on the ground floor may find themselves stuck there. Without proper training, they are certain to keep these dead-end, low-paying jobs.

In my estimation, our primary aim should be to create a well-trained, highly skilled, and highly qualified work force. The Department of Labor's helper regulations do not promote that goal.

VOTE ON COMMITTEE AMENDMENT ON PAGE 19, LINES 12–15

The PRESIDING OFFICER. All time has expired on the amendment. The question is on agreeing to the amendment. 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 60, nays 39, as follows:

[Rollcall Vote No. 289 Leg.]

YEAS—60

Akaka	Feinstein	Metzenbaum
Baucus	Ford	Mikulski
Biden	Glenn	Mitchell
Bingaman	Gorton	Moseley-Braun
Boxer	Graham	Moynihan
Bradley	Harkin	Murray
Breaux	Hatfield	Packwood
Bryan	Heflin	Pell
Bumpers	Hollings	Reid
Byrd	Inouye	Riegle
Campbell	Johnston	Robb
Conrad	Kennedy	Rockefeller
D'Amato	Kerrey	Sarbanes
Daschle	Kerry	Sasser
DeConcini	Kohl	Shelby
Dodd	Lautenberg	Simon
Dorgan	Leahy	Specter
Durenberger	Levin	Stevens
Exon	Lieberman	Wellstone
Feingold	Mathews	Wofford

NAYS—39

Bennett	Domenici	Mack
Bond	Faircloth	McCain
Boren	Gramm	McConnell
Brown	Grassley	Murkowski
Burns	Gregg	Nickles
Chafee	Hatch	Nunn
Coats	Helms	Pressler
Cochran	Hutchison	Roth
Cohen	Jeffords	Simpson
Coverdell	Kassebaum	Smith
Craig	Kempthorne	Thurmond
Danforth	Lott	Wallop
Dole	Lugar	Warner

NOT VOTING—1

Pryor

So the committee amendment on page 19, lines 12–15 was agreed to.

COMMITTEE AMENDMENT ON PAGE 74

Mr. GORTON. Madam President, I join my colleague from New Hampshire in his effort to restore the House of Representatives language restricting federally funded abortions except for cases of rape, incest, or endangerment of the life of the mother. I have always supported a woman's right to choose an abortion, but I believe that it is unreasonable to ask Federal taxpayers who disagree to finance, contribute, or in any way subsidize the procedure. This policy respects the diversity of deeply held views of American taxpayers and represents the mainstream of American thinking on this contentious issue and therefore has my support.

Some have tried to cast this vote as an indication of the potential for abortion to be included in a Federal health benefit package under health care reform. I disagree and believe it would be unfortunate and irresponsible if advocates on either side used this vote to try to undermine meaningful health care reform which this country needs.

Mr. LAUTENBERG. Madam President, I rise in support of lifting the restrictions in the Hyde amendment. Last week, the President called on the Congress to provide comprehensive health care to all Americans, regardless of occupational status or income. This notion was embraced by the American people as well as by Members of Congress on both sides of the aisle.

Today, we can take one of the first steps in assuring that this will happen. Today, we seek to end the discrimination against women who rely on Government programs to receive comprehensive health care services.

Madam President, we all know that abortion is a controversial issue in our country. People on both sides of this issue have strong views and I respect each person's opinion.

However, we must realize that abortion is a legal medical procedure. Unfortunately, access to this legal medical procedure varies depending on where you get your health insurance.

If you have money, you probably have private insurance that covers all reproductive health services including abortion. Over 90 percent of all private insurance plans cover abortion services. But if you are on Medicaid, the Government's health plan for the poor, you do not have access to all reproductive health services.

This is not fair. All women should have access to the same health care services. We should not single out one legal medical procedure and say that this is not covered for Medicaid recipients.

Madam President, the State of New Jersey provides comprehensive reproductive health care services to Medicaid recipients, including abortion services. But as my colleagues know, Medicaid is financed by a Federal-State partnership. Typically, the State pays 50 percent of Medicaid bills and the Federal Government pays the other 50 percent. Because of the Hyde amendment, my State has paid 100 percent of the Medicaid costs for abortion services. But not all States do so.

Madam President, it is time to restore equity in our health care system. The Medicaid program originally covered abortion services. Now it is time to restore these services, so that every women in this country, has the same access to reproductive health care services.

I urge my colleagues to vote to lift the restrictions in the Hyde amendment and provide all American women with equivalent health services.

VOTE ON COMMITTEE AMENDMENT ON PAGE 74, LINES 20–25

Mr. HARKIN. Parliamentary inquiry, Madam President.

The PRESIDING OFFICER. The Senator will state the inquiry.

Mr. HARKIN. I understand the next vote will occur now. That vote is on the committee amendment on page 74 that struck from the bill the Hyde language on abortion. And is it correct that a yea vote is a vote to support the committee striking the amendment and a nay vote is opposed to striking the amendment; a nay vote would be in support of the Hyde amendment, a yea vote would be opposed to it. Is that correct, Madam President?

The PRESIDING OFFICER. I am advised by the Parliamentarian a yea vote is in support of the committee position.

Mr. HARKIN. And in support of striking the Hyde language?

The PRESIDING OFFICER. The Senator is correct.

Mr. HARKIN. I thank the Chair.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment on page 74. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR] is necessarily absent.

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

Before announcing the vote, the Chair would remind visitors in the galleries that demonstrations and audible expressions of approval or disapproval are not permitted.

The result was announced—yeas 40, nays 59, as follows:

[Rollcall Vote No. 290 Leg.]

YEAS—40

Akaka	Inouye	Moynihan
Baucus	Jeffords	Murray
Boxer	Kennedy	Packwood
Bradley	Kerrey	Pell
Bumpers	Kerry	Riegle
Campbell	Kohl	Robb
Chafee	Lautenberg	Rockefeller
Cohen	Leahy	Sarbanes
Dodd	Levin	Simon
Feingold	Lieberman	Specter
Feinstein	Metzenbaum	Stevens
Glenn	Mikulski	Wellstone
Harkin	Mitchell	
Hollings	Moseley-Braun	

NAYS—59

Bennett	Domenici	Lugar
Biden	Dorgan	Mack
Bingaman	Durenberger	Mathews
Bond	Exon	McCain
Boren	Faircloth	McConnell
Breaux	Ford	Murkowski
Brown	Gorton	Nickles
Bryan	Graham	Nunn
Burns	Gramm	Pressler
Byrd	Grassley	Reid
Coats	Gregg	Roth
Cochran	Hatch	Sasser
Conrad	Hatfield	Shelby
Coverdell	Heflin	Simpson
Craig	Helms	Smith
D'Amato	Hutchison	Thurmond
Danforth	Johnston	Wallop
Daschle	Kassebaum	Warner
DeConcini	Kempthorne	Wofford
Dole	Lott	

NOT VOTING—1

Pryor

So the amendment was rejected.

Mr. SMITH. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. HARKIN. Mr. President, we are still on the Labor and Health and Human Services appropriations bill. As far as I know, there are no amendments pending at this time.

Again, I urge Senators who have amendments to bring them to the floor, and we can wrap up this bill very shortly. I know the Senator from Minnesota wanted to engage in a colloquy with me about Parkinson's disease, but

I wanted to make that point, Mr. President, that we are indeed waiting for amendments.

Mr. LAUTENBERG. Mr. President, if the Senator from Iowa will yield for an inquiry. I think the Senator is fully aware of the fact that I have an amendment that will be brought up shortly.

Senator FORD, the majority whip, has asked if we could indulge him with a few minutes to gather some information.

I ask unanimous consent that any amendments between now and then be disposed of by 3:30, 3:35, at which time I would like to bring up my amendment.

Mr. HARKIN. Reserving the right to object, and I believe I will object to that. I really do not want to thwart anybody from bringing up an amendment in the meantime. We cannot agree right now on the time limit if someone were to bring up an amendment. I do not foresee anyone bringing up an amendment, but I could not agree to a unanimous consent that would say at 3:30 if somebody brought up an amendment, they would have to cease talking about it and move on to another amendment.

Mr. LAUTENBERG. Put another way, is the manager aware of any amendments that are pending? I know the Senator from Minnesota has requested some time.

Mr. HARKIN. The manager is not aware of any pending amendments. I am asking Senators, if they have amendments, to please come over and offer them.

Mr. LAUTENBERG. I will alert the Senate that my amendment on smoking will be brought up as soon as possible after 3:30.

Mr. NICKLES. Will the Senator yield for a question?

Mr. HARKIN. Yes.

Mr. NICKLES. I believe that the committee language had certain floors on employment levels. It was this Senator's intention to offer an amendment to strike those floors to where levels could be lower. I understood, through staff, that the manager was going to offer an amendment, or would adopt our amendment in the managers' amendments.

Mr. HARKIN. If I might respond, we did that last Thursday night. Those floors have been removed, in accordance with the wishes of the full committee and Senator BYRD.

Mr. NICKLES. I thank my colleague.

Mr. WELLSTONE. Mr. President, I want to speak today of a desperate need for research funding for Parkinson's disease and an important step the Senate is about to take, which is a positive step to meet that need.

Mr. President, Parkinson's, for those who do not know, is a devastating disease that has been much too invisible in America. It starts silently at some point in life, with a degenerative process that attacks certain brain cells controlling motor function. Although the cause is still uncertain, environmental toxins are a prime suspect.

When 80 percent of all those cells have died, the systems of tremor, muscle stiffness, the loss of motor control, begin to appear. Medication masks some of those symptoms for a while, but it does not stop the disease's advance. Eventually, the drugs lose their effectiveness.

At that point, those afflicted with Parkinson's become prisoners of their own bodies, unable to move, unable to swallow, unable to even speak.

Parkinson's disease presently afflicts approximately 1 million Americans, and it strikes 50,000 more each year. Mr. President, it is awful to endure the suffering that Parkinson's disease inflicts, as it steadily robs a person of things he or she loves—the ability to run, and then to hike, and to walk, to play an instrument, to write a letter, and then to use a fork or a spoon.

Step by step it takes away the freedom to conduct an independent daily life, finally leaving an active mind trapped in a frozen body.

The suffering of loved ones is also equally great. Their hearts break as they see their spouses or their parents or their children suffering and steadily losing control to Parkinson's disease.

Mr. President, I know. I had firsthand experience with this. Both my father, Leon Wellstone, and my mother, Minnie Wellstone, suffered from Parkinson's disease. We moved my mom and dad out to Minnesota, in Northfield, so that we could take care of them as a family. I watched them struggle to maintain their independence and struggle to maintain their dignity. So I speak on the floor here today with a great deal of emotion.

Contrary to common belief, this is not exclusively an older person's disorder. Approximately 40 percent of those afflicted are under the age of 60. Many Americans are stricken in their twenties and their thirties and their forties.

One of my dearest friends, Michel Monnot, who walks across our country to raise funds for Parkinson's disease research, I think, first was diagnosed with Parkinson's disease in his midthirties. In addition to human distress, the cost of Parkinson's disease to our country is immense—$5.6 billion a year in direct health care expenses, indirect expenses due to disability, and also to lost productivity. What men and women with Parkinson's disease could contribute if we could find a cure to this disease.

Mr. President, the suffering could end soon. Great advances in neurological research have created the potential for major treatment breakthroughs with very possibly a cure in this decade. Among those scientific developments are neurogrowth factors which hold the potential for rejuvenating the dominant neurons—bringing them back to life and full functioning; fetal tissue transplant which produced remarkable preliminary results in reversing the disorder while replacing dead cells with new healthy ones; and genetic engineered neurocells that provide a fertile source of potential brain tissues for transplant.

This research is moving far slower than it could, and the reason is because of the lack of funding and the lack of support. Therefore, we really have had a legacy of wrongheaded policy and really neglect and not such benign neglect.

First, efforts to achieve the breathtaking promise of fetal tissue transplant research were bottled up for 5 years as a result of the two prior administrations unwilling to let that research go forward. After a 5-year struggle, finally we see that research going forward, and we can see the potential by way of cure.

Second, Parkinson's disease has been treated unfairly, unbelievably I might add, to the extent that there has been such low levels of funding. The 1993 Federal funding directly for Parkinson's disease totaled $28 million which is pittance compared to moneys spent on other diseases of equal magnitude and scientific promise.

There is a sad irony here. After battling so hard, for example, to remove the political obstacles to fetal tissue transplants research, the backlog of research still sits there because we do not have adequate funding. It is one thing, I would say on the floor of the Senate today, to suffer from a disease for which medical science has no answer; it is far worse to know that a breakthrough or maybe even a cure could be available now but politics has intervened.

This is the knowledge that the Parkinson's community in our country now lives with, that if we made a commitment of funding based upon the research that we have seen, we could have a huge breakthrough and possibly a cure to this disease. But we have had so little commitment to do so in our Nation.

We must act to ensure that the Federal priorities are corrected and that Federal resources are available so that medical science can make up for the time that has been lost. I am pleased to say today that the Senate takes an important step to change this situation far for the better. In the report language that acompanies the 1994 appropriations bill, the Senate directs the NIH to give Parkinson's the priority attention it deserves. It encourages a greater commitment by the NIH to Parkinson's disease. It seeks a coordinated research program among the institutes involved. And, most importantly of all, it urges increased funding for Parkinson's research.

I thank Senator HARKIN, I thank Senator SPECTER and I certainly thank Senator HATFIELD, who was the ranking minority member of the Appropriations Committee and has had such a commitment in this area. I thank them for their leadership in helping this come to pass. I especially appreciate the support of the Chair and the ranking minority member.

I also thank the Parkinson's community for alerting the Congress to this problem. During the campaign for "lift the ban on fetal tissue transplant research," I worked closely with the Parkinson's Action Network. The director, Joan Samuelson, I believe many Senators probably have met, is "no less than," as my children would say, "than amazing." She herself suffers from Parkinson's. She comes here and does not come with lots of big dollars but she has such a commitment to making sure that there is a real strong focus on Parkinson's disease. She and the chair, Ann Udall, who is the daughter of our colleague, Mo Udall, who suffers from Parkinson's disease and who has had a terrible struggle with that disease, have I think provided just tremendous leadership in this Nation.

I hope that all of us will continue to work with them because they have a voice that must be heard. Since investing in Parkinson's, we will give millions of Americans a chance since it will, I think, put an end to immense suffering and since it will return enormous economic benefits to our Nation by way of enabling men and women to contribute to this country who have so much to contribute. It is vital that this research not only be continued but that the funding be increased.

I ask my colleague, the Senator from Pennsylvania, if he could elaborate on the intent of the committee statement in the report that urges the National Institute of Neurological Disease and Stroke to increase research funding for Parkinson's disease. Is it his sense or is it the sense of the committee, as the ranking minority member sees it, that adequate funding is provided in this budget for this purpose? Because I think people in the Parkinson's community—I am sorry I know, the people in the Parkinson's community consider this moment sometimes we lose sight of it—we are on the floor every day; they have fought so hard for this; it is so important to them, that I think a statement from the ranking minority member in behalf of the chairman of the committee would be very important to the community.

The PRESIDING OFFICER. The Chair recognizes the Senator from Pennsylvania [Mr. SPECTER].

Mr. SPECTER. Mr. President, I am glad to respond, without making any representations.

As the sentence read by the distinguished Senator from Minnesota cites, it is the committee's intent, which will be the Senate's intent if passed, and I expect it will be, that there ought to be additional allocation for Parkinson's disease.

When we approached the issues of medical research, we are looking at a proposal submitted by the administration for a reduction in NIH funding. That reduction is not just this administration, it is prior administrations as well.

When the chairman, Senator HARKIN, and I have gone over the sheets, we have increased funding on NIH by some $630 million, a 6-percent increase—more than that really—bringing the total to some $10.9 million. But as we move through the various categories which need increased funding, we are besieged by people on behalf of cancer—breast cancer, prostate cancer, other kinds of cancer—diabetes, mental illness, Alzheimer's categories. It is dangerous to start to enumerate because there are so many requests.

It is our view that the funding on Parkinson's ought to be increased to the maximum extent possible.

I note the distinguished chairman of the subcommittee has come to the floor. Perhaps he might care to elaborate. He might want to hear the question before he comments.

Mr. WELLSTONE. I thank the Senator from Pennsylvania.

I would ask the chairman whether he might respond to my question.

The PRESIDING OFFICER. The Senator from Iowa [Mr. HARKIN].

Mr. HARKIN. Mr. President, I thank the Senator from Minnesota for his statement. I had read it before.

First of all, I wanted to say to him that I concur in the points that he made. Parkinson's disease is something that this Senator feels very strongly about. Family members have suffered in my family from Parkinson's disease. A close friend and neighbor of mine, that I just visited in Iowa just two weekends ago, is suffering from Parkinson's disease.

We have worked very closely with Joan Samuelson. Again, I want to commend her. She has done a great job in bringing to our attention this issue of making sure that we focused on it and that we got adequate funding.

I would just say that we did put report language in the report, Mr. President, that urges the National Institute of Neurological Disorders and Strokes to increase research funding for Parkinson's disease. Although the committee is refraining from targeting specific funding per se, except where previously provided by statute—and there are some statutes that provide for specific funding for specific illnesses or diseases—the National Institute of Neurological Disorders and Strokes budget contains a 5.2-percent increase over 1992 funding. And it provides sufficient funds for an expansion of research in Parkinson's disease. It is this committee's intention that NINSDS would indeed increase that funding for Parkinson's research.

Mr. WELLSTONE. Mr. President, I notice that other colleagues are on the floor, so I will wrap this up. I will be very, very brief.

I would like to thank the chairman of the subcommittee, Senator HARKIN. He is a friend and I also think he is known throughout the country for his commitments in this area.

I would say to the Parkinson's community that your voice has been heard here. I urge the men and women in the Parkinson's community and family members to continue to speak out and to continue to press forward, because I think this is a very important step that is taken in this appropriations bill.

I also thank the ranking minority member.

The PRESIDING OFFICER. The Chair recognizes the Senator from Pennsylvania [Mr. SPECTER].

Mr. SPECTER. Mr. President, I have sought recognition to make a brief comment about an application of ERISA to preempt certain State and local laws which may require future legislation clarifying the intent of Congress on a provision in ERISA which provides for preemption of State and local laws. For purposes of those who are unfamiliar with the preemption doctrine, it is a thesis that when the Federal Government acts, if the Federal Government chooses to do so, we may preempt any competing law from applying.

There was recently a decision by the Supreme Court of Pennsylvania in a case captioned "Keystone Chapter, Associated Builders and Contractors, Inc., v. Foley", which invalidated the Pennsylvania laws relating to a number of subjects. There have been a number of judicial decisions in recent years, in some nine States, which have affected State laws. Currently, there are 31 States, including Pennsylvania, which have enacted laws which impact on public works projects. The decisions of the U.S. district courts have preempted a whole series of State provisions: those providing for payment of prevailing wages on public works projects; State laws concerning apprenticeship training and employment, and State laws providing for mechanics' liens.

Illustratively, when you have a provision providing for a mechanic's lien, that is the way workers guarantee they can obtain payment for services which they perform on a building. All 50 States have laws on mechanics' liens. It is a traditional security interest which as a matter of public policy is recognized virtually uniformly.

There has been legislation introduced by Representative HOWARD BERMAN, of California, H.R. 1036, which deals with certain aspects of this issue, of this problem. There had been some consideration of offering an amendment on

this appropriations bill to deal with these issues. But after considering the matter, it is my view that action should not be taken at this time.

A number of interested parties have conflicting views as to what ought to be done. It is a matter of some controversy. But I thought it worthwhile to take a few minutes of the Senate's time to identify the problem and to put my colleagues and others on notice that this is an issue we will probably have to face one day in the near future.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. HARKIN. 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. LAUTENBERG. 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. LAUTENBERG. Mr. President, I ask unanimous consent that the committee amendments presently ready for review be set aside so that I can offer an amendment to the Labor, HHS appropriations bill.

The PRESIDING OFFICER. Is there objection? Without objection, the pending committee amendments are laid aside.

AMENDMENT NO. 971

(Purpose: To provide for the protection of children from exposure to environmental tobacco smoke in the provision of children's services)

Mr. LAUTENBERG. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG], for himself, Mr. SIMON, and Mrs. BOXER, proposes an amendment numbered 971.

Mr. LAUTENBERG. 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:

TITLE VI—NONSMOKING POLICY

SEC. 601. SHORT TITLE.

This title may be cited as the "Preventing Our Kids From Inhaling Deadly Smoke (PRO-KIDS) Act of 1993".

SEC. 602. FINDINGS.

The Congress finds that—

(1) environmental tobacco smoke comes from secondhand smoke exhaled by smokers and sidestream smoke emitted from the burning of cigarettes, cigars, and pipes;

(2) since citizens of the United States spend up to 90 percent of a day indoors, there is a significant potential for exposure to environmental tobacco smoke from indoor air;

(3) exposure to environmental tobacco smoke occurs in schools, public buildings, and other indoor facilities;

(4) recent scientific studies have concluded that exposure to environmental tobacco smoke is a cause of lung cancer in healthy nonsmokers and is responsible for acute and chronic respiratory problems and other health impacts in sensitive populations (including children);

(5) the health risks posed by environmental tobacco smoke exceed the risks posed by many environmental pollutants regulated by the Environmental Protection Agency; and

(6) according to information released by the Environmental Protection Agency, environmental tobacco smoke results in a loss to the economy of over $3,000,000,000 per year.

SEC. 603. DEFINITIONS.

As used in this title:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) CHILDREN.—The term "children" means individuals who have not attained the age of 18.

(3) CHILDREN'S SERVICES.—The term "children's services" means—

(A) direct health services that are routinely provided to children and that are funded (in whole or in part) by Federal funds; or

(B) any other direct services that are routinely provided primarily to children, including educational services and that are funded (in whole or in part) by Federal funds.

(4) FEDERAL AGENCY.—The term "Federal agency" means an entity in the executive, legislative or judicial branch of the Federal Government.

(5) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

SEC. 604. NONSMOKING POLICY FOR CHILDREN'S SERVICES.

(a) ISSUANCE OF GUIDELINES.—Not later than 180 days after the date of enactment of this Act, the Administrator shall issue guidelines for instituting and enforcing a nonsmoking policy at each indoor facility where children's services are provided.

(b) CONTENTS OF GUIDELINES.—A nonsmoking policy that meets the requirements of the guidelines shall, at a minimum, prohibit smoking in each portion of an indoor facility where children's services are provided that is not ventilated separately (as defined by the Administrator) from other portions of the facility.

SEC. 605. TECHNICAL ASSISTANCE.

The Administrator and the Secretary shall provide technical assistance to persons who provide children's services and other persons who request technical assistance. The technical assistance shall include information—

(1) on smoking cessation programs for employees; and

(2) to assist in compliance with the requirements of this title.

SEC. 606. FEDERALLY FUNDED PROGRAMS.

(a) IN GENERAL.—Notwithstanding any other provision of law, each person who provides children's services shall establish and make a good-faith effort to enforce a nonsmoking policy that meets or exceeds the requirements of subsection (b).

(b) NONSMOKING POLICY.—

(1) GENERAL REQUIREMENTS.—A nonsmoking policy meets the requirements of this subsection if the policy—

(A) is consistent with the guidelines issued under section 604(a);

(B) prohibits smoking in each portion of an indoor facility used in connection with the provision of services directly to children; and

(C) where appropriate, requires that signs stating that smoking is not permitted be posted in each indoor facility to communicate the policy.

(2) PERMISSIBLE FEATURES.—A nonsmoking policy that meets the requirements of this subsection may allow smoking in those portions of the facility—

(A) in which services are not normally provided directly to children; and

(B) that are ventilated separately from those portions of the facility in which services are normally provided directly to children.

(c) WAIVER.—

(1) IN GENERAL.—A person described in subsection (a) may publicly petition the head of the Federal agency from which the person receives Federal funds (including financial assistance) for a waiver from any or all of the requirements of subsection (b).

(2) CONDITIONS FOR GRANTING A WAIVER.—Except as provided in paragraph (3), the head of the Federal agency may grant a waiver only—

(A) after consulting with the Administrator, and receiving the concurrence of the Administrator;

(B) after giving an opportunity for public hearing (at the main office of the Federal agency or at any regional office of the agency) and comment; and

(C) if the person requesting the waiver provides assurances that are satisfactory to the head of the Federal agency (with the concurrence of the Administrator) that—

(i) unusual extenuating circumstances prevent the person from establishing or enforcing the nonsmoking policy (or a requirement under the policy) referred to in subsection (b) (including a case in which the person shares space in an indoor facility with another entity and cannot obtain an agreement with the other entity to abide by the nonsmoking policy requirement) and the person will establish and make a good-faith effort to enforce an alternative nonsmoking policy (or alternative requirement under the policy) that will protect children from exposure to environmental tobacco smoke to the maximum extent possible; or

(ii) the person requesting the waiver will establish and make a good-faith effort to enforce an alternative nonsmoking policy (or alternative requirement under the policy) that will protect children from exposure to environmental tobacco smoke to the same degree as the policy (or requirement) under subsection (b).

(3) SPECIAL WAIVER.—

(A) IN GENERAL.—On receipt of an application, the head of the Federal agency may grant a special waiver to a person described in subsection (a) who employs individuals who are members of a labor organization and provide children's services pursuant to a collective bargaining agreement that—

(i) took effect before the date of enactment of this Act; and

(ii) includes provisions relating to smoking privileges that are in violation of the requirements of this section.

(B) TERMINATION OF WAIVER.—A special waiver granted under this paragraph shall terminate on the earlier of—

(i) the first expiration date (after the date of enactment of this Act) of the collective bargaining agreement containing the provisions relating to smoking privileges; or

(ii) the date that is 1 year after the date specified in subsection (f).

(d) CIVIL PENALTIES.—

(1) IN GENERAL.—(A) Any person subject to the requirements of this section who fails to comply with the requirements shall be liable to the United States for a civil penalty in an

amount not to exceed $1,000 for each violation, but in no case shall the amount be in excess of the amount of Federal funds received by the person for the fiscal year in which the violation occurred for the provision of children's services.

(B) Each day a violation continues shall constitute a separate violation.

(2) ASSESSMENT.—A civil penalty for a violation of this section shall be assessed by the head of the Federal agency that provided Federal funds (including financial assistance) to the person (or if the head of the Federal agency does not have the authority to issue an order, the appropriate official) by an order made on the record after opportunity for a hearing in accordance with section 554 of title 5, United States Code. Before issuing the order, the head of the Federal agency (or the appropriate official) shall—

(A) give written notice to the person to be assessed a civil penalty under the order of the proposal to issue the order; and

(B) provide the person an opportunity to request, not later than 15 days after the date of receipt of the notice, a hearing on the order.

(3) AMOUNT OF CIVIL PENALTY.—In determining the amount of a civil penalty under this subsection, the head of the Federal agency (or the appropriate official) shall take into account—

(A) the nature, circumstances, extent, and gravity of the violation;

(B) with respect to the violator, the ability to pay, the effect of the penalty on the ability to continue operation, any prior history of the same kind of violation, the degree of culpability, and a demonstration of willingness to comply with the requirements of this title; and

(C) such other matters as justice may require.

(4) MODIFICATION.—The head of the Federal agency (or the appropriate official) may compromise, modify, or remit, with or without conditions, any civil penalty that may be imposed under this subsection. The amount of the penalty as finally determined or agreed upon in compromise may be deducted from any sums that the United States owes to the person against whom the penalty is assessed.

(5) PETITION FOR REVIEW.—A person who has requested a hearing concerning the assessment of a penalty pursuant to paragraph (2) and is aggrieved by an order assessing a civil penalty may file a petition for judicial review of the order with the United States Court of Appeals for the District of Columbia Circuit or for any other circuit in which the person resides or transacts business. The petition may only be filed during the 30-day period beginning on the date of issuance of the order making the assessment.

(6) FAILURE TO PAY.—If a person fails to pay an assessment of a civil penalty—

(A) after the order making the assessment has become a final order and without filing a petition for judicial review in accordance with paragraph (5); or

(B) after a court has entered a final judgment in favor of the head of the Federal agency (or appropriate official),

the Attorney General shall recover the amount assessed (plus interest at currently prevailing rates from the last day of the 30-day period referred to in paragraph (5) or the date of the final judgment, as the case may be) in an action brought in an appropriate district court of the United States. In the action, the validity, amount, and appropriateness of the penalty shall not be subject to review.

(e) EXEMPTION.—This section shall not apply to a person who provides children's services who—

(1) has attained the age of 18;

(2) provides children's services—

(A) in a private residence; and

(B) only to children who are, by affinity or consanguinity, or by court decree, a grandchild, niece, or nephew of the provider; and

(3) is registered and complies with any State requirements that govern the children's services provided.

(f) EFFECTIVE DATE.—This section shall take effect on the first day of the first fiscal year beginning after the date of enactment of this Act.

SEC. 607. REPORT BY THE ADMINISTRATOR.

Not later than 2 years after the date of enactment of this Act, the Administrator shall submit a report to the Congress that includes—

(1) information concerning the degree of compliance with this title; and

(2) an assessment of the legal status of smoking in public places.

SEC. 608. PREEMPTION.

Nothing in this title is intended to preempt any provision of law of a State or political subdivision of a State that is more restrictive than a provision of this title.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Iowa, Mr. HARKIN.

Mr. HARKIN. Mr. President, this is an amendment, I understand, offered by the Senator from New Jersey that deals with the issue of smoking. I do not know exactly how the amendment is drafted. But in discussions with the Senator from New Jersey and the Senator from Kentucky, I would like to ask unanimous consent that debate on this amendment be limited to 40 minutes equally divided between the Senator from New Jersey and the Senator from Kentucky, Mr. FORD; that at the conclusion of the debate there be no intervening amendments or motions, and that the yeas and nays be ordered on the amendment offered by the Senator from New Jersey.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request propounded by the Senator from Iowa?

Mr. LAUTENBERG. I would go further and ask unanimous consent it not be subject to second-degree amendments.

The PRESIDING OFFICER. The Chair advises the Senator that is included in the unanimous consent request.

Is there objection to the unanimous consent request?

Mr. LAUTENBERG. I thank the Senator from Iowa.

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

Mr. LAUTENBERG. I yield myself such time——

The PRESIDING OFFICER. Is there a sufficient second in the request for the yeas and nays?

At this moment there is not an indication of a sufficient second. The Chair would be pleased to inquire momentarily.

Mr. LAUTENBERG. We will withdraw the request for the yeas and nays for the moment and proceed.

The PRESIDING OFFICER. The question is withdrawn. Who yields time?

Mr. LAUTENBERG. I yield myself such time as is necessary to make my presentation.

The PRESIDING OFFICER. The Senator is yielded for up to 20 minutes.

Mr. LAUTENBERG. Mr. President, recently President Clinton informed us that we needed comprehensive health care reform for the American people, and everybody applauded. It was heard around the country and people were enthusiastic and it is indicated by polls and surveys and other opinion solicitations. The President told us that we need to reduce the cost of our Nation's health care bill. He told us that we need to emphasize preventive care, and we all applauded again. He told us that we had to change some of our behavior, and once again the applause rang in the Chamber.

Today, I hope we are going to be able to turn that applause into real action. The amendment I am offering today will help prevent sickness and death and hold down health care costs. At the same time it will protect our children, it will modify some behavior, and it will put the Federal Government on record as saying that our children, our future, should not be harmed by exposure to secondhand smoke when they participate in Federal programs designed to help them. My amendment is called pro kids. It stands for protecting our kids from inhaling deadly smoke and is based on a bill that I introduced earlier this year, S. 261. This bill currently has 21 cosponsors; Senators BINGAMAN, BOXER, BRADLEY, CHAFEE, D'AMATO, DURENBERGER, HARKIN, HATCH, HATFIELD, INOUYE, KERRY of Massachusetts, LEAHY, LIEBERMAN, LUGAR, METZENBAUM, MOYNIHAN, MURRAY, PELL, SIMON, STEVENS, and WELLSTONE.

Pro kids will protect children from secondhand smoke while they participate in federally funded programs such as Head Start, WIC, Chapter 1, health care and day care programs. It would require Federal grantees to establish a nonsmoking policy if they provide health services to children under the age of 18 or provide other social services primarily to children who are under the age of 18. This includes elementary and secondary education. These nonsmoking policies would limit indoor smoking in facilities associated with these federally funded programs to those areas which are not normally used to serve children, a separate room, separately ventilated.

Evidence accumulated by EPA and other organizations shows that separate ventilation is essential to prevent

secondhand smoke from recirculating through the ventilating system right back into the rooms that are used by children.

In cases where extenuating circumstances prevent total compliance, programs could apply for a partial waiver from the provision if they protect children from exposure to secondhand smoke to the extent possible. This amendment also allows the adoption of the nonsmoking policy to be done if union agreement exists through collective bargaining, and this amendment does not mandate the same requirement for home-based child care provided by relatives who do receive some Federal funds. It means that if grandma is taking care of the child, she does not have to comply with the regulations.

This amendment also provides an additional role for the EPA with regard to environmental tobacco smoke. Under this legislation, the EPA will establish guidelines for compliance under this act.

I offer this amendment for one simple, irrefutable reason. Secondhand smoke kills. An EPA report released on January 7 this year undeniably confirmed what public health officials have recorded for several years: Secondhand smoke kills, not only those who smoke often but those who are forced to breathe secondhand smoke.

This report was released in the Bush administration by the then Administrator Bill Reilly with the full support of the Secretary of HHS, Dr. Louis Sullivan. Since then it has been endorsed by Administrator Browner and Secretary Shalala.

Mr. President, you know how the tobacco industry responded to this 6-year, peer reviewed, unanimously approved study? Nine tobacco companies are suing the Federal Government. They cannot refute the scientific findings. They cannot influence public opinion anymore. So now they are using their profits to put their lawyers to work to bring a lawsuit.

I have had my disagreements with the tobacco industry ever since I became a Senator. I have come to be amazed, to be impressed, in a kind of perverse way, at their ingenuity and creativity; that is, the tobacco companies. But this response, their suit against the Government is for releasing a scientific study documenting the impact their product has on human health. Well, Mr. President, I have to confess that is one I did not expect. But I did expect the EPA to reach the conclusion that it did; that secondhand smoke is a group A carcinogen, a group that includes toxins like asbestos, benzene, and arsenic.

I would ask: Would we deliberately expose our children to those kinds of materials? Here is the EPA report. Secondhand smoke is a group A carcinogen, and thus it is equal to asbestos, benzene, and arsenic, in terms of toxicity. This is not a very good way to treat our kids.

The evidence is clear. Secondhand smoke is taking an enormous toll on the health of Americans, particularly our children. According to EPA, 3,000 lung cancer deaths per year occur among nonsmokers as a result of exposure to other people's smoke.

I would like to read a quote from the EPA report which is spelled out on this chart.

Passive smoke is estimated by EPA to cause approximately 3,000 lung cancer deaths in non-smokers each year.

It takes, however, the toughest toll on our Nation's children. Children exposed to secondhand smoke often suffer acute illnesses, and ultimately may contract lung cancer.

Once again, I would like to read verbatim from the EPA report:

Secondhand smoke hurts children.

It says:

Secondhand smoke is a serious health risk to children.

This comes from EPA.

Mr. President, the Agency that is in charge of protecting our people from environmental hazards is EPA, and it unequivocally states that secondhand smoke hurts our kids. I would like to read some of the effects that secondhand smoke has on our children.

It says "150,000"—look at the number—"to 300,000 lower respiratory tract infections in children under 18 months resulting in 15,000 hospitalizations each year"—children, babies under 18 months.

Reduced lung function.

Buildup of fluid in the middle ear.

700,000 to 1 million asthmatic exacerbations each year.

That means attacks. About 700,000 to 1 million each and every year as a result of breathing smoke that other people create. It creates irritation of the eyes and nose and throat.

Mr. President, I have my own experience. I used to smoke. I used to smoke a lot. I thought it was fun. I smoked a couple or three packs of cigarettes a day. One day I came home. I have four kids. It was my youngest daughter who was then 7 years old. She said, "Daddy, don't smoke."

I said "Why not?"

She said, "Because in school we heard that if you smoke, you can get a black box in your throat. And, daddy, I love you and I don't want you to have a black box in your throat."

That was my child asking me to protect my health.

It never occurred to me, Mr. President, that in the process of my smoking that I was running a risk with my children. Heaven knows, there is no parent who has any sense of parental responsibility who would ever deliberately put asbestos, benzene, or other toxins in an area where their kids are going to play or sleep or eat or what have you. But we did not know at the time.

Once this child reminded me of what my responsibility was to myself and thusly to them, that was the end of smoking. I tried to quit many times before that. When I looked at that little face, that made the decision for me.

I want to point out that this is not the first words we have heard on this matter. In a separate study, the American Heart Association concluded that exposure to secondhand smoke increases the risk of lung cancer, heart disease, and emphysema. They reported that approximately 50 percent of all children are exposed to secondhand smoke.

Mr. President, this is not church. I am not a preacher. But I do want to say to any parent who hears this message, when you light up the next time, think of that child's face in front of you and see whether you want to blow smoke in his or her lungs, because that is what you are doing by allowing a child to inhale secondhand smoke.

Furthermore, in 1986, the Surgeon General's report called secondhand smoke a hazard to nonsmokers' health. Given that kind of evidence, the Federal Government has to respond. We have in the past. In 1990, the Congress, with a great deal of labor, passed the Clean Air Act to regulate 189 hazardous air pollutants which were estimated to cause 1,500 deaths per year.

I remind you that in the earlier chart I cited the fact that 3,000 deaths a year are attributable to secondhand smoke.

The Senate has passed my amendment to make all buildings smoke free. Unfortunately, it did not survive the conference. I think it is fair to say the deck was stacked on that one, Mr. President. The Senate had voted, though it was a voice vote. But we did not carry it through.

Other Government agencies have acted to protect their employees. Cities have adopted new regulations restricting indoor smoking. We banned smoking on all domestic airline flights. I take pride in the fact that I was the author of that amendment in the Senate. People who travel say constantly, "Thank you, FRANK LAUTENBERG. It is the best thing we had."

I, in some way, take credit also, perhaps unfairly and perhaps immodestly, for having started the roll against smoking in this country because people saw how pleasant it was suddenly to be in the cabin of an airliner and not have to suck up your neighbor's smoke. It was a real treat, and those who work in those airplanes treat me almost in a saintly fashion when they recognize who I am because I have helped prevent their health from deteriorating. People said life is different.

People say, "I worked in this airplane. I used to work and cough and feel lousy. Now when I go to work it is

a pleasure. We do have other environmental problems with indoor air on airplanes.

Mr. President, the White House, at the behest of the First Lady, the architect of the President's health care plan, is now smoke free. We have made a start, but we have a long way to go.

We have protected ourselves, but we have not yet protected our children. And they, more than any other group in our society, are threatened by secondhand smoke.

Children are the most vulnerable members of our society. They depend on us to protect them and to safeguard their health. They are our future. Is it not time to give our kids, especially those who depend on the Federal Government for valuable services like health care, preschool training, the same kind of protection we already afford to airplane travelers and some Federal workers?

We should prohibit smoking in federally funded institutions which serve children under the age of 18 immediately so that our kids can breath healthy air.

Mr. President, some of my colleagues will argue that this amendment will cost nonprofit organizations and the Federal Government millions of dollars to comply. It is important to set the record straight. This is a no cost amendment. Nothing in this amendment requires entities to install new ventilating systems. The entities can simply prohibit smoking in the entire facility and obtain no smoking signs free of charge from the local cancer society.

It is only if the entity chooses to allow smoking indoors that it must install separate ventilation. This is completely optional and up to the grantee. But I want my colleagues to know that entities have an option to fully comply with this amendment at no cost.

Now, I would just like to mention some of the many organizations that have endorsed the Pro-Kids amendment: The American Cancer Society, American Lung Association, American Academy of Pediatrics, American Medical Association, American Nurses Association, and the National Education Association, which represents many of our Nation's teachers.

I have a brochure here that EPA has sent out. It is an attractive little pamphlet that says "Secondhand Smoke, What You Can Do About Secondhand Smoke As Parents, Decisionmakers, and Building Occupants." Then it describes how you protect your health and what you can do to reduce the health risks of passive smoking.

I ask unanimous consent that this pamphlet be printed in the RECORD.

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

SECONDHAND SMOKE—WHAT YOU CAN DO ABOUT SECONDHAND SMOKE AS PARENTS, DECISIONMAKERS, AND BUILDING OCCUPANTS

Protecting Your Health: What you can do to reduce the health risks of passive smoking.

IN THE HOME

Don't smoke in your house or permit others to do so.

If a family member insists on smoking indoors, increase ventilation in the area where smoking takes place. Open windows or use exhaust fans.

Do not smoke if children are present, particularly infants and toddlers. They are particularly susceptible to the effects of passive smoking.

Don't allow baby-sitters or others who work in your home to smoke in the house or near your children.

WHERE CHILDREN SPEND TIME

EPA recommends that every organization dealing with children have a smoking policy that effectively protects children from exposure to environmental tobacco smoke.

Find out about the smoking policies of the day care providers, pre-schools, schools, and other care-givers for your children.

Help other parents understand the serious health risks to children from secondhand smoke. Work with parent/teacher associations, your school board and school administrators, community leaders, and other concerned citizens to make your child's environment smoke free.

IN THE WORKPLACE

EPA recommends that every company have a smoking policy that effectively protects non-smokers from involuntary exposure to tobacco smoke. Many businesses and organizations already have smoking policies in place but these policies vary in their effectiveness.

If your company does not have a smoking policy that effectively controls secondhand smoke, work with appropriate management and labor organizations to establish one.

Simply separating smokers and nonsmokers within the same area, such as a cafeteria, may reduce exposure, but nonsmokers will still be exposed to recirculated smoke or smoke drifting into nonsmoking areas.

Prohibiting smoking indoors or limiting smoking to rooms that have been specially designed to prevent smoke from escaping to other areas of the building are the two options that will effectively protect nonsmokers. The costs associated with establishing properly designed smoking rooms vary from building to building and are likely to be greater than simply eliminating smoking entirely.

If smoking is permitted indoors, it should be in a room that meets several conditions:

Air from the smoking room should be directly exhausted to the outside by an exhaust fan. Air from the smoking room should not be recirculated to other parts of the building. More air should be exhausted from the room than is supplied to it to make sure ETS doesn't drift to surrounding spaces.

The ventilation system should provide the smoking room with 60 cubic feet per minute (CFM) of supply air per smoker. This air is often supplied by air transferred from the doors (or near building ventilation system air intakes) where nonsmokers may have to pass through smoke from smokers congregated near doorways. Some employers have set up outdoor areas equipped with shelters and ashtrays to accommodate smokers.

IN RESTAURANTS AND BARS

Know the law concerning smoking in your community. Some communities have banned smoking in places such as restaurants entirely. Others require separate smoking areas in restaurants, although most rely on simply separating smokers and nonsmokers within the same space, which may reduce but not eliminate involuntary exposure to ETS.

If smoking is permitted, placement of smoking areas should be determined with some knowledge of the ventilation characteristics of the space to minimize nonsmoker exposure. For example, nonsmoking areas should be near air supply ducts while smoking areas should be near return registers or exhausts.

Ask to be seated in nonsmoking areas as far from smokers as possible.

If your community does not have a smoking control ordinance, urge that one be enacted. If your local ordinances are not sufficiently protective, urge your local government officials to take action.

Few restrictions have been imposed in bars where drinking and smoking seem to go together. In the absence of state or local laws restricting smoking in bars, encourage the proprietor to consider his or her nonsmoking clientele, and frequent places that do so.

IN OTHER INDOOR SPACES

Does your state or community have laws addressing smoking in public spaces? Many states have laws prohibiting smoking in public facilities such as schools, hospitals, airports, bus terminals, and other public buildings. Know the law. Take advantage of laws designed to protect you. Federal laws now prohibit smoking on all airline flights of six hours or less within the U.S. and on all interstate bus travel.

A SPECIAL MESSAGE FOR SMOKERS

This is a difficult time to be a smoker. As the public becomes more aware that smoking is not only a hazard to you but also to others, nonsmokers are becoming more outspoken, and smokers are finding themselves a beleaguered group.

If you choose to smoke, here are some things you can do to help protect the people close to you:

Don't smoke around children. Their lungs are very susceptible to smoke. If you are expecting a child, quit smoking.

Take an active role in the development of your company's smoking policy. Encourage the offering of smoking cessation programs for those who want them.

Keep your home smoke free. Nonsmokers can get lung cancer from exposure to your smoke. Because smoke lingers in the air, people may be exposed even if they are not present while you smoke. If you must smoke inside, limit smoking to a room where you can open windows for cross-ventilation. Be sure the room in which you smoke has a working smoke detector to lessen the risk of fire.

Test your home for radon. Radon contamination in combination with smoking is a much greater health risk than either one individually.

Don't smoke in an automobile with the windows closed if passengers are present. The high concentration of smoke in a small, closed compartment substantially increases the exposure of other passengers.

More than two million people quit smoking every year, most of them on their own, without the aid of a program or medication. If you want to quit smoking, assistance is available. Smoking cessation programs can help. Your employer may offer programs, or ask your doctor for advice.

WHAT IS SECONDHAND SMOKE?

Secondhand smoke is a mixture of the smoke given off by the burning end of a cigarette, pipe, or cigar, and the smoke exhaled from the lungs of smokers.

This mixture contains more than 4,000 substances, more than 40 of which are known to cause cancer in humans or animals and many of which are strong irritants.

Secondhand smoke is also called environmental tobacco smoke (ETS); exposure to secondhand smoke is called involuntary smoking, or passive smoking.

SECONDHAND SMOKE CAN CAUSE LUNG CANCER IN NONSMOKERS

Secondhand smoke has been classified by the U.S. Environmental Protection Agency (EPA) as a known cause of lung cancer in humans (Group A carcinogen).

Passive smoking is estimated by EPA to cause approximately 3,000 lung cancer deaths in nonsmokers each year.

SECONDHAND SMOKE IS A SERIOUS HEALTH RISK TO CHILDREN

The developing lungs of young children are also affected by exposure to secondhand smoke.

Infants and young children whose parents smoke are among the most seriously affected by exposure to secondhand smoke, being at increased risk of lower respiratory tract infections such as pneumonia and bronchitis. EPA estimates that passive smoking is responsible for between 150,000 and 300,000 lower respiratory tract infections in infants and children under 18 months of age annually, resulting in between 7,500 and 15,000 hospitalizations each year.

Children exposed to secondhand smoke are also more likely to have reduced lung function and symptoms of respiratory irritation like cough, excess phlegm, and wheeze.

Passive smoking can lead to a buildup of fluid in the middle ear, the most common cause of hospitalization of children for an operation.

Asthmatic children are especially at risk. EPA estimates that exposure to secondhand smoke increases the number of episodes and severity of symptoms in hundreds of thousands of asthmatic children. EPA estimates that between 200,000 and 1,000,000 asthmatic children have their condition made worse by exposure to secondhand smoke. Passive smoking may also cause thousands of nonasthmatic children to develop the condition each year.

OTHER HEALTH IMPLICATIONS

Exposure to secondhand smoke causes irritation of the eye, nose, and throat.

Passive smoking can also irritate the lungs, leading to coughing, excess phlegm, chest discomfort, and reduced lung function.

Secondhand smoke may affect the cardiovascular system, and some studies have linked exposure to secondhand smoke with the onset of chest pain.

FOR MORE INFORMATION

U.S. Environmental Protection Agency, Indoor Air Quality Information Clearinghouse, (IAQ INFO), P.O. Box 37133, Washington, DC 20013-7133, 1-800-438-4318.

Office on Smoking and Health/Centers for Disease Control and Prevention, Mail Stop K-50, 4770 Buford Highway, N.E., Atlanta, GA 30341-3724, 404-488-5705.

National Cancer Institute, Building 31, Room 10A24, 9000 Rockville Pike, Bethesda, MD 20892, 1-800-4-CANCER.

National Heart, Lung, and Blood Institute, Information Center, P.O. Box 30105, Bethesda, MD 20824-0105, 301-951-3260.

National Institute for Occupational Safety and Health, 4676 Columbia Parkway, Cincinnati, OH 45226-1998, 1-800-35-NIOSH.

Mr. LAUTENBERG. Mr. President, I sent a copy of this to all of my colleagues, and I hope they will read it before we vote on this issue.

I will read an admonition contained in the brochure:

EPA recommends that every organization dealing with children have a smoking policy that effectively protects children from exposure to environmental tobacco smoke.

Mr. President, it has been 9 months since Congress received the EPA report we are using here today that concluded that secondhand smoke kills, and it makes our children sick.

Since then, companies, States, and localities have adopted policies to protect nonsmokers from this deadly carcinogen. Even four shopping malls in my State—Cherry Hill, Bridgewater Commons, Echelon, and Woodbridge Center—have gone smoke free and have attracted a lot of new customers as a result of that. Even the U.S. Postal Service has gone smoke free, along with EPA, Health and Human Services, and the VA.

What action has Congress taken to protect children from secondhand smoke? We have done nothing. Imagine that. The Post Office protects its workers from secondhand smoke, but we have not protected children whom we entice into these facilities because they are going to get better care, treatment, and health. We have not done anything to protect them.

As author of the airline smoking ban, frankly I am embarrassed by this lack of action. We need to protect our children from secondhand smoke, and do it now, not sometime in the future.

Mr. President, last week we heard President Clinton speak about the need to reform our health care system. He told us what Government could do to help, but he also warned us that Government action alone was not enough. People need to act, as well. We need to change our policies as a Nation and our practices as individuals if we are going to have the kind of health care system that we need and deserve.

I am asking for a small change in national policy and a small change in individual behavior. This amendment is not revolutionary; it simply expands current restrictions and applies them to facilities serving children. It is not punitive. It does not prevent people from smoking or punish them if they do. It simply says they cannot do it where it exposes children to the harmful effects of their behavior. It is not based on a prejudice. It is a logical and necessary response to an unbroken record of objective scientific evidence.

I hope my colleagues will support my amendment to protect children from this deadly carcinogen.

Mr. President, I yield the floor. I note that the Senator from Kentucky, the Democratic whip, wanted to talk about this, and that the floor is his at the moment.

I reserve the remainder of my time.

Mr. DURENBERGER. Mr. President, I rise today to express my support for the amendment offered by my distinguished colleague, the junior Senator from New Jersey, to ban smoking where federally funded children's programs are offered.

Secondhand smoke is a serious hazard to the Nation's health and economy. Responsible for 3,000 lung cancer deaths a year—among nonsmokers—secondhand smoke drains $3 billion from the economy annually.

In January the Environmental Protection Agency classified secondhand smoke as a potent carcinogen, citing in particular the toxin's devastating effects on children. Our Nations's youngest are especially succeptable to any number of complications, including ear infections and respiratory disorders.

As a long-time advocate of a smokeless society, I would like to thank my colleague for his work toward protecting our Nation's children from one of the most serious—and preventable—public health threats.

Mr. FORD. Mr. President, first let me compliment my friend from New Jersey for what he is trying to do. No one who raises tobacco or supports the program for the companies is in favor of children smoking. And so on that point, we agree. So I have the dubious honor here to try to show the Senator where he is a little bit wrong.

There are two things that this amendment requires. It requires entities providing children services that receive Federal funds to either ban smoking in areas accessible to children, or have separately ventilated areas. It allows a Federal agency providing the Federal funds to waive the requirements for unspecified extenuating circumstances.

The place that the Senator and I differ—and I think my colleagues differ somewhat—tobacco is a whipping boy. He has been whipping tobacco almost ever since he arrived. I used to go in his office and I could hardly find him for the tobacco smoke and cigar smoke. But I enjoyed it; I like to smoke. I enjoy a good pipe. Nothing smells better to me than walking down the hall behind Senator EXON with his pipe smoke. I enjoy it. I like it.

But what the Senator fails to do here is try to protect our children in a comprehensive way. Sure, tobacco is a whipping boy, so he comes out with a big whip and, boy, it is all wrong. No one opposes protecting our children from harmful things they breathe in the air outside their homes. No one objects to that. But there is more in the air than tobacco. There should be equal concern about radon. We do not hear anything about that. There should be equal concern about asbestos, formaldehyde, lead, and other pollutants.

But, no; we come in and beat on tobacco. We need to look at the comprehensive picture of workplace air quality, not just smoking.

These provisions will require separate ventilation, but who will pay the cost? He says there is no cost if you ban smoking. It is simple: Just ban smoking. But if you do not, then you have an unfunded mandate for State governments, local governments, Head Start centers, and other providers of children's services who receive Federal funds. For State and local governments, this is just another unfunded mandate. For Head Start centers, or other public service organizations, there are no funds to pay for ventilation.

A total smoking ban is the only option. So the only option is to ban smoking. Do not worry about radon or formaldehyde, or asbestos, lead, or other things in the air.

So let us look at small businesses here who either rent space to providers or provide services. This is just another mandate that they will pay for and pass the cost through to those underfunded programs.

All these costs may be unnecessary because once a comprehensive workplace air quality standard is developed—and that is coming, Mr. President—the Department of Labor, through OSHA, is expected to act on a comprehensive workplace air quality rule, which will obviously include passive smoke. The provision puts the cart before the horse and may lead to unnecessary costs down the road.

I was interested to listen to my friend talk about what a great thing he had accomplished when he banned smoke on airlines. He never has once worried about the quality of air in an airplane since that time.

Let me quote stewardesses. He will quote stewardesses. A United Airlines flight attendant—and I have her name—with more than 9 years of service testified before the Subcommittee on Technology, Environment, and Aviation of the House Committee on Science, Space, and Technology that she and her colleagues often experienced dizziness, nausea, headaches, and other health effects from poorer aircraft cabin air. She has become more aware of air quality complaints since the 1990 ban on smoking on most domestic flights and suggests to the subcommittee that air quality complaints prior to the ban were disguised by smoke.

Let us not create the same problem with this one on our children. We need a comprehensive air quality standard.

I quote Congressman VALENTINE at that time when we were focused almost entirely on smoking on the quality of the cabin air in airplanes, and I quote him:

At that time I noted that the issue should be addressed in a more comprehensive manner. I argued then and still argue today that we should review all aspects of air quality so that the guidelines that are adopted truly address the entire problem.

It is easy—it is like a bunch of pit bulls coming at you when you try to defend tobacco in any way, and I understand that better than anybody. You can see who is here helping me.

But people say you are defending it because you represent a tobacco State. No, I am not. I remember the homes with formaldehyde. Children were sick, with a rash. It was horrible. We do not worry about that. We say all our problems are smoking; if you do away with that, all our problems are over. Asbestos, radon—we need a comprehensive program. Those kids could be in a day care center with no smoke but formaldehyde, and this amendment would not help them a bit.

So, they seem to have generally lost the excitement. Once you got rid of smoking on airlines the excitement was gone. The excitement to me with my grandchildren is that we have comprehensive air quality not just do away with smoking.

Mr. President, I have another little thing. This is not funded by tobacco companies. It is the New England Journal of Medicine. Think about that. That is a pretty distinguished group of people, and they have had three research projects. Then it was confirmed. There were three projects. The academicians around here understand the researcher. The research noted that the presence of nicotine and related substances in the body fluid on nonsmokers usually is interpreted to mean that people have been exposed to secondhand smoke. But do you know what they were found to be exposed to? Potatoes, tomatoes, eggplant. They all have the substances of passive smoke.

So, if you sit in a room with passive smoke and you have eaten potatoes, how do you check it? You check it through the bloodstream, and you have gotten it by eating potatoes. This study by Dr. Edward Domino and his colleagues at the University of Michigan, one study found that as little as one-third of an ounce of eggplant would provide the same nicotine as spending 3 hours in a room with tobacco smoke, the researchers noted. And 5 ounces of potatoes, 8½ ounces of ripe tomatoes, 9½ ounces of cauliflower provide a like amount of nicotine, they say.

So, if we are going to do away with problems in the air, let us do it right. Let us do it right. You can have all kinds of reports, but I think if the Senator from New Jersey wants to do something besides making smoke a whipping boy, he ought to come with a comprehensive program.

The cabin air in airlines was accused of passing along TB. You know the stories in California, four of them. So they acquired that in the cabin air. No. We got rid of smoke, cigarette smoke. The excitement was gone so everything is fine.

But I am not for smoking in front of kids at the day care center. I agree with the Senator. Most people do. But we cannot stop there. We have it in the mill. Why cannot we push that along? Sure, I am from a tobacco State. We grow tobacco. I understand what one must do. But I also stand here as a father and a grandfather saying, if you are going to clean up the air, do it right. Instead of being a whipping boy for one particular subject, let us begin to look at what is possible and do that. And what is impossible, let us try to get to that a little bit later. But the possible is a comprehensive rule as it relates to indoor air.

Mr. President, I reserve the remainder of my time, if I have any.

The PRESIDING OFFICER. The Senator has 8 minutes 51 seconds remaining. The Senator from New Jersey has 47 seconds remaining.

Mr. LAUTENBERG. What happens with the time that is undesignated at the moment?

The PRESIDING OFFICER. If neither Senator yields time, it will be deducted from each side equally.

Mr. LAUTENBERG. Mr. President, I guess I have been outlasted, but I would say, very quickly, I just heard the best argument for my case ever. We just heard my distinguished friend from Kentucky—and he is a good friend. He is a witty fellow. He knows the business around here. He just finished saying that if you are going to prevent death by tobacco smoke, it is not worth it because you have not prevented death from other sources. That is like saying do not worry about speeding, because the crash will kill you, not the speeding.

Mr. President, everyone knows we have been working on radon, indoor cabin air, you name it. But it is specious to suggest that if we cannot prevent all of the other causes for sickness or death, we ought not to prevent this one.

Mr. President, I hope we are going to go ahead with this.

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

Mr. LAUTENBERG. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. Does the Senator from Kentucky yield for that?

Mr. FORD. I did not hear.

The PRESIDING OFFICER. The Senator's time has expired. The Senator from New Jersey has a parliamentary inquiry and asked whether the Senator from Kentucky yields.

Mr. FORD. I do not mind.

Mr. LAUTENBERG. I thank my friend from Kentucky.

It is a question. We asked for the yeas and nays. We are waiting for a second. It is pending a Republican appearance; is that correct?

Mr. FORD. Mr. President, I say to my friend from New Jersey, even though

we disagree on this position, we are not disagreeable with each other, and I will be glad to wait until any time so that he can have the yeas and nays for an up or down vote.

Mr. LAUTENBERG. I thank the Senator.

The PRESIDING OFFICER. The request for the yeas and nays is withdrawn. It can be renewed at any time.

The Senator from Kentucky.

Mr. FORD. Mr. President, I just think my position has just been misrepresented. I am not for leaving cigarette smoke in the room with small children. I think that we ought to look at all of the problems that are there, including passive smoke, formaldehyde, lead, asbestos, all of that, and make it a clean environment for the children.

If a local day care center decides that they want to let their people smoke, then it is an extra expense because this bill mandates ventilation in an area that will not be accessed to the children. I really have no problem with that except we do not pay for it. We add another mandate and we do not pay for it.

I hear all the yelling. You know, some people around here used to be a little bit more liberal than they are now. They have become a little more conservative, more so than they have been. It is getting close to 1994 and I understand that very well, more than most folks in here, I think.

The only thing I am pleading here is that I think we ought to support this amendment. I do not have any problem with it, except we are not doing a comprehensive job. I am not sure if you had a choice between getting rid of formaldehyde and passive smoke what the choice would be.

I have not seen anybody out here on the floor jumping up and down trying to hurry up OSHA to accelerate their comprehensive study. I have not heard anybody out here saying anything about that. Once we got the cabin air worked out with no smoke in it, it has gotten worse. That has been tried. That has been tried. And what has happened? We have not cleaned up the cabin air in the airplanes. It still has more problems today, probably, than it had before, because, as Congressman VALENTINE said, we have lost the excitement. The whipping boy is gone.

Well, I am going to go home and get so excited and I am going to eat some potatoes and cauliflower and tomatoes tonight. That way I will not have to smoke a lot of cigarettes. I have a lot of nicotine in my system.

I am not going against researchers. I did not ask them to do it. It was on the wire. No one from the tobacco industry that I know of went to the University of Michigan and had them make the study. There were four studies, three that found it, two that confirmed it, and now they gave the report to the New England Journal of Medicine.

So, Mr. President, I hope that we will support this amendment. I think it is legislation on an appropriations bill. I hope that, at some point, we could get around to getting a comprehensive program. And it is out there. I do not understand why we keep coming at it with this one issue, one issue, one issue.

Well, he prides himself in trying to stop people from smoking cigarettes. Well, more power to him. But let us do it the right way if we are going to start cleaning up the air indoors. And so when we clean up the air indoors, then we will have a comprehensive program and passive smoke will be included.

How much time do I have remaining, Mr. President?

The PRESIDING OFFICER. The Senator has 4 minutes and 18 seconds remaining.

Mr. FORD. I am going to reserve the remainder of my time.

I understand the provision here that if I suggest the absence of a quorum it will be charged only against this Senator. There is no time on the other one. I do not know whether there are any other colleagues here who wish to debate this. I feel a little bit like a piece of raw meat.

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. LAUTENBERG. 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. LAUTENBERG. Mr. President, we do not have colleagues here from the other side. I would, nevertheless, submit a request to have a rollcall vote here and ask once again for the yeas and nays.

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

The yeas and nays were ordered.

The PRESIDING OFFICER. The question occurs on the amendment.

Mr. FORD. Mr. President, do I not have some time left?

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

Mr. FORD. Your watch is faster than mine.

I just wanted to say that the article I read about the nicotine and vegetables and so forth was dated August 6, 1993, from the State Ledger from Newark, NJ.

Mr. LAUTENBERG. Mr. President, if I may correct the RECORD. The name of the paper is the Star Ledger, the largest paper in the State.

Mr. HELMS. Well, Mr. President, here we go again. The Senator from New Jersey is once again waging his vendetta against those Americans who choose to smoke. I suggest that all Senators feel free to vote for the amendment even though it is not about whether people should smoke around young children. It is a meaningless amendment, a political exercise. No, the amendment in question attempts to mandate a nonsmoking policy in thousands of buildings and homes where child services are provided under the pretense of protecting children from environmental tobacco smoke or ETS.

Mr. President, the debate over ETS is purely an emotional one, and I recognize that numerous politicians and agencies—notably the Environmental Protection Agency—have a vendetta against tobacco. However, there is no justification for the Federal Government to rush into smoking bans based on EPA's questionable findings. EPA studies regarding tobacco are little more than antismoking diatribes in which science has been prostituted and readily ignored in order to have a politically correct result.

The only thing these studies prove is EPA's willingness to sacrifice science in order to reach a predetermined ideology.

Mr. President, I will not consume time arguing about this amendment and nobody should misconstrue that this Senator believes it is OK to smoke around young children. We all want to protect children, and if the Senator from New Jersey has an amendment prohibiting smoking in child care facilities, I will vote for it. But that is not the case here.

The separate ventilation requirement in this amendment would prohibit smoking throughout an establishment if child care services are provided anywhere in that building or home. Now I am not an expert on ventilation systems, but I assure my colleagues that virtually no homes have separate ventilation systems.

For ventilation in larger buildings, I would use as an example the building that houses the U.S. Capitol Police Headquarters—located across the parking lots from the Dirksen and Hart Office Buildings. Most of my colleagues have seen that building, and I don't think anybody would argue that it is a good building—with seven floors and dozens of offices on each floor. But it has a single ventilation system.

Mr. President, that means that a building of that size could have a child care facility on the ground floor at one end, and, under the Lautenberg amendment, a smoker would be prohibited from lighting a cigarette at the other end of the seventh floor. Well, the Senator from New Jersey can call that protecting our children, but I think it is a thinly veiled attempt to impose wide-ranging control over citizens who choose to smoke.

Mr. President, I want my colleagues to be sure about what this amendment is truly about: The antismoking zealots and the EPA want total control

over smoking and smokers. And rather than attack indoor pollutants such as radon gas and asbestos, they will use shoddily prepared science as justification to point the finger at tobacco smoke and smokers. I urge my colleagues to oppose the pending amendment.

Mr. CHAFEE. Mr. President, I rise in strong support of the amendment offered by Senator LAUTENBERG. The amendment, of which I am a cosponsor, has a simple purpose: It is designed to protect children from the debilitating and potentially fatal effects of secondhand smoke, while they are participating in federally funded health care and day care as well as Federal programs such as Head Start and WIC.

The amendment is straightforward, mandating any federally-funded program which is involved in providing direct services such as day-care, medical care or counseling to children under the age of 18, to adopt a no smoking policy in the facility where such services are provided. The policy, however, need not apply to portions of the facility which are not normally occupied by the children, so long as such areas have a separate ventilation system.

The amendment does include a waiver procedure. A program can petition for an exemption to the no smoking rule by outlining in writing the extenuating circumstances which make it difficult or impossible to comply. In such a situation, the program must assure that it will adopt an alternative policy that will protect children from second hand smoke to the maximum extent possible.

Now why are we making such a ruckus about this? Why are we saying to these program directors that you cannot continue to receive Federal funding unless you have taken significant steps to protect children from secondhand smoke?

The answer is that recent reports from both the Environmental Protection Agency and the American Heart Association have provided unequivocal evidence that environmental tobacco smoke is harmful to our health and especially to the health of our children. These reports label secondhand smoke "a known carcinogen," which poses an unacceptably high risk of respiratory and heart disease. The EPA report, which adds to similar warnings already sounded by the National Research Council and the Surgeon General, zeros in specifically on the effects of cigarette smoke on children.

The report concludes that the widespread exposure to environmental tobacco smoke presents a serious and substantial public health risk. Secondhand smoke not only aggravates up to one million existing cases of childhood asthma each year but increases the risk of lower respiratory tract infections such as pneumonia and bronchitis.

Children are especially vulnerable to the effects of tobacco smoke. The amendment we are offering today is an attempt to shield them from this danger. If adopted, it will assure that young children, at least during the time they are participating in federally funded programs, will be safe from second hand smoke.

The studies have been completed. It is time to take action. This is a modest but concrete step toward providing protections for the group identified as being most susceptible to the effects of secondhand tobacco smoke: our children. I urge my colleagues to join me in supporting this amendment.

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to the amendment numbered 971 offered by the Senator from New Jersey [Mr. LAUTENBERG]. The yeas and nays have been ordered and the clerk will call the role.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Indiana [Mr. LUGAR] is necessarily absent.

I further announce that, if present and voting, the Senator from Indiana [Mr. LUGAR] would vote "yea."

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

The result was announced—yeas 95, nays 3, as follows:

[Rollcall Vote No. 291 Leg.]

YEAS—95

Akaka	Exon	McCain
Baucus	Feingold	McConnell
Bennett	Feinstein	Metzenbaum
Biden	Ford	Mikulski
Bingaman	Glenn	Mitchell
Bond	Gorton	Moseley-Braun
Boren	Graham	Moynihan
Boxer	Gramm	Murkowski
Bradley	Grassley	Murray
Breaux	Gregg	Nickles
Brown	Harkin	Nunn
Bryan	Hatch	Packwood
Bumpers	Hatfield	Pell
Burns	Heflin	Pressler
Byrd	Hollings	Reid
Campbell	Hutchison	Riegle
Chafee	Inouye	Robb
Coats	Jeffords	Rockefeller
Cochran	Johnston	Roth
Cohen	Kassebaum	Sarbanes
Conrad	Kempthorne	Sasser
Coverdell	Kennedy	Shelby
Craig	Kerrey	Simon
D'Amato	Kerry	Simpson
Danforth	Kohl	Smith
Daschle	Lautenberg	Specter
DeConcini	Leahy	Stevens
Dodd	Levin	Thurmond
Dole	Lieberman	Warner
Domenici	Lott	Wellstone
Dorgan	Mack	Wofford
Durenberger	Mathews	

NAYS—3

Faircloth	Helms	Wallop

NOT VOTING—2

Lugar	Pryor

So the amendment (No. 971) was agreed to.

Mr. MITCHELL. 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.

The PRESIDING OFFICER. The majority leader is recognized.

VISIT BY SPEAKER OF THE HOUSE OF COMMONS OF GREAT BRITAIN

Mr. MITCHELL. Mr. President and Members of the Senate, I want to take note of the fact that we are honored by the presence of a distinguished visitor on the floor of the Senate at this time, the Honorable Betty Boothroyd, the Speaker of the House of Commons of Great Britain.

She is the first woman in 600 years to serve in that position and the first person in nearly 160 years to be a member of the opposition party and still be elected as Speaker. The latter is a practice we do not encourage in this country. But Senator DOLE and I and Senator PELL and others had the honor of meeting the Speaker earlier, and I would like at this time to ask all of my colleagues to join in welcoming her.

[Applause.]

I am going to momentarily ask for a recess to give Senators an opportunity to do that. But I would like to call upon my distinguished colleague, Senator COHEN, who also has a guest present at this time.

VISIT TO THE SENATE BY DATO'SERI ANWAR IBRAHIM, FINANCE MINISTER OF MALAYSIA

Mr. COHEN. Mr. President, I would like to first announce that this is not officially Maine Day. My junior colleague from Maine has had the privilege of introducing a distinguished guest. It occurs that on the very same occasion we have another important visitor here, the Finance Minister of Malaysia, Mr. Dato'seri Anwar Ibrahim.

He is here with us on the floor of the Senate, and we want to welcome him. He is an extraordinary individual: very young, as you can see, and also extraordinarily talented; and he is about to become the No. 2 official in his country. Obviously, he has even greater aspirations beyond that.

So we wanted to take this occasion to welcome him here as well.

RECESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate stand in recess for 3 minutes to permit Senators to greet our colleagues.

There being no objection, the Senate, at 5:01 p.m., recessed until 5:05 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Ms. MIKULSKI].

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1994

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The pending business before the U.S. Senate is the Labor-HHS appropriations bill, and the committee amendment on page 9.

Mr. HARKIN. Madam President, I understand that Senator BRADLEY had an amendment which I believe is acceptable.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BRADLEY. 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. BRADLEY. Madam President, I ask unanimous consent that the pending committee amendments be laid aside.

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

AMENDMENT NO. 972

(Purpose: To express the sense of the Congress regarding consolidation of Federal education programs)

Mr. BRADLEY. 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 Jersey [Mr. BRADLEY] proposes an amendment numbered 972.

Mr. BRADLEY. 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 62, between lines 23 and 24, insert the following:

SEC. 306. (a) The Congress finds that—

(1) according to the recent National Performance Review, there are currently 230 distinct programs in the Department of Education, 160 of which award grants through 245 national competitions each year;

(2) many of these programs overlap in purpose and orientation, differing only in the administrative requirements such programs impose on applicants and the Department of Education;

(3) as an example, the goal of reforming schools is funded through at least 4 programs assisted under this Act, including the programs assisted under chapter 2 of title I of the Elementary and Secondary Education Act of 1965 (block grants), the Fund for the Improvement and Reform of Schools and Teaching, and Secretary's Fund for Innovation in Education, and a new program established under Goals 2000: Educate America Act, which has not yet become law;

(4) the overhead at the Department of Education to administer each separate program, and the cost to States, localities and schools of preparing applications, planning ahead, and managing funds under each program diverts scarce resources from schools and students;

(5) some Federal programs serve purposes which would be better served by consolidation into a single flexible grant, a few serve purposes that could be met without Federal assistance, and some programs are obsolete;

(6) in the Department of Education's internal study for the National Performance Review, the Department indicated that the Department had identified 41 programs that could be eliminated or consolidated into other programs;

(7) this Act takes a significant step toward consolidation by eliminating funding for 13 programs, and the Department of Education has begun a serious effort to consolidate programs, as is appropriate, in the reauthorization of the Elementary and Secondary Education Act of 1965, but much more remains to be done; and

(8) the Defense Base Closure and Realignment Commission offers a successful model for cutting government spending despite powerful interests within and outside of the Congress dedicated to protecting specific projects or programs.

(b) It is the sense of the Congress that—

(1) within 6 months of the date of enactment of this Act, the Department of Education should prepare and submit to the Committee on Labor and Human Resources of the Senate and the Committee on Education and Labor of the House of Representatives a legislative package reflecting the President's National Performance Review plan to consolidate Federal education programs;

(2) the Committee on Labor and Human Resources of the Senate and the Committee on Education and Labor of the House of Representatives should consider the package submitted by the Department of Education and should report to the Senate and House of Representatives, respectively, bills proposing to consolidate Federal education programs;

(3) the leadership of each House of the Congress should establish—

(A) a process for considering a bill described in paragraph (2) under which such bill would be subject to a single vote of approval or disapproval by such House; or

(B) a comparable process to minimize the possibility that individual programs will be excepted from the consolidation; and

(4) the objective of the consolidation should be, first, to find savings by reducing the administrative costs to both the Department of Education and to States and localities that are due to redundant programs, and second, to maximize the impact of Federal education dollars, but not to reduce our Nation's overall investment in schools and students.

Mr. BRADLEY. Madam President, when I talk with New Jersey citizens about the Federal budget, taxes and the deficit, I hear the same question over and over again: "Aren't there thousands of redundant, obsolete programs in the Government that we can get rid of?" And even though all the domestic discretionary programs in the entire Government, the good and the wasteful, add up to less than the deficit, the basic answer is "Yes." There are too many categorical programs, and too many of them overlap and too many are obsolete. Because of these programs, Government costs too much and responds too slowly.

One of the three or four areas of Government most notable for the proliferation of duplicative programs is Federal aid to education. The recent National Performance Review of Government identified 230 distinct programs in the Department of Education, of which 160 award grants through 245 national competitions. In recommending a reduction in the number of programs to 189, the Performance Review cites internal Department of Education documents concluding that 41 programs could be eliminated or consolidated.

The Department will spend about $250 million next year on administration and management, excluding the administrative costs of the enormous student loan program. On a very rough average, that is about $1 million per program, though obviously some cost much more to administer and some much less. But even if no programs are eliminated, by consolidating 230 programs to 189 we could aim to save as much as $41 million in administrative costs alone. The National Performance Review estimates that consolidation could save up to $515 million over 6 years to be redirected to other educational priorities.

The National Performance Review cites education programs that are virtually identical, such as the National Science Scholars Program and the National Academy of Space, Science and Technology, both of which award scholarships to advance math, science and engineering students. I would call to the Senate's attention four more programs funded in this bill, which are not identical, but all of which address the urgent cause of school reform: The chapter 2 block grant, the fund for the improvement and reform of schools and teaching, the fund for innovation in education, and an innovative program established under the Goals 2000: Educate America Act, which has not yet become law. Most of these are programs that creative States and school districts have used well; some are consistently excellent. But if you look at them from the point of view of a state or local school administrator, in the process of seeking funds to help with school reform, they will all look the same, except they require four applications four planning processes, and four sets of regulations, instead of one.

The idea of consolidating and simplifying these fragmented education programs is not new. It has been proposed by the last three presidents, by the National Governors Association, and by the Appropriations Committees in both the House and Senate. Some progress has been made, particularly in this bill, which eliminates 13 unnecessary programs. But most of the programs persist, protected by legislators

who have a personal interest in preserving their original concept, or by influential associations whose Washington offices focus on maintaining just one or two Federal programs which benefit their members. I would draw the analogy to defense base closure, where for a decade or more we knew there was a need to close redundant military bases but the political process would not let it happen. Therefore, I offer this amendment, which expresses the sense of the Senate that we should take up a comprehensive proposal to consolidate education programs and vote on it as a package, before it can be watered down, on the model of the successful procedure established by the Defense Base Closure and Realignment Commission.

The analogy to defense base closing is not precise, since most of these programs do not serve a single region, or provide the strongest employment base for a small community in the way that bases do. In most cases, their actual funding stream is so small, on the order of $3 or $4 million, that their real value is symbolic. To their supporters, they represent affirmation from Washington that a particular subject or educational technique, such as law-related education or consumer and homemaking education, is important to the Nation. But we can no longer afford to protect programs just to send a message.

These fragmented programs have persisted through the last decade and a half not so much because legislators support them in exactly their current form, but because we have not trusted the previous administrations, and previous Secretaries of Education, to honestly consolidate programs without eviscerating their purposes. We have not trusted that they would consolidate without cutting our Nation's total investment in education. The associations and education organizations that protect each program also operate on a culture of mistrust, professionally wary that any change that might give local school districts or the Department of Education more flexibility will ultimately come at the expense of the program their members support.

Those years of mistrust within Government, and between its branches, came with a heavy price. The price, which we are paying today, is a deep and legitimate public mistrust of Government altogether, in all its branches and departments. It is born of a conviction that Government cannot make choices among programs, eliminate obsolete programs, stand up to the narrow interests that protect those programs, or set clear priorities.

With an administration honestly committed to education, there is no reason to mistrust its intention to consolidate small programs in this department. There is no longer, if there ever was, a basis for the mistrust that leads us to protect programs beyond their useful lives. It's time to work together to give this Department a coherent purpose, a clear focus that makes sense to the people who work there, to States and localities, and to educators and students. The Department of Education can work better and cost much less.

I developed this amendment in a continuing effort to find ways to cut unnecessary Government spending on these fiscal year 1994 appropriations bills. I considered proposing the elimination of some of these education programs, but what I did not want to do was to reduce our Nation's overall investment in education. Appropriations is a blunt instrument for consolidating programs or making them more efficient. And the President and the Department of Education seem determined to follow through on the recommendations of the National Performance Review. So I chose instead to offer this amendment to put the Senate on record that we welcome that effort, that we will take it seriously, and that we will try to protect the proposal from the kind of narrow-interest amendments that, as with base closing, might mean that we wind up with just as many fragmented programs as before.

I would like to thank the managers of this bill, Senators HARKIN and SPECTER, for accepting this amendment. And I would thank Senators KENNEDY and KASSEBAUM, the chairman and ranking member, respectively, of the committee that will ultimately be responsible for consolidating these programs. I look forward to working closely with them as this effort goes forward.

Mr. SPECTER. Madam President, I congratulate our distinguished colleague from New Jersey on this amendment to eliminate the duplication within the Department of Education and in all of the education programs.

There is a reservation I have about reporting it back without an amendment on the floor of the Senate or on the floor of the House. I inquire of my colleague from New Jersey if his amendment covers only the Department of Education, or would it seek to cover education programs at other departments? For example, there are education lines, I know, in the Department of Justice. There are education lines in many departments, which might well be served by this kind of a consolidated approach.

Mr. BRADLEY. I would cover only the Department of Education.

Mr. SPECTER. Would the Senator from New Jersey consider it wise—and I am not suggesting making a change in this amendment, because we can do it in a later amendment, but why not include education programs as they exist in other departments?

Mr. BRADLEY. That merits consideration, and perhaps at a future time we can do that.

Mr. SPECTER. I think that would be a good idea because as we work through just this one subcommittee bill with three Departments—Labor, Health and Human Services, and Education—I find there are many overlapping functions. So I think the idea of consolidating education functions is a very good one.

On that subject, I might comment, Madam President, that in reading the 239-page draft on President Clinton's health program, I find that it deals with many programs which are now funded by this appropriations subcommittee. And it is a source of concern to me as to how the plan would be coordinated with what we do on this subcommittee. Senator HARKIN and I have gone over the sheets that cover all these individual items, and I wonder how all of this is going to be worked out because we have provided funding for so many of the programs which are itemized in the President's health program.

I might say, in addition, that I much prefer the approach of the distinguished Senator from New Jersey—in sending this back to the education authorizing committees than an approach on reinventing Government, which is lodged in the hands of our former colleague, now the Vice President. As I see Vice President GORE work through the reinventing Government program, it has been a source, again, of great concern of mine that those programs might better be taken up by the education authorizing committees which have worked with these programs for years, and probably should have done this before. But now, as I understand it, the authorizing committee is in agreement with what Senator BRADLEY has proposed.

So I think this is a good way to approach the issue. I would like to see all of the education functions under one umbrella since we now have the Department of Education, even though some in the past had sought to eliminate it.

The other comment that I have to make relates to the absence of a vote. I voted against the Base Closing Commission because I did not think that Congress really did a serious enough job trying to tackle that problem itself. I understand the political problems with closing bases, but I thought we should have done more to solve that ourselves.

I voted against fast-tracking the North American Free-Trade Agreement because, again, I think one of the most important prerogatives of a Member of this body is to offer amendments looking also not only after our State's interest but the national interest.

That is an aspect that I materially disagree with, and I know this is a sense-of-the-Senate resolution and I do not intend to call for a vote or do more than register my own objection. But I

would be interested in inquiring of the distinguished Senator from New Jersey, because I know he always likes inquiries, why he thinks that it is good to have a fast track.

Why not let Senator HARKIN and the rest of us offer amendments?

Mr. BRADLEY. Madam President, I will answer the Senator's question by saying I think the last three Presidents proposed consolidating education programs, and none have been successful because there were a number of rather smaller interests that fought vociferously to keep their particular part of the pie.

That is why today we end up with 230 separate education programs and end up spending $41 million more in administrative costs to administer them when the performance review said we could cut it from 230 to 189. I tend to think if you had one vote, you would be more likely to achieve this objective.

Mr. SPECTER. If I may understand, Madam President, and if I may inquire further of the Senator from New Jersey why that is the case. If someone has an interest in the program and they want to accept it, let us vote on it. It does not stop someone from articulating the view that the committee report is wrong.

All the wisdom does not lie within any particular committee, except perhaps with the defense appropriations subcommittee. Why not have the votes come? We can discuss that further at a later time.

I like the idea of Senators being able to offer amendments, state reasons, and let the group vote them up or down.

We do not offer a lot of amendments. There is reluctance to bring an amendment to a floor vote unless an individual Member has a very strong sense that he or she can win or he or she wants to make a real point.

So I like to see that latitude, but subject to the comments I made, I agree on this side and we will accept the amendment.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Madam President, will the Senator from New Jersey yield for a question?

Mr. BRADLEY. Yes, I will.

Mr. INOUYE. Is it the Senator's intention to cover education programs for Native Americans in his sense-of-the-Senate amendment?

Mr. BRADLEY. It covers only education programs that are administered by the Department of Education.

Mr. INOUYE. Even those that benefit only Native Americans?

Mr. BRADLEY. In programs that benefit Native Americans or other Department of Education programs, they would be one of the 230 existing programs.

Mr. INOUYE. So that would come under the impact of the Senator's sense-of-the-Senate amendment?

Mr. BRADLEY. I would say to the distinguished Senator from Hawaii, yes; that is true.

In the performance review, no program that I am aware of that affects Native American education was a part of the consolidation recommendation. There still would be, under the performance review 189 separate education programs.

Mr. INOUYE. I thank the Senator.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Madam President, I will accept the amendment, at least the spirit of the amendment. I think what the Senator is trying to get to is to get some consolidation of these numerous programs in the Department of Education.

I might just point out—as the Senator in his resolution pointed out—this subcommittee did bite the bullet this year. We eliminated 13 programs in the Department of Education. About six of those were in the national performance review. So we already started that process.

So I think it indicates that we are capable here in the Congress of consolidating and streamlining programs. I did not think it was a particularly hard job to do. I got a few hits on it, of course. You always get a few hits whenever you do things like that. That is what we are paid to do. Sometimes you have to bear up under that.

But I understand what the Senator is trying to do. I do have a serious question about what the Senator from Pennsylvania raised, and that is that the bill would come out on the floor subject to a single vote without any amendments. I understand that is the way the base closure provision works.

But in many cases, these education programs are not like a military base which may be located in one Senator's State or in a Congressman's district, and we understand how it becomes very difficult to close that base.

These education programs, by and large, have come about through a Senator or a Representative seeing a need that is unmet, a group whose education needs are not adequately responded to. I am thinking now, of course, of education for the disabled, for example.

Again, it took specific legislation authorizing and then appropriations to meet the unique needs of young children who are disabled and to make sure they got a free and appropriate public education. That was Public Law 94–142.

So a lot of programs have been built up around that because one shoe does not fit all sizes, I heard someone say earlier here today.

While I am in favor of consolidation and streamlining and weeding out programs—because we have done that; we started the process of doing that—I am just hopeful that we would do it in a very careful manner and not just do it in a way that gives the national performance review a sort of a super parliamentary role.

After all, as I said, this is not like a base that is in one area, that has served its need and perhaps has no function any longer in our national security framework. These are programs that spread across the populace, in most cases. The Senator may be right. There may be a few that are specific to a certain area. More often than not, they spread across the populace, nationally.

I do not know that I would want to give up my right as an elected official representing the taxpayers of my State—and indeed representing the taxpayers of every other State, since I am a U.S. Senator and not a State senator—to exercise due diligence in making sure that certain populations and certain groups that may not have economic power, that may not have a strong backing, let us say, from interests, to make sure that their needs are met, also. I do not know that a national performance review committee will pay that kind of due care and diligence.

So I just raise this as a concern I have of having this come out in an up-or-down vote without any ability to amend it whatsoever.

Mr. BRADLEY. Madam President, I respond to the distinguished Senator from Iowa by saying I share many of his concerns. I considered proposing amendments actually to eliminate education programs on this appropriations bill, but I decided that the appropriations bills are a little blunt instrument to achieve that end, and it is better to have the authorizing committees work through in conjunction with the administration their own set of recommendations for consolidation.

It is my own personal view that it would be difficult to have those recommendations survive without an up-or-down vote on the floor, but that is this Senator's own personal view, and I know that this is not going to be done by rubber stamp of any performance review standards. This is going to be worked through and reported out of the Labor and Human Resources Committee in the Senate and the Education and Labor Committee of the House of Representatives. They will consider all of the competing claims.

Again, this is not a meat-ax approach. I think that sensitivity should be given to those who are weaker and less able to get their voices heard by the legislative process, and that is what I hope will happen, both within the administration and in the committees of the House and the Senate.

Mr. HARKIN. If the Senator will yield, Madam President, I appreciate that. It is just that a lot of times, these programs—and we have looked at them; believe me, we have looked at them. Senator SPECTER has looked at them, too; I know that. A lot of times,

you take a program, and it may be very small in the totality of what we are spending on education; it may be very small.

Those are always the easiest to eliminate. It is the big ones that have a big constituency that are the hardest to consolidate or to eliminate, if the case may be that.

Again, that is what I worry about. It may be a small program, it may be insignificant in terms of the overall impact on education, but it meets a real need of a very small populace.

I guess I just express the concern that I have that there needs to be some recourse for those groups or those populations, whether it is Native Americans or whoever it might be, who have the resources of those of us here in this body to exercise, as I said, that oversight. And to just have that one vote up or down, I do not know if that protects them all that much.

Well, it is just a concern I have and I have voiced it. Like I say, I will accept the amendment, but it is just a concern I have. And I will express it further. If, indeed, this sense-of-the-Senate resolution starts to find its way into legislation, I will seek to have some input to ensure that we have some protections for those groups.

Mr. BRADLEY. I say to the Senator, I understand his concern, and I agree with part of it. That is why, in the amendment, there is part A and part B. Part B says "comparable process," instead of simply a process for considering a bill described in which there would be an up-or-down vote.

So there is some flexibility in the amendment. It is my personal view that it should be the up-or-down vote. But if the leaders in the Senate make an alternative determination, the sense-of-the-Senate resolution takes allowance of that possibility.

I thank the distinguished managers of the bill, and I ask that the amendment be adopted.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 972) was agreed to.

Mr. BRADLEY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. DECONCINI addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. DECONCINI. Madam President, I have an amendment at the desk, but I know the Senator from Vermont is also waiting.

I am not yielding the floor, but I am making an inquiry.

Mr. JEFFORDS. I do not intend to offer an amendment, but I would like to discuss briefly one aspect of the bill that praises the managers, if I would be allowed to do so.

Mr. DECONCINI. If the Senator from Vermont will just give me an indication of about how long it would be.

Mr. JEFFORDS. I will take 3 minutes. I do not know how long they will accept the praise.

Mr. DECONCINI. Madam President, I ask unanimous consent that following the 3 to 5 minutes of the Senator from Vermont, I then be recognized to offer an amendment on behalf of myself and the Senator from Washington.

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

Mr. JEFFORDS. Madam President, we so often spend our time condemning the committees for the work they have done in offering amendments. I thought it would be appropriate, perhaps, to commend the committee for the work they have done on one aspect of the bill which is extremely important to so many, many Americans.

Madam President, I rise, therefore, to offer my personal thanks to the Senators from Iowa and Pennsylvania for the fine work they have done on behalf of the Low-Income Home Energy Assistance Program [LIHEAP]. H.R. 2518 contains $1.51 billion in fiscal year 1995 advance funding for LIHEAP when it shifts to a new program year, which commences next July.

The Appropriations Subcommittee on Labor, Health and Human Services, and Education perhaps faces more difficult decisions than any other appropriations subcommittee when 602(b) allocations are made. Operating under a budget already stretched too thin, the Labor-HHS Subcommittee must decide—more money for community services block grants or social services block grants? AIDS or substance abuse research? Cancer or heart disease? Head Start or Stewart McKinney homeless assistance?

I certainly do not envy the subcommittee for facing such choices. But I commend the subcommittee for the choices it has made.

The fiscal year 1993 appropriation for LIHEAP was $1.35 billion. The fiscal year 1994 advance appropriation made last year was $1.44 billion. And now we have a fiscal year 1995 advance appropriation of $1.51 billion.

This steady growth is a welcome reversal of an earlier trend during which appropriations peaked at $2.10 billion in fiscal year 1985 and then declined precipitously.

I think we are seeing the increase because we see certain connections. We see that utility shutoffs lead to homelessness. We see that hospital emergency rooms treat more malnourished children in the months following particularly severe weather. Why? Because families pay utility bills before they pay grocery bills.

I want to commend the chairman of the subcommittee, Senator HARKIN, and the ranking Republican, Senator SPECTER. We could always use more for LIHEAP—only a quarter of the eligible population receives benefits. But given the very severe budget constraints the subcommittee continually faces, it has done a very admirable job over the past 3 years finding the funds for LIHEAP. And because of the advance appropriations, State and local program directors will enter this heating season and the next knowing how much Federal funding they will receive. The money will already be there.

Madam President, millions of low-income Americans—children, the disabled, the elderly, the working poor—will find the coming winter months more bearable because of the efforts of Senators HARKIN and SPECTER. But their arduous task is not complete. For they must convince their House counterparts to recede to the Senate funding level in conference. I have the utmost confidence in their abilities and I certainly will do everything I can to assist them.

I hope my colleagues will join me in trying to make sure that the present level in this bill will prevail in the conference.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. SPECTER. Will the Senator from Arizona yield for a moment?

Mr. JEFFORDS. I yield to the Senator from Pennsylvania.

Mr. SPECTER. I thank my colleague.

Madam President, I want to thank the distinguished Senator from Vermont for his very gracious comments.

The issue of low-income home energy assistance is a matter of enormous importance in this country, especially in States like Vermont, Pennsylvania, and Iowa, and I could name some others; perhaps not Arizona.

It has been a matter of grave difficulty to find funding for the LIHEAP. We have been as innovative as we can in looking ahead. The bill which we came up with here recommends the advance appropriation of $1.507 billion for the 1994–95 winter. It also permits the States to borrow up to $100 million from the advance to cover program costs in the 1993–94 winter. This exceeds what has been done heretofore.

The House did not recommend the additional funding and did not provide for the advance appropriation. It exceeds by $70 million the total available to States in fiscal year 1993.

While funding is a problem on the advance basis, when we face the shortage of fuel, it is indispensable to do so. And I know that most of us have had many in our States visiting us—I had a large contingent in my office from Pennsylvania—with urgent pleas.

So we are glad to accommodate in this way. And we thank the note taken

by the distinguished Senator from Vermont.

Mr. HARKIN. Madam President, I just wanted to also respond and thank the Senator from Vermont for his kind words, but, moreover, to thank him for his involvement, his positive involvement, in the deliberation of our subcommittee on a lot of issues, education being one. The Senator had a very important amendment which was adopted by this Subcommittee on Education.

But also, on the matter of LIHEAP, I know this is an issue that means a great deal to the people of Vermont. And the Senator has guarded his people and has been very active in making sure the LIHEAP is funded and funded to the degree that people in the States that are affected by severe winters are able to get their share.

All I can say to the Senator is that we have succeeded in establishing the principles. We started that last year. We did it this year. And that helps the States in terms of their planning.

They know they are going to get it. Whereas in the past they never knew, from one year to the next.

So we do have this principle established now. The $1.5 billion, $1.507 billion, I hope we will be able to hold in conference. We will do our utmost. I know Senator SPECTER feels the same way I do and I can assure the Senator we will do everything possible to keep those two things: the principle of forward funding and the amount we have passed.

I thank the Senator for his support, not just this year but in previous years, to make sure we had adequate funds for the LIHEAP Program.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. DECONCINI. Madam President, I ask unanimous consent the pending committee amendments be set aside so the Senator from Arizona may send an amendment to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered. The committee amendments are set aside.

AMENDMENT NO. 973

(Purpose: To increase appropriations for the National Youth Sports Program)

Mr. DECONCINI. Madam 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 Arizona [Mr. DECONCINI], for himself and Mr. GORTON, Mr. COCHRAN, Mr. KOHL, Mr. BRADLEY, Mr. BINGAMAN, Mr. SASSER, Mr. BIDEN, Mr. REID, Mr. D'AMATO, Mr. WARNER, Mr. THURMOND, Mr. DOLE, Mr. LOTT, Mr. CHAFEE, Mr. CRAIG, Mr. DURENBERGER, Mr. DANFORTH, Mr. MACK, Mr. COHEN, Mr. LEVIN, Mr. KEMPTHORNE, Mr. DOMENICI, Mrs. HUTCHISON, Mr. BRYAN, Mr. GRAHAM, Mr. BOREN, and Mr. ROBB, proposes an amendment numbered 973.

Mr. DECONCINI. 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 38, line 8 strike "$465,649,000" and insert in lieu thereof "$472,649,000, including $12,000,000 which shall be for carrying out the National Youth Sports Program: *Provided*, That payments from such amount to the grantee and subgrantee administering the National Youth Sports Program may not exceed the aggregate amount contributed in cash or in kind by the grantee and subgrantee: *Provided further*, That amounts in excess of $9,400,000 of such amount may not be made available to the grantee and subgrantees administering the National Youth Sports Program unless the grantee agrees to provide contributions in cash over and above the preceding years cash contribution to such program in an amount that equals 50 percent of such excess amount: *Provided further*, That notwithstanding any other provision of this Act, no department, agency, or instrumentality of the United States Government receiving appropriated funds under this Act for fiscal year 1994 shall, during fiscal year 1994, obligate and expend funds for consulting services in excess of an amount equal to 96.48 percent of the amount estimated to be obligated and expended by such department, agency, or instrumentality for such services during fiscal year 1994: *Provided further*, That notwithstanding any other provision of this Act, the aggregate amount of funds appropriated by this Act to any such department, agency, or instrumentality for fiscal year 1994 is reduced by an amount equal to 3.52 percent of the amount expected to be expended by such department, agency or instrumentality during fiscal year 1994 for consulting services. As used in the preceding two provisos, the term 'consulting services' includes any services within the definition of sub-object class 25.1 as described in the Office of Management and Budget Circular A-11, dated August 4, 1993".

Mr. DECONCINI. Madam President, this amendment is offered on behalf of myself and the Senator from Washington, Senator GORTON, also cosponsored by Mr. COCHRAN, Mr. KOHL, Mr. BRADLEY, Mr. BINGAMAN, Mr. SASSER, Mr. BIDEN, Mr. REID, Mr. D'AMATO, Mr. WARNER, Mr. THURMOND, Mr. DOLE, Mr. LOTT, Mr. CHAFEE, Mr. CRAIG, Mr. DURENBERGER, Mr. DANFORTH, Mr. MACK, Mr. COHEN, Mr. LEVIN, Mr. KEMPTHORNE, Mr. DOMENICI, Mrs. HUTCHISON, Mr. BRYAN, Mr. GRAHAM, Mr. BOREN, and Mr. ROBB.

First of all, I thank the Senator from Washington for his real interest in this program. For several years we have worked together on the National Youth Sports Program. I appreciate his staff's involvement and his involvement, in trying to get more attention to the National Youth Sports Program.

This amendment would increase the funding for the National Youth Sports Program to its fiscal year 1992 level, or $12 million.

There would be a proviso that the national office of the NCAA match in cash one-half the difference between the $12 million and last year's funding level, which was $9.4 million.

Madam President, this is a partnership program that works in our State of Arizona. I have seen firsthand just how well it works. Universities contribute their facilities and staff. Local schools and governments often contribute buses to transport the youngsters. Businesses provide equipment, such as computers, for the participating boys and girls. Local physicians provide physical examinations free of charge. The USDA provides nutritious meals. It's a partnership that has worked for 25 years.

This is a program that truly enriches at-risk children. It offers these youngsters drug prevention education. It helps them in securing jobs, and in learning how to be prepared for jobs. It gives them health nutrition counseling, free USDA approved meals, free medical exams and instruction on issues such as AIDS and teen pregnancy, gangs, and suicide prevention, all for less than 5 Federal dollars per day per child.

This last summer the program served 67,000 youngsters in 170 schools across the country. There are four schools in the State of Arizona that have such programs. I have visited three of them.

These programs offer hope and opportunity for disadvantaged children, many of whom are seeing a college campus for the first time in their lives. Our amendment would increase funding for the NYSP to $12 million, which was the funding level for the program in fiscal year 1992 and which is the amount the House has recommended for this program in fiscal year 1994.

We would pay for our amendment by cutting funding for consultant services by 3.52 percent in the Departments of Labor, Health and Human Services, and Education. These agencies are expected to spend, believe it or not, $199 million on consulting contracts in fiscal year 1994. Our amendment would take less than $4.7 million in outlays out of this considerable pot of money, a pot that has grown over $48 million in just 1 year.

I thank the chairman of the committee, the Senator from Iowa, for his willingness to work on this particular issue. He has many, many so-called irons in the fire, the priorities which he has to protect in proper order. He has been willing to cooperate with the Senator from Washington and myself in getting the funding for this program.

The National Youth Sports Program works and it pays good dividends. Again I thank the Senator from Washington for his outstanding cooperation in this amendment.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Madam President, for the past 25 years the National Youth Sports Program has provided wonderful support service for young people between the ages of 10 and 16 who are underprivileged or otherwise at risk. Last year, some 70,000 disadvantaged boys

and girls received services through the NYSP at various member and nonmember institutions in the National Collegiate Athletic Association.

The 10 States and 7 of the 10 cities with the worst child poverty rates all had such programs within their boundaries.

Young people participate in a rigorous program of skills and instruction and in competition with a minimum of three sports, always including swimming, which is, of course, a lifetime sport. The NYSP philosophy is based on the concept that mind and body must be nurtured together, a daily educational component that is a critical part of each one of the projects under this program.

But, while this is called a sports program, as my friend from Arizona knows very, very well, it is much more than a sports program. Instruction is provided in alcohol and drug abuse prevention, in mathematics and science education, in personal health and nutrition, in educational and career opportunities, and in a number of other areas which are a part of the lives of these young people.

In my own State of Washington there are three such programs: One at the Yakima Valley Community College, which began just last June and serves 250 of these young people; another in Spokane, at Whitworth College, which began some 4 years ago and has served over 1,000 young people; and one at Washington State University, which has come close to serving 1,000 such young people, almost all of whom have had happy and educational experiences with this sports program.

After more than 59 Senators sponsored a commemorative, the President of the United States designated July 1, 1993 as "National Youth Sports Program Day." On that occasion, President Clinton stated—and I think I will quote his statement because it encapsulates what we have attempted to do here—President Clinton stated:

> These unique partnerships have allowed Federal funds to be used to provide direct services for youth, have enabled institutions to contribute their facilities and personnel, and have permitted public and private businesses to donate equipment and supplies needed for the children to participate in the program during the summer.
>
> I call upon all Americans to observe this day by demonstrating their respect for all those individuals who participate so successfully in these programs, and by showing gratitude for those who unselfishly share their experiences, skills and talents with the disadvantaged youths who participate in NYSP activities across the country.

This is a particularly successful program because it involves much more than just the appropriation to which we are speaking today. Last year, only about 30 percent of the cost of this program came from our appropriation. What it does is to springboard into monetary contributions from the NCAA, and from member institutions, and from all kinds of donated services on behalf of individuals who are both a part of the educational institutions and of the NCAA, and who are the purest of all volunteers.

For less than $5 in Federal taxpayer money per day, each participating youngster gets free meals and a comprehensive medical examination, sports instruction, AIDS and drug abuse prevention education, job education, health and nutrition counseling and at some sites, mathematics and science instruction as well.

The Senator from Arizona and I feel that this is a most effective program; that it deals with young people at their most vulnerable and helps them with skills and with an orientation and a direction in life which will go with them for a long period of time to come.

I want to express my gratitude, along with that of the senior Senator from Arizona, to the chairman and the ranking minority member of the subcommittee for their understanding and cooperation. All of the increased appropriation in this amendment above the 1993 level is fenced and is to be matched by the NCAA. We think this is a reasonable compromise, and we trust now that this amendment will be enthusiastically and unanimously accepted by the Senate.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Madam President, this is an issue that seems to be coming back year after year on this National Youth Sports Program. Let me say at the outset that I am not opposed to the program. It is a good program. I have seen it operate in my own State. I have seen it operate in other States. They go out and get low-income kids in the summertime and they bring them, usually, to a college someplace. They put them up in the dorms, they feed them, get them in some organized sports, and it is kind of a nice program. It gets the kids off the streets maybe for a while and gets them into these programs for a couple weeks. They bring in some coaches and people like that around to work with some of these kids. So it is not a bad program. All in all it is a good program.

But, Madam President, I have to say there are a lot of good programs in this bill. We have had to hold the line on a lot of them. We have not been able to fund them because we do not have the money for everything. Yet, here is a program that is sole-source contract to the NCAA, the National Collegiate Athletic Association. It is primarily for sports instruction for disadvantaged youth.

I might point out, it is the only program in the discretionary funds of the community service block grant to go out on a sole-source basis. But I guess what bothers me is that the NCAA basically puts very little money into this program. Very little. The NCAA budget for 1992–93 totaled more than 179 million bucks. That is not chicken feed. The NCAA makes a lot of money. They got $133 million in revenues from television alone. That is not pocket change. So, surely, the NCAA could help fund this program a little bit because, obviously, a lot of these colleges have interest in it.

I have been told laudable stories about some of these young kids coming in, and they watch them play basketball and soccer, they do things like that and they find kids that have a lot of promise and they say, "Uh-huh, I want that kid to go to college," and they start looking for these kids and pick them up early, which is fine. I see nothing wrong with that. But I do believe the NCAA, with all of the resources they have, ought to be willing to put some money into this.

I see all these ads the NCAA runs and those ads talk the National Youth Sports Program sponsored by the NCAA. Well, I beg your pardon, it is sponsored by the taxpayers of this country and funded by the Department of Health and Human Services. NCAA simply acts as a conduit. If you watch their ads, you would think they are funding the whole thing.

As a matter of fact, out of a $12 million program in1992, the NCAA added only $678,000 of its money to the program out of a total budget of $179 million.

So for years, and I go back a long time, I have been trying to get the NCAA to start matching some money with us. They can afford to do it, and they ought to do it. What this amendment does is it requires the NCAA to provide a 50-percent cash match as a condition for receipt of the $2.6 million increase over last year's level for the National Youth Sports Program. It would also require the NCAA to contribute no less than last year's cash match, which I understand was about $1 million.

So it requires them to contribute no less than last year's match, about $1 million, for the $9.4 million base grant. If they want the additional $2.6 million, they have to come up with half of that, which is $1.3 million. Add it on to their million-dollar base, and it gets them up to about a $2.3 million out of a $12 million program. I think it ought to be higher than that, quite frankly. I think the NCAA, with revenue of $179 million could probably fund the whole thing. Perhaps that is the way we ought to go. At least they can afford to do, I think, a little bit more than that.

I understand the amendment and, quite frankly, I think the principle has been set now. I want to thank the authors of the amendment for agreeing to this principle that the NCAA ought to come up with something and ought to start providing some match for this.

They can go to their advertisers. Watch an NCAA game, one advertisement after another—well, they advertise everything from beer to potato chips. It would seem to me that those advertisers would be willing, I would think, to have some of their revenue go for the National Youth Sports Program. It would save the taxpayers just a little bit of money.

While it is not as much as I had hoped, at least we do have the principle set and I believe there is a base from which we can work in the future.

As I said, it is not a bad program. It is a good program. I think the National Youth Sports Program ought to be continued, but I think there is much more that the private sector, and especially the NCAA, could do to help fund this program and to make it work and to ease some of the burden on our taxpayers.

So, in that spirit, at least for this side anyway, I can accept the amendment on that basis, that this does establish the principle that the NCAA will have to start coming up with some cash grants in order for this program to continue.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Madam President, I compliment the distinguished Senator from Arizona and the distinguished Senator from Washington on their laborious efforts on this amendment. I note that they have gotten 28 Senators as cosponsors, and I do believe that if the amendment came to a rollcall vote that it would prevail because the objective of the National Youth Sports Program is very worthwhile. The offset in funds is coming from administrative costs for consulting services. If you take a look at the Youth Sports Program versus administrative costs, this is a very worthwhile program.

However, one of the difficulties with taking the money out of administrative costs and putting it anywhere is that it could go somewhere else on some very important programs which we are funding here—education, medical research, cancer, Alzheimer's disease, to mention only a few.

I believe that we do have a very important principle, as the distinguished chairman of the subcommittee has articulated, and that is getting the NCAA to do more. I believe that having matching funds of the sort provided by the NCAA, $1.3 million, we may be setting an important precedent for next year.

The NCAA does not like to hear comments made by the distinguished chairman of the subcommittee. They get their good publicity on ABC-TV and now there is competition on C-SPAN 2, publicity which is not quite so good. But we are going to take a much closer look at this next year and see if we cannot get more money from the NCAA, which we really ought to have. You talk about $179 million in revenues, I do not believe the NCAA has a deficit like the Federal Government. Not only is the publicity good but the Youth Sports Program is promoting young athletes who come on to television that have these enormous television contracts.

So I concur with what the distinguished chairman has said, and I concur with what Senator DECONCINI has said, and with what Senator GORTON has said, but with a degree of reluctance with the commitment to take a hard look at what the NCAA is going to do next year.

Mr. DOMENICI. Mr. President, I rise today in support of the amendment offered by my colleague from Washington, Senator GORTON.

I have long been a supporter of the National Youth Sports Program [NYSP] and am pleased to have the opportunity to provide more funding to this worthwhile program again this year.

Throughout the Nation we hear many troubling stories about our youth and the difficulties they face in their lives.

We see and hear leaders at all levels ask us to provide more programs for children.

This program, the National Youth Sports Program, provides thousands of at-risk children with an opportunity to participate each summer in a recreational program administered by the National Collegiate Athletic Association [NCAA] that is both structured and educational.

It provides medical examinations, nutritious daily meals, and educational activities.

In addition, I have heard many stories from youth in this program in New Mexico that the individual program coordinators and counsellors provide strong role models not only for the summer, but for a lifetime.

I am pleased that my State has three NYSP programs established at three of our colleges and universities—University of New Mexico, New Mexico Highlands University, and Northern New Mexico Community College—that served over 1,500 youth last year.

It is important to note, however, that each year the representatives from these programs come and visit me and tell me that many more children have expressed interest and would be able to participate with relatively minimal increases in funding.

In fact, there are two other universities in New Mexico that would begin an NYSP program if the funding were to become available.

Unfortunately, we have witnessed declining enrollment because the programs' funding levels have not increased with inflation.

If the Senate level of $5 million is maintained, the programs in New Mexico and across the Nation would face drastic reductions.

I am pleased that Senators GORTON and DECONCINI have led the effort to obtain more funding for this worthy program and I thank them.

It is my hope that the Senate recognizes the value of the National Youth Sports Program for our children and supports this amendment.

I think perhaps the most important principle on this acceptance and compromise is to put the NCAA on notice that Senator HARKIN is going to play tough linebacking next year when these funds are at issue. So on this side of the aisle we concur.

Mr. HARKIN. Madam President, I would like to ask if either one of the Senators, the proponents of this amendment, know the answer to this question. I was looking at the budget of the NCAA for 1991-92 and 1992-93. This is from the Chronicle of Higher Education, September of last year. I do not have this year's. I was looking at their revenues and their expenditures.

Now, I mentioned that their total revenues were $179,427,000, most of it obviously from television. I was looking at the expenditures, and the expenditures have "Distributions to Members." I notice Division I men's basketball, $31.5 million, and then I look under "Championships, Division I men's basketball, $9.9 million." I do not see anything here on women's basketball. Does the NCAA sponsor women's basketball? Maybe it is just not in here. I do not see it.

Mr. DECONCINI. If the Senator will be so kind to yield——

Mr. HARKIN. If the Senator knows the answer to that question.

Mr. DECONCINI. Let me read a part of a letter—it is very short—from Richard Schultz dated September 27 and it discusses a lot of things. I will ask unanimous consent that the letter be printed in the RECORD.

Let me just point out how he addresses this.

A copy of the NCAA's current budget is enclosed with the letter. Let me quote from the letter.

> Over 87 percent of all NCAA revenues are annually returned to the tax-exempt post-secondary institutions comprising our membership so that they, in turn, may better meet their responsibilities to their students. Among the most significant of these responsibilities in 1993 and the years immediately ahead is to provide increased athletic opportunities for female student-athletes—an equally compelling social need. Thus, for the purpose of assuring greater gender equity in intercollegiate athletics, we are under great pressure from our members to increase the percentage of NCAA revenues available for the institutions' individual use.

So the Senator is correct; they are focused on that issue and they have indicated what they are going to do. I think that answers the Senator's question.

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

THE NATIONAL COLLEGIATE ATHLETIC ASSOCIATION,
Overland Park, KS, September 27, 1993.

Hon. DENNIS DECONCINI and Hon. SLADE GORTON,
U.S. Senate, Washington, DC.

DEAR SENATOR DECONCINI AND SENATOR GORTON: I want to thank you for your continuing efforts to maintain a strong National Youth Sports Program (NYSP). Disadvantaged young people across the country will be the beneficiaries of your strong leadership.

I have been pleased to hear about your plan to offer a floor amendment to the Labor-HHS appropriations bill (H.R. 2518) to provide $12 million for NYSP. That is the funding level already approved by the House of Representatives—and the same funding that was provided to NYSP in 1992. I also have been happy to learn of the broad and bipartisan support that has been expressed for your amendment.

Our staff is working with yours to help educate your colleagues about NYSP. The program is administered by the NCAA and funded jointly by the Federal government; the NCAA and its NCAA member institutions, as well as public and private donors. Most Senators already know that this is a highly successful public-private partnership, in which the NCAA and participating institutions (NCAA and non-NCAA members alike) carry all of the overhead burden (and more) and every Federal dollar goes directly to athletics and educational instruction, as well as nutritional and medical services, for economically disadvantaged boys and girls, ages 10–16, at some 170 institutions in 44 states. Everyone seems to acknowledge that the program is intensely cost-effective (the leveraging of Federal dollars with private contributions enables the program to deliver $3 of services for every $1 of Federal money spent), and that there is ample need for the services that could be provided with Federal participation at a $12 million level.

And yet, in some quarters, we still encounter the argument that the NCAA should be able to assume a greater portion of the cost of the NYSP program than it now does. In this regard, it is important to emphasize that our organizational purpose is to promote and regulate intercollegiate athletics. Our participation in the NYSP partnership represents a voluntary effort by the Association for the benefit of disadvantaged younger people. We take pride in this activity and in the resources the Association and our member institutions devote to it, but we do not understand how we can fairly be assigned a greater responsibility than we have carried during the first 25 years of this program.

A copy of the NCAA's current budget is enclosed. Over 87 percent of all NCAA revenues are annually returned to the tax-exempt post-secondary institutions comprising our membership so that they, in turn, may better meet their responsibilities to their students. Among the most significant of these responsibilities in 1993 and the years immediately ahead is to provide increased athletics opportunities for female student-athletes—an equally compelling social need. Thus, for the purpose of assuring greater gender equity in intercollegiate athletics, we are under great pressure from our members to increase the percentage of NCAA revenues available for the institutions' individual use.

Under these circumstances, I think it is unlikely that the NCAA will be in a position to increase its direct support for NYSP, and if that increased support were a condition of the NYSP appropriation, we would be forced to seriously consider withdrawing from our traditional, voluntary role as administrator of the program.

Thank you again for all that you are doing for disadvantaged youth through your efforts on behalf of NYSP.

Sincerely,

RICHARD B. SCHULTZ.

1993–94 GENERAL OPERATING BUDGET

	1992–93 budget	1993–94 budget	Increase/Decrease
REVENUE			
NCAA operating revenue:			
Television	$133,505,500	$141,885,500	$8,300,000
Royalties	7,049,000	6,795,000	(254,000)
Division I men's basketball	12,945,000	12,380,000	(565,000)
Other Div. I championships	5,935,500	6,482,900	547,400
Division II championships	949,750	871,200	(78,550)
Division III championships	447,950	425,100	(22,850)
Publishing	1,484,000	1,500,000	16,000
Communications	596,600	626,100	29,500
Investments	1,750,000	1,500,000	(250,000)
Membership fees	870,000	870,000	0
Certification fees—postseason bowls	220,000	220,000	0
Registration fees—Convention	150,000	220,000	70,000
General	405,000	210,000	(195,000)
Transfers from reserve	0	0	0
Total NCAA operations revenue	166,308,300	173,985,800	7,677,500
Associated organizations:			
National Youth Sports Program	12,000,000	9,924,000	(2,076,000)
NCAA Foundation	1,118,700	1,448,550	329,850
Total associated organizations	13,118,700	11,372,550	(1,746,150)
Total all revenue	179,427,000	185,358,350	5,931,350
EXPENSE			
NCAA operating expense			
Distributions to members:			
Div. I men's basketball fund	31,500,000	31,500,000	0
Div. I grants-in-aid fund	21,000,000	21,000,000	0
Div. I sports sponsorship fund	10,500,000	10,500,000	0
Div. I academic-enhancement fund	8,940,000	9,030,000	90,000
Div. I conference grants	4,103,000	4,103,000	0
Div. I special-assistance fund	3,000,000	3,000,000	0
Div. I membership trust	2,637,000	2,797,000	160,000
Royalties to members	989,000	1,035,100	46,100
Div. II enhancement fund	3,000,000	3,000,000	0
Grants to other organizations	115,400	167,000	51,600
Total distributions to members	85,784,400	86,132,100	347,700
Division I men's basketball expense	9,909,000	9,917,000	
Other Division I championships expense	13,835,150	15,251,360	
Division II championships expense	4,824,710	5,063,400	
Division III championships expense	5,097,920	5,410,300	
Sports sciences expense	3,877,500	2,472,500	
Publications expense	1,824,500	2,085,500	
Catastrophic injury insurance expense	2,832,500	2,682,500	
Legal services/governmental affairs expense	2,500,000	2,000,000	
Scholarships expense	1,350,000	1,170,000	
Youth programs	911,700	910,700	
Convention and honors banquet	705,000	697,500	
General expense	735,000	607,000	
Membership seminars	336,000	476,000	
Initial-eligibility clearinghouse		500,000	
Research	456,000	456,000	
Promotion and public-relations expense	2,397,000	2,386,000	
Visitors Center expense	1,052,000	534,000	
Committee expense	2,100,000	2,380,000	
National office operations expense	5,890,700	6,046,700	
Administration and finance group	2,560,600	2,651,400	

1993–94 GENERAL OPERATING BUDGET—Continued

	1992–93 budget	1993–94 budget	Increase/Decrease
Championships and event management group expense	2,146,900	2,177,400	
Membership services group expense:			
Compliance services	1,309,200	1,360,200	
Enforcement services	2,446,400	2,565,500	
Legislative services	1,419,900	1,503,600	
Public affairs group expense:			
Communications	1,674,400	1,896,900	
Publishing	1,309,200	1,403,900	
Visitors Center	493,700	385,400	
Executive expense	2,648,800	2,750,300	
Total NCAA operating expense	162,448,180	163,873,150	
Associated organizations:			
National Youth Sports Fund, Inc	12,000,000	9,924,000	
NCAA Foundation, Inc	618,700	948,550	
Total associated organizations	12,618,700	10,872,550	
Total all expense	175,066,880	174,745,700	
Excess of revenue over expense	4,360,120	10,612,650	

Mr. HARKIN. I appreciate the Senator saying that.

Again, we are asked to give $12 million to an institution, an event at this time on a sole source contract and I wondered how much of that $179 million goes to women's sports. I just wonder how much goes for women's soccer, women's basketball, and things like that. I just did not see it here, and I wanted to raise that question. It had occurred to me. I was looking on the expenditure side and did not see it.

Mr. DECONCINI. If the Senator will yield, on the expenditure side, it makes reference to the men's basketball expenses, the men's basketball fund, and it does not make any reference to the women's conference. But some of these conferences, I am told, do involve women in sports, though the budget does designate women's basketball expenses. I just do not think that the NCAA should get criticized on an issue which they indicate is a priority with them in 1993.

Mr. HARKIN. I do not want to criticize them unnecessarily. I wanted to get a response to that question because I just did not see that and I wanted to raise that as an issue. Come to think of it, when I was watching that great Iowa women's basketball team last year, which did not make it quite all the way, although they should have—they had one bad evening—I just did not remember the NCAA being a sponsor. I do not know. I just wanted to raise it.

Mr. DECONCINI. If the Senator will yield, I do not know the answer to that.

Mr. HARKIN. I do not either.

Mr. DECONCINI. Mr. President, I thank the Senator from Iowa for his concern as he has expressed it. I do not have any problem with the NCAA contributing more, but I do not want to leave this debate with anybody under the impression that the NCAA is not a real contributor. The NCAA started

this program together with the Department of Health and Human Services. They have run it for 25 years, taking no contributions for running the program. They administer the program free of charge; they absorb the cost of administering the program so that all of the programs funding can go to benefiting some 67,000 youngsters.

The NCAA has certainly been a good citizen, and as I just read to you, 87 percent of all their revenues are returned to the tax-exempt NCAA member institutions.

So it should be said here that this is a worthy program. The NCAA is not at the trough here trying to suck up Federal dollars. The NCAA and its member colleges and universities are willing to make substantial contributions, over 50 percent, to the National Young Sports Program.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER (Mr. AKAKA). The Senator from Washington, [Mr. GORTON] is recognized.

Mr. GORTON. The Senator from Arizona has referred to a letter from the executive director of the National College Athletic Association of September 27 and has put that in the RECORD, as I had intended to do.

I ask unanimous consent that at the end of that letter there also be printed a copy of the NCAA budget which is 1 year more up to date than the one which the Senator from Iowa spoke to and has both the 1992–93 budget and the 1993–94 budget, simply so that that will be a part of the same RECORD.

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

Mr. GORTON. I wish to emphasize the Senator from Arizona is entirely correct. Close to 90 percent of all of this quite large amount of money which goes through the NCAA does go back to these member institutions for their own programs.

One will note in the budget for each of these years that exactly the same number of dollars, 100 percent of the dollars, which come in for the National Youth Sports Program goes back out for that purpose, right to the last percent.

The Senator from Iowa talked about the fact that they publicize only themselves. I have here in my hand the sole promotional, 30-second television shot on the National Youth Sports Program. I can assure my colleagues that the lead-in to that program is a large credit to the Department of Health and Human Services of the Government of the United States, the only such program they have put out.

Mr. President, generally speaking, I think the Senator from Arizona and I figure that when you are ahead, you probably should stop talking and get a vote. The two leaders may be reluctant, but it is a vote nonetheless, and we are grateful for it.

The PRESIDING OFFICER. Is there any further debate on the amendment?

The question is on agreeing to the amendment.

Without objection, the amendment is agreed to.

So the amendment (No. 973) was agreed to.

Mr. DECONCINI. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona [Mr. MCCAIN].

Mr. MCCAIN. Mr. President, I ask unanimous consent to lay aside the pending committee amendment in order to offer an amendment.

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

AMENDMENT NO. 974

(Purpose: To freeze funding for the Corporation for Public Broadcasting)

Mr. MCCAIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for himself, Mr. WALLOP, Mr. LOTT, Mr. GRAMM, Mr. SMITH, Mr. HELMS, Mr. BROWN, and Mr. NICKLES, proposes an amendment numbered 974.

In lieu of the language proposed to be inserted on page 63, line 14, insert the following: "$292,641,000".

Mr. HARKIN. Mr. President, I understand that the Senator would be willing to enter into a time agreement.

I ask unanimous consent that the time on this amendment be limited to 50 minutes, 25 on each side; 25 minutes under the control of Senator MCCAIN and 25 minutes under the control of Senator INOUYE.

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

Mr. MCCAIN. Mr. President, I thank my friend from Iowa. I mention to the distinguished manager of the bill that I probably will not use all the 25 minutes allowed to me. It is my understanding that the other side has five speakers that wanted 5 minutes each. I do not intend to use all of the 25 minutes on this side.

Mr. President, on behalf of myself, Senator WALLOP, Senator LOTT, Senator GRAMM, Senator SMITH, Senator HELMS, Senator BROWN, and Senator NICKLES, I propose this amendment, which is a very simple one. All it does is return the appropriations for fiscal year 1996 to the previous year's level, which was the amount that was requested by the President.

I do not always agree with President Clinton, but when I do, and when I recognize a concerted effort on his part to control spending, as he has here, then we have, I believe, an obligation to support him. I believe we have to cut spending. We have here an opportunity to do so.

In fact, we would not even be cutting spending. We would be in keeping with the administration's request and the amount of appropriations that is being submitted by the other body.

Mr. President, this is clearly an issue of priorities. Do we increase funding for the CPB in excess of the President's request and the House-passed amount, or do we control spending and lower the deficit? Clearly, we cannot do both. The President himself stated that when he was a candidate increased funding for the Corporation for Public Broadcasting was not needed at that time.

In a July 1992 interview with C-SPAN, then Governor Clinton stated:

I support public television. I do not know that we have to spend more money on it now. We have a pretty vital network of public television. In the next few years, we have to focus most of our increased investment on investment or just on those things which will generate more wealth for the United States. In the beginning, we have got to focus on increasing our capacity to generate jobs and incomes in America because that is where the real problems are.

The Corporation for Public Broadcasting board member, Mr. Victor Gold, stated:

I would like to again take up the matter of CPB's request for an increase in funding for FY '96. At the May meeting, I expressed my support for the Clinton administration's effort to hold the line on one area of Federal spending by freezing the CPB budget at its 1995 level.

As I said then, it is a truism that everybody talks about the Federal deficit and the need to trim the budget, but nobody is willing to make sacrifices towards that end. President Clinton has asked for a freeze on public broadcasting for 1996 at $292.6 million. I support the President in his effort to restrain Federal spending in this area, and oppose CPB's efforts to increase that amount.

This is not an attack on the Corporation for Public Broadcasting, Mr. President. We went through that drill last year at great length. I have serious concerns about the CPB. I have serious concerns about where they are spending their money, how, and fairness in the program. In fact, I have deep concerns about their compliance with the law, the very difficult compromise that the distinguished Senator from Hawaii arranged last year concerning programming content and review.

But, Mr. President, that is not what this issue is about. If we fund the CPB at the level requested by the President, no programming that I know of will be in jeopardy. According to Diane Blair, the President's nominee to the CPB, public television broadcasting already has a 98-percent penetration rate. Although I acknowledge that public radio may need additional funding so that remote areas in places such as Alaska can pick up a signal, I believe such funds could be diverted from CPB's overhead and administrative costs.

Let me point out for my colleagues that last year was the best year in history for public broadcasting, which

earned a record $1.8 billion. Barney, paid for with taxpayers' dollars, is making millions, while giving nothing back to the taxpayers. And, at the same time we are asking others to sacrifice, National Public Radio is building a lavish, new headquarters here in our Nation's Capital.

As I stated, Mr. President, it is a matter of priorities. Do we spend money in excess of what the President requested, or do we show some fiscal restraint?

What may have to be curtailed is CPB administrative costs. But, Mr. President, at a time when President Clinton is asking for shared sacrifice, I believe that means we must all share in that sacrifice, including the CPB.

I urge my colleagues to follow the action of the House and support the President's request for CPB funding at last year's level.

I know some very strong arguments will be made by my colleagues in behalf of this increase. I would point out that there are arguments in favor of increasing funding for almost every program I know. I believe that, at a time where we are running an over $4 trillion debt and a $300 billion annual deficit, that this is a very small step in that direction.

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

Mr. INOUYE addressed the Chair.

The PRESIDING OFFICER. The Senator from Hawaii, [Mr. INOUYE], is recognized.

Mr. INOUYE. Mr. President, I rise in support of the funding level for the Corporation for Public Broadcasting [CPB] included in the Labor-HHS appropriations bill. The Appropriations Committee approved $320 million for fiscal year 1996. This amount is well below the authorized level of $425 million and is the minimum necessary for CPB to continue its mission to provide quality, educational programming.

CPB will need this funding to face several significant issues in the coming years. As new technologies become cheaper and more accessible, they also present new opportunities for CPB to expand its mission. Direct-to-home satellite television, video compression, new standards for digital transmission all require CPB to remain at the leading edge of scientific and market advances.

At the same time, CPB must maximize its resources to address the failures of our current educational system. No one involved in education can claim success when more than 90 million of our citizens remain illiterate. The ability to read is essential for becoming a happy and productive member of our society. We all must take responsibility for this enormous failure of our educational system. One way to address this issue is to ensure that CPB has the resources to expand and continue its essential educational activities.

Last year, the Congress passed the Public Broadcasting Act authorizing the CPB for fiscal year 1994-96 by an overwhelming vote of 84 to 11. When the last Congress considered the CPB authorization bill, Senator LOTT offered an amendment to freeze the authorized level of spending for CPB. That amendment was defeated by a vote of 75 to 22. The bill that eventually passed the Senate included an authorization level of $425 million for fiscal year 1996. The amount contained in this Labor-HHS bill is $105 million less than the amount authorized. This amounts to a funding cut for CPB of 25 percent from the authorized level. Although I believe that the amount contained in this appropriations bill falls short of what CPB should receive, I must commend Senator HARKIN and the Appropriations Committee for demonstrating such fiscal responsibility in this bill.

Let me take a minute to spell out what a freeze on CPB funding would mean. Freezing CPB's funding would actually result in a spending cut for public broadcasting. Why is this so? First of all, a freeze amounts to a cut because a freeze does not recognize that inflation makes each dollar of funding less valuable. Anyone involved in public broadcasting will tell you that the rate of inflation for the costs of producing programming is higher than the general level of inflation for society as a whole. Furthermore, a freeze in funding fails to recognize that the inflation rate in 1995 may be much higher than it is today. Let us not forget that the proposed amendment would freeze the funding for fiscal year 1996 at the level of funding already appropriated for fiscal year 1995. But the inflation rate for that year may not be as low as the 3 to 4 percent that exists today. Thus a freeze at the fiscal year 1995 funding level could cut severely the ability of public broadcasting to maintain its existing services.

Perhaps most important, a freeze in funding ignores the legislative mandate that Congress has imposed upon public broadcasting. Under the Public Broadcasting Act, the CPB is charged with the responsibility to make public radio and television available everywhere in the United States. The goal of 100-percent coverage has not yet been met. Each year, more and more stations join the ranks of public broadcasting. Under the formulas set forth in the Public Broadcasting Act, the CPB must distribute its funding to all public broadcasting stations. Thus, the more stations that receive funding, the less each station may receive. Many stations, and especially rural stations, need their funding to remain constant just to stay alive.

As a result, a freeze in CPB funding will cut funding for public broadcasting stations; it will force public broadcasting stations to cut their ability to serve children, minorities, and the underprivileged. Let me cite a few examples.

Public television plays a unique role in providing educational services to the American people. These vital education efforts include: programs that prepare children to learn; programs that prepare childcare providers for a greater role in preschool education; programs that encourage the growth of literacy; and programs that expand the use of interactive education technologies; and programs that train teachers to use those new technologies more effectively.

Let there be no mistake about it. A freeze in funding for CPB will mean a cut in funding for each public broadcasting station in this country. A freeze in funding will mean that public broadcasting will fail to reach its goal of serving the entire country, and will hurt rural America especially hard. A freeze in funding will mean that children across this country will fail to have access to educational and informational programming and instruction.

I urge my colleagues to vote against this amendment and support literacy and education for our Nation's children.

Mr. President, last year the Senate, after a long debate, by a vote of 84 to 11, adopted a bill authorizing the funding for the Corporation for Public Broadcasting.

At that time, we approved the funding of $425 million for fiscal year 1996.

This measure before us and this amendment submitted by my dear friend from Arizona would reduce the number 320 to 292.

Though the authorization was $425 million, the committee, being sensitive to the fiscal condition of this country, decided to cut the authorization account by 25 percent. The amount that is before us is 25 percent less than what is authorized.

Senator MCCAIN wishes to further reduce the 320 by $28 million. I can understand the Senator's desire to be fiscally responsible. I join him in this effort. But may I most respectfully advise my colleagues of the impact this amendment would have.

This amendment does not take into consideration the rise in inflation, and we know it is going to be more than 3 percent.

Second, at the present time, we have about 350 radio stations and about 350 public television stations. These stations are being subsidized by the Corporation for Public Broadcasting. Why am I concerned about this amendment? If this amendment goes through, the Ready to Learn Program that we wanted very much to have—$10 million for children's television—would be wiped out.

I believe all of us should shamefully acknowledge the fact that 90 million of

our fellow citizens are illiterate. Something has gone haywire with our educational system. And through this small means, we are trying to lift that level of intellectual ability in the United States.

Furthermore, this amendment would cut out programs like "MacNeil/Lehrer." I think that is a pretty good program. If this amendment were in effect last year, the "Civil War" series would have been wiped out. "Wall Street Week" with Louis Rukeyser would be wiped out. "Masterpiece Theater" would be wiped out, along with the funding for the minority consortium. It has been the intent of this committee to encourage minority producers, minority businessmen, to enter into this business—Native Americans, African-Americans, Asian-Americans, Hispanic-Americans. That would be all wiped out.

I am sorry that the President—or shall I say OMB—in declaring a freeze at the 1995 level was not aware that the impact would be this deadly. I think it would be not one step backward, it would be a massive jump backward; and I hope that this committee, this Congress, will reject this amendment, as we have in the past.

This amendment is not just a spending cut; it will be a massacre because we will not be able to fund the new stations that we have been encouraging. Mr. President, are you aware that each year, as a result of our program, we have been able to encourage 10 to 20 new public radio stations and about 3 to 4 public TV stations every year? This increase in public broadcasting's reach would be wiped out.

So I hope my colleagues will reject this amendment.

I am pleased to yield 5 minutes to my colleague from Mississippi.

Mr. COCHRAN. Mr. President, I am constrained to rise in opposition to my good friend's amendment. Last year, we adopted the Ready To Learn Act, which provided, for the first time, authority for funds to be made available for the development of special programs targeted to preschool children, to help them fulfill the first national education goal—and that is to come to school ready to learn.

Some may know that I serve on the National Education Goals Panel with my friend from New Mexico, Senator BINGAMAN. We are the two Senate representatives on that panel. And by reason of that experience, we have been trying to design legislative responses to some of the real problems that we have uncovered that exist out there in the real world. One of them is that many children spend hours in front of television sets—many preschool children who are not properly supervised by parents—but in many cases they are not learning anything from that experience. They are taking up a lot of time, and they may be entertained.

One of the great opportunities we have is to utilize the magic of television to stimulate the learning experience among preschool children. But there is a big void there, a great absence of innovative programming in the development of programs that will use the knowledge we have about how you capture the attention of a young student like that, or prospective student, and equip them with the knowledge that will help them when they go to school.

That is what this extra money is for in the Corporation for Public Broadcasting account. We added $10 million over last year's funding amount to make room for an experiment, to try to encourage and stimulate through grants the development of these special programs.

I hope the Senate will reject this amendment, because to adopt it would wipe out those funds that are included in this bill for that important new program. We are challenged because students are not doing well in school. We are worried because they are dropping out and they are opting for a lifetime of crime and drug dealing and other behavior that is destructive and not constructive. We hope this is one modest step that we can take that will help turn that around. So I hope the Senate will reject this amendment.

Mr. INOUYE. Mr. President, I am pleased to yield 5 minutes to the distinguished Senator from Alaska.

Mr. STEVENS. Mr. President, I rise to oppose the amendment of the Senator from Arizona. I want to call the Senate's attention to the Corporation for Public Broadcasting Act, which specifically spells out that it is in the public interest to encourage the development of programming that involves creative risks and that addresses the needs of unserved and underserved audiences, particularly children and minorities.

I ask unanimous consent that we have printed in the RECORD at this point the announcement that appeared in the Fairbanks Daily News Monitor on the 28th of this month.

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

[From the Fairbanks Daily News Monitor, Sept. 30, 1993]

RADIO STATION TO GO ON THE AIR IN FORT YUKON

FORT YUKON.—Fifth graders here will report on whales in the Yukon River for the start of Alaska's newest public radio station, Fort Yukon Gwandak Public Radio, KZPA 900 AM.

Many other special events will mark first day of broadcasting, scheduled for Thursday at 1 p.m.

Second Traditional Chief David Salmon will conduct a blessing ceremony after which will follow a traditional potlatch and dance. Commentary on subsistence will be given by Steve Ginnis.

Music will be played by high school disc jockeys and messages will be sent to communities in the Yukon Flats.

The radio station will serve Arctic Village, Beaver, Venetie, Chalkyitsik and Birch Creek.

Mr. STEVENS. This article deals with the opening of a new station, a new radio station at Fort Yukon. I brought this map so that the Senate can see this. This is Fort Yukon, above the Arctic Circle. There are three stations, one at Kotzebue, one at Point Barrow, and one at Fort Yukon. This one has been waiting a long time. It is an expansion of the Public Broadcasting System. It will, as the report indicates, allow reports of whales in the Yukon River. It will be the newest public radio station. They will have special broadcasting for the communities all along this area. The station will serve Arctic Village, Beaver, Venetie, Chalkyitsik, and Birch Creek. None of those communities up here have any radio coverage or local news at all.

It is the expansion of the system that continues to interest me.

Let me remind the Senate that CPB is forwarded funded by 2 years. That was designed by my friend, Senator Goldwater from Arizona. Working with him we worked out a situation that we would have moneys authorized and appropriated on a forward funding basis.

So this money that we are talking about today is for 1996. We have a limitation in the law that provides that we can only appropriate an amount which is 40 percent of the amount that was actually contributed by the public to the Public Broadcasting System 2 years previously. In other words, we are limited by the law in providing Federal funds to 40 percent of the non-Federal support.

My State, for instance, supports this public broadcasting to the tune of about $5 million. We do so because there are many areas in my State that have no daily news service, and it is the expansion of the public radio communications and television network that really is needed in unserved and underserved areas.

Mention has been made that the administration may not be in support of this bill. I have before me the statement of administration policy that indicates that the administration supports Senate passage of this bill as reported by the committee, and will work with the Congress to address the concerns. So none of those concerns indicate any lack of support for the appropriation in question.

I am interested because what the Senator does really with his amendment is to impose a freeze on the Corporation for Public Broadcasting. It will hurt individual stations and it will harm the system altogether. It really amounts to rewriting the formula for the Corporation for Public Broadcasting because it suppresses by the formula by not appropriating the moneys to meet the increased public support and to meet the increased cost brought about by inflation.

This system is heavily relied upon in the rural areas such as the rural portions of my State. Keep in mind, Mr. President, this State is one-fifth the size of the United States. It has a very limited series of public stations.

I will ask to print in the RECORD the effect of a freeze on Federal appropriations to the stations in my State, and the Senate will see that the actual amount for 1996 will be substantially less than the amount that is being spent just this year if we follow the approach of the Senator from Arizona and put a freeze on this spending.

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

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

EFFECT OF FREEZE IN FEDERAL APPROPRIATION TO CPB ON INDIVIDUAL GRANTS TO STATIONS

FY 1994 Appropriation $275.0 million.

FY 1995 Appropriation $292.6 million.

FY 1996 Appropriation (projected) $292.6 million.

CPB GRANTS TO STATIONS

State and call	Actual fiscal year 1994 CSG[1]/NPPAG[2]	Estimated fiscal year 1995 CSG[1]/NPPAG[2]	Estimated fiscal year 1996 CSG[1]/NPPAG[2] @ fiscal year 1995 funding level
Homer, AK:KBBI–AM	127,732	130,287	123,772
Barrow, AK:KBRW–AM	334,255	340,940	323,893
Sitka, AK:KCAW–FM	131,085	133,707	127,021
Valdez, AK:KCHU–AM	137,305	140,051	133,049
Dillingham, AK:KDLG–AM	145,349	148,256	140,843
Petersburg, AK:KFSK–FM	113,813	116,089	110,285
Haines, AK:KHNS–FM	114,672	116,965	111,117
Kodiak, AK:KMXT–FM	130,841	133,458	126,785
Kotzebue, AK:KOTZ–FM	226,026	230,547	219,019
Ketchikan, AK:KRBD–FM	121,661	124,094	117,890
Anchorage, AK:KSKA–FM	139,794	142,590	135,460
McGrath, AK:KSKO–FM	119,477	121,867	115,773
Wrangell, AK:KSTK–FM	109,896	112,094	106,489
Juneau, AK:KTOO–FM	164,713	168,007	159,607
Fairbanks, AK:KUAC–FM	150,303	153,309	145,644
Bethel, AK:KYUK–AM	179,799	83,395	174,225

[1] CSG—Community Service Grant.
[2] NPPAG—National Production and Program Acquisition Grant.

Mr. STEVENS. Mr. President, we believe that this system should support the minority consortium, the multicultural programming effort that is national in scope. It means a great deal to Alaska Natives, to the Indian communities throughout the country. Out of this Corporation for Public Broadcasting is paid one-half of the interconnection for public television. That also would suffer if the Senator's amendment is passed.

We had a hard fight on the authorization. I hope that we will stay with this system. I know there is a lot of controversy about it. I remember some long discussions that I had out here on the floor with Senator Goldwater in the days that he was very specific about trying to urge this system to be fair and to be unbiased.

As a practical matter, what we are looking at now is trying to keep the Federal Government to the point where we promised we would go. We have promised that we would support the system to the extent of 40 percent of the non-Federal support for this broadcasting system, and I hope that the Senate will maintain that.

I oppose the Senator's amendment because I think that the CPB reauthorization bill that passed in the last Congress gave us a projection of funding people have relied upon, and we ought to try to our best to fund that. As the Senator from Hawaii has pointed out, the $320 million mark is a long way from the authorization of $425 million.

We have been fiscally responsible. We cut it a lot more than I would like to cut it.

I urge the defeat of the Senator's amendment.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I, as always, pay close attention to the words of the Senator from Alaska, and I certainly appreciate his compelling words in behalf of Native Alaskans.

I would, however, make one additional point, and that is that if the native Americans that I know were given a choice between being able to listen to public radio or have the very terribly underfunded programs concerning alcohol abuse, fetal alcohol syndrome, substance abuse, Indian education, and others, I think they would opt for additional funds to be spent in those very vital areas.

I would also like to point out, Mr. President, that the Corporation for Public Broadcasting has been doing pretty well from the information source for the Corporation for Public Broadcasting, November 1992. In 1985 the Corporation for Public Broadcasting received $150 million. If my amendment is defeated they will have $320 million. And if it is not defeated, they will still have nearly doubled since 1985 to $292 million.

I understand the expanding need for public broadcasting, but I would suggest that the Corporation for Public Broadcasting has probably done better than most. I would be more than happy again to have a long discussion and debate about whether the Corporation for Public Broadcasting is really needed as much as it was many years ago when the American people had very few sources of information and news. In the case of television, three major networks were the source of their news. Now they can switch to one of many channels on their television set.

When we talk about programs that are of educational and cultural interest, there are now on cable television many additional programs, A&E, Discovery Channel, and others, which are not funded by the taxpayers.

Again, if we were not facing a $4-plus trillion debt and a multihundred billion dollar a year annual deficit, Mr. President, I would not be here with this amendment. But I have heard the message from the people that I represent and they say they want us to cut spending. I am not cutting spending with this amendment. I am telling them to make do this year with the same amount of money as last year. I do not think that is a enormous sacrifice to be asked.

So, especially again, in light of the fact that in the view of many other vital programs there, they are underfunded—other programs are being frozen; some are even being cut—I am very uneasy about the continued real reductions in defense spending—real reductions, I might add, not cuts in increase in spending like we talk about the cuts in many other programs, I am talking about real reductions.

So, Mr. President, I would like to say that if we cannot start by freezing—not cutting, but freezing—the amount of money that the Corporation for Public Broadcasting received last year, keeping it at that same level, I do not have a great deal of optimism about our ability to make the kind of spending cuts which will be necessary, indeed vital, for our Nation's future.

Sooner or later, as we all know, we are going to have to pay the national debt. Unfortunately, it may be our kids. But I, frankly, cannot justify the increase that is being sought in this bill by the Senate alone. Neither the other body nor the President of the United States has sought an increase.

I understand we have further speakers. I will reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Arizona reserves the remainder of his time.

The Senator from Hawaii.

Mr. INOUYE. Mr. President, I yield 4 minutes to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington, Mr. GORTON, is recognized.

Mr. GORTON. Mr. President, I have been a supporter of public broadcasting for many years. I believe strongly in the significant contribution that public radio and television have made and continue to make to America's cultural life. Both are national treasures, showcasing the best of American culture and history, providing a valuable source of entertainment and information and filling a true need for educational programming on television.

In addition, public radio has embarked on a project to reach the 14 percent of the population which does not yet receive public radio. CPB has also committed resources to increasing service to rural and minority stations, many of which now operate on a shoestring budget. This amendment would put those goals in jeopardy.

CPB funds have made a real impact on people's lives in my state.

The level of funding in this bill is necessary for maintaining expansion efforts and the health of the entire

public radio system. A freeze in funding would mean cuts in grants to existing stations and the group of new expansion and minority stations. If fiscal year 1996 funds are frozen at fiscal year 1995 levels, the average station's 1996 grant is estimated to be 4 to 5 percent less than the 1995 grant.

While the authorization level for CPB for fiscal year 1996 is $425 million, we are talking here of only $320 million, with $10 million for "Ready To Learn." That level of funding will keep the Nation's public broadcasting system healthy while recognizing the new, important commitments of reaching educational goals and bringing service to rural and minority stations. A freeze would put stations, especially small stations that are more dependent on CPB support, in jeopardy. I urge you to oppose this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. INOUYE. How much time remains?

The PRESIDING OFFICER. The Senator from Hawaii has 6 minutes and 30 seconds.

Mr. INOUYE. I yield 6 minutes and 30 seconds to the manager of the bill.

Mr. HARKIN. I thank the Senator for yielding to me. I do not intend to take that much time.

However, Mr. President, I do just want to make some comments in opposition to the amendment and in support of the committee mark. Our mark is $27 million over the House mark and the administration request for fiscal year 1996. Let us keep in mind we are talking about fiscal year 1996.

Of this amount, $17 million is required just to maintain current services, and $10 million, as was pointed out, is recommended to begin the "Ready To Learn" program.

Keep in mind, Mr. President, that inflation in the communications industry is running very high, much higher than for other goods and services. While Federal funds represent only 16 percent of total public broadcasting revenues in this country, for rural and minority stations the money we appropriate represents a much higher percentage of the revenue.

So this increase of $17 million is necessary in order to maintain current services; that means to keep some of these smaller and more rural stations alive.

Again, keep in mind, these small stations do not have the great fundraising capabilities like some of the larger stations, perhaps, in Washington, DC, and places like that, where they can raise money.

But these small stations do not receive an amount which will enable them to cover the increased cost of operating expenses. Then I think we should all be aware that the result would be that many of the smaller and rural stations would have to close, stations in places like Alaska. In the offerer's own State, I do not know if there are any in Arizona, but in some of the more rural States, these stations would simply not have the wherewithal to continue to operate.

When Congress reauthorized public broadcasting last year, we directed that they expand service to those not now being served by public radio or television each year.

Again, that costs some money. But it was the intention of Congress to broaden public broadcasting to get it into areas that had not been served.

So it does not seem fair, after we directed them to do that in 1 year, that now we turn around and say, "However, we are going to cut your money and not allow the additional funds to be used to do this."

The already existing stations will pay the price if funding is not increased over last year's level. So that is really what we are about here, is fulfilling the mandates that this Congress went on record last year with, and that was to expand public broadcasting in those areas that are not served.

Again, part of the money, as I pointed out, $10 million, on the "Ready To Learn" program, a very important program that the Senator from Mississippi is very interested in and spoke about.

So, again, if the goal is to close some small rural stations, or if you want to cancel or postpone the start of the "Ready To Learn" program, if we want to mandate that public broadcasting do certain things and then say, "However, we are not going to give you any money to do this," then, obviously, I think you should support the amendment offered by the Senator from Arizona.

But, again, if we want to fulfill the mandate of public broadcasting and get the "Ready To Learn" program going and make sure that it fulfills its congressional mandate, then I submit that the $27 million is needed to ensure that the Corporationfor Public Broadcasting is able to meet the mandate of Congress.

I reserve the remainder of the time for the manager of the amendment.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, will the Senator from Hawaii yield me some time?

Mr. McCAIN. Mr. President, I note the presence of the Senator from Massachusetts. I do not think the Senator from Hawaii has much time left. I would be glad to yield him time if he would like to use it.

I yield 4 minutes to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 4 minutes.

Mr. KENNEDY. I thank the Senator from Arizona.

Mr. President, I want to address one program which has been referred to by the Senator from Iowa and also the Senator from Mississippi. The provisions in this bill include funding for the Ready To Learn Act, an important step forward in children's educational television programming.

I think many of us have been concerned for a long period of time about how to reduce both violence on television and also to encourage the networks to devote more resources to the development of children's educational programming. What we have learned through many studies over the years is the power television has to positively impact on the learning and educational development of young children. Constructive and positive children's programming, particularly that targeted to children at the earliest stage of their educational experience, can greatly enhance school readiness. This offers a vital opportunity to impact children who are spending so much time watching television, particularly those neediest children who do not have the kind of parental supervision, Head Start or other kinds of activities that can have a positive educational impact.

It has been a pleasure to work with the Senator from Mississippi on a number of different programs utilizing educational technologies, both in school and preschool "Ready To Learn" Program which we sponsored last year. The Senator from Iowa and other Members here have expressed strong support for these approaches to expanding our tools to deliver quality educational materials to all children.

I think any of us who have seen the star schools program in action, serving children in rural areas and underserved areas with educational programming, have been tremendously impressed with what educational television can offer—particularly at a time when there have been limited resources in many of these school districts.

The Ready To Learn Program was really focused and developed as an opportunity to strengthen children's learning at the earliest opportunity in their educational experience. It is consistent both with President Bush and President Clinton's hope, and the goal put forward by the Governors to ensure every child is ready for school. Over the air broadcasting by public television offers an opportunity to permit the maximum number of children to benefit from educational television programs.

I want to just indicate that I think this is a very modest program which is included in the CPB authorization, but one I believe can be useful and helpful to all children in their preschool years. I am very pleased that the Appropriations Committee has provided funds for it in this year's bill.

I thank my colleague form Arizona for yielding me time on this to make a brief comment.

Mr. President, public broadcasting is one of the great success stories in the Nation. It has been responsible for some of the finest programming on television—presenting important educational and informational programs that are not available in commercial network broadcasting.

Public support for public broadcasting is widespread. It involves partnerships with the private sector, and it also involves individual support, which is generously given through call-in pledges. This impressive support underscores the broad-based national commitment to quality and integrity for which public broadcasting is well-known.

The Corporation for Public Broadcasting annually awards grants to local stations, which is where the programming and editorial decisions are made. This process ensures that stations will be responsive to their viewers and accountable to the communities they service.

Millions of families throughout America have benefited from public broadcasting and many of us would like to see these benefits expanded. But with limited budget resources, the committee bill is generally able to maintain only the current services level of funding for the Corporation for Public Broadcasting. That means a cost-of-living increase from last year's level of funding so that CPB can avoid cutting back on its current services.

The one new program that is funded in this bill is Ready To Learn Television. Ten million dollars of new funds are set aside for this effort which will help public broadcasting stations develop school readiness programs for very young children.

Improved school readiness is one of the six key goals of our education reform efforts. Far too many children who enter school are not ready to learn. To address this critical problem, the Labor and Human Resources Committee approved the Ready To Learn Act last October. It is a bipartisan bill which recognizes that television can be a primary resource in our national effort to increase school readiness. It had the strong support of Senators MITCHELL, DOLE, INOUYE, STEVENS, and COCHRAN, and their support facilitated prompt enactment of the legislation. The Corporation for Public Broadcasting and the individual public broadcasting stations are committed to producing programming that will improve school readiness, and they are able to deliver such programming to the widest possible audience.

I urge my colleagues to reject this effort to reduce funding for the Corporation for Public Broadcasting. Its mission is far too critical and its role is far too essential for Congress to enact such a cut. In particular, the cut would in all probability mean that the Ready To Learn programs will not go forward. Whatever our views in hindsight about the missed opportunity for CPB to have shared in the financial windfall from the success of Barney, it would be a mistake to penalize the Corporation by cutting its funds.

CPB's distinguished record has earned the respect of teachers and parents. It deserves the support of Congress. I urge my colleagues to oppose this amendment and enable the Corporation to continue its important work in children's educational programming.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I ask unanimous consent that Senator MACK be added as a cosponsor of the amendment.

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

Mr. MCCAIN. Mr. President, I had a request for time from Senator GRAMM, the Senator from Texas, who I hope is on his way over. I also understand the leadership was not interested in a vote before 7. So, in the absence of that, I suggest the absence of a quorum with the time to run concurrently.

The PRESIDING OFFICER. Without objection, the time will be divided equally.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. DOLE. Mr. President, many people do not think there is much President Clinton and I agree on. Well, one issue on which we do see eye to eye is providing a responsible level of funding for the Corporation for Public Broadcasting.

When candidate Clinton was asked in a C-SPAN interview if the American taxpayer should spend more money on public television, his answer was, "Oh, I support public television. I don't know that we have to spend more money on it now, we have a pretty vital network of public television."

While both the House and the President asked public broadcasting to live within last year's budget, the Senate Appropriations Committee has given public broadcasting a $27.3 million raise. At the same time, the Senate committee has underfunded the president's investments in Head Start, immunizations, Education Goals 2000, and the School to Work Program.

No doubt about it, Federal funds are difficult to come by these days. The Congress has looked carefully at spending on everything from the supercollider to the honey program. Why should money for public broadcasting escape our oversight? Particularly when CPB boasts in its publication "CPB Today" that, despite the recession, public radio and television entities brought in a record $1.8 billion in income.

LET'S REINVENT PUBLIC BROADCASTING

If there was ever a Government-financed organization that needed to be reinvested it is public broadcasting. Yet, I was disappointed that Vice-President GORE's National Performance Review did not contain a single mention of the Corporation for Public Broadcasting. There is a lot that could be done to make CPB a more cost effective organization.

Many of my colleagues strongly support additional funding to expand public broadcasting to underserved areas. I am all for that, but before writing CPB a big check maybe they need to look at some of the duplication in the system. In the Washington, DC market there are seven CPB-supported public television stations. Even the small city of Bowling Green, KY, receives service from two PBS stations. If we can streamline the Agriculture Extension Service, why can we not take a look at public broadcasting?

AMENDMENT WOULD PROTECT LOCAL STATIONS

Like many in the Senate, I am a strong, long-time supporter of local stations, which often survive on shoestring budgets while the biggest stations command the lion's share of production dollars. I have personally contributed to public broadcasting, and have fought to bring a fair share of available Federal dollars to public stations in Kansas.

To protect funding for local stations this amendment would establish a funding floor of $229 million for these broadcasters—exactly what these stations would receive if we give the full $320 million funding level. By guaranteeing a minimum funding level for local stations, the Senate will force CPB to reduce its bureaucracy and eliminate waste in its own organization.

BARNEYGATE

One revenue source public broadcasting needs to pursue more aggressively is merchandise licensing fees. Take for example, Barney, the smiling purple dinosaur known to millions of America's children who watch the PBS series "Barney & Friends."

Barney is not just a dinosaur—he is a cash cow. According to the "Washington Post", sales of Barney merchandise could reach one-half billion dollars per year, and the licensing fees merchandisers pay for the privilege of making the more than 200 Barney products could be as high as $50 million per year. I do not have any problem with that. From what I understand, "Barney & Friends" is an excellent program, Barney is a lovable character, and more power to his creators for producing jobs and capitalizing on his blockbuster popularity.

What I do have a problem with is the fact that despite putting up $2.25 million between them—much of it tax dollars—to launch "Barney & Friends" last year, the taxpayer-supported Corporation for Public Broadcasting and the Public Broadcasting Service have not seen one dime from Barney merchandise.

The "Parsons Sun" in my State gave CPB this advice:

> There is no reason a grant cannot have a provision for a percentage return on profitable side ventures, should they develop. Networks and private financing would have received a considerable return had they been the ones to provide the up-front money.

I am certain there are many businessmen and women across the country who would love to have the Government put up the money to start a new venture—especially when they learn the Government will have no call on the profits. This system was raised when we last authorized the CPB, we were told it would end, and yet it continues unabated today.

CONGRESSIONAL CALLS FOR REFORM IGNORED

Last year the Senate reauthorized public broadcasting with the Public Telecommunications Act of 1992. One of the stated goals of that act was to increase objectivity and balance programming by the Corporation for Public Broadcasting. The bill specifies that the board of directors of the Corporation shall report to Congress by January 31, 1993 on "Facilitating objectivity and balance in programming of a controversial nature." I have yet to receive a copy of that report.

No doubt about it, problems with balance still remain. The Corporation still has not commissioned a conservative series to balance "Frontline" or "Conversations with Bill Moyer." Last time I checked, a rotating group of conservatives remain on permanent audition for David Gergen's spot on "MacNeil-Lehrer." I would like to see them make a real conservative a permanent member of the MacNeil-Lehrer family.

CONCLUSION

No matter what you may think of the quality or the fairness of CPB programming, the question remains that with so many important unmet needs in this bill—from education for the disadvantaged to childhood immunizations—can we afford to give CPB a huge raise this year? The President has said no, the House has said no, and now I urge the Senate to say no.

There is no question that there is some quality programming on public television, but with the deficit as national issue No. 1, no Federal subsidy can escape reasonable cuts by simply yelling "quality"—that goes for public broadcasting, Defense, farm programs, Congress, the White House, and every other quality program the taxpayers are supporting. It is time for the Corporation for Public Broadcasting to tighten its belt and reinvent itself as a leaner, more efficient organization.

Mr. LEVIN. Mr. President, I will vote against the McCain amendment although I am concerned that the amount in the bill reported by the committee exceeds the amount authorized for the Corporation for Public Broadcasting by $10 million. If the amendment had cut back the amount recommended by the committee by that $10 million instead of the full $27 million in the amendment, I could have supported it. However, I believe that the cut of $27 million in the McCain amendment would have resulted in the dropping of some of the programming for which the Corporation for Public Broadcasting has been justifiably praised.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. McCAIN. Mr. President, I have no further request for time on this side. I yield the remainder of my time on this side.

The PRESIDING OFFICER. The Senator yields his time.

The Senator from Hawaii has 2 minutes and 37 seconds remaining.

Mr. INOUYE. Mr. President, I yield the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to 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.

Mr. SIMPSON. I announce that the Senator from Kansas [Mrs. KASSEBAUM] and the Senator from Indiana [Mr. LUGAR] are necessarily absent.

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

The result was announced—yeas 25, nays 72, as follows:

[Rollcall Vote No. 292 Leg.]

YEAS—25

Bond	Faircloth	Mack
Bradley	Feingold	McCain
Brown	Gramm	McConnell
Coats	Gregg	Nickles
Cohen	Hatch	Pressler
Coverdell	Helms	Smith
Danforth	Hutchison	Wallop
Dole	Kohl	
Dorgan	Lott	

NAYS—72

Akaka	Campbell	Feinstein
Baucus	Chafee	Ford
Bennett	Cochran	Glenn
Biden	Conrad	Gorton
Bingaman	Craig	Graham
Boren	D'Amato	Grassley
Boxer	Daschle	Harkin
Breaux	DeConcini	Hatfield
Bryan	Dodd	Heflin
Bumpers	Domenici	Hollings
Burns	Durenberger	Inouye
Byrd	Exon	Jeffords
Johnston	Mitchell	Roth
Kempthorne	Moseley-Braun	Sarbanes
Kennedy	Moynihan	Sasser
Kerrey	Murkowski	Shelby
Kerry	Murray	Simon
Lautenberg	Nunn	Simpson
Leahy	Packwood	Specter
Levin	Pell	Stevens
Lieberman	Reid	Thurmond
Mathews	Riegle	Warner
Metzenbaum	Robb	Wellstone
Mikulski	Rockefeller	Wofford

NOT VOTING—3

Kassebaum	Lugar	Pryor

So the amendment (No. 974) was rejected.

Mr. INOUYE. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Madam President, I ask unanimous consent that the following be the only floor amendments remaining in order to H.R. 2518, the Labor, HHS appropriations bill; that they be subject to relevant second-degree amendments, if applicable, and that any amendment not offered by noon tomorrow shall no longer be in order. And the amendments listed are an amendment by Senator HELMS regarding Medicaid, an amendment by Senator HELMS regarding Social Security, an amendment by Senator HELMS that is relevant, an amendment by Senator HELMS that is relevant, an amendment by Senator GRAMM of Texas that is relevant, an amendment by Senator D'AMATO regarding civil rights, an amendment by Senator BROWN that is relevant, an amendment by Senator BROWN that is relevant, an amendment by Senator GREGG that is relevant, an amendment by Senator SPECTER that is relevant, an amendment by Senator HATFIELD that is relevant, an amendment by Senator METZENBAUM that is relevant, an amendment by Senator METZENBAUM that is relevant, an amendment by Senator KENNEDY that is relevant, an amendment by Senator BIDEN regarding drugs, an amendment by Senator BYRD that is relevant, an amendment by Senator MURRAY that is relevant, an amendment by Senator MURRAY that is relevant, an amendment by Senator MURRAY that is relevant, an amendment by Senator HARKIN that is relevant, an amendment by Senator HARKIN that is relevant, an amendment by Senator HARKIN in the nature of a managers' amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. MITCHELL. Madam President, I modify my request by making clear that the managers' amendment by Senator HARKIN is in the plural, managers' amendments. There may be more than one.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The 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.

Mr. MITCHELL. Madam President, the managers have advised me that they are prepared to remain in session this evening to consider and debate any amendment which any Senator wishes to offer from among those on the list just incorporated into the agreement just approved.

When we complete action this evening, we will recess until tomorrow morning, and we will be back on this bill at 9:30 tomorrow morning. Any Senator who chooses not to offer his or her amendment this evening would have to do so between 9:30 and noon, thereby, of course, run the risk of not being able to get the amendment up by noon.

So if any Senator wishes to offer an amendment, any Senator may remain here, the managers will stay here as long as it takes to consider these amendments.

I want to make clear that the objective of this is not to foreclose any Senator, but merely to bring this bill to a conclusion in a circumstance which gives every Senator full opportunity to debate the measure, and to offer an amendment. So any Senator who wants to offer an amendment, who is on the list, can stay here. The managers will stay.

There will be no further rollcall votes this evening.

We will complete action on this bill tomorrow and then proceed to one of the other appropriations bills.

I thank my colleagues for their cooperation, the Republican leader, and Senator HARKIN.

Madam President, I yield the floor. 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. HARKIN. 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. HARKIN. Madam President, Senator SPECTER and I are here to either accept or debate any amendments that any Senators have. The list was read. It was agreed to. However, I do not think Senator SPECTER wants to sit here all night. He can speak for himself. I know I do not.

Mr. SPECTER. Madam President, I do want to sit here all night.

Mr. HARKIN. I would just say, Madam President, that if any Senator or staff are listening, we have the agreed upon amendments.

Mr. SPECTER. I concur with what Senator HARKIN has said. We think the 15 minutes would be a reasonable time if any Senator wishes to come over to offer an amendment. We would be delighted to proceed with the bill. In the absence of any such Senator, I see none on the floor now, the odds are substantial that we will not have any, that we would permit the staff and all participants here to return to their other activities, noting that it is 7:30 p.m.

Mr. HARKIN. We will be here about 15 minutes.

Mr. SPECTER. I see unanimous consent evidenced by all the staff members.

Mr. DOMENICI. Madam President, I would like to thank the subcommittee members for their help and responsiveness in identifying the critical issues in this area of jurisdiction and the providing the necessary funding for programs within these tight budgetary limitations.

I would specifically like to thank the subcommittee chairman, Senator HARKIN, and ranking member, Senator SPECTER, for their continued strong leadership on this important bill.

The Senate-reported bill provides $223.3 billion in budget authority and $183.0 billion in new outlays for the Departments of Labor, Health and Services, Education and related agencies for fiscal year 1994. The bill meets committee's 602(b) allocation in budget authority and is under the allocation in outlays by $126.3 million. Domestic discretionary spending totals $65.3 billion in budget authority and $30.0 billion in new outlays. When adjustments are made for advance appropriations, prior year outlays, mandatories and emergency contingency appropriations, the Senate-reported bill totals $263.2 billion in budget authority and $263.4 billion in outlays.

While I may differ with some of my colleagues on some of the funding priorities in this and other appropriation bills, I commend the subcommittee on their collaboration and mutual support for many worthwhile and critical objectives.

For instance, I appreciate the subcommittee's leadership on funding for the mental health budget over the past several years and I appreciate Senator HARKIN's responsiveness again this year.

As a result of the efforts of this subcommittee, it is within the grasp of our medical researchers during this Decade of the Brain to make significant breakthroughs in understanding the brain, identifying the causes of serious mental illness, and developing effective treatments for these devastating illnesses.

By recommending a funding level of $613,444,000, the subcommittee provides a 5.2-percent increase over the fiscal year 1993 level.

While this is an appreciable increase, funding for mental health research is not funded on comparable basis with other severe diseases.

Therefore, I am pleased that the committee has also provided $12 million for the discretionary fund of the Director of the National Institutes of Health to support continued activities in the Decade of the Brain.

This funding underscores the importance of the Decade of the Brain and places a particular emphasis on the two lead Institutes for this project, the National Institute of Mental Health [NIMH] and the National Institute for Neurological Disorders and Stroke [NINDS].

It is important to note that NIMH has only recently been incorporated back into the folds of NIH with the passage of the NIH reauthorization bill earlier this year.

It is my hope that the new NIH Director recognizes the significant contributions of NIMH to the Decade of the Brain and also recognizes the great strides we have made in understanding severe mental illnesses.

The report of the National Advisory Mental Health Council, requested by the subcommittee last year, clearly shows that there are many extremely promising and effective treatments for mental illness, which can be even more effective than routinely reimbursed therapies commonly used for serious physical illnesses.

I am pleased that the committee continues to recognize the importance of providing health insurance coverage for several mental illnesses that is equitable to that provided for other major physical illnesses.

Without this equitable treatment we are seeing many families that do not have the strength or resources to provide adequate care for their loved ones suffering from severe mental illness. We then find that many of these persons add significantly to 700,000 to 1 million homeless persons on the streets of our Nation.

This leads me to another issue that I would like to share with my colleagues in the hope that we may be able to achieve at least a modest increase in our conference with the House appropriators.

Since the enactment of the McKinney Act in 1987, the health care for the homeless projects have received only one cost of living adjustment for basic service—3 percent in 1989.

With our Nation's increasing health care costs, these projects have had no choice but to reduce services for our Nation's most vulnerable population.

I understand the budgetary constraints under which we are operating, but I would ask that flexibility be added to the language appropriating funding to any new homeless programs so that these important primary health care projects can avail themselves to some critical new funding.

Finally, I am very pleased that the committee has provided $10 million in additional funding to the Centers for Disease Control and Prevention [CDC] for infectious disease activities.

This past May, the Four Corners area of New Mexico, Arizona, Colorado, and Utah experienced an outbreak of an unusual respiratory illness resulting in 30 identified cases and 20 deaths.

Fourteen of these cases were identified in New Mexico.

These illnesses have been associated with a previously unrecognized hantavirus which appears to be transmitted through contact with rodents, in particular the deer mouse.

Seventy-five percent of persons confirmed to have been infected with this newly recognized hantavirus have died.

The reaction and cooperation of various State and Federal agencies to combat this disease and provide information to the public has been commendable.

Unfortunately, there is grave concern that the outbreak this past spring was relatively minor and that as the weather turns cooler and rodents begin to seek shelter that we may be confronted with an outbreak of a much larger proportion.

I would be remiss if I did not again share my appreciation with the committee for the $6 million in funding it provided to address the immediate needs of this illness earlier this year on the supplemental appropriations bill.

The CDC has informed the committee, however, that this illness may not only be confined to the Four Corners area and that as many as 50,000 persons throughout the Nation have been diagnosed with symptoms similar to the hantavirus.

I am pleased that CDC will now have ample resources to continue their efforts to combat and prevent any other outbreaks of the hantavirus and I hope that researchers will soon identify a treatment for this mysterious illness.

I would again like to thank the subcommittee chairman and ranking member, as well as the other members of this subcommittee, for addressing these important issues. I urge the passage of the bill.

Mr. HATFIELD. Madam President, I join the chairman of the subcommittee, the distinguished Senator from Iowa, in supporting H.R. 2518, the Labor, HHS and Education appropriations bill for fiscal year 1994 that is before the Senate today. I want to take this opportunity to thank Senators HARKIN and SPECTER, as well as the other members of the subcommittee, for bringing before the Senate such a comprehensive bill under very tight budget constraints.

The bill contains $260.9 billion, including $67 billion for discretionary programs, and encompasses a wide range of services which will benefit the people of this Nation by improving job opportunities, enhancing educational excellence, and advancing medical research and health services. I am particularly pleased with the balance the committee has struck among the varying programs of the subcommittee. It is no easy task to reconcile the competing human service needs facing the chairman and ranking member, and they have done an admirable job. Let me take this opportunity to highlight some of the critical program recommendations of the bill.

DISLOCATED WORKERS

Dislocated workers in Oregon and the Pacific Northwest will benefit from a needed increase in Federal assistance for job retraining. The bill recommends $1.1 billion for title III of the Job Training Partnership Act to assist States and localities in providing retraining assistance to dislocated workers. This is an increase of nearly $500 million over last year. These funds are essential for the Pacific Northwest, which has so many communities facing an uncertain economic future due to changes in Federal environmental policies. Coupled with the increases obtained last year, this additional funding will help promote a rapid expansion of services for dislocated timber workers throughout the Northwest.

BIOMEDICAL RESEARCH

The bill before us today contains $10.9 billion to support the National Institutes of Health. These funds will expand medical research into the causes, treatment and cures of the vast array of diseases, and illnesses, many of which are only beginning to be understood. The funds will provide this Nation not only with enhanced health and health care, but also a strengthened economy and an improved competitive position in the world market.

The President's budget for fiscal year 1994 had recommended reductions in 9 of the 19 institutes and centers of the NIH and included increases only for the institutes which were involved in his targeted investment initiatives, AIDS, TB, breast cancer, women's health, and minority health. The committee, however, did not agree with the proposed cuts. H.R. 2518 instead includes increases of at least 5.2 percent for all the NIH institutes and centers to enable medical research in all the disease areas to move forward. As the Nation moves toward comprehensive health care reform, I believe it is essential that an aggressive medical research program be maintained as a central mechanism for controlling the costs of health care. A cure is the ultimate in cost control and the NIH is the Federal entity which supports this important research.

ALZHEIMER'S DISEASE

For the past several years, I have urged the Senate to embark on a national program to rid this country of the scourge of Alzheimer's disease, a disease that affects 4 million Americans and costs $90 billion annually. I have set an annual goal of $500 million, the amount scientists say is needed for a full scale attack on this dread disease. Funding for research on Alzheimer's disease has nearly doubled since 1990, rising from $146.1 million in 1990 to $291.4 million in 1993. I am pleased to report that this effort is beginning to pay off. Last week, the FDA approved a new drug that will help our efforts to treat, and perhaps reverse, this disease.

The committee again has highlighted research on Alzheimer's disease as one of the top priorities and has called upon the NIH to develop a long-range plan to attack this devastating disorder. The broad objectives of this plan will be to slow the rate of deterioration from Alzheimer's by 5 years over the next 5 years, and by 10 years within the next decade. This is an ambitious goal, but a goal which is essential if we are to begin to reduce the escalating cost of health care in this country.

NATIONAL CENTER FOR SLEEP DISORDERS RESEARCH

More than 40 million Americans are chronically ill with various sleep disorders and the cost in terms of lives, human suffering, and dollars is substantial. In an effort to enhance our understanding of these disorders, the bill includes first-time funding for the National Center for Sleep Disorders Research. This Center, modeled after legislation I introduced earlier this year, was authorized in the recently enacted NIH Revitalization Act of 1993. Located within the National Heart, Lung, and Blood Institute, the Center will complement the sleep-related research currently undertaken by the various NIH institutes, develop new research programs and training initiatives in the field and strive to educate the general public and health care providers about sleep and sleep disorders.

RURAL HEALTH

As we strive to create a national solution to reform the health care system, we must not forget the special needs of our rural communities. Rural health care systems face a number of unique barriers, including an ongoing shortage of doctors, nurses, and other providers, geographic isolation, and an unusually large number of elderly and uninsured patients, as they struggle to provide quality health care to their communities.

During the August recess I chaired a special hearing of the Appropriations Committee in Medford, OR, on rural health care. The hearing examined the existing Federal public health programs serving rural residents and explored how our national investment in health care reform might most effectively meet the needs of rural America. Nearly all of the testimony received stressed the importance to rural communities of Community and Migrant

Health Centers, Rural Health Outreach Grants, the National Health Service Corps, and the Area Health Education Centers Program. The bill before the Senate today, also recognizes the importance of these programs and recommends increases totaling $68 million.

AIDS

Madam President, few could argue with the fact that AIDS, a disease that was virtually unheard of a dozen years ago, continues to plague our society. The bill includes $2.4 billion to continue the strong commitment to research, prevention, and treatment programs to fight this dread disease.

WOMEN AND CHILDREN

One of the most important aspects of the bill before the Senate is the extent to which it enhances our investment in programs serving women, children, and families. Included in the bill is $3.3 billion, an increase of $600 million for Head Start. This is another step toward expanding the program in order to provide Head Start to all eligible children. Within the amount provided, the committee recommendation includes $250,000 for a demonstration program to improve the training of Head Start teachers in the math and sciences. The demonstration is to be modeled after an existing program at Marylhurst College.

To better improve our Nation's immunization record, the bill includes $554.3 million for the Childhood Immunization Program of the Centers for Disease Control. These funds will be used, not only to purchase the necessary vaccines, but to improve local vaccine delivery infrastructures and to implement essential immunization outreach and tracking programs in communities throughout the country.

Also, the bill continues to build upon the committee's commitment to augment funding for domestic violence programs. Just 3 years ago, funding for the Family Violence Program totaled $10.7 million. H.R. 2518 includes $28.6 million for the Family Violence Program, an increase of $4 million over fiscal year 1993. In addition, $10 million is provided to the Centers for Disease Control and Prevention to develop a national program to prevent violence against women.

These are just a few examples of the programs in the bill which serve women and children. Other programs, such as the maternal and child health block grant, the child care block grant, and the women's health study at the National Institutes of Health, continue under the committee's recommendation.

HUMAN SERVICES

The bill also includes additional funds for services to some of the most vulnerable members of our society. A total of $390 million is recommended for the Community Services Block Grant Program, an increase of $18 million over last year. These funds will assist over 900 community action agencies in providing a wide array of services to assist low-income individuals in becoming self-sufficient and to alleviate the causes of poverty in their communities.

Increased funding is also recommended for the domestic refugee resettlement programs of the Department. These programs provide critical resources to States, voluntary agencies, and mutual assistance associations to help refugees become self-supporting productive members of society. Refugees face substantial language and cultural barriers when they resettle in this country. The delivery of subsistence, medical, and employment services within the first 12 months of arrival is essential for effective resettlement.

EDUCATION

Madam President, I believe that our hopes for maintaining our leadership role in the global market and our requirements for economic growth hinge upon our education system. It is not enough to provide tax incentives for investments in plant and equipment. We must also be willing to invest in human minds as well. We must continue to provide our children with the educational opportunities and technologies to help them meet world class standards. H.R. 2518 includes a total of $28.7 million to help States, local education agencies, colleges, universities, and other education entities in educating our Nation's students. This is $858.1 million above the amount provided in fiscal year 1993 and is an important investment in the future of this country.

For several years now, I have worked with the chairman and ranking members of the Labor, HHS and Education appropriations subcommittee to improve the skills of our Nation's students in math and sciences. The fruit of this effort has yielded important results. Funding for the Eisenhower Mathematics and Science Education programs has more than doubled between 1990 and 1993. For fiscal year 1994, the bill includes $283.7 million for the math-science education programs, an increase of $8 million above the previous year.

URBAN GRANTS

Madam President, many of the urban universities across this Nation play an important role in contributing to the needs and priorities of the cities in which they are located. To help these universities in their efforts, this bill contains $11 million, an increase of $1.5 million over the fiscal year 1993 level, for the Department of Education's Urban Grants Program. This program supports grants to urban universities to encourage community involvement in solving education, health, crime and economic development problems of their particular urban area.

COMMISSION ON SOCIAL SECURITY NOTCH

Finally, the bill contains $1.8 million to fund the Commission on Social Security Notch. This special Commission will examine the notch controversy; whether there are inequities in the treatment of Social Security beneficiaries born in different years; whether legislative action should be taken to correct any inequities; and the effect of any such legislation on the Social Security Trust Fund. It is my hope, that this Commission will lay the foundation for a consensus on this complex issue so that Congress can act accordingly.

In closing, Madam President, I again want to thank the distinguished chairman and ranking member of the subcommittee, Mr. HARKIN and Mr. SPECTER, for their cooperation and support.

Mr. HARKIN. 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. PRESSLER. 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. PRESSLER. Madam President, I ask unanimous consent that I be able to proceed as in morning business for 5 minutes.

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

PRESIDENT CLINTON'S ADDRESS TO THE UNITED NATIONS

Mr. PRESSLER. Madam President, yesterday I had a wonderful experience. I accompanied the President and Mrs. Clinton to New York to hear his address to the 48th session of the U.N. General Assembly. And although we are of opposite parties, I want to say that the President made an excellent speech and represented the United States proudly at the United Nations.

I was pleased to be in attendance to witness President Bill Clinton give his first address to the U.N. General Assembly. After his speech, I had the opportunity to personally congratulate the President for a most impressive speech. I want to take a moment today to again express my congratulations to the President.

I have heard a number of Presidential speeches at the United Nations, and I found President Clinton's address to be one of the very best I had ever heard.

In his address, the President rightly recognized that the world has changed in the face of the post-cold-war political and economic realities. So, too, must the United Nations.

One reality is the rise of economic integration, entrepreneurship, and market liberalization. Yes, we live in uncertain times, but the prospects for worldwide economic growth have never

been greater. I commend President Clinton for articulating our Nation's commitment to worldwide market liberalization. He stated that global market liberalization furthers our national security and the economic goals.

Another post-cold-war reality is the fact that the world's economic pie is growing, and the growth is felt in markets from Singapore to Sioux Falls. As a result, more nations are capable of bearing more of the financial commitment to the United Nations. I commend President Clinton for calling on the United Nations to reform the U.N. assessment system. This system has not changed since 1973—a time when the United States was a vastly superior economic power. Today, the United States remains a wealthy nation, but she no longer stands alone. The world's economic wealth is spread over a community of nations—a community that continues to grow. The U.N. assessment system needs to be restructured to reflect these changes.

I also wish to commend the President for recognizing the need to reform the United Nations. The President correctly described our Nation's dual role to the United Nations as "first friend and first critic." I could not agree more. I, too, support the United Nations. I believe in the mission of the United Nations. However, there are those within the United Nations who have tarnished the integrity, the reputation, and the mission of the United Nations through acts of waste, fraud, abuse, and thievery.

And there are those within the U.N. leadership who undermine the effectiveness of the United Nations by doing nothing more than pay lipservice to the cause of U.N. reform.

I applaud President Clinton for calling on the United Nations to establish a permanent, independent Office of Inspector General before the General Assembly completes its business within the year. As my colleagues know, I have been calling for the creation of a tough, independent inspector general for some time now. As a former congressional delegate to the United Nations, I have seen unforgivable examples of U.N. waste, fraud, and abuse. Through growing media interest, including a recent report on "60 Minutes," the American people are beginning to question the integrity of the U.N. leadership. I commend the President for recognizing the urgency for U.N. reform and specifically, the need for an independent inspector general. I also commend the President for calling on the U.N. leadership to take a long and critical look at how it fulfills its many missions, and seek ways to cut costs and the size of the massive U.N. bureaucracy. President Clinton's challenge to the United Nations is dramatically clear: It is time for the United Nations to police itself.

Madam President, I urge my colleagues to take a moment to review President Clinton's address to the U.N. General Assembly. I believe the President articulated a sound and clear set of principles for the United Nations. These principles begin and end with U.N. responsibility—the responsibility to adapt to changing times, the responsibility to recognize the range and limitations of its resources, and the responsibility to look within itself and root out corrupting influences. President Clinton yesterday demonstrated to the world the American people's commitment to the mission and the vision of the United Nations.

Madam President, it has been my pleasure to twice have served as a delegate to the United Nations from the Senate in 1980 and again last year. Each time I have been there, I have served on the Administration and Budget Committee. Not many people who go to the United Nations want to serve on the Administration and Budget Committee. It is a committee where all the U.N.'s financial decisions are made.

I have felt strongly that our delegation to the United Nations needs to pay more attention to U.N. management because, as the "60 Minutes" program pointed out, there are many countries in this world that look upon government service as a chance to gain things for themselves or for their friends in the home country and not as a chance to serve the people of their country or the people of this world.

There are many hardworking, decent people in the United Nations. I support the United Nations. In fact, I was a member of the Minnehaha County U.N. Association back in the 1960's.

I want the United Nations to work. I want the United Nations to be able to deliver food and humanitarian supplies to Somalia, to keep the United States from having to take the lead. I want the United Nations to be able to carry out its missions without the United States having to pay for everything.

So, it was a great pleasure yesterday, to hear the President say that the assessments imposed on the United States are too high. He said it in front of the whole General Assembly. I tried to get the Bush administration to say that for several years without success. The present assessments on the United States are simply unfair. We pay 26 percent of the permanent cost and we pay 37 percent of the peacekeeping costs. That is the most of any country in the world.

Those assessment levels were set in 1973. Since that time, countries in Europe and Asia have advanced economically and, as the President pointed out, there should be a new level of assessment. I was very pleased the President of the United States took a stand on this issue in front of the whole General Assembly. We can have a very successful United Nations. We can keep our taxpayers supporting the United Nations if it has an independent inspector general, and if our assessment levels reflect current realities is. Our taxpayers will not tolerate continued fraud and abuse in the United Nations.

There have been many examples of this cited by the United Nation's own auditors, but because Secretary General Boutros Boutros-Ghali is supported strongly by the Third World countries, he is very reluctant to address reform because most of these problems occur there. I am not in any way picking on the Third World, but I am saying there should be a professional civil service within the United Nations like our own civil service. They should not be appointed regionally by the buddies of the Presidents of the various countries.

We also have to recognize how the United Nations is made up. Most countries in the United Nations are not democracies. Most countries, in fact are kleptocracies as defined by our own State Department, where the leaders of the countries are dictatorships and they steal from their own people. They have their own people going to the United Nations with the same intention.

So those are some problems we have. We need a centralized purchasing system in the United Nations where there is a professional competitive bidding system.

We have read about hundreds of vans in Cambodia that were purchased and never used. Some were stolen. In the former Yugoslavia, U.N. supplies are sent but disappeared from the warehouses overnight. The excuse is given that those opposed to the United Nations stole them. And the next day they showed up on the black market.

Time after time we are told of the many abuses and fraud in the United Nations. The time has come for the United Nations to appoint an independent inspector general, and President Clinton stood up in the United Nations and said that.

As a Republican who has been critical of some of President Clinton's programs, and not on a personal basis, I want to praise the President of the United States. He did an excellent job yesterday and gave a wonderful speech at the United Nations. Mr. President, I ask unanimous consent that President Clinton's address before the 48th United Nations General Assembly be printed in the RECORD at this point.

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

ADDRESS BY THE PRESIDENT TO THE 48TH SESSION OF THE UNITED NATIONS GENERAL ASSEMBLY

Thank you very much. Mr. President, let me first congratulate you on your election as President of this General Assembly.

Mr. Secretary General, distinguished delegates and guests, it is a great honor for me to address you and to stand in this great Chamber which symbolizes so much of the

20th century—its darkest crises and its brightest aspirations.

I come before you as the first American President born after the founding of the United Nations. Like most of the people in the world today, I was not even alive during the convulsive World War that convinced humankind of the need for this organization; nor during the San Francisco Conference that led to its birth. Yet I have followed the work of the United Nations throughout my life, with admiration for its accomplishments, with sadness for its failures, and conviction that through common effort our generation can take the bold steps needed to redeem the mission entrusted to the U.N. 48 years ago.

I pledge to you that my nation remains committed to helping make the U.N.'s vision a reality. The start of this General Assembly offers us an opportunity to take stock of where we are, as common shareholders in the progress of humankind and in the preservation of our planet.

It is clear that we live at a turning point in human history. Immense and promising changes seem to wash over us every day. The Cold War is over. The world is no longer divided into two armed and angry camps. Dozens of new democracies have been born.

It is a moment of miracles. We see Nelson Mandela stand side by side with President de Klerk, proclaiming a date for South Africa's first nonracial election. We see Russia's first popularly-elected President, Boris Yeltsin, leading his nation on its bold democratic journey. We have seen decades of deadlock shattered in the Middle East, as the Prime Minister of Israel and the Chairman of the Palestine Liberation Organization reached past enmity and suspicion to shake each other's hands and exhilarate the entire world with the hope of peace.

We have begun to see the doomsday welcome of nuclear annihilation dismantled and destroyed. Thirty-two years ago, President Kennedy warned this Chamber that humanity lived under a nuclear sword of Damocles that hung by the slenderest of threads. Now the United States is working with Russia, Ukraine, Belarus and others to take that sword down, to lock it away in a secure vault where we hope and pray it will remain forever.

It is a new era in this hall as well. The superpower standoff that for so long stymied the United Nations' work almost from its first day has now yielded to a new promise of practical cooperation. Yet today we must all admit that there are two powerful tendencies working from opposite directions to challenge the authority of nation states everywhere and to undermine the authority of nation states to work together.

From beyond nations, economic and technological forces all over the globe are compelling the world towards integration. These forces are fueling a welcome explosion of entrepreneurship and political liberalization. But they also threaten to destroy the insularity and independence of national economies, quickening the pace of change and making many of our people feel more insecure.

At the same time, from within nations, the resurgent aspirations of ethnic and religious groups challenge governments on terms that traditional nation states cannot easily accommodate.

These twin forces lie at the heart of the challenges not only to our national government, but also to all our international institutions. They require all of us in this room to find new ways to work together more effectively in pursuit of our national interests and to think anew about whether our institutions of international cooperation are adequate to this moment.

Thus, as we marvel at this era's promise of new peace, we must also recognize that serious threats remain. Bloody ethnic, religious and civil wars rage from Angola to the Caucasus to Kashmir. As weapons of mass destruction fall into more hands, even small conflicts can threaten to take on murderous proportions. Hunger and disease continue to take a tragic toll, especially among the world's children. The malignant neglect of our global environment threatens our children's health and their very security.

The repression of conscience continues in too many nations. And terrorism, which has taken so many innocent lives, assumes a horrifying immediacy for us here when militant fanatics bombed the World Trade Center and planned to attack even this very hall of peace.

Let me assure you, whether the fathers of those crimes or the mass murderers who bombed Pan Am Flight 103, my government is determined to see that such terrorists are brought to justice. (Applause.)

At this moment of panoramic change, of vast opportunities and troubling threats, we must all ask ourselves what we can do and what we should do as a community of nations. We must once again dare to dream of what might be, for our dreams may be within our reach. For that to happen, we must all be willing to honestly confront the challenges of the broader world. That has never been easy.

When this organization was founded 48 years ago, the world's nations stood devastated by war or exhausted by its expense. There was little appetite for cooperative efforts among nations. Most people simply wanted to get on with their lives. But a farsighted generation of leaders from the United States and elsewhere rallied the world. Their effort built the institutions of postwar security and prosperity.

We are at a similar moment today. The momentum of the Cold War no longer propels us in our daily actions. And with daunting economic and political pressures upon almost every nation represented in this room, many of us are turning to focus greater attention and energy on our domestic needs and problems. And we must. But putting each of our economic houses in order cannot mean that we shut our windows to the world. The pursuit of self-renewal, and many of the world's largest and most powerful economies—in Europe, in Japan, in North America—is absolutely crucial because unless the great industrial nations can recapture their robust economic growth, the global economy will languish.

Yet, the industrial nations also need growth elsewhere in order to lift their own. Indeed, prosperity in each of our nations and regions also depends upon active and responsible engagement in a host of shared concerns.

For example, a thriving and democratic Russia not only makes the world safer, it also can help to expand the world's economy. A strong GATT agreement will create millions of jobs worldwide. Peace in the Middle East, buttressed as it should be by the repeal of outdated U.N. resolutions, can help to unleash that region's great economic potential and calm a perpetual source of tension in global affairs. And the growing economic power of China, coupled with greater political openness, could bring enormous benefits to all of Asia and to the rest of the world.

We must help our publics to understand this distinction: Domestic renewal is an overdue tonic. But isolationism and protectionism are still poison. We must inspire our people to look beyond their immediate fears toward a broader horizon.

Let me start by being clear about where the United States stands. The United States occupies a unique position in world affairs today. We recognize that and we welcome it. Yet, with the Cold War over, I know many people ask whether the United States plans to retreat or remain active in the world; and if active, to what end. Many people are asking that in our own country as well. Let me answer that question as clearly and plainly as I can.

The United States intends to remain engaged and to lead. We cannot solve every problem, but we must and will serve as a fulcrum for change and a pivot point for peace.

In a new era of peril and opportunity, our overriding purpose must be to expand and strengthen the world's community of market-based democracies. During the Cold War we sought to contain a threat to survival of free institutions. Now we seek to enlarge the circle of nations that live under those free institutions.

For our dream is of a day when the opinions and energies of every person in the world will be given full expression, in a world of thriving democracies that cooperate with each other and live in peace.

With this statement, I do not mean to announce some crusade to force our way of life and doing things on others, or to replicate our institutions, but we now know clearly that throughout the world, from Poland to Eritrea, from Guatemala to South Korea, there is an enormous yearning among people who wish to be the masters of their own economic and political lives. Where it matters most and where we can make the greatest difference, we will, therefore, patiently and firmly align ourselves with that yearning.

Today, there are still those who claim that democracy is simply not applicable to many cultures, and that its recent expansion is an aberration, an accident, in history that will soon fade away. But I agree with President Roosevelt, who once said, "The democratic aspiration is no mere recent phase of human history. It is human history."

We will work to strengthen the free market democracies, by revitalizing our economy here at home, by opening world trade through the GATT, the North American Free Trade Agreement and other accords, and by updating our sharedinstitutions, asking with you and answering the hard questions about whether they are adequate to the present challenges.

We will support the consolidation of market democracy where it is taking new root, as in the states of the former Soviet Union and all over Latin America. And we seek to foster the practices of good government that distribute the benefits of democracy and economic growth fairly to all people.

We will work to reduce the threat from regimes that are hostile to democracies and to support liberalization of nondemocratic states when they are willing to live in peace with the rest of us.

As a country that has over 150 different racial, ethnic and religious groups within our borders, our policy is and must be rooted in a profound respect for all the world's religions and cultures. But we must oppose everywhere extremism that produces terrorism and hate.

And we must pursue our humanitarian goal of reducing suffering, fostering sustainable

development, and improving the health and living conditions, particularly for our world's children.

On efforts from export control to trade agreements to peace keeping, we will often work in partnership with others and through multilateral institutions such as the United Nations. It is in our national interest to do so. But we must not hesitate to act unilaterally when there is a threat to our core interests or to those of our allies.

The United States believes that an expanded community of market democracies not only serves our own security interests, it also advances the goals enshrined in this body's charter and its Universal Declaration of Human Rights. For broadly-based prosperity is clearly the strongest form of preventive diplomacy. And the habits of democracy are the habits of peace.

Democracy is rooted in compromise, not conquest. It rewards tolerance, not hatred. Democracies rarely wage war on one another. They make more reliable partners in trade, in diplomacy, and in the stewardship of our global environment. In democracies with the rule of law and respect for political, religious, and cultural minorities are more responsive to their own people and to the protection of human rights.

But as we work toward this vision we must confront the storm clouds that may overwhelm our work and darken the march toward freedom. If we do not stem the proliferation of the world's deadliest weapons, no democracy can feel secure. If we do not strengthen the capacity to resolve conflict among and within nations, those conflicts will smother the birth of free institutions, threaten the development of entire regions, and continue to take innocent lives.

If we do not nurture our people and our planet through sustainable development, we will deepen conflict and waste the very wonders that make our efforts worth doing.

Let me talk more about what I believe we must do in each of these three categories: nonproliferation, conflict resolution, and sustainable development.

One of our most urgent priorities must be attacking the proliferation of weapons of mass destruction, whether they are nuclear, chemical, or biological; and the ballistic missiles that can rain them down on populations hundreds of miles away.

We know this is not an idle problem. All of us are still hunted by the pictures of Kurdish women and children cut down by poison gas. We saw Scud missiles dropped during the Gulf War that would have been far graver in their consequence if they had carried nuclear weapons. And we know that many nations still believe it is in their interest to develop weapons of mass destruction or to sell them or the necessary technologies to others for financial gain.

More than a score of nations likely possess such weapons, and their number threatens to grow. These weapons destabilize entire regions. They could turn a local conflict into a global human and environmental catastrophe. We simply have got to find ways to control these weapons and to reduce the number of states that possess them by supporting and strengthening the IAEA and by taking other necessary measures.

I have made nonproliferation one of our nation's highest priorities. We intend to weave it more deeply into the fabric of all of our relationships with the world's nations and institutions. We seek to build a world of increasing pressures for nonproliferation, but increasingly open trade and technology for those states that live by accepted international rules.

Today, let me describe several new policies that our government will pursue to stem proliferation. We will pursue new steps to control the materials for nuclear weapons. Growing global stockpiles of plutonium and highly enriched uranium are raising the danger of nuclear terrorism for all nations. We will press for an international agreement that would ban production of these materials for weapons forever.

As we reduce our nuclear stockpiles, the United States has also begun negotiations toward a comprehensive ban on nuclear testing. This summer I declared that to facilitate these negotiations, our nation would suspend our testing if all other nuclear states would do the same. Today, in the face of disturbing signs, I renew my call on the nuclear states to abide by that moratorium as we negotiate to stop nuclear testing for all time.

I am also proposing new efforts to fight the proliferation of biological and chemical weapons. Today, only a handful of nations has ratified the Chemical Weapons Convention. I call on all nations, including my own, to ratify this accord quickly so that it may enter into force by January 13th, 1995.

We will also seek to strengthen the biological weapons convention by making every nation's biological activities and facilities open to more international students. I am proposing as well new steps to thwart the proliferation of ballistic missiles. Recently, working with Russia, Argentina, Hungary and South Africa, we have made significant progress toward that goal. Now, we will seek to strengthen the principles of the Missile Technology Control Regime by transforming it from an agreement on technology transfer among just 23 nations to a set of rules that can command universal adherence.

We will also reform our own system of export controls in the United States to reflect the realities of the post-Cold War world, where we seek to enlist the support of our former adversaries in the battle against proliferation.

At the same time that we stop deadly technologies from falling into the wrong hands, we will work with our partners to remove outdated controls that unfairly burden legitimate commerce and unduly restrain growth and opportunity all over the world.

As we work to keep the world's most destructive weapons out of conflict, we must also strengthen the international community's ability to address those conflicts themselves. For as we all now know so painfully, the end of the Cold War did not bring us to the millennium of peace. And, indeed, it simply removed the lid from many cauldrons of ethnic, religious, and territorial animosity.

The philosopher, Isaiah Berlin, has said that a wounded nationalism is like a bent twig forced down so severely that when released it lashes back with fury. The world today is thick with both bent and recoiling twigs of wounded communal identities.

This scourge of bitter conflict has placed high demands on United Nations peacekeeping forces. Frequently the blue helmets have worked wonders. In Namibia, El Salvador, the Golan Heights and elsewhere, U.N. peacekeepers have helped to stop the fighting, restore civil authority, and enable free elections.

In Bosnia, U.N peacekeepers, against the anger and frustration of that continuing tragedy, has maintained a valiant humanitarian effort. And if the parties of that conflict take the hard steps needed to make a real peace, the international community including the United States must be ready to help in its effective implementation.

In Somalia, the United States and the United Nations have worked together to achieve a stunning humanitarian rescue, saving literally hundreds of thousands of lives and restoring the conditions of security for almost the entire country. U.N. peacekeepers from over two dozen nations remain in Somalia today. And some, including brave Americans, have lost their lives to ensure that we complete our mission, and to ensure that anarchy and starvation do not return just as quickly as they were abolished.

Many still criticize U.N. peacekeeping, but those who do should talk to the people of Cambodia, where the U.N.'s operations have helped to turn the killing fields into fertile soil through reconciliation. Last May's elections in Cambodia marked a proud accomplishment for that war-weary nation and for the United Nations. And I am pleased to announce that the United States has recognized Cambodia's new government.

U.N. peacekeeping holds the promise to resolve many of this area's conflicts. The reason we have supported such missions is not, as some critics in the United States have charged, to subcontract American foreign policy, but to strengthen our security, protect our interests, and to share among nations the costs and effort of pursuing peace. Peacekeeping cannot be a substitute for our own national defense efforts, but it can strongly supplement them.

Today, there is wide recognition that the U.N. peacekeeping ability has not kept pace with the rising responsibilities and challenges. Just six years ago, about 10,000 U.N. peacekeepers were stationed around the world. Today, the U.N. has some 80,000 deployed in 17 operations on four continents. Yet, until recently, if a peacekeeping commander called in from across the globe when it was nighttime here in New York, there was no one in the peacekeeping office even to answer the call. When lives are on the line, you cannot let the reach of the U.N. exceed its grasp.

As the Secretary General and others have argued, i.e. if U.N. peacekeeping is to be a sound security investment for our nation and for other U.N. members, it must adapt to new times. Together we must prepare U.N. peacekeeping for the 21st century. We need to begin by bringing the rigors of military and political analysis to every U.N. peace mission.

In recent weeks in the Security Council, our nation has begun asking harder questions about proposals for new peacemaking missions: Is there a real threat to international peace. Does the proposed mission have clear objectives? Can an end point be identified for those who will be asked to participate? How much will the mission cost? From now on, the United Nations should address these and other hard questions for every proposed mission before we vote and before the mission begins.

The United Nations simply cannot become engaged in every one of the world's conflicts. If the American people are to say yes to U.N. peacekeeping, the United Nations must know when to say no. The United Nations must also have the technical means to run a modern world-class peacekeeping operation.

We support the creation of a genuine U.N. peacekeeping headquarters with a planning staff, with access to timely intelligence, with a logistics unit that can be deployed on a moment's notice, and a modern operations center with global communications.

And the U.N.'s operations must not only be adequately funded, but also fairly funded.

Within the next few weeks, the United States will be current in our peacekeeping bills. I have worked hard with the Congress to get this done. I believe the United States should lead the way in being timely in its payments, and I will work to continue to see that we pay our bills in full. But I am also committed to work with the United Nations to reduce our nation's assessment for these missions.

The assessment system has not been changed since 1973. And everyone in our country knows that the percentage of the world's economic pie is not as great as it was then. Therefore, I believe our rates should be reduced to reflect the rise of other nations that can now bear more of the financial burden. That will make it easier for me as President to make sure we pay in a timely and full fashion.

Changes in the U.N.'s peacekeeping operations must be part of an even broader program of United Nations reform. I say that again not to criticize the United Nations, but to help to improve it. As our Ambassador Madeleine Albright has suggested, the United States has always played a twin role to the U.N.—first friend and first critic.

Today corporations all around the world are finding ways to move from the Industrial Age to the Information Age, improving service, reducing bureaucracy and cutting costs. Here in the United States, our Vice President Al Gore and I have launched an effort to literally reinvent how our government operates. We see this going on in other governments around the world. Now the time has come to reinvent the way the United Nations operates as well.

I applaud the initial steps the Secretary General has taken to reduce and to reform the United Nations bureaucracy. Now, we must all do even more to root out waste. Before this General Assembly is over, let us establish a strong mandate for an Office of Inspector General so that it can attain a reputation for toughness, for integrity, for effectiveness. Let us build new confidence among our people that the United Nations is changing with the needs of our times.

Ultimately, the key for reforming the United Nations, as in reforming our own government, is to remember why we are here and whom we serve. It is wise to recall that the first words of the U.N. Charter are not "We, the government," but, "We, the people of the United Nations." That means in every country the teachers, the workers, the farmers, the professionals, the fathers, the mothers, the children, from the most remote village in the world to the largest metropolis, they are why we gather in this great hall. It is their futures that are at risk when we act or fail to act. It is they who ultimately pay our bills.

As we dream new dreams in this age when miracles now seem possible, let us focus on the lives of those people, and especially on the children who will inherit this world. Let us work with a new urgency, and imagine what kind of world we could create for them in the coming generations.

Let us work with new energy to protest the world's people from torture and repression. As Secretary of State Christopher stressed at the recent Vienna Conference, human rights are not something conditional, founded by culture, but rather something universal granted by God. This General Assembly should create at long last, a high commissioner for human rights. I hope you will do it soon and with vigor and energy and conviction.

Let us also work far more ambitiously to fulfill our obligations as custodians of this planet, not only to improve the quality of life for our citizens and the quality of our air and water and the Earth itself, but also because the roots of conflict are so often entangled with the roots of environmental neglect and the calamity of famine and disease.

During the course of our campaign in the United States last year, Vice President Gore and I promised the American people major changes in our nation's policy toward the global environment. Those were promises to keep, and today the United States is doing so.

Today we are working with other nations to build on the promising work of the U.N.'s Commission on Sustainable Development. We are working to make sure that all nations meet their commitments under the Global Climate Convention. We are seeking to complete negotiations on an accord to prevent the world's deserts from further expansion. And we seek to strengthen the World's Health Organization's efforts to combat the plague of AIDS, which is not only killing millions, but also exhausting the resources of nations that can least afford it.

Let us make a new commitment to the world's children. It is tragic enough that 1.5 million children died as a result of wars over the past decade. But it is far more unforgivable that in that same period, 40 million children died from diseases completely preventable with simple vaccines or medicine. Every day—this day, as we meet here—over 30,000 of the world's children will die of malnutrition and disease.

Our UNICEF Director, Jim Grant, has reminded me that each of those children had a name and a nationality, a family, a personality, and a potential. We are compelled to do better by the world's children. Just as our own nation has launched new reforms to ensure that every child has adequate health care, we must do more to get basic vaccines and other treatment for curable diseases to children all over the world. It's the best investment we'll ever make.

We can find new ways to ensure that every child grows up with clean drinkable water, that most precious commodity of life itself. And the U.N. can work even harder to ensure that each child has at least a full primary eduction—and I mean that opportunity for girls as well as boys.

And to ensure a healthier and more abundant world, we simply must slow the world's explosive growth in population. We cannot afford to see the human waste doubled by the middle of the next century. Our nation has, at least, renewed its commitment to work with the United Nations to expand the availability of the world's family planning education and services. We must ensure that there is a place at the table for every one of our world's children. And we can do it.

At the birth of this organization 48 years ago, another time of both victory and danger, a generation of gifted leaders from many nations stepped forward to organize the world's efforts on behalf of security and prosperity. One American leader during that period said this: "It is time we steered by the stars rather than by the light of each passing ship." His generation picked peace, human dignity and freedom. Those are good stars, the should remain the highest in our own firmament.

Now history has granted to us a moment of even greater opportunity when old dangers and old walls are crumbling, future generations will judge us, every one of us, above all, by what we make of this magic moment. Let us resolve that we will dream larger, that we will work harder so that they can conclude that we did not merely turn walls to rubble, but instead laid the foundation for great things to come.

Let us ensure that the tide of freedom and democracy is not pushed back by the fierce winds of ethnic hatred. Let us ensure that the world's most dangerous weapons are safely reduced and denied to dangerous hands. Let us ensure that the world we pass to our children is healthier, safer and more abundant than the one we inhabit today.

I believe—I know—that together we can extend this moment of miracles into an age of great work and new wonders. Thank you very much.

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

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

MORNING BUSINESS

Mr. WOFFORD. Madam President, I ask unanimous consent that there be a period for morning business, with Senators permitted to speak therein for up to 5 minutes.

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

SENATOR QUENTIN BURDICK

Mr. DECONCINI. Madam President, I was unable to come to the floor on September 24 when I was tied up in a conference all that day. I wanted to come here and participate in the discussion that was held regarding Roll Call's story insinuating that the former senior Senator from North Dakota, Senator Burdick, may have been a Communist sympathizer.

Everyone who had the good fortune to serve with Senator Burdick knows that nothing could be further from the truth. And Roll Call knows that their article is not true. Shame on you Roll Call. Shame. Shame. Shame.

Senator Burdick was one of the most decent, hardworking, and patriotic individuals I have ever known. When I first came to the Senate, I succeeded Senator Burdick as chairman of the Judiciary Subcommittee on Improvements in Judicial Machinery or the courts subcommittee. Needless to say, I needed help. Senator Burdick generously took the time to advise me on the workings of the Judiciary Committee and to brief me thoroughly on the critical issues the subcommittee would be addressing. He was totally unselfish with his time and advice. He was a marvelous mentor and, in no small measure he was responsible for the success of my subcommittee in enacting monumental pieces of legislation such as the Bankruptcy Reform Act of 1979

which brought to a conclusion the efforts begun nearly a decade before by the esteemed Senator, Senator Burdick. Senator Burdick was not only deeply admired and revered by me, but by every Member of this body. More important still, he was deeply loved by the citizens of North Dakota who sent him to represent them in Congress for more than 30 years.

Why would Roll Call stoop so low as to attack by innuendo through old FBI files the good name of a deceased Senator? For sensationalism, pure and simple. The Roll Call article was not reporting, it was muckraking at its worst. All of us know that the way the FBI operated in those days was certainly questionable. Its spying and scare tactics and political overtones represent a low point in law enforcement which I hope will never be repeated. The Roll Call article has no place in professional journalism. It is disgusting, even more so since Senator Burdick does not have the ability to fight back. We in this Chamber have a responsibility to take up his cause, and, I am glad to do it with my other colleagues.

I thought red baiting died with the McCarthy era. Apparently not. It appears that Roll Call has decided to pick up the cause of character assassination and guilt by association which pervaded one of the sorriest eras in American history. If so, I hope the Senate will have the guts to fight back each and every time such despicable articles appear. The article on Senator Burdick is utter trash and deserves to be exposed as such. It is journalism at its very worst. Roll Call's tampering with the truth deserves every word of the condemnation it has received on the floor of this Senate. At the very least, Roll Call owes Senator Burdick's family an unequivocal apology.

TRIBUTE TO BRAD DAVIS

Mr. LIEBERMAN. Madam President, I rise today to give credit to a legend that is almost as much a part of Connecticut history as the Charter Oak tree. I am talking about Brad Davis, of WDRC radio in Bloomfield, CT. On Monday Brad celebrated his 35th anniversary in broadcasting—a feat that is seldom reached in this age of fast-paced technology and fast-moving media personalities. But Brad survives because he has a unique capacity for knowing his listeners and he delivers for them. He is truly a man of, by, and for the people—especially those great people in Brad's listening audience. Like "Arnie's Army," they are as loyal to him as he is to them.

Brad Davis is also a success on radio because he is a man of conviction and integrity. In this day and age of when advertising is king on the radio, Brad Davis has the guts to say no to a product endorsement he does not believe in. His folksy, honest endorsements have made him a pitchman right up there with the likes of Paul Harvey and that other great legend of Connecticut radio, Bob Steele. He knows his products. He knows his audience. And he knows what he believes in.

Madam President, as further evidence of the voice and personality which makes Brad Davis truly one of a kind, I would like to insert a copy of an article from Monday's Hartford Courant which gives a biographical look at this wonderful man. Keep up the good work, Brad. We will be listening.

The article follows:

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

[From the Hartford (CT) Courant, Sept. 27, 1993]

A DAVIS ANNIVERSARY: HE'S STILL PITCHING AFTER 35 YEARS

(By John Lender)

On this date 35 years ago, Dwight Eisenhower was president, pitcher Whitey Ford symbolized the dominance of the Yankees and Brad Davis began his Connecticut broadcasting career.

That was long ago, when television and rock "n" roll were still new, Eisenhower and the Yankee's dominance are memories, but at 5 a.m. today, Davis, now 59, should be on the air, as he is six mornings a week—on WDRC-AM (1360) in Bloomfield.

He'll be talking about current events (which lately means complaining about Hartford's administration), playing records and, as ever, endorsing his advertisers' products with a fervency approaching prayer.

Whitey Ford never pitched harder than Davis. He's from the old, read-the-script yourself school of personal endorsements. Listen to him, and you'll hear there's no better car dealer than Enfield Ford; there's no better refreshment than Snapple drinks; and as for windows, well, forget about any dealer other than Finman Windows in Farmington.

Like him or not, Davis has achieved an undeniable celebrity that gets him hailed from passing cars whenever he's on a Hartford sidewalk. Davis won't say what he's paid, but he's well off enough to own two houses in Bloomfield and a condo in Miami—with no mortgage loans.

The way this all started, Davis says, was "a fluke. I never planned this as a profession, never had any training, never went to school for it."

Some of his critics probably would believe that. "There are a lot of people who just can't stand me," Davis acknowledges, "because I say things that sometimes a lot of people don't agree with. . . . You like me or you don't like me; there's no in between."

Some get mad at his conservative politics, or accuse him of opportunism for stirring up listeners against the state income tax or in favor of casinos. Others, such as his friends, William and Nikki O'Neill—the former governor and his wife—admire his years of community efforts on behalf of the disadvantaged.

But Davis has had an unusual career—one that probably could not happen again at this stage in the development of broadcasting. Davis' career has three distinct phases that make him a living reflection of the changes that have come since the '50s.

Television and rock 'n' roll were both young on Sept. 27, 1958—the date Davis started as Connecticut's crew-cutted answer to Dick Clark, hosting a Saturday afternoon rock 'n' roll show for teens cloned from "American Bandstand." The "Brad Davis Show" lasted 11 years.

Phase II of Davis's career began in turbulent 1969, when he abruptly turned into a public-affairs show host/investigative reporter; he was teamed with the young John Sablon (now of WVIT, Channel 30) on "What's Happening" on Channel 3, then WTIC-TV.

And since 1977—in Phase III—he has been WDRC-AM's morning man, risingeach day except Sunday at 3 a.m. in his Bloomfield home to do his 5-to-10-shift.

All the while he has been active in community causes, and Nikki O'Neill said last week that Davis led that state's first efforts in the 1980s to grapple with the problems of the homeless. Davis won a national governor's award 1986 for that effort, which included co-chairmanship of a task force established by O'Neill.

And all along, Davis has been pitching products on TV and radio—from Jeeps to milk. Davis refers to his old rock 'n' roll show as "the milk show" because it was sponsored by Connecticut's milk producers. His ability to make a sales pitch with homespun sincerity got him that first big job.

AH, MILK

Davis had come out of the Marines in 1955 and returned to his grandfather's dairy farm in Enfield's Hazardville section. A friend got him involved in radio at a small station in nearby Chicopee, Mass., where he started part time introducing an ethnic show whose host's trademark was rhyming words in Polish.

"One afternoon, I'm on the radio doing a record show in Chicopee. There were a lot of commercials for Coca-Cola and I said after one commercial, 'You know, I live on a dairy farm, and I can't understand why people don't advertise to tell you how good milk is." I said, that's refreshment. I mean ice-cold, there's nothing like it.

"Well, whew, the station manager didn't like that because Coke was buying the [commercial] time, and what the hell was I trying to sell milk for? Well, in Hartford somebody was listening."

It was the advertising executive with the milk producers' account, "and he called me up and said, 'I heard you talking about milk. You know what you're talking about.' I said I should, I helped my grandfather with the dairy and I practically grew up on the farm. He said, 'I don't know, you just sounded believable.'"

He told Davis of the show that the milk producers were putting on Channel 3 for a 13-week-trial, and suggested that he come to the Travelers Tower's sixth-floor television studio for the audition as host. Davis knew nothing of TV, but went anyway, and was dismayed to see a succession of polished announcers go before him.

The audition involved reading a TelePrompter commercial for Friend's Baked Beans. Davis had never seen a TelePrompter and kept messing up. "It was awful," he said.

"On the final, third take, I stopped in the middle and I said, 'Look, I have never been in a TV studio. I don't know what you call this thing that I'm reading from, but I'll tell you something. I grew up, and I still live on, my grandfather's dairy farm, and . . . growing up every Saturday night, we always had baked beans, hot dogs and brown bread—religiously.

"And I said I always remember my grandmother on Friday soaking her pea beans. On

Saturday, she would add up the molasses and a little corn syrup . . . and the salt pork. But she always added a can of Friend's beans, and I said if my grandmother used them, they've gotta be good."

Well, the man upstairs, the late broadcast executive Leonard Patricelli, was listening on his office monitor. "He called down to the studio and said, 'That's the guy I want to hire, because he told the truth.'"

"I swear to God, if I had to sell Windex I would never be here," Davis says. "My grandmother never used Windex. Anyway, that's how I got my job."

A BELIEVER

Davis insists he is as sincere about the products he hawks nowadays as he was about Friend's beans. "I have a deal with the station—this was all discussed in '77 when I came here—when I'm selling, I will not take a product that I do not believe in. I will absolutely not do it."

Thus did Davis become a celebrity. Singers from the Everly Brothers to Frankie Valli to the Supremes would come on his show and lip sync their hits (all except Tony Bennett, who insisted on singing "I Left My Heart in San Francisco" live) without charge to the station, because of the promotional value of their appearances to the record companies. (Guests generally had to drink a glass of milk with Davis on-camera.)

Travelers Corp. owned both Channel 3 and WTIC-AM at the time, so Davis also worked on the radio; there he worked with legendary morning host Bob Steele, who Davis says taught him a thing or two about pitching products.

Davis would have students from a different high school on each show to dance, and for a couple of years during the milk show's run, he went on the road twice each weekend with musical groups to local high schools. The proceeds went to the schools for student activities. "It was only right; I needed the kids, and I couldn't have done my TV show without them."

When the milk show ended its run in 1969, Channel 3 Vice President Richard Ahles recognized what he saw as "a flair for TV" in Davis, and teamed him with Sablon, recently out of Columbia University's journalism program. Both proved quick studies, Ahles recalls, and the "What's Happening" public affairs show spawned a number of big investigative pieces—including one that resulted in the pardon of a retarded man who had been unjustly convicted of killing someone. It won a major national broadcasting award.

Now Davis plays easy-listening favorites on WDRC-AM, which takes a back seat to the FM side of the WDRC organization in ratings and revenue. But he enjoys a loyal, if not overwhelming, following. He says he likes talking about public issues and sometimes influencing them, as well as helping listeners who call him with problems.

He contends that commercial success does not begin and end with the ratings. Jed Finman, president of Finman Windows, backs him up on that.

"Everybody that calls my office to get an appointment for windows gets asked, 'How'd you hear about us?'" Finman said. He advertises on a half-dozen stations, including top-rated WTIC-AM, but when customers answer the question, Finman said, "Brad Davis' name comes up more than anybody's."

MESSAGE FROM THE HOUSE

At 11:04 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House disagrees to the amendments of the Senate to the bill (H.R. 2295) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1994, and making supplemental appropriations for such programs for the fiscal year ending September 30, 1993, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; ordered, that Mr. OBEY, Mr. YATES, Mr. WILSON, Mr. OLVER, Ms. PELOSI, Mr. TORRES, Mrs. LOWEY, Mr. SERRANO, Mr. NATCHER, Mr. LIVINGSTON, Mr. PORTER, Mr. LIGHTFOOT, Mr. CALLAHAN, and Mr. MCDADE be the managers of the conference on the part of the House.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H.R. 2492) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1994, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; ordered that Mr. DIXON, Mr. STOKES, Mr. DURBIN, Ms. KAPTUR, MR. SKAGGS, Ms. PELOSI, Mr. NATCHER, Mr. WALSH, Mr. ISTOOK, Mr. BONILLA, and Mr. MCDADE be the managers of the conference on the part of the House.

ENROLLED BILLS SIGNED

At 12:06 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 1130. An act to provide for continuing authorization of Federal employee leave transfer and leave bank programs, and for other purposes;

H.R. 2074. An act to authorize appropriations for the American Folklife Center for fiscal years 1994 and 1995; and

H.R. 3051. An act to provide that certain property located in the State of Oklahoma owned by an Indian housing authority for the purposes of providing low-income housing shall be treated as Federal property under the act of September 30, 1950 (Public Law 874, 81st Cong.).

The enrolled bills were subsequently signed by the President pro tempore [Mr. BYRD].

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on September 28, 1993, he had presented to the President of the United States, the following enrolled bill:

S. 1130. An act to provide for continuing authorization of Federal employee leave transfer and leave bank programs, and for other purposes.

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-1565. A communication from the Attorney General, transmitting, pursuant to law, a report of the awards of the Young American Medals For Bravery and Service for calendar years 1990 and 1991; to the Committee on the Judiciary.

EC-1566. A communication from the General Counsel of the Department of the Treasury, transmitting, a draft of proposed legislation entitled "Marking of Plastic Explosives for Detection Act"; to the Committee on the Judiciary.

EC-1567. A communication from the Secretary of Education, transmitting, pursuant to law, notice of final funding priorities for the Technology, Educational Media, and Materials for Individuals with Disabilities Program; to the Committee on Labor and Human Resources.

EC-1568. A communication from the Secretary of Education, transmitting, pursuant to law, notice of final funding priorities for the Postsecondary Education Programs for Individuals with Disabilities; to the Committee on Labor and Human Resources.

EC-1569. A communication from the Secretary of Education, transmitting, a draft of proposed legislation to amend the Higher Education Act of 1965 to simplify and clarify the definition of a cohort default rate; to the Committee on Labor and Human Resources.

EC-1570. A communication from the Secretary of Education, transmitting, a draft of proposed legislation entitled "Improving America's Schools Act of 1993"; to the Committee on Labor and Human Resources.

PETITONS 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-290. A resolution adopted by the City Council of the City of Cloverdale, California relative to State mandates; to the Committee on Governmental Affairs.

POM-291. A resolution adopted by the City Council of the City of Cloverdale, California relative to Language of Government legislation; to the Committee on Governmental Affairs.

POM-292. A resolution adopted by the Common Council of the City of Gary, Indiana relative to Federal mandates; to the Committee on Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KENNEDY, from the Committee on Labor and Human Resources, with an amendment in the nature of a substitute:

S. 732. A bill to provide for the immunization of all children in the United States against vaccine-preventable diseases, and for other purposes.

By Mr. PELL, from the Committee on Foreign Relations, with an amendment:

S. 1487. A bill entitled "Middle East Peace Facilitation Act of 1993."

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PELL, From the Committee on Foreign Relations:

Carol J. Lancaster, of the District of Columbia, to be Deputy Administrator of the Agency for International Development,

Margaret V. W. Carpenter, of California, to be an Assistant Administrator of the Agency for International Development,

John Roggen Schmidt, of Illinois, for the rank of Ambassador during his tenure of service as the Chief U.S. Negotiator to the Uruguay Round, and

Linda Tsao Yang, of California, to be United States Director of the Asian Development Bank, with the rank of Ambassador,

James T. Laney, of Georgia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Korea.

Nominee James T. Laney.

Post Ambassador, Republic of Korea.

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 T. Laney, none.

2. Spouse: Berta R. Laney, $35.00, December 1, 1989, Democratic Campaign Fund.

3. Children and spouses names: Bill and Susan (Laney) Castle, none; Tom and Drew Laney—none; Radford and Lisa Laney, none; Wendell and Mary (Laney) Reilly, none; Bill and Joan (Laney) Vaughan, none.

4. Parents names: Mary Hughey Laney, none; Thomas Mann Laney, deceased.

5. Grandparents names: James Monroe Hughey, deceased; Hattie Stanley Hughey, deceased; Thomas Farley Laney, deceased; Bess Laney, deceased.

6. Brothers and spouses names: none.

7. Sisters and spouses names: none.

John D. Negroponte, of New York, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of the Philippines.

Nominee: John D. Negroponte.

Post: Manila.

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: Diana, none.

3. Children and spouses names: Marina, Alexandra, John, and George, none.

4. Parents names: Catherine and Dimitri Negroponte, none.

5. Grandparents names: deceased.

6. Brothers and spouses names: Nicholas and Elaine, $100.00, 1992, Gov. William Weld. George and Hope, $650.00, 1989–1992, various Democratic party recipients—e.g. DNC, Committee for Democratic Concensus, People for the American Way—etc. Michel and Joan, none.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. PELL. Mr. President, for the Committee on Foreign Relations, I also report favorably a nomination list on the Foreign Service which was printed in full in the CONGRESSIONAL RECORD of September 14, 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.

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

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. INOUYE (for himself, Mr. BRYAN, Mr. REID, Mr. HATCH, Mr. COATS, Mr. D'AMATO, Mr. DURENBERGER, Mr. FAIRCLOTH, Mr. HOLLINGS, Mr. JOHNSTON, Mr. WALLOP, and Mr. DOLE):

S. 1495. A bill to repeal the reduction in the deductible portion of expenses for business meals and entertainment; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. INOUYE (for himself, Mr. BRYAN, Mr. REID, Mr. HATCH, Mr. COATS, Mr. D'AMATO, Mr. DURENBERGER, Mr. FAIRCLOTH, Mr. HOLLINGS, Mr. JOHNSTON, Mr. WALLOP, and Mr. DOLE).

S. 1495. A bill to repeal the reduction in the deductible portion of expenses for business meals and entertainment; to the Committee on Finance.

• Mr. INOUYE. Mr. President, today, I introduce legislation to restore the business meals and entertainment tax deduction to 80 percent. I am joined by Senators BRYAN, REID, HATCH, COATS, D'AMATO, DURENBERGER, FAIRCLOTH, HOLLINGS, JOHNSTON, WALLOP, and DOLE. Restoration of this deduction is essential to the livelihood of the foodservice, travel and tourism, and entertainment industries throughout the United States.

The deduction for business meals and entertainment was recently reduced from 80 to 50 percent in the Omnibus Budget Reconciliation Act of 1993. This reduction will cost up to 165,000 jobs in the foodservice industry and will have a negative impact on the tourism and entertainment trade.

All of these industries are big employers. The foodservice industry, for example, is the number one retail employer in the country. Travel and tourism is the third largest retail employer. Restoring the business meal deduction means continued employment for the millions of men, women and teenagers working in these industries.

I sincerely hope that we do not see the kind of job loss I have described. I further hope that the reduction to 50 percent does not become a "Luxury Tax Two," in which the Congress moves toward restoration only after the damage has been done and jobs are lost. Accordingly, I urge my colleagues to join me in cosponsoring this important legislation.

Mr. President, I ask unanimous consent that the bill text be printed in the RECORD.

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

S. 1495

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPEAL OF REDUCTION IN BUSINESS MEALS AND ENTERTAINMENT TAX DEDUCTION.

(a) IN GENERAL.—Section 13209 of the Revenue Reconciliation Act of 1993 is hereby repealed, and the Internal Revenue Code of 1986 shall be applied and administered as if such section had not been enacted.

(b) EFFECTIVE DATE.—This section shall apply to taxable years beginning after December 31, 1993.•

ADDITIONAL COSPONSORS

S. 455

At the request of Mr. HATFIELD, the name of the Senator from Minnesota [Mr. WELLSTONE] was added as a cosponsor of S. 455, a bill to amend title 31, United States Code, to increase Federal payments to units of general local government for entitlement lands, and for other purposes.

S. 651

At the request of Ms. MIKULSKI, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 651, a bill to amend the Office of Federal Procurement Policy Act to provide for expanded participation of historically Black colleges and universities and nonprofit organizations owned and controlled by black Americans in federally funded research and development activities.

S. 993

At the request of Mr. KEMPTHORNE, the names of the Senator from Mississippi [Mr. LOTT], and the Senator from Louisiana [Mr. BREAUX] were added as cosponsors of S. 993, a bill to end the practice of imposing unfunded Federal mandates on States and local governments and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations.

S. 1045

At the request of Mr. WOFFORD, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of S. 1045, a bill to permit

States to establish programs using unemployment funds to assist unemployed individuals in becoming self-employed.

S. 1463

At the request of Ms. MIKULSKI, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of S. 1463, a bill to amend the Elementary and Secondary Education Act of 1965 to address gender equity in mathematics and science education and to assist schools and educational institutions in the elimination of sexual harassment and abuse.

SENATE JOINT RESOLUTION 119

At the request of Mr. KENNEDY, the names of the Senator from Alaska [Mr. MURKOWSKI], the Senator from California [Mrs. BOXER], the Senator from Georgia [Mr. NUNN], the Senator from Hawaii [Mr. AKAKA], the Senator from Iowa [Mr. GRASSLEY], the Senator from Kentucky [Mr. FORD], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Maine [Mr. COHEN], the Senator from New Hampshire [Mr. GREGG], the Senator from New Jersey [Mr. LAUTENBERG], and the Senator from Tennessee [Mr. SASSER] were added as cosponsors of Senate Joint Resolution 119, a joint resolution to designate the month of March 1994 as "Irish-American Heritage Month."

SENATE JOINT RESOLUTION 123

At the request of Mr. SHELBY, the names of the Senator from Hawaii [Mr. INOUYE], the Senator from Alaska [Mr. STEVENS], and the Senator from Louisiana [Mr. JOHNSTON] were added as cosponsors of Senate Joint Resolution 123, a joint resolution to designate the week beginning November 6, 1994, as "National Elevator and Escalator Safety Awareness Week."

SENATE JOINT RESOLUTION 130

At the request of Mr. KEMPTHORNE, the names of the Senator from Mississippi [Mr. LOTT], and the Senator from Louisiana [Mr. BREAUX] were added as cosponsors of Senate Joint Resolution 130, a joint resolution designating October 27, 1993, as "National Unfunded Federal Mandates Day."

SENATE JOINT RESOLUTION 134

At the request of Mr. BIDEN, the names of the Senator from Arkansas [Mr. PRYOR], the Senator from California [Mrs. BOXER], the Senator from Illinois [Mr. SIMON], and the Senator from Florida [Mr. MACK] were added as cosponsors of Senate Joint Resolution 134, a joint resolution to designate October 19, 1993, as "National Mammography Day."

SENATE RESOLUTION 128

At the request of Mr. LAUTENBERG, the names of the Senator from West Virginia [Mr. ROCKEFELLER], and the Senator from Delaware [Mr. BIDEN] were added as cosponsors of Senate Resolution 128, a resolution expressing the sense of the Senate regarding the protection to be accorded United States copyright-based industries under agreements entered into pursuant to the Uruguay Round of trade negotiations.

AMENDMENTS SUBMITTED

LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION APPROPRIATIONS ACT FOR 1994

LAUTENBERG (AND OTHERS) AMENDMENT NO. 971

Mr. LAUTENBERG (for himself, Mr. SIMON, and Mrs. BOXER) proposed an amendment to the bill (H.R. 2518) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1994, and for other purposes, as follows:

At the appropriate place insert:

TITLE VI—NONSMOKING POLICY

SEC. 601. SHORT TITLE.

This title may be cited as the "Preventing Our Kids From Inhaling Deadly Smoke (PRO-KIDS) Act of 1993".

SEC. 602. FINDINGS.

The Congress finds that—

(1) environmental tobacco smoke comes from secondhand smoke exhaled by smokers and sidestream smoke emitted from the burning of cigarettes, cigars, and pipes;

(2) since citizens of the United States spend up to 90 percent of a day indoors, there is a significant potential for exposure to environmental tobacco smoke from indoor air;

(3) exposure to environmental tobacco smoke occurs in schools, public buildings, and other indoor facilities;

(4) recent scientific studies have concluded that exposure to environmental tobacco smoke is a cause of lung cancer in healthy nonsmokers and is responsible for acute and chronic respiratory problems and other health impacts in sensitive populations (including children);

(5) the health risks posed by environmental tobacco smoke exceed the risks posed by many environmental pollutants regulated by the Environmental Protection Agency; and

(6) according to information released by the Environmental Protection Agency, environmental tobacco smoke results in a loss to the economy of over $3,000,000,000 per year.

SEC. 603. DEFINITIONS.

As used in this title:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) CHILDREN.—The term "children" means individuals who have not attained the age of 18.

(3) CHILDREN'S SERVICES.—The term "children's services" means—

(A) direct health services that are routinely provided to children and that are funded (in whole or in part) by Federal funds; or

(B) any other direct services that are routinely provided primarily to children, including educational services and that are funded (in whole or in part) by Federal funds.

(4) FEDERAL AGENCY.—The term "Federal agency" means an entity in the executive, legislative or judicial branch of the Federal Government.

(5) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

SEC. 604. NONSMOKING POLICY FOR CHILDREN'S SERVICES.

(a) ISSUANCE OF GUIDELINES.—Not later than 180 days after the date of enactment of this Act, the Administrator shall issue guidelines for instituting and enforcing a nonsmoking policy at each indoor facility where children's services are provided.

(b) CONTENTS OF GUIDELINES.—A nonsmoking policy that meets the requirements of the guidelines shall, at a minimum, prohibit smoking in each portion of an indoor facility where children's services are provided that is not ventilated separately (as defined by the Administrator) from other portions of the facility.

SEC. 605. TECHNICAL ASSISTANCE.

The Administrator and the Secretary shall provide technical assistance to persons who provide children's services and other persons who request technical assistance. The technical assistance shall include information—

(1) on smoking cessation programs for employees; and

(2) to assist in compliance with the requirements of this title.

SEC. 606. FEDERALLY FUNDED PROGRAMS.

(a) IN GENERAL.—Notwithstanding any other provision of law, each person who provides children's services shall establish and make a good-faith effort to enforce a nonsmoking policy that meets or exceeds the requirements of subsection (b).

(b) NONSMOKING POLICY.—

(1) GENERAL REQUIREMENTS.—A nonsmoking policy meets the requirements of this subsection if the policy—

(A) is consistent with the guidelines issued under section 604(a);

(B) prohibits smoking in each portion of an indoor facility used in connection with the provision of services directly to children; and

(C) where appropriate, requires that signs stating that smoking is not permitted be posted in each indoor facility to communicate the policy.

(2) PERMISSIBLE FEATURES.—A nonsmoking policy that meets the requirements of this subsection may allow smoking in those portions of the facility—

(A) in which services are not normally provided directly to children; and

(B) that are ventilated separately from those portions of the facility in which services are normally provided directly to children.

(c) WAIVER.—

(1) IN GENERAL.—A person described in subsection (a) may publicly petition the head of the Federal agency from which the person receives Federal funds (including financial assistance) for a waiver from any or all of the requirements of subsection (b).

(2) CONDITIONS FOR GRANTING A WAIVER.—Except as provided in paragraph (3), the head of the Federal agency may grant a waiver only—

(A) after consulting with the Administrator, and receiving the concurrence of the Administrator;

(B) after giving an opportunity for public hearing (at the main office of the Federal agency or at any regional office of the agency) and comment; and

(C) if the person requesting the waiver provides assurances that are satisfactory to the head of the Federal agency (with the concurrence of the Administrator) that—

(i) unusual extenuating circumstances prevent the person from establishing or enforcing the nonsmoking policy (or a requirement

under the policy) referred to in subsection (b) (including a case in which the person shares space in an indoor facility with another entity and cannot obtain an agreement with the other entity to abide by the nonsmoking policy requirement) and the person will establish and make a good-faith effort to enforce an alternative nonsmoking policy (or alternative requirement under the policy) that will protect children from exposure to environmental tobacco smoke to the maximum extent possible; or

(ii) the person requesting the waiver will establish and make a good-faith effort to enforce an alternative nonsmoking policy (or alternative requirement under the policy) that will protect children from exposure to environmental tobacco smoke to the same degree as the policy (or requirement) under subsection (b).

(3) SPECIAL WAIVER.—

(A) IN GENERAL.—On receipt of an application, the head of the Federal agency may grant a special waiver to a person described in subsection (a) who employs individuals who are members of a labor organization and provide children's services pursuant to a collective bargaining agreement that—

(i) took effect before the date of enactment of this Act; and

(ii) includes provisions relating to smoking privileges that are in violation of the requirements of this section.

(B) TERMINATION OF WAIVER.—A special waiver granted under this paragraph shall terminate on the earlier of—

(i) the first expiration date (after the date of enactment of this Act) of the collective bargaining agreement containing the provisions relating to smoking privileges; or

(ii) the date that is 1 year after the date specified in subsection (f).

(d) CIVIL PENALTIES.—

(1) IN GENERAL.—(A) Any person subject to the requirements of this section who fails to comply with the requirements shall be liable to the United States for a civil penalty in an amount not to exceed $1,000 for each violation, but in no case shall the amount be in excess of the amount of Federal funds received by the person for the fiscal year in which the violation occurred for the provision of children's services.

(B) Each day a violation continues shall constitute a separate violation.

(2) ASSESSMENT.—A civil penalty for a violation of this section shall be assessed by the head of the Federal agency that provided Federal funds (including financial assistance) to the person (or if the head of the Federal agency does not have the authority to issue an order, the appropriate official) by an order made on the record after opportunity for a hearing in accordance with section 554 of title 5, United States Code. Before issuing the order, the head of the Federal agency (or the appropriate official) shall—

(A) give written notice to the person to be assessed a civil penalty under the order of the proposal to issue the order; and

(B) provide the person an opportunity to request, not later than 15 days after the date of receipt of the notice, a hearing on the order.

(3) AMOUNT OF CIVIL PENALTY.—In determining the amount of a civil penalty under this subsection, the head of the Federal agency (or the appropriate official) shall take into account—

(A) the nature, circumstances, extent, and gravity of the violation;

(B) with respect to the violator, the ability to pay, the effect of the penalty on the ability to continue operation, any prior history of the same kind of violation, the degree of culpability, and a demonstration of willingness to comply with the requirements of this title; and

(C) such other matters as justice may require.

(4) MODIFICATION.—The head of the Federal agency (or the appropriate official) may compromise, modify, or remit, with or without conditions, any civil penalty that may be imposed under this subsection. The amount of the penalty as finally determined or agreed upon in compromise may be deducted from any sums that the United States owes to the person against whom the penalty is assessed.

(5) PETITION FOR REVIEW.—A person who has requested a hearing concerning the assessment of a penalty pursuant to paragraph (2) and is aggrieved by an order assessing a civil penalty may file a petition for judicial review of the order with the United States Court of Appeals for the District of Columbia Circuit or for any other circuit in which the person resides or transacts business. The petition may only be filed during the 30-day period beginning on the date of issuance of the order making the assessment.

(6) FAILURE TO PAY.—If a person fails to pay an assessment of a civil penalty—

(A) after the order making the assessment has become a final order and without filing a petition for judicial review in accordance with paragraph (5); or

(B) after a court has entered a final judgment in favor of the head of the Federal agency (or appropriate official),

the Attorney General shall recover the amount assessed (plus interest at currently prevailing rates from the last day of the 30-day period referred to in paragraph (5) or the date of the final judgment, as the case may be) in an action brought in an appropriate district court of the United States. In the action, the validity, amount, and appropriateness of the penalty shall not be subject to review.

(e) EXEMPTION.—This section shall not apply to a person who provides children's services who—

(1) has attained the age of 18;

(2) provides children's services—

(A) in a private residence; and

(B) only to children who are, by affinity or consanguinity, or by court decree, a grandchild, niece, or nephew of the provider; and

(3) is registered and complies with any State requirements that govern the children's services provided.

(f) EFFECTIVE DATE.—This section shall take effect on the first day of the first fiscal year beginning after the date of enactment of this Act.

SEC. 607. REPORT BY THE ADMINISTRATOR.

Not later than 2 years after the date of enactment of this Act, the Administrator shall submit a report to the Congress that includes—

(1) information concerning the degree of compliance with this title; and

(2) an assessment of the legal status of smoking in public places.

SEC. 608. PREEMPTION.

Nothing in this title is intended to preempt any provision of law of a State or political subdivision of a State that is more restrictive than a provision of this title.

BRADLEY AMENDMENT NO. 972

Mr. BRADLEY proposed an amendment to the bill H.R. 2518, supra; as follows:

On page 62, between lines 23 and 24, insert the following:

SEC. 306. (a) The Congress finds that—

(1) according to the recent National Performance Review, there are currently 230 distinct programs in the Department of Education, 160 of which award grants through 245 national competitions each year;

(2) many of these programs overlap in purpose and orientation, differing only in the administrative requirements such programs impose on applicants and the Department of Education;

(3) as an example, the goal of reforming schools is funded through at least 4 programs assisted under this Act, including the programs assisted under chapter 2 of title I of the Elementary and Secondary Education Act of 1965 (block grants), the Fund for the Improvement and Reform of Schools and Teaching, the Secretary's Fund for Innovation in Education, and a new program established under the Goals 2000: Educate America Act, which has not yet become law;

(4) the overhead at the Department of Education to administer each separate program, and the cost to States, localities and schools of preparing applications, planning ahead, and managing funds under each program diverts scarce resources from schools and students;

(5) some Federal programs serve purposes which would be better served by consolidation into a single flexible grant, a few serve purposes that could be met without Federal assistance, and some programs are obsolete;

(6) in the Department of Education's internal study for the National Performance Review, the Department indicated that the Department had identified 41 programs that could be eliminated or consolidated into other programs;

(7) this Act takes a significant step toward consolidation by eliminating funding for 13 programs, and the Department of Education has begun a serious effort to consolidate programs, as is appropriate, in the reauthorization of the Elementary and Secondary Education Act of 1965, but much more remains to be done; and

(8) the Defense Base Closure and Realignment Commission offers a successful model for cutting government spending despite powerful interests within and outside of the Congress dedicated to protecting specific projects or programs.

(b) It is the sense of the Congress that—

(1) within 6 months of the date of enactment of this Act, the Department of Education should prepare and submit to the Committee on Labor and Human Resources of the Senate and the Committee on Education and Labor of the House of Representatives a legislative package reflecting the President's National Performance Review plan to consolidate Federal education programs;

(2) the Committee on Labor and Human Resources of the Senate and the Committee on Education and Labor of the House of Representatives should consider the package submitted by the Department of Education and should report to the Senate and House of Representatives, respectively, bills proposing to consolidate Federal education programs;

(3) the leadership of each House of the Congress should establish—

(A) a process for considering a bill described in paragraph (2) under which such bill would be subject to a single vote of approval or disapproval by such House; or

(B) a comparable process to minimize the possibility that individual programs will be excepted from the consolidation; and

(4) the objective of the consolidation should be, first, to find savings by reducing the administrative costs to both the Department of Education and to States and localities that are due to redundant programs, and, second, to maximize the impact of Federal education dollars, but not to reduce our Nation's overall investment in schools and students.

DECONCINI (AND OTHERS) AMENDMENT NO. 973

Mr. DECONCINI (for himself, Mr. GORTON, Mr. COCHRAN, Mr. KOHL, Mr. BRADLEY, Mr. BINGAMAN, Mr. SASSER, Mr. BIDEN, Mr. REID, Mr. D'AMATO, Mr. WARNER, Mr. THURMOND, Mr. DOLE, Mr. LOTT, Mr. CHAFEE, Mr. CRAIG, Mr. DURENBERGER, Mr. DANFORTH, Mr. MACK, Mr. COHEN, Mr. LEVIN, Mr. KEMPTHORNE, Mr. DOMENICI, Mrs. HUTCHISON, Mr. BRYAN, Mr. GRAHAM, Mr. BOREN, Mr. ROBB) proposed an amendment to the bill (H.R. 2518), supra, as follows:

On page 38, line 8 strike "$465,649,000" and insert in lieu thereof "$472,649,000, including $12,000,000 which shall be for carrying out the National Youth Sports Program: *Provided*, That payments from such amount to the grantee and subgrantee administering the National Youth Sports Program may not exceed the aggregate amount contributed in cash or in kind by the grantee and subgrantee: *Provided further*, That amounts in excess of $9,400,000 of such amount may not be made available to the grantee and subgrantees administering the National Youth Sports Program unless the grantee agrees to provide contributions in cash over and above the preceding year's cash contribution to such program in an amount that equals 50 percent of such excess amount: *Provided further*, That notwithstanding any other provision of this Act, no department, agency, or instrumentality of the United States Government receiving appropriated funds under this Act for fiscal year 1994 shall, during fiscal year 1994, obligate and expend funds for consulting services in excess of an amount equal to 96.48 percent of the amount estimated to be obligated and expended by such department, agency, or instrumentality for such services during fiscal year 1994: *Provided further*, That notwithstanding any other provision of this Act, the aggregate amount of funds appropriated by this Act to any such department, agency, or instrumentality for fiscal year 1994 is reduced by an amount equal to 3.52 percent of the amount expected to be expended by such department, agency or instrumentality during fiscal year 1994 for consulting services. As used in the preceding two provisos, the term 'consulting services' includes any services within the definition of sub-object class 25.1 as described in the Office of Management and Budget Circular A-11, dated August 4, 1993".

MCCAIN (AND OTHERS) AMENDMENT NO. 974

Mr. MCCAIN (for himself, Mr. LOTT, Mr. GRAMM, Mr. SMITH, Mr. HELMS, Mr. BROWN, Mr. NICKLES, Mr. MACK, and Mr. WALLOP) proposed an amendment to the bill (H.R. 2518), supra, as follows:

In lieu of the language proposed to be inserted on page 63, line 14, insert the following: "$292,641,000".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. WOFFORD. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Tuesday, September 28, 1993, at 9:30 a.m. in SD-138 on proposals to reorganize the Department of Agriculture.

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

COMMITTEE ON FINANCE

Mr. WOFFORD. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet today at 10 a.m. to hear testimony from business, agricultural, and environmental groups both in support of and in opposition to the North American Free-Trade Agreement.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. WOFFORD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Tuesday, September 28, 1993, at 10 a.m. to mark up S. 1487, the Middle East Peace Facilitation Act of 1993, and to vote on pending nominations.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. WOFFORD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Tuesday, September 28, 1993, at 3 p.m. to hold nomination hearings.

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

SUBCOMMITTEE ON EMPLOYMENT PRODUCTIVITY

Mr. WOFFORD. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources' Subcommittee on Employment and Productivity be authorized to meet for a hearing on S. 1361, the School-to-Work Opportunities Act of 1993, during the session of the Senate on Tuesday, September 28, 1993, at 2 p.m.

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

SUBCOMMITTEE ON AVIATION

Mr. WOFFORD. Mr. President, I ask unanimous consent that the Aviation Subcommittee of the Committee on Commerce, Science, and Transportation be authorized to meet on September 28, 1993, at 9:30 a.m. on reauthorization of the Airport Improvement Program.

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

ADDITIONAL STATEMENTS

SOMETHING IS WRONG

• Mr. SIMON. Mr. President, one of the more thoughtful observers of the American scene is Richard Cohen, whose syndicated column appears in the Washington Post.

Recently, he had a column about our culture of violence.

He poses the basic question: "What sort of people are these?" His question is really: What kind of people are we, as Americans?

We eagerly devour videos and television with massive and detailed gore and violence.

We have a problem in our society. The answer is not to in any way infringe on the first amendment, but we cannot ignore what the American Psychological Association just published in a report on youth and violence, that violence in the media is adding to violence in our society.

I ask to insert the Richard Cohen column at this point in the RECORD.

The column follows:

[From the Washington Post, Sept. 21, 1993]

VIOLENCE FOR FUN AND PROFIT

(By Richard Cohen)

I am ashamed to admit that my knowledge of the Roman Empire comes mostly from Hollywood—biblical films such as "The Robe," "Quo Vadis?" and "Ben Hur." Watching them even today, I find myself unable to assume the required multicultural detachment and not be horrified at such things as mass crucifixions and gladiator contests in which one man killed another for the entertainment of the crowd. I find myself wondering: What kind of people were these? Now I'm asking the same question about ourselves.

The question is prompted by neither the casual and senseless killings of Florida tourists nor by the daily rat-a-tat-tat of automatic weapons fire in certain neighborhoods of our proudest cities but by the introduction of a video game called "Mortal Kombat." In one version, the winner of a fight rips out his victim's heart and decapitates him. The head is displayed triumphantly with the spinal cord dangling. Naturally, the game is a runaway bestseller.

I confess to feeling a bit like an anthropologist in some primitive culture, knowing that I am unaware of much of what's going on. "Mortal Kombat," for instance, has been popular in video arcades for some time now. Its sale as a video game ($35 to $75, depending on the level of violence) had been awaited by millions and has been promoted by a $10 million advertising campaign. The manufacturer, Acclaim Entertainment Inc., says it has received 70,000 calls this year alone asking where the game could be bought. Until the other day, I never heard of any of this.

But what truly prompts my sense of being a stranger in my own land is the debate over the game's violence. The usual people have been heard from—experts warning about the awful effect this will have on children, and the manufacturer saying that young children are not the target market at all. Teenagers are. I am so relieved.

But what's not asked—at least not in what I have read—is the same question I asked about the Romans: What sort of people are these? Specifically, what kind of person would design such a game and make a buck by selling kids gore? The answer is beyond me. I can supply the names of Acclaim Entertainment's officers, but it's hard to account for an environment in which, for some reason, it's okay for businessmen to peddle

simulated violence to children anddismiss all ethical or moral questions by a reference to the bottom line: It sells.

The entertainment industry in general has taken the line that violence on television, in the movies or, now, on video games is totally without societal consequences. This has to be the sheerest nonsense. The American Psychological Association says that by the time the average child is in the seventh grade, he's seen some 8,000 murders on television—and 100,000 other acts of violence. To argue that this has no effect not only contradicts the host of studies that have been done on the subject—some 3,000 in the last decade alone—but runs counter to the very premise of television advertising. Why should a viewer be influenced by a commercial and not by programming itself?

"Mortal Kombat" hit the stores recently on what its promoters called "Mortal Monday." But every day is mortal in one way or another in our cities—although "fatal" is the more appropriate word. The kids who do these killings have not only been raised on a diet of television, film and video game violence, but they happen to be the kids who watch the most television. The 8,000 murders cited above is for a kid watching an average of three hours a day of television.

But the poorest students—and your basic killer is no teacher's pet—watch six or more hours a day. A steady entertainment diet of murder and mayhem is like pornography. It dulls the senses. It reduces the exotic, the weird and the shocking to the routine. It desensitizes the viewer, and if you couple that with the real violence and deprivation of the underclass, then it is not surprising that lives are taken so casually.

The question I posed at the top of this column—What kind of people are these?—is pointed not at our young killers, but at the titans of the American entertainment industry who make a buck by selling violence. They include people like Robert Holmes, the president of Acclaim Entertainment, manufacturer of "Mortal Kombat." Is this how he would want his kids to spend their time? If not, why should he have such despicable contempt for other parents and other kids? Mr. Holmes and others like him in the entertainment industry—what kind of people are they?

If they don't know the answer, we certainly do.●

REGARDING: KONRAD STOKES

● Mr. McCAIN. Mr. President, I was delighted to read about an Arizonan, Mr. Konrad Stokes, in the Green Valley News and Sun on Wednesday, September 15, 1993. It brought to my attention the great public service Mr. Stokes gives to the great State of Arizona. I would like to extend my sincere thanks and appreciation for all his years of service to Arizona.

Volunteer work and community activism are long established values to Konrad Stokes. His interest and dedication to civic participation has always been part of his life. Mr. Stokes said "I was taught by my father that political and civic involvement are obligations of citizenship." He is the chairman of the Health and Human Services Committee of the Green Valley Community Coordinating Council, a member at-large of the council's executive board and is a member of the council's planning and zoning committee.

Mr. President, two of Mr. Stokes' major objectives are to effect "some sort of bus transportation" within Green Valley, to establish an urgent care facility and to set up a communication system to make residents aware of the home health care services that are available in Green Valley. I would like the Senate to take note of Mr. Konrad Stokes and all the community volunteer work that he has devoted his life to.

Mr. President, I would like Mr. Stokes to know how much I appreciate his commitment and devotion to Arizona and wish him every success in the future.●

RETURN OF THE IDAHO AIR NATIONAL GUARD

● Mr. KEMPTHORNE. Mr. President, I am honored to share with you a very important event taking place in Idaho.

This week, the last rotation of 98 men and women from the Idaho Air National Guard will return to Gowen Field, ID, after a 6-month combat deployment to Southwest Asia. While active duty forces will continue to enforce the United Nations authorized no-fly zone over southern Iraq, the men and women of the Idaho Air National Guard are now coming home for a well-deserved rest. Over the last 6 months, a total of 302 pilots, weapons officers, crew chiefs, and ground support personnel of the 124th Fighter Group deployed to Southwest Asia to help enforce the no-fly zone over southern Iraq.

This mission represents the first time that an Air National Guard unit has been tasked to perform a combat mission during peacetime without a Presidential call-up. This has been a difficult and challenging mission for the men and women of the Idaho Air National Guard and I want to welcome them home. I also want to express my pride in the outstanding accomplishments of these individuals.

Mr. President, members of the Idaho Air National Guard fly the F-4G Wild Weasel in the Suppression of Enemy Air Defense [SEAD] mission. The Wild Weasels use the highly accurate HARM missile to destroy enemy air defense radars that attempt to illuminate, or lock on, to U.S. aircraft. The F-4G's escorted hundreds of United States military aircraft during more than 400 sorties over southern Iraq.

On two occasions, Idaho Guardsmen fired a HARM missile after Iraqi air defenses threatened United States aircraft over southern Iraq. By all accounts, the Idaho Air National Guard performed its mission with extreme professionalism and efficiency. All of Idaho and the Nation should be proud of these men and women.

Mr. President, as we reduce the size of our Armed Forces, it is clear that the National Guard and Reserves will play a larger and larger role in defending the vital interests of this Nation. The citizen-soldiers in the National Guard and Reserves give us increased military capability at less cost than their active duty counterparts. That is why we in the Congress must continue to support a strong National Guard and Reserves in the years ahead.

Mr. President, when the men and women of the Idaho Air National Guard deployed to Southwest Asia to enforce the United Nations' no-fly zone over Iraq, they left behind their families and jobs. I want to thank the family members and loved ones who supported our guardsmen and women during this long deployment. I also want to thank the employers in Idaho who allowed their workers to perform this mission. Although it can inconvenience or upset the work schedule when employees are called away on active duty deployment, the businesses of Idaho answered the call when their guards men and women were needed. These employers also deserve our gratitude for their contribution to this effort.

Mr. President, once again the men and women of the Idaho National Guard answered the call when their Nation needed them. They performed their duties in an outstanding manner and we can all take pride in the contributions of the American citizen-soldiers in the international effort to keep Saddam Hussein in line. America has always been strong because our people have been willing to make the sacrifice for freedom.●

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. WOFFORD. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations:

Calendar 370. Gen Colin L. Powell, to be placed on the retired list in the grade indicated under the provision of title 10, United States Code, to be general;

Calendar 371. Col. Michael C. Wholley, to be brigadier general;

Calendar 372. Col. Robert G. Claypool, and Col. John S. Parker, to be permanent brigadier general;

Calendar 373. Col. Walter B. Huffman, and Col. John S. Cooke, to be permanent brigadier general;

Calendar 374. Adm. William D. Smith, to be placed on the retired list in the grade indicated to be admiral; and

Calendar 375. Vice Adm. Michael C. Colley, to be placed on the retired list in the grade indicated to be vice admiral.

All nominations placed on the Secretary's desk in the Air Force, Army, Marine Corps, and Navy.

I further ask unanimous consent that the nominees be confirmed, en bloc,

that any statements appear in the RECORD as if read, that upon confirmation, the motions to reconsider be laid upon the table, en bloc, that the President be immediately notified of the Senate's action, and that the Senate return to legislative session.

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

So, the nominations considered and confirmed en bloc are as follows:

IN THE ARMY

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 1370:

To be general

Gen. Colin L. Powell, [redacted] U.S. Army.

IN THE MARINE CORPS

The following-named officer for appointment to the grade of brigadier general while serving as the Staff Judge Advocate to the Commandant of the Marine Corps under the provisions of title 10 United States Code, section 5046:

To be brigadier general

Col. Michael C. Wholley, [redacted]

IN THE ARMY

The following-named Medical Corps officers for appointment in the Regular Army of the United States to the grade of brigadier general under the provisions of title 10, United States Code, sections 611(a) and 624(c):

To be permanent brigadier general

Col. Robert G. Claypool, [redacted]
Col. John S. Parker [redacted]

The following-named Judge Advocate General's Corps officers for appointment in the Regular Army of the United States to the grade of brigadier general under the provisions of title 10, United States Code, sections 611(a) and 624(c):

To be permanent brigadier general

Col. Walter B. Huffman, [redacted]
Col. John S. Cooke, [redacted]

IN THE NAVY

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 1370:

To be admiral

Adm. William D. Smith, U.S. Navy [redacted]

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 1370:

To be vice admiral

Vice Adm. Michael C. Colley, U.S. Navy, [redacted].

NOMINATIONS PLACED ON THE SECRETARY'S DESK IN THE AIR FORCE, ARMY, MARINE CORPS, NAVY

Air Force nominations beginning Max J. Allen, and ending Volodja A. Tymoschenko, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of May 24, 1993.

Air Force nominations beginning Maj. William D. Bryan, Jr [redacted] and ending Maj. Stephen R. Keene [redacted] which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of August 6, 1993.

Air Force nominations beginning Francis J. Dwyer, and ending Susan J. Craw, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 7, 1993.

Air Force nominations beginning Byron P. Marsh, and ending James Henderson, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 7, 1993.

Army nominations beginning * John W. Alexander, and ending * Jack A. Woodford, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 7, 1993.

Army nominations beginning Benje H. Boedeker, and ending Paul R. Hulkovich, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of July 29, 1993.

Army nominations beginning Christopher Acker, and ending 6994x, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of July 29, 1993.

Army nominations beginning Michael D. Graham, and ending Dominic A. Solimando, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of August 6, 1993.

Army nominations beginning Ronald D. Lewis, and ending * Michael A. Norkus, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 7, 1993.

Army nominations beginning Errol J. * Allison, and ending George W. * Zimmerman, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 7, 1993.

Army nominations beginning James R. * Allinder, and ending Marianne M. Young, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 7, 1993.

Marine Corps nominations beginning Arnoux Abraham, and ending Jay K. Zollmann, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 7, 1993.

Navy nominations beginning Aaron J. Bird Bear, and ending Jeffrey P. Scofield, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 7, 1993.

Navy nominations beginning Marion Sanford Boose, Jr., and ending Kenneth Ronald Zimmerman, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 7, 1993.

Navy nomination of Thomas Richard Williams, Jr., which was received by the Senate and appeared in the CONGRESSIONAL RECORD of September 7, 1993.

Navy nominations beginning Stephen P. Axtell, and ending Thomas Macpherson Stapleton, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 7, 1993.

Navy nominations beginning Steven Patrick Albert, and ending Philip Durant Weber, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 7, 1993.

Navy nominations beginning Thomas E. Bauer, and ending Gary Allen Sidelinger, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 7, 1993.

Navy nominations beginning Dean Alan Bailey, and ending Debora Ann Coulapides, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 7, 1993.

Navy nominations beginning Joseph Michael Lynch, and ending William George Wilcox, Jr., which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 7, 1993.

Navy nominations beginning David A. Clark, and ending Donald Spencer Francis, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 7, 1993.

Navy nominations beginning Michael Andrew Crosby, and ending Anthony Michael Michanowicz, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 7, 1993.

Navy nominations beginning Charles Scott Anderson, and ending Jeffrey Donald Nichols, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 7, 1993.

Navy nomination of Loring Isaac Perry, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of September 7, 1993.

Navy nominations beginning Monte L. Bible, and ending Elizabeth Ann Huffman, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 7, 1993.

Navy nominations beginning Robert Bradley Aarnes, and ending Michael Frederick Zink, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 7, 1993.

ORDERS FOR WEDNESDAY, SEPTEMBER 29, 1993

Mr. WOFFORD. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m., Wednesday, September 29; that following the prayer, the Journal of proceedings be deemed approved to date; that the time for the two leaders be reserved for their use later in the day; and that the Senate then resume consideration of H.R. 2518, the Labor-HHS appropriatons bill.

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

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. WOFFORD. Madam President, if there is no further business to come before the Senate today, I now ask unanimous consent that the Senate stand in recess, as previously ordered.

There being no objection, the Senate, at 7:49 p.m., recessed until Wednesday, September 29, 1993, at 9:30 a.m.

CONFIRMATIONS

Executive Nominations Confirmed by the Senate September 28, 1993:

IN THE ARMY

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be general

GEN. COLIN L. POWELL [redacted] U.S. ARMY.

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF BRIGADIER GENERAL WHILE SERVING AS THE STAFF JUDGE ADVOCATE TO THE COMMANDANT OF THE MARINE CORPS UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 5046:

To be brigadier general

COL. MICHAEL C. WHOLLEY [redacted]

IN THE ARMY

THE FOLLOWING-NAMED MEDICAL CORPS OFFICERS FOR APPOINTMENT IN THE REGULAR ARMY OF THE

UNITED STATES TO THE GRADE OF BRIGADIER GENERAL UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 611(A) AND 624(C):

To be permanent brigadier general

COL. ROBERT G. CLAYPOOL [redacted]
COL. JOHN S. PARKER [redacted]

THE FOLLOWING-NAMED JUDGE ADVOCATE GENERAL'S CORPS OFFICERS FOR APPOINTMENT IN THE REGULAR ARMY OF THE UNITED STATES TO THE GRADE OF BRIGADIER GENERAL UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 611(A) AND 624(C):

To be permanent brigadier general

COL. WALTER B. HUFFMAN [redacted]
COL. JOHN S. COOKE [redacted]

IN THE NAVY

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be admiral

ADM. WILLIAM D. SMITH, U.S. NAVY [redacted]

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be vice admiral

VICE ADM. MICHAEL C. COLLEY, U.S. NAVY [redacted]

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING MAX J. ALLEN, AND ENDING VOLODJA A. TYMOSCHENKO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MAY 24, 1993.

AIR FORCE NOMINATIONS BEGINNING MAJ. WILLIAM D. BRYAN, JR. [redacted] AND ENDING MAJ. STEPHEN R. KEENER, [redacted] WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF AUGUST 6, 1993.

AIR FORCE NOMINATIONS BEGINNING FRANCIS J. DWYER, AND ENDING SUSAN J. CRAW, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 7, 1993.

AIR FORCE NOMINATIONS BEGINNING BYRON P. MARSH, AND ENDING JAMES HENDERSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 7, 1993.

IN THE ARMY

ARMY NOMINATIONS BEGINNING *JOHN W. ALEXANDER, AND ENDING *JACK A. WOODFORD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JUNE 7, 1993.

ARMY NOMINATIONS BEGINNING BENJE H. BOEDECKER, AND ENDING PAUL R. HULKOVICH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JULY 29, 1993.

ARMY NOMINATIONS BEGINNING CHRISTOPER ACKER, AND ENDING 6994X, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JULY 29, 1993.

ARMY NOMINATIONS BEGINNING MICHAEL D. GRAHAM, AND ENDING DOMINIC A. SOLIMANDO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF AUGUST 6, 1993.

ARMY NOMINATIONS BEGINNING RONALD D. LEWIS, AND ENDING *MICHAEL A. NORKUS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 7, 1993.

ARMY NOMINATIONS BEGINNING ERROL J. *ALLISON, AND ENDING GEORGE W. *ZIMMERMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 7, 1993.

ARMY NOMINATIONS BEGINNING JAMES R. *ALLINDER, AND ENDING MARIANNE M. YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 7, 1993.

IN THE MARINE CORPS

MARINE CORPS NOMINATIONS BEGINNING ARNOUX ABRAHAM, AND ENDING JAY K. ZOLLMANN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 7, 1993.

IN THE NAVY

NAVY NOMINATIONS BEGINNING AARON J. BIRD BEAR, AND ENDING JEFFREY P. SCOFIELD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JUNE 7, 1993.

NAVY NOMINATIONS BEGINNING MARION SANFORD BOOSE, JR, AND ENDING KENNETH RONALD ZIMMERMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 7, 1993.

NAVY NOMINATION OF THOMAS RICHARD WILLIAMS, JR, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 7, 1993.

NAVY NOMINATIONS BEGINNING STEPHEN P. AXTELL, AND ENDING THOMAS MACPHERSON STAPLETON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 7, 1993.

NAVY NOMINATIONS BEGINNING STEVEN PATRICK ALBERT, AND ENDING PHILIP DURANT WEBER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 7, 1993.

NAVY NOMINATIONS BEGINNING THOMAS E. BAUER, AND ENDING GARY ALLEN SIDELINGER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 7, 1993.

NAVY NOMINATIONS BEGINNING DEAN ALAN BAILEY, AND ENDING DEBORA ANN COULAPIDES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 7, 1993.

NAVY NOMINATIONS BEGINNING JOSEPH MICHAEL LYNCH, AND ENDING WILLIAM GEORGE WILCOX, JR, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 7, 1993.

NAVY NOMINATIONS BEGINNING DAVID A. CLARK, AND ENDING DONALD SPENCER FRANCIS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 7, 1993.

NAVY NOMINATIONS BEGINNING MICHAEL ANDREW CROSBY, AND ENDING ANTHONY MICHAEL MICHANOWICZ, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 7, 1993.

NAVY NOMINATIONS BEGINNING CHARLES SCOTT ANDERSON, AND ENDING JEFFREY DONALD NICHOLS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 7, 1993.

NAVY NOMINATION OF LORING ISAAC PERRY, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 7, 1993.

NAVY NOMINATIONS BEGINNING MONTE L. BIBLE, AND ENDING ELIZABETH ANN HUFFMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 7, 1993.

NAVY NOMINATIONS BEGINNING ROBERT BRADLEY AARNES, AND ENDING MICHAEL FREDERICK ZINK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 7, 1993.

HOUSE OF REPRESENTATIVES—*Tuesday, September 28, 1993*

The House met at 10 a.m.

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

We remember, O God, in this our prayer, all those who know any distress in mind, body, or spirit. We acknowledge that there are people who suffer from alienation or uncertainty in their lives and who are alone and have not the caring friendship of someone near them. Also, we remember those who, because of the ravages and torment of war, have not either security or safety, and fear is their constant companion. May Your healing Spirit, O God, that is mighty enough to meet our every need and which is more powerful than all we could ask or imagine, be with them and each of us, now and evermore. Amen.

THE JOURNAL

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

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

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

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

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

Mr. BURTON of Indiana. 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. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 241, nays 149, not voting 43, as follows:

[Roll No. 457]

YEAS—241

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Bateman
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (OH)
Bryant
Cantwell
Cardin
Carr
Chapman
Clayton
Clement
Clinger
Clyburn
Coleman
Combest
Condit
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (OK)
Eshoo
Evans
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gillmor
Gilman
Glickman
Gonzalez
Gordon
Green
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hoagland
Hochbrueckner
Holden
Houghton
Hoyer
Hughes
Hutchinson
Hutto
Inglis
Inhofe
Inslee
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McInnis
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Mineta
Minge
Mink
Moakley
Montgomery
Moran
Murphy
Murtha
Myers
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pombo
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Rose
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Smith (IA)
Smith (NJ)
Spratt
Stenholm
Strickland
Studds
Stupak
Swett
Synar
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torricelli
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Wheat
Williams
Wise
Woolsey
Wyden
Wynn
Yates

NAYS—149

Allard
Armey
Bachus (AL)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clay
Coble
Collins (GA)
Cox
Crane
Crapo
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gingrich
Goodling
Goss
Grams
Grandy
Greenwood
Hancock
Hansen
Hastert
Hefley
Hobson
Hoekstra
Hoke
Horn
Huffington
Hunter
Hyde
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Manzullo
McCandless
McCollum
McHugh
McKeon
McMillan
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Nussle
Oxley
Packard
Paxon
Petri
Portman
Pryce (OH)
Quillen
Ramstad
Ravenel
Regula
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Schroeder
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Talent
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—43

Baker (CA)
Becerra
Brown (CA)
Brown (FL)
Byrne
Collins (IL)
Collins (MI)
Conyers
Cunningham
English (AZ)
Farr
Foglietta
Ford (MI)
Ford (TN)
Gibbons
Goodlatte
Herger
Hinchey
LaRocco
Maloney
McCrery
McDade
Meyers
Miller (CA)
Mollohan
Nadler
Owens
Pelosi
Porter
Quinn
Ridge
Rostenkowski
Slaughter
Stark
Stokes
Sundquist
Swift
Torres
Towns
Vucanovich
Washington
Whitten
Wilson

□ 1026

Mr. SMITH of Michigan and Mr. CLAY changed their vote from "yea" to "nay."

Mr. TAYLOR of Mississippi changed his vote from "nay" to "yea."

So the Journal was approved.

The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. OBEY). Will the gentleman from California [Mr. DOOLITTLE] please come forward and lead the House in the Pledge of Allegiance?

Mr. DOOLITTLE 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.

APPOINTMENT AS MEMBER OF BOARD OF TRUSTEES FOR JOHN C. STENNIS CENTER FOR PUBLIC SERVICE TRAINING AND DEVELOPMENT

The SPEAKER pro tempore laid before the House the following communication from the Honorable BOB MICHEL, Republican leader:

HOUSE OF REPRESENTATIVES,
Washington, DC, September 27, 1993.

Hon. THOMAS S. FOLEY,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to section 114(b), Public Law 100-458, I hereby appoint the following to serve as a member of the Board of Trustees for the John C. Stennis Center for Public Service Training and Development for a 4-year term:

Mrs. Sheila Smith of Lony Beach, Mississippi.

Sincerely Yours,

BOB MICHEL,
Republican Leader.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair announces that he will entertain 15 1-minute speeches from each side.

THE TRAGEDY OF INADEQUATE HEALTH INSURANCE BENEFITS

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

Mr. DERRICK. Mr. Speaker, this morning I would like to talk about Mr. Clarence Stevens, his wife, Elizabeth, and their 11-year-old daughter, Krystal. Mr. Stevens suffered from colon and liver cancer which ultimately took his life about a week ago. He had worked for many years as a loom fixer at a textile plant in my district until 1989, when he was forced to quit because of his illness. Mrs. Stevens had to take a leave of absence from her job to care for him at home because the insurance did not cover home care.

The family's insurance also did not cover all the medical costs. And as the family fell further and further into debt, their health insurance premiums went from $142 to well over $400 a month. Their entire life savings soon disappeared. They were able to get by only with help from local church groups and charities.

Mr. Stevens' pain is over now. But, throughout his illness the family's pain and fear were not limited to concerns about his cancer. A great deal of it was caused by the uncertainty of not knowing how the bills would be paid or if they would have to sell their home if his illness continued for much longer.

Under our current health care system, the Stevens family is among the lucky ones. Relatively speaking, they had good health insurance. Many other Americans find that when they need their health insurance benefits, on which they have paid premiums for years, the security they expected—and had a right to expect—was simply not there.

Mr. Speaker, the President's plan is not perfect. But it is a very good start. The Congress and the country realize that now is the time for the obstacles which have prevented us from dealing with the problems in our health care system to be overcome.

□ 1030

SUNSHINE AND REFORM

(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, we shall deal today with changing the rules on the discharge petition. After 30 years of Democrat rule we have an opportunity today for sunshine and reform. Sunshine to let the public rule the process and reform to change the way this House operates.

With this simple reform—one that should be the first in a long series—other reforms people clearly want will be able to reach the light of day.

Needed reforms like, term limits, line-item veto, balanced budget will get past the briar patch of committee chairmen.

If Members are afraid to vote for this simple reform, do not go back to your constituents and promise health care reform and congressional reform. This measure today is only the tip of the iceberg. Opponents claim this will make Congress work harder. Good. It's about time.

MENTAL HEALTH UNDER CLINTON HEALTH PLAN

(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, yesterday in visiting the first health care provider in my State since the President's speech proposing comprehensive national health care, I chose to visit a community mental health clinic. In West Virginia, almost 42,000 people receive some sort of direct mental health services. One out of five Americans will have some sort of emotional or addictive disorder within the next 6 months. One-third of us during our lives will require some sort of mental health services.

The President's proposal makes a good first step for mental health in my State. Outpatient visits are included. Inpatient hospitalization is covered up to 60 days a year. General long-term care provisions also benefit mental health. The fact that every citizen will have a national health security card means new resources, as well as coverage.

Additionally, there must be incentives for mental health practitioners to practice in rural areas. We need psychiatrists, psychologists, and therapists.

Finally, this bill begins recognizing that mental health and health care are the same. One condition affects the other, and both must be dealt with.

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

[Mr. DOOLITTLE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

HEALTH CARE: THE COST OF DOING NOTHING

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

Mr. KREIDLER. Mr. Speaker, some people are wondering whether health care reform will cost them more money.

The fact is, it will cost everyone a lot more if we do not reform health care.

Health care inflation costs all of us—in higher insurance premiums; higher deductibles and copayments; higher prices for goods and services; and lost wages.

Health care costs have been rising at 2 to 3 times the inflation rate.

They are the fastest-growing part of the Federal budget.

Employers who provide health insurance have seen their premiums skyrocket—almost double for each employee in the last 5 years.

That is money that could have gone for higher wages or new jobs.

The question is not how much reform costs, but how much business as usual costs.

We know what happens, when we do nothing—health care costs went through the roof in the 1980's.

Now it is time to rein them in.

CLINTON HEALTH CARE PLAN MEANS MORE UNEMPLOYMENT

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, after President Clinton's health care address, I found that people have just one question: How is this going to affect me? I have one answer: Many Americans will lose their jobs.

Last Friday I held a small business conference in Dallas with over 125 businesses. Their message was loud and clear: no more Government mandates. First it was the Americans With Disabilities Act; then the Family Medical

Leave Act; then the largest tax increase in American history; and now health care, the straw that breaks the camel's back.

Shout it from the rooftops: The primary result of these health mandates will be a reduction in work force. Businesses are already planning for layoff.

Mr. Speaker, it is a good thing the President's plan provides coverage for the unemployed, because that plan puts so many people out of work. But, take heart, America; there are only 1,208 days left in this President's term.

NAFTA AND AMERICAN JOB LOSSES

(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 top 100 American companies already have plants in Mexico, 100 percent. The biggest employer in Mexico is General Motors of Detroit, MI. The biggest employer in America is Manpower Temporary Employment Services, that hires substitute part-time workers.

Mr. Speaker, the fact is, American companies are also getting ready for NAFTA. They are unloading American workers big time. General Motors announced another 100,000; IBM has announced another 85,000; and on and on and on. And what is Congress doing? Congress is getting ready to pass another unemployment compensation bill for American out-of-workers. Meanwhile, the Mexican Government will spend $100 million to lobby Congress.

Mr. Speaker, when it is all over, I will tell you this: I am going to have a little investigation, and print the names of who is getting the Mexican money on this lobbying campaign.

ACTION NOW

(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, last week, the President gave us a compelling statement on the need for immediate health care reform.

For that reason, I urge him to support the House Republican Affordable Health Care Now Act of 1993.

The President spoke eloquently about the problems that many families have with the health care system: those who fear losing their health care benefits, those who can't afford health care treatments, and those who don't qualify for health care insurance.

These real problems mentioned by the President would be addressed by our bill immediately.

Our legislation does this without establishing a national health board, without fundamentally changing the doctor-patient relationship, without using the mysterious global-budgeting scheme, and without adding layers of Government bureaucracy.

I urge the President to act now on health care by working with Republicans to pass the Affordable Health Care reform legislation.

AMERICA'S HEALTH CARE CRISIS

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

Mr. BARCA of Wisconsin. Mr. Speaker, I rise today to applaud the action of the Senate, which last week pledged to abide by the same rules on health care that we approve for the public. Today I am introducing a resolution to express the sense of the House that we too agree that Congress deserves no special treatment in the health care field. This would be one more important step to ensure Congress lives by the laws we pass.

The time is overdue to deal with our country's health care crisis. The President and Hillary Clinton have offered us an opportunity to move forward to tackle what I believe is one of the most important issues facing the United States today.

This is an issue that affects every single American. Working families are being priced out of coverage. Over the next 2 years, 1 out of 4 will be without health care coverage at some point.

American businesses are at a disadvantage in the global market because our companies are forced to absorb higher health care costs than their overseas competitors.

The people are demanding that we address this problem now. I believe Democrats, Republicans, and Independents can join together to pass a meaningful and comprehensive health care bill for all Americans, including Congress.

□ 1040

WAIT 'TIL YOU TAKE IT FOR A TEST DRIVE

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

Mr. EWING. Mr. Speaker, last week the President finally unveiled the sales campaign on his fully loaded health care plan, even though they haven't gotten a model into the showroom yet. In contrast to the Democrats, Republicans have had a model on the road for over a year. It has got all the features America wants in its health care model: Choice, quality, security, and best of all it won't drive you to the poorhouse.

America must remember President Clinton is a consummate salesman. However, sales isn't service. Never has been, never will be. We must all be careful of a sales pitch, when we have not seen the sticker price. Before America buckles itself into a purchase as big and important as this, we must look at all our options. Because if we buy the Clinton there won't be a trade in later or no warranty and no guarantee.

We all need to remember lots of models look like peaches in the press but drive like lemons off the lot. Republicans believe that just because you don't like everything about what you're driving now, you don't have to go so far as reinventing the wheel.

MAURICE ABRAVANEL

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

Ms. SHEPHERD. Mr. Speaker, last week Utah and the Nation lost one of its most gifted artists. Maurice Abravanel was the director of the Utah Symphony Orchestra from 1947 to 1979, when he resigned to recover from massive heart surgery. But the irrepressible Abravanel was unable to stay in retirement. By 1982 he had become the acting artistic director of the Berkshire Music Center in Tanglewood, MA, the summer home of the Boston Symphony. He has returned there each succeeding year as an artist in residence.

This year, at 90, Maurice Abravanel died. His passing brings to a close a remarkable story of personal triumph and historic musical achievement.

As a very young man, Maestro Abravanel fled Germany to escape the emerging Nazi government and became the music director of George Balanchine's Paris Ballet. When he came to the United States in 1936, he was named, at 33 years old, the director of the Metropolitan Opera and became the youngest person to ever hold that post. The breadth of his musical interests later extended to Broadway where he conducted several musicals, ultimately winning, in 1950, a Tony Award for his work on Mark Blitzstein's "Regina."

Utah has lost an historic connection to its musical history with the passing of Maurice Abravanel. All of us who love music have lost a friend, a joyous interpreter of those carefully orchestrated sounds that have the power to lift our souls. Under his baton, the Utah Symphony gained national prominence which is now perpetuated by Maestro Joseph Silverstein.

Mr. Speaker, the world is a poorer place for the passing of this great artist and personality. I wish to dedicate these words to his wife Carolyn and to the Utah community which mourns his loss.

THE "MAKE OUR CUTS COUNT" BILL

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

Mr. CRAPO. Mr. Speaker, today is a special day for America, as we vote on the discharge petition and move forward the reform movement in the Congress. It is also the day that I have chosen to introduce another new reform measure for our budgetary system in Congress. I call it the make our cuts count bill.

Imagine my surprise, as a new Member, after voting on many bills to cut budgets and to trim back, to find out that when the House and the Senate both vote to cut the same project, program, or activity, all that dies is the project or the program.

The money goes back into a special account that the conferences committees can then reallocate in the conference bill to other spending outside of specific public review.

This bill makes it so that when both the House and the Senate cut the same project, program, or activity, not only does the project go but the money goes. The cap is reduced and the allocations are taken away so that the subcommittees cannot simply reallocate that spending in the conference committee.

Let us make our cuts count.

SOMALIA: THE TIME IS NOW TO BRING OUR TROOPS HOME

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

Mr. MAZZOLI. Mr. Speaker, I have spoken often in recent weeks about what I consider to be a lack of United States national interest in Somalia. What began as a laudable humanitarian mission has become, in my judgment, a combination peacemaking, peacekeeping and nation-building exercise.

Those missions are not part of the U.N. mandate under which we are in Somalia. I think that the possibility of our accomplishing these missions is near zero.

Because of my concern about our presence in Somalia, I am happy that later today we will debate an amendment which has two phases. One would require the President, by October 15, to announce the goals and the achievements to be made and the length and duration of the deployment of troops in Somalia and then, by November 15, the President must ask and secure congressional authorization for that continued deployment.

I have already said I believe the time is now to bring our troops home. But at least I am pleased that Congress and the country are coming to grips with what could be a quagmire which we are in in Somalia.

THE DEATH PENALTY

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

Mr. GEKAS. Mr. Speaker, we have introduced legislation that would call for the imposition of the death penalty in cases where tourists or international visitors are gunned down or otherwise murdered in our country. We need to send a signal to the international community, to the world at large that their citizens who come to enjoy the hospitality of our Nation have that added measure of protection and concern.

Over the past generation, we have valiantly tried in this Chamber to pass a comprehensive death penalty statute that would cover these types of killings and drive-by killings and tourist killings and rape murders and robberies and all those vicious things that are happening almost every day in our country, only to see the opponents of the death penalty in this Chamber and the other always combining to defeat us at the last moment. And still we are without a death penalty except for drug dealers who kill.

It is time that we pass a comprehensive death penalty. Protect tourists, protect our citizens, protect our society.

ON THE MEEHAN AMENDMENT

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

Ms. WOOLSEY. Mr. Speaker, I rise today to urge my colleagues to support the Meehan amendment on gays in the military, to leave the decision regarding gays and lesbians in the military to the administrative branch.

Twenty-five years ago, Mr. Speaker, as a human resources manager of a high-technology manufacturing firm, I instituted a policy of nondiscrimination on the basis of sexual orientation. I am appalled that after all these years I find myself in the Halls of Congress trying to the same thing and not getting anywhere.

I say, do not ask me to support this ban on gays and lesbians. Do not tell me that it is fair and do not pursue it without rewriting it.

Mr. Speaker, a bad directive is better than a bad law. So I am here today to support the Meehan amendment.

I urge my colleagues to join me in requesting that the Pentagon deal with the real issue of sexual misconduct, not homosexuals in our military.

A vote for the Meehan amendment will make this possible.

GAYS IN THE MILITARY

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

Mr. ROGERS. Mr. Speaker, later today, the House is expected to vote on a bill to lift the ban on homosexuals serving in the military.

I am opposed to such a change in our military policy, and believe that keeping the ban intact is the best thing for our soldiers.

Whether you talk to our highest ranking military leaders at the Pentagon, or rank-and-file soldiers on our submarines, there is widespread agreement that the ban should stay just as it is.

Worries over discipline, cohesion, and unit morale are real concerns and should not be scoffed at by those who want to change existing policy.

There is widespread opposition to this change, Mr. Speaker. In my congressional district alone, over 81 percent of the people want the ban to remain in place.

Our people are not only concerned about the effect that lifting the ban will have on our military but about the precedent that is being set.

By lifting the ban, the Federal Government would be putting its stamp of approval on the alternative homosexual lifestyle—a lifestyle that most Americans find morally wrong.

Mr. Speaker, I urge my colleagues to vote with the American people on this one. Keep the ban in place.

□ 1050

SUPPORT H.R. 1833 AND H.R. 1834, GUN CONTROL LEGISLATION

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

Ms. NORTON. Mr. Speaker, yesterday in this city, the seventh Asian-American shopkeeper this year was killed during a robbery in what are clearly attacks targeted at Asians who serve many communities.

Saturday five young people and children were killed or wounded in daylight within a few blocks of one another in Southeast Washington.

The viciousness of these domestic guerrilla war-like attacks go beyond guns. Yet, surely the guns used in these crimes must themselves be targeted. We must pass the Brady bill at once.

But the crimes we increasingly see call for more. In April I introduced H.R. 1833 to regulate the private sale and transfer of handguns because criminals more often get their guns from relatives or street sales than from licensed dealers. Only 18 States regulate the private sale and transfer of firearms.

More important, I have also introduced H.R. 1834, a bill to bar the private transfer of handguns and ammunition to minors and to prohibit the possession of handguns by minors. Although homicides by juveniles rose 93

percent in the 1980's, there is no Federal law barring the private sale and transfer of handguns to minors. Some States also leave this murderous void unaddressed.

Members can do something. Please cosponsor my bills H.R. 1833 and H.R. 1834.

MAKING A SPENDING CUT A SPENDING CUT

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

Mr. INGLIS of South Carolina. Mr. Speaker, I do not know about the people in the rest of the districts of this country, but I know the people of my district expect common sense out of this body. And common sense to them means that a cut is a cut, and that when this body votes to cut some spending program, that it will result in money going back to the Treasury.

That commonsense result does not obtain in this House. I was very surprised and I wonder if many other Members are surprised that that is not what happens, that in the conference committee it could go sliding off into spending, so a cut actually becomes spending.

This is not commonsensical, and this is not what the American people want.

Today my colleagues, MIKE CRAPO, JOHN KASICH, JOHN BOEHNER, KENNY HASTERT, and ROD GRAMS, and I will be introducing a bill called make our cuts count. That bill will do the commonsense thing of making certain that when we make cuts, those cuts are cuts, they are not excuses for additional spending.

I would request support of the rest of the Members of this body for this commonsense act.

RETIREMENT OF SENATOR DONALD W. RIEGLE, JR.

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

Mr. CARR of Michigan. Mr. Speaker, life is filled with many tough decisions, but for some people two of life's tough decisions are first to enter public service, and then the second is to leave it.

As a young person in Michigan I was helped and encouraged to make the decision to enter public service by a good friend. That good friend later became the U.S. Senator from our State, and is today our senior Senator. And I have never regretted that decision to enter public service.

Today our senior Senator announced that he would not seek reelection, and he made the tough decision to leave public service. Personally, I regret that. He has done so much for our State and our Nation, and I know that he is going to give it his all in the last 15 months.

But the course of Michigan political history has been changed, and I regret his decision to leave the U.S. Senate.

CONGRESS NEEDS A COHERENT STATEMENT OF PURPOSE ON SOMALIA

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

Mr. STEARNS. Mr. Speaker, on August 11 of this year, Army Specialist Keith Pearson of Tavares, FL was ambushed and killed with three other American peacekeepers in Somalia. It was one of the most difficult things I have had to do as a Member of Congress to call Keith's family and extend my sympathy to them for their terrible loss.

I have grave concerns about the continued presence of our American forces in Somalia. We cannot accept more American casualties in Somalia while our mission there is undefined.

Today we will have a resolution which offers President Clinton the opportunity to present Congress with a coherent justification for the continued presence of American forces in that troubled land. The American people need to know the goals, objectives, and anticipated duration of this operation if they are going to support further peacekeeping operations in that nation.

All Americans, and especially, the families of those who have already lost their lives as part of this operation deserve that. I congratulate the distinguished majority leader and ranking Republican of the Foreign Affairs Committee for bringing this resolution to the floor and ask my colleagues for their support.

CODIFYING THE BAN ON GAYS AND LESBIANS IN THE MILITARY

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

Mr. DEUTSCH. Mr. Speaker, as the gentlewoman from California [Ms. WOOLSEY] mentioned several minutes ago, today we are going to have an opportunity to make defense policy in the right direction or the wrong direction. In front of us is in amendment not to codify the ban and the changes that the President has issued in terms of gays and lesbians in our military.

The issue today in terms of the amendment, the Meehan amendment, is no longer a question of the Executive order that the President has issued. The status of the condition of gays and lesbians will not change whether or not we pass legislation to enforce the ban. The Executive order will enforce the ban.

The question really is whether it makes sense for this country's defense policy to do that action. What appears in terms of hysteria that has been brought up throughout this country, throughout today, might change in several months, or for that matter in several years, and clearly it would be far more difficult to change that policy.

I ask my colleagues what is the purpose when so many other defense issues are left to our Commander in Chief because he very well might need that flexibility in time of war and national crisis, that we are starting a precedent if we codify that legislation today.

I urge support of the Meehan amendment.

CLEARING THE WAY FOR HEALTH CARE REFORM

(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, I know of no who disputes the idea that we have serious problems with paperwork in the health care industry. Our Nation is literally choking on it. We have to correct this problem if we are to deliver better health services to our citizens and if we are to halt health care's rising cost.

Last Wednesday, President Clinton told Congress and the Nation that he wants everyone to have a health care security card like this that would provide a lifetime package of guaranteed benefits. But to make that possible—or to make any health reform possible—we must eliminate the waste and the tons of paperwork that burden our patients, hospitals, and doctors.

Yesterday, I introduced a bill with fellow Ohio Congressman TOM SAWYER to reduce paperwork in the health care industry through an electronic information system. The plan provides for strict patient privacy and will slow the growing costs of billing and manual recordkeeping.

This plan has bipartisan support. An identical bill was introduced last Friday in the other body by Senators KIT BOND and DON RIEGLE.

This technology is available now. And the time is now to lay the foundation for health care reform. Please join me with your support.

DO AS I SAY, NOT AS I DO

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

Mr. MICA. Mr. Speaker, yesterday the President of the United States addressed the United Nations in a speech we must entitle "Don't do as I do, Do as I say."

Unfortunately, the President and Congress have failed to ask the same

questions about United States involvement in Somalia.

"Does the mission have clear objectives?" The answer is no. Our mission is clouded, our original purpose forgotten.

"Can an end point be identified?" The answer is no. Each day we sink deeper into a civil conflict.

"How much will the mission cost?" This was to be a 2-month military operation to support a humanitarian effort. After 10 months we have spent nearly a billion dollars and we are about to waste another half a billion. We have spent $10 dollars in military operations for every $1 in humanitarian aid. And most regrettably we have paid for this lost mission with American lives.

Clearly, before we tell others what to do, we must correct our own mistakes.

NORMALIZING RELATIONS WITH VIETNAM

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

Mr. BURTON of Indiana. Mr. Speaker, 2,200 POW's-MIA's have not been accounted for by Vietnam. We were not going to normalize relations with Vietnam until we had a full accounting for those 2,200 families that have loved ones that were left behind over there.

Now the Clinton administration has taken two giant steps to normalize relations with Vietnam. And now we find that it has been alleged that Ron Brown, President Clinton's Commerce Secretary, took $700,000 to influence the decision of this administration. Three meetings that were denied by a spokesman for Mr. Brown at the Commerce Department have now been admitted to. Mr. Brown has admitted that he has met with a spokesman and contact for the Vietnamese Government on three separate occasions.

Because of these allegations, and because there is so much involved in here that is important to the American people and to the families of the POW's-MIA's, I have written a letter to the gentleman from Indiana, Mr. LEE HAMILTON, chairman of the Committee on Foreign Affairs, asking for a complete investigation by our committee into these allegations.

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A grand jury is investigating this in Miami, so some people say, "Why not wait until the grand jury has concluded its investigation?" We should not wait, because decisions are being made by the administration involving normalizing relations with Vietnam right now. And this Congress should take action to investigate those allegations before any further steps are taken. Steps should be suspended until there is an investigation of these allegations by the Congress of the United States.

SOMALIA AMENDMENT TO H.R. 2401, DEFENSE AUTHORIZATION ACT

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

Mr. GILMAN. Mr. Speaker, I rise to alert my colleagues that later today the House will address the continued deployment of our military forces in Somalia. It will come before us as an amendment to H.R. 2401, the Defense Authorization Act for fiscal 1994.

This amendment—which is offered by myself and my distinguished colleague, the majority leader, the gentleman from Missouri [Mr. GEPHARDT] is identical to the amendment passed in the Senate by a substantial vote of 90 to 7.

While this amendment is not as strong as some of us would like, it does set the stage for a debate by November 15 on setting a firm deadline for withdrawing our troops from Somalia.

I urge my colleagues to support this amendment when it comes up later today.

DEVALUING THE PESO

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

Mrs. BENTLEY. Mr. Speaker, last year, 1992, Mexico's current account deficit was $23 billion, or 7 percent of its GDP. In the United States this would translate into a trade imbalance of $420 billion according to Jorge Castaneda, a visiting professor of international relations at Princeton. He explained in Newsweek that Mexico reached this position because much of the money that has entered the country since 1990 has consisted of investments attracted by the expectations of NAFTA.

Castaneda claims the imbalance was inevitable because of a number of steps taken in Mexico. He pointed out that the Mexican currency is overvalued, and that nearly all economists say its relation to the dollar will have to be adjusted. That means devaluation—but when—certainly not before the NAFTA vote and, not at the time of the Mexican elections in 1994. So the timing is a surprise, but what will happen when devaluation does come, is a gigantic flood of Mexican products into the United States, a product not unlike the great 40-day water flood of Noah's time.

Mr. Speaker, as we approach the vote on NAFTA, think devaluation and its effect on both Mexico and the United States.

TRIBUTE TO THE LATE LT. GEN. JAMES H. DOOLITTLE, WORLD WAR II HERO

(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, yesterday a truly great American hero passed on, Gen. Jimmy Doolittle. I have had his book out and have been reading it just by coincidence in the last month, and it has such a wonderful title. He was so well known and so beloved, his book just simply could have been titled "Doolittle," the first great American of that name. There would have been no confusion.

But he titled his book simply, "I Could Never Be So Lucky Again."

Fifty years ago, with the great, amazing, courageous raid on Tokyo, a year behind him, he was commander of the 15th Air Force in the Mediterranean, when the Luftwaffe, the German Air Force, was still a superior fighting force. It was really a fight in 1943.

Then he went on to command the great 8th Air Force in England. He had so many firsts as a young man, it just staggers the mind.

His family and all of America will truly miss this recipient of our Congressional Medal of Honor. I will do a 5-minute tribute to him at the end of the legislative business today.

GAYS IN THE MILITARY: AMENDMENT TO H.R. 2401

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

Mr. MEEHAN. Mr. Speaker, I have an amendment today that will be voted on on the floor of the House of Representatives. I think it is important that Members read that amendment because there is a lot of misinformation about what that amendment does; a lot of blue smoke and mirrors, red herrings.

What my amendment does is simply keep the law the way it has been; that is, let the President and the Joint Chiefs of Staff determine what the policy is going to be with regard to gays in the military.

This amendment does not lift the ban, this amendment leaves it up to the military personnel, with the President, where it should be, where it has been.

Mr. President, I urge Members not to be susceptible to other arguments of blue smoke and mirrors or red herrings.

PUBLICATION OF MEMBERS SIGNING A DISCHARGE PETITION

Mr. INHOFE. Mr. Speaker, pursuant to the unanimous consent requests of Thursday, September 23, and Monday, September 27, 1993, and to House rule XXVII, clause 3, I call up House Resolution 134 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 134

Resolved, That clause 3 of rule XXVII of the Rules of the House of Representatives is amended by inserting after the fourth sentence the following new sentence: "Once a motion to discharge has been filed, the Clerk shall make the signatures a matter of public record.".

The SPEAKER pro tempore (Mr. OBEY). The gentleman from Oklahoma [Mr. INHOFE] is recognized for 1 hour.

Mr. INHOFE. Mr. Speaker, for the purposes of debate only I yield 30 minutes to the distinguished chairman of the Committee on Rules, the gentleman from Massachusetts [Mr. MOAKLEY] pending which I yield myself such time as I may consume.

During the consideration of the resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, I ask unanimous consent to insert certain extraneous matters.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. INHOFE. Mr. Speaker, I will be very brief in the opening remarks.

I would like to put this properly framed, and that is, the history of the discharge petition goes back to 1910. It was there so there would be some vehicle for the will of the majority in Congress and, therefore, the will in America to be considered.

John Nance Garner, in 1931, is the man who introduced the secrecy.

And I say this because I have been very critical over the past 6 weeks of a number of people and yet I have hastened to say each time that there is not one person, whether it is Mr. MOAKLEY or anyone else who is serving today, who was serving back at the time in 1931 when John Nance Garner put in the rule of secrecy.

The secrecy rule, in my opinion, is a rule that is a corrupt rule, it is a rule of fraud, it is a rule of hypocrisy. And I think probably the best way to explain that is to remember what happened in 1990 when Joint Resolution 268 was introduced and the discharge petition was placed in order and we were only able to get 140 signatures on the discharge petition, yet we had 246 cosponsors to the resolution. Now, what does that tell you? It tells you that 106 people are going home saying things, they were representing they were in favor of positions they really were not.

So I am going to reserve the balance of my time. At the conclusion of the debate, I will answer all objections, real and imaginary, and then we will vote to destroy this 63-year veil of secrecy forever.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I want to thank the gentleman from Oklahoma [Mr. INHOFE] for yielding me the time, and I yield myself such time as I may consume.

Mr. Speaker, I would like to thank the distinguished gentleman from Oklahoma for informing everybody here that I did not serve with John Nance Garner. But after reading some of the stories going around, I would not be too sure if some people thought I had.

Mr. Speaker, it is clear that a majority in this House want to be on record supporting Mr. INHOFE's discharge petition proposal. And today Members will have a chance to do just that.

I will oppose this measure. I will not—I repeat—I will not—plead with other Members to join me in casting a "No" vote.

Mr. Speaker, I oppose this resolution because I believe it will fundamentally alter the delicate balance that has existed over the past 60 years in the discharge process. It is a proven mechanism that allows a determined majority to bring a measure to the floor even if it is opposed by the leadership and the committee.

More unfortunate, beyond altering a basically sound procedure, are the consequences of the change. It will contribute to the decline of the deliberative process and will allow narrow special interest pressure groups to exert enormous leverage on Members.

To me the issue is one of institutional integrity and upholding the committee system, not one of secrecy and hypocrisy. But we all know that when the words secrecy, hypocrisy, and Congress are uttered in the same sentence, the alarm bells go off, the press gets self-righteous, the public becomes aroused and enraged, and it becomes virtually impossible to engage in thoughtful, reasoned debate.

I am disturbed that this issue has been so miscast—the facts so distorted and overblown.

As Thomas Mann of the Brookings Institution said at the Rules Subcommittee hearing:

> I do think * * * that a routine and perfectly good procedure has become inflated with party and ideological agendas in ways that confuse the public and threaten to undermine the deliberative quality of this institution. I think most unfortunate is the portrayal of Congress as closed, secretive, dominated by committee chairmen, unresponsive to the public. I know of no serious student of Congress who believes this characterization has any basis in reality.

If anything, Congress is too sensitive—too easily and too quickly moved by every shift in the political winds. Gridlock is the usual result. Under the new discharge process anyone seeking his political fortune can exploit our hypersensitivity with issues of raw emotional appeal, demanding immediate action without the scrutiny of hearings and committee review.

The current discharge rule, in effect since 1935, has worked to the advantage of the House. That is not only my opinion. Many of the scholars and experts on Congress that testified before Mr. BEILENSON's subcommittee confirmed this. As Mr. Rick Beth, specialist in congressional procedure at the Congressional Research Service, testified:

> The House has reached an implicit judgment in favor of a discharge rule. * * * (T)he rule the House has settled on offers a way for Members to get their issues on the floor agenda.

Thomas Mann stated it somewhat differently:

> The fact is, majorities rule in the House of Representatives. * * * Virtually all serious legislative proposals with * * * majority * * * support * * * find their way to the floor. The discharge petition is an important though seldom-used safety valve to ensure consideration of legislation when a majority of Members, without the threat of political pressure, believe the leadership is inappropriately thwarting action.

My argument with the resolution before us is that it alters the time-proven balance that exists in the current system. That is, a determined majority of 218 Members have been able to bring legislation to the floor, such as line-item veto and balanced budget amendments.

If the historical evidence demonstrates that the current procedure works as intended, why is a change warranted?

Proponents of the resolution argue that public signatures are required because many Members mislead voters. Specifically, the allegation goes, Members cosponsor legislation and do not sign the discharge petition compelling floor action. This, in the view of the proponents, is an act of hypocrisy of horrific proportions. Witness after witness at our subcommittee hearing dispelled this misconception. In my mind this allegation shows a complete misunderstanding between two distinct propositions—signaling support for a bill versus compelling floor action.

As Rick Beth stated in his testimony:

> Position taking has * * * legitimate legislative functions, but a discharge petition has formal consequences in procedural terms for the agenda, altering the normal processes of committee and floor deliberations.

Mr. Speaker, Members should be wary of the implications of the "hypocrisy" line of reasoning. If sincerity requires signing a discharge petition—if cosponsorship is not enough to show support—every time you cosponsor a bill be prepared to be besieged to sign the discharge petition. If you do not, your motives will be questioned—your sincerity placed under a cloud. Under this line of reasoning can a Member merely introduce a bill? No. True sincerity will require you to introduce the companion discharge petition, and if you truly believe, you should discharge a special order of business, as well. My colleagues, we should be more careful when we attempt to divine Members sincerity.

Mr. Speaker, many Members, including myself, cosponsor legislation to

register support without signing a discharge petition. Is that hypocrisy? No. I want the committees of jurisdiction—those with the detailed knowledge on the issues—to hold hearings and markup in order to let all sides of the public be heard.

Now, there are certain Members who support this legislation saying that the issue of public accountability is the only driving force behind their support and I certainly take them at their word.

But there is another element of support behind this resolution that is impossible to deny. There are many Members, especially on the other side of the aisle, who see this as a way to influence the agenda of the Congress.

Some will say this change is necessary because popular legislation is being bottled up in committees. Typically mentioned in this argument are line-item veto, constitutional amendments to balance the budget and term limits. As to balanced budget amendments and line-item veto this argument falls apart. The House has twice in the previous two Congresses considered constitutional amendments to balance the budget, once under the current discharge process. Moreover, the leadership has committed to bringing up the balanced budget amendment again this Congress. The House has twice in the last 2 years considered forms of a line-item bill.

I contend that some Members want to find those issues with a certain raw emotional appeal and replicate the successful high-pressure lobbying effort that took place on this resolution.

At their disposal are radio talk-show hosts, ready made grass roots organizations, and conservative media who can whip up a frenzy of public sentiment based on irresistible sloganeering.

Mr. Speaker, to some this is an issue of secrecy. I do not see it that way. I believe in openness, sunshine, and accountability. Of course the people have a right to know. But else truisms are not limitless in their reach.

In any collective decisionmaking, there must be small, limited zones of quiet confidentiality. There must be an arena for Members to ask questions, state their concerns, and candidly assess their stands—off the record. This House is the most open legislative body in the world and we ought to take pride in that fact.

The discharge process is simply a formal mechanism designed to let the House calmly and quietly assess where the majority of its Members stand on certain issues. Under the klieg lights, it will no longer serve its intended function as well.

Mr. Speaker, this resolution will undercut the deliberative process that serves this institution well. Making it easier—or preferable—to bypass committees—to avoid hearings and to avoid committee scrutiny—is a bad idea. Former minority counsel for the House, Hyde Murray observed in his testimony, "The committee structure in the House is basically designed to give the House the time, the expertise, and the persistence within the committees to formulate sound law—and then I would add this—and to kill bad legislation." Changing the discharge process so that special interests will look to it as the avenue of first resort rather than one of last resort, will make it more likely that complicated issues will reach the floor without the benefit of the committee process.

During Mr. BEILENSON's subcommittee hearing we heard scholar after scholar, expert after expert testify as to the negative effects this resolution may occasion.

Not one witness disputed the fact that making the names public will increase the amount of special interest, pressure group lobbying on Members to sign discharge petitions. As Peter Robinson, former assistant parliamentarian of the House, stated:

> On something like the notch issue and particularly on other tax or financial matters, that might affect particular industries, where public support can be galvanized in a certain area I do see it as a big opportunity for the special interest groups.

As Thomas Mann said, the discharge process "was never—and never should be—designed as another means by which outside groups can pressure Members into forcing action on a piece of legislation."

But no one denies that this is what will happen. Outside groups will be able to pressure Members into forcing action on a bill. Can anyone dispute that to a large extent that is exactly what happened on this particular resolution?

A likely consequence of this change and the emphasis on discharge petitions is that Members will likely be judged, not on their support of a measure, but rather on their support of an extraordinary method to bring that bill to the floor—bypassing all committee consideration and input. This again blurs the distinction between substance and process that is vital to maintain.

When a bill, or in a large number of instances a rule, is discharged from committee, there is little opportunity for the committee to respond—to hold public hearings, to exercise its expertise and judgment and hold markup. In short, to subject a bill to the balancing and refining deliberative process. Many times a rule is discharged, not only precluding the competent committee from considering the bill but also establishing a process for floor consideration that forecloses alternate proposals from being considered. Norm Ornstein, resident scholar of the American Enterprise Institute testified,

> What I fear out of this process, this small change that seems so trivial in many ways on the surface, is that it is going to create a great deal of difficulty to continue to have the kind of trade-off and deliberative process that we have had where you can put things together and bring them out, that represent a balancing test of interests. Because balances will no longer be allowed in this case.

Mr. Speaker, I realize that I have gone on for some time now, but I want to amplify for my colleagues and for the record the fact that those of us who oppose this resolution don't do so because we support secrecy. To us, secrecy is not the issue, the issue is institutional integrity, upholding the committee system and the deliberative nature of this body.

Mr. Speaker, the Subcommittee on Rules held hearings on Mr. INHOFE's proposal and a number of very prominent congressional scholars and experts on government—Norm Ornstein from the American Enterprise Institute; Tom Mann from Brookings; Roger Davidson, professor of government at the University of Maryland; Steve Smith, professor of political science at the University of Minnesota; Hyde Murray, former minority counsel for the House; former assistant House parliamentarian Pete Robinson; and Rick Beth from the Congressional Research Service—testified as to their concerns on this measure. I would ask at this time that their statements be printed in the RECORD.

Mr. Speaker, I hope that everyone in this House will read these statements carefully. They are the opinions of people who are not involved in partisan politics—but who are dedicated students of government. The statements probably won't change the votes of anyone today—but, if nothing else, they will demonstrate that this issue is a lot more complicated than a 30-second sound bite. And, I should add, that most issues are.

Mr. Speaker, when Clarence Cannon, former Member and parliamentarian, wrote his commentary on the difficulties of formulating a workable discharge procedure, he said that it is one of the oldest and most perplexing problems in the history of the House. It took the House from 1910 to 1935 to arrive at a system that worked and served this House for nearly 60 years. I hope that it does not take us another 25 years to reestablish the balance that maintains the integrity of the committees and the deliberative nature of the process while preserving the ability of 218 Members to bring measures to the floor.

STATEMENT OF RICHARD S. BETH, SPECIALIST IN THE LEGISLATIVE PROCESS, CONGRESSIONAL RESEARCH SERVICE

Under the "discharge rule" of the House of Representatives (now clause 3 of House Rule XXVII), it is not in order to move to discharge a committee from considering a measure referred thereto, unless 218 Members, an absolute majority of the House's statutory membership, first sign a petition for the purpose. When the requisite signatures are obtained, the motion is entered on

a "Calendar of Motions to Discharge Committees," and a list of signers is published in the *Congressional Record*. Ever since the petition mechanism was established in 1924, however, it has been the practice of the House to treat the identities of Members signing as confidential unless and until the motion is entered.[1]

During roughly the last decade some support has been evident for changing this practice, so as to permit public disclosure of who has signed pending discharge petitions. In the present Congress, a provision of H. Res. 36 would require listing signatures in the RECORD once a petition receives 100 signatures and weekly thereafter. H. Res. 134 would "make the signatures a matter of public record" as soon as a petition is filed. Similar proposals were submitted in the 102d and other recent Congresses.

General questions raised by these proposals include:

What might be reasons for maintaining or for abolishing confidentiality of signatures to pending discharge petitions?

What might be effects of making signatures to pending petitions public?

What other changes in the discharge rule might be appropriate in conjunction with such an amendment?

BACKGROUND OF THE CONFIDENTIALITY REQUIREMENT

The confidentiality requirement has never been explicit in the rule, but rests on precedent. Possible reasons for or against the requirement therefore may be sought in the provisions history.[2] Pertinent precedents appear to be consistent with the debate on the initial adoption of the petition requirement, and to rest on an interpretation of the provision itself. They also go back nearly as far as the provision's inception in 1924. The first unauthorized disclosure of signatures apparently occurred between 1925 and 1931. Until recently, the only other known episodes bearing on this question occurred in 1931, 1934, 1946, and 1960.

Debate on the rule for a petition. The proposal originally offered in 1924 called for the Member initiating a discharge petition to circulate it for signature among Members. When the full number was obtained, the petition would be submitted and the signatures would be published in the RECORD. Under this procedure, the question of official confidentiality for signatures on a pending petition could not arise, for a pending petition would not be in official custody.

Because the rule permitted (as today) only one petition on any measure, some Members objected that the initiator might circulate the petition only among political allies, depriving other supporters of the opportunity to sign, or, on the other hand, that an opponent of discharge might initiate the petition and neglect to circulate it. Other Members felt that a circulating petition might lead to situations incompatible with the dignity proper to Members' official acts, such as that the initiator might permit staff or lobbyists to circulate the petition. Members feared that petitions might be pressed upon them "on the street cars and in the hotel lobbies," and might even be "taken to New York or anywhere else."[3]

To deal with these potential problems, the House amended the proposed rule to require the petition to remain on the Clerk's desk and in his custody. This amendment could give Members any protection against outside pressures to sign only if it entailed that the Clerk keep the signatures confidential. This requirement was retained when the rule was subsequently amended in 1925 and 1931, with no debate on the point.

Situations relating to unauthorized disclosure. On one occasion under the 1925 rule, the press published names of signers to one petition, and the petition was allegedly taken to the Capitol steps and photographed. According to later accounts, then Speaker Nicholas Longworth (R., Ohio) and other House leaders "felt * * * that such conduct was a gross violation of the rules of the House" and discussed appointing a committee to investigate, but the matter seems to have never reached the floor. Also, shortly after adoption of the 1931 rule, when one Member announced the filing of a discharge motion, Speaker John Nance Garner (D., Tex.) took occasion to explain to Members that such petitions were to be filed with the Clerk, and that "signatures cannot be made public until the required number of Members have signed."[4]

These incidents suggest some deliberate effort, at the inception of the petition requirement, to establish the norm of confidential signatures in the consciousness of the House. The requirement that the petition be kept in the custody of the Clerk was presumably understood to imply that the signatures not be made public. It also seems likely that the provision for publishing names when a petition is entered was read as implying that they not be published before the petition is entered.

This norm, however, did not immediately become universally accepted. In 1934, signatures on two discharge petitions were again published in newspapers within a week. (One of these petitions related to a resolution before the Committee on Rules to investigate discrimination in the House restaurant, which the House subsequently adopted.) It seems likely that the signatures were released in an attempt to encourage additional Members to sign, for each of the petitions lacked fewer than 25 signatures of the number then required.

Responding to complaints raised on the floor, Speaker Henry Rainey (D., Ill.) ruled that releasing the names was improper, but said he could do nothing about it on his own motion. He indicated that the proper course would be for a Member to offer a resolution to investigate the disclosures. In the second incident, such a resolution was offered, but withdrawn. Speaker Rainey provided the fullest discussion available in official proceedings of the rationale for keeping signatures confidential:

"There is a reason for not publishing the names, of course. Publishing the names in the newspaper invites people generally in the United States to bring pressure on those who have not signed the petition to sign it, and pressure upon those who have signed it to take their names off."[5]

This explanation reflects the same concerns about pressures on Members as was expressed in the 1924 debates.

Later, in 1946, a Member of the Committee on Un-American Activities referred in debate to a newspaper advertisement in support of a petition to discharge the Committee on Rules from a resolution abolishing the Committee, and asked the Clerk to hand him the petition in question. A point of order was immediately raised against "giv[ing] out anything contained in a petition on the Clerk's desk. . .," and Speaker Sam Rayburn (D., Tex.) ruled that "The gentleman has the right to look at it but he does not have the right to read [presumably meaning, to the House] any of the names."

In 1960, signatures were again disclosed to the press, this time on a petition to discharge the Committee on Rules from a special rule for consideration of the Civil Rights Act of 1960. The Committee subsequently reported the rule, and the possibility of disciplinary action was not discussed on the floor.

Contemporary discontent with the confidentiality provision, and current proposals for abolishing it, seem to stem from a series of situations within the past decade. In 1982 one Member threatened to reveal names of signers on discharge petitions on proposed constitutional amendments on flag burning and a balanced budget, but no action ultimately occurred. Two years later, a group of Members developed the device of asking Members who signed a petition on a proposed constitutional amendment for a balanced budget also to sign an unofficial "public discharge petition" that would be available to the press. This approach does not appear to violate the practice of the House, since Members have always been held free to announce their own actions. Nevertheless, use of this device does not appear to have been repeated.

Also, perhaps in response to these situations, House practice with regard to pending discharge petitions appears to have changed. In earlier days, discharge petitions were described as lying on the Clerk's desk for signatures during sessions of the House. Now, by contrast, they are said to be kept in a drawer, so that Members must ask for them. This change is presumably intended to hinder attempts to ascertain the names of signers for the purpose of unauthorized disclosure. Nevertheless, it appears that Members are still permitted to look at, though not to make notes of, pending petitions. It therefore remains possible for Members, including but not limited to the leadership, to attempt to persuade each other to sign or not to sign.

The most recent incident, involving a measure now before this Committee, differs from previous cases in that the names published were those of the nonsigners rather than of the signers. It is not clear that this difference in approach would be held to make a difference in the application of the rule, since from knowing one set one can infer the other. Applying the standard of confidentiality in this case would receive some support from House debate in the 1934 disclosures, in which several Members stated that another Member, in a radio address, had named 14 Members as having removed their names from a pending petition. In response to a parliamentary inquiry about whether such action was a violation of rules, Speaker Rainey replied "The Chair thinks it is."

In summary, in most cases Members have adhered to the principle of keeping signatures to pending discharge petitions confidential, but in the scattered instances when they have not, no means of discipline has ever become established.

"Accountability" and "pressure." Both the 1924 debate and subsequent precedents generally support the view that confidentiality was intended chiefly to buffer Members against pressure to sign or not to sign petitions. The chief argument now being advanced against confidentiality seems to be that it permits Members to avoid public accountability for their legislative acts. In a sense, these views agree on the likely consequences of abolishing confidentiality: that it would reduce Members' ability to insulate themselves from outside political influences, whether of constituency or of other interests. "Accountability" and "pressure" may

Footnotes at end of article.

be seen as describing the same situation from different viewpoints; what one person calls "accountability" and what another calls "pressure" may be the same thing.

Finally, a more general circumstance bearing on the proposed change is that in recent decades, the Congress has opened up numerous other aspects of its proceedings to increased public view, including markups, House-Senate conferences, and votes in Committee of the Whole. From these events it appears that in comparison with sixty years ago, Congress has undergone a broad shift in its views on how open its proceedings should be. It could be argued that current proposals on the discharge rule are no more than consistent with that shift. By the same token, of course, others may argue that precisely because so much else is now more accessible to the public, this further step would unduly reduce the ability of Congress, in its deliberations, to transcend popular passions of the moment.

DEVELOPMENT AND USE OF THE DISCHARGE RULE

Leadership, committees, and rank and file. The potential effects of abolishing the confidentiality requirement may usefully be evaluated in context of the rule's use in practice. The history of the discharge rule and its use revolves around the issue of leadership versus rank and file control of floor proceedings. More generally, the entire history of the House, especially for the past century, may be read as a search for an appropriate balance between the chamber's institutional capacity to manage its activities effectively, and its Members' capacity to work their legislative will.

Normally, the House relies on its committees to refine legislation into a form that allows the chamber to make coherent policy choices, and it relies on its leadership, specifically the leadership of the majority party, to arrange the floor schedule and agenda. Discharge is the only form of proceeding in the House that permits a voting majority to bring a measure to the floor without the cooperation either of the Speaker, the committee of jurisdiction, or the Committee on Rules. The leadership has in general opposed the use of discharge as disruptive of orderly proceedings and scheduling. It has typically emphasized that discharge brings measures to the floor without benefit of judgment, refinement, and explanation from the committee of jurisdiction.

"A quarter century of experiment." The first discharge rule, in 1910, was one result of "revolt" by a coalition of Democrats and "Progressive" Republicans against a system that effectively placed total control of the floor agenda in the hands of Speaker Joseph Cannon (R., Ill.), in part through his chairmanship of the Committee on Rules. This rule, amended in 1911 and 1912, did not provide for a discharge petition, but permitted a single Member to place a discharge motion on the calendar. This procedure proved unworkable for several reasons. First, it could be used to force many dilatory votes on discharge even when the measures involved had little support. Second, leading members of the Republican majority immediately filed numerous discharge motions; because motions were to be called up in the order filed, these could be used to prevent votes on any minority or rank and file motions. Third, a later Republican minority filed a series of discharge motions on Democratic party measures before the committees were ready to report them, so as to force the majority to vote against bringing their own program to the floor.

Accordingly, when Progressives again held the balance of power in the House in 1924, the rule was amended in an attempt to institute a more workable form of discharge. This version of the rule, developed primarily by Charles R. Crisp (D., Ga.), a former Parliamentarian of the House and the son of a Speaker, was the first to require that a discharge motion be supported by a petition. It was also the first to permit discharge of the Committee on Rules from special rules and other resolutions, including those amending the rules. Previously, a committee could avoid discharge by reporting a measure and then not calling it up, because it could not be discharged from a measure not in its possession. Since 1924, Members can seek discharge on a special rule bringing an unreported measure to the floor; if the committee reports the measure, the special rule may still be adopted and executed.

One bill, to regulate railway labor, reached the floor under the 1924 rule, but relentless dilatory tactics by opponents prevented a final vote. As a result of this experience, together with the recovery of effective control of the House by "regular" Republicans, the rule was again amended in 1925, in a way designed to make it virtually impossible for the House to recover a bill from committee.

The strict 1925 rule remained in effect until 1931, when the new Democratic majority adopted a new revision of the rule, again developed by Rep. Crisp with the stated intent of reconstructing a workable discharge procedure. The Crisp rule has been retained by the House ever since, with only two changes in detail. Adoption of this rule thus put a close to what Clarence Cannon, in his "Precedents," calls "a quarter century of continuous experiment" to find an "effective form" of the rule.

The 1931 rule abolished the requirement, in place since 1910, that a discharge motion had to be seconded by a majority by tellers before it could be considered on the floor. Teller votes, eliminated from House rules entirely at the beginning of the current Congress, permitted numbers to be counted but did not allow for the positions of individuals Members to be recorded. In debate on the 1925 rule, some objection was made to the use of this device on the grounds that it allowed Members, in effect, to vote against consideration of a discharge motion without having their position publicly recorded.

Use of the 1931 rule. The 1931 rule initially required the signatures of only one-third of the House (145). Early experience with this provision, however, showed that it fostered action by discharge on measures lacking sufficient support to pass.[7] Of the 42 measures on which discharge petitions were entered from 1931 through 1992, 11 were introduced during the four years that this provision was in effect. Of these eleven, the House then defeated the motion to discharge on four. Four were never considered on the floor, either because the House adjourned sine die before they could be called up, or because, when the petition was entered, the committee reported the measure and then failed to call it up. Only the veterans' bonus bill was actually brought to the floor by discharge and passed by the House twice during this period, and the resolution to investigate discrimination in the House restaurant was adopted.

"Success" in using the rule. Partly to avoid discharge action on measures that lacked the support to pass, the rule was again amended in 1935, to require the signatures of a majority of the full House. In this way the signature requirement ultimately replaced the seconding requirement as a way of ensuring that only discharge motions with broad support could receive floor consideration. Of the 31 measures on which petitions were entered from 1935 through 1992, the House voted against discharge only once. Four were defeated after coming to the floor by discharge, once the House voted for discharge but no motion to consider the measure was made, and once the House adjourned sine die without acting on a discharge motion.

Of the 24 other measures on which petitions were entered during this period, the House passed sixteen after discharge, mostly from the 1930s through the 1960s. Of these:

Two became public law: the first minimum wage act, and a Federal pay raise that was enacted over the President's veto.

An amendment to House rules was also adopted, but had no effect because it was ill-drafted.

The Senate failed to act on 11, one died in conference, and one was pocket-vetoed. These 13 included (among others) five anti-lynching or anti-poll tax measures, a District of Columbia home rule measure, the Equal Rights Amendments, and three Federal or postal pay bills.

The remaining eight measures did not come to the floor through the discharge procedure, even after the discharge petition was entered. These eight measures included five of the seven on which petitions were entered in the past 20 years.

In five cases the committee precluded further proceedings under the discharge rule by reporting the measure. Two of these measures, or alternatives to them, were subsequently considered under suspension of the rules.

In six cases (including the other three of the five above), the Committee on Rules reported, and the House adopted, either the special rule on which discharge was sought or an alternative, providing for consideration either of the measure or of an alternative, and vitiating further proceedings under the discharge rule.

Six of these eight measures, on a variety of subjects, became public law; the only two that failed were both proposed constitutional amendments (to require a balance budget).

In summary, although a discharge effort is often referred to as "successful" when the petition is entered, in fact the committee is not discharged unless the motion to discharge is then made and adopted on the floor, and obtaining the requisite signatures has not always assured further legislative success. Of the 42 measures on which discharge petitions were entered from 1931 through 1992,

Eleven did not even receive floor consideration, frustrating the intent of the discharge effort.

Nine reached the floor only by means other than discharge.

Twenty-two received floor consideration pursuant to discharge, but only 18 of these passed the House, and only three received final approval.

Further, the House agreed to only one of the eight proposed constitutional amendments on which discharge petitions have been entered. It rejected the discharge motion on two, and five others failed to receive the required two-thirds majority. Together with the measures on which petitions were entered between 1931 and 1935, the House has passed only four of the 18 measures on which petitions were entered by a smaller proportion of the House than required to pass the measure. These figures show the extent to which requiring lower support for a discharge petition than for the measure tends to bring to the floor measures that lack sufficient support to pass.

By contrast, of seven measures other than constitutional amendments, on which discharge petitions were entered but that were then considered under some other procedure, all seven received final approval. In these cases, the discharge effort could be said to have succeeded in bringing about action, even though the action was not pursuant to the discharge procedure itself. The discharge procedure has been more effective when it precipitated leadership action pursuant to other procedures than when it led to action under its own provisions.

Since 1931, in addition, 20 measures on which discharge was attempted have also come to the floor through the regular procedures even when the petition was not entered, and ten of these became public law or otherwise received final approval. The most recent example is the proposed constitutional amendment on flag burning. Others have included the veterans' bonus (again), several other veterans' measures, several Federal and postal pay measures, amendments to the Hatch Act, and at least four civil rights bills. These events suggest again that, even for measures on which discharge petitions were filed, success was often achieved through regular procedures rather than through the discharge procedure itself.

SOME POSSIBLE IMPLICATIONS OF ABOLISHING CONFIDENTIALITY

Management of the floor agenda. These observations suggest that discharge has frequently offered at best a difficult road to legislative success, even when the requisite signatures can be obtained. However, current practice under the rule often provides rank and file Members a means to get their issues included on the agenda, yet permits the leadership to recover control of the processes under which those questions are considered. Measures subject to this practice often do experience legislative success.

The present discharge rule may therefore be seen as one element of the current House balance between leadership and membership control over proceedings. Yet during the years in which this record was compiled, the House has altered the discharge rule little if at all. These observations accordingly suggest that the House has come to accept the value of a discharge rule that is difficult to operate properly, but yet that can be made to work effectively, and one that works most effectively by fostering leadership response to Member preferences, rather than by supplanting leadership control of floor proceedings. The question raised by the measures now before the Committee may be posed as whether, in today's circumstances, the balance between leadership and rank and file embodied in the present discharge rule is one that remains appropriate.

For example, a discharge rule more readily implemented might bring to the floor more measures that cannot pass. Historically, the leadership has typically opposed using the time of the House in considering such measures, but others may argue that rejecting propositions, and possibly building support for future legislation, is as important a deliberative function as enacting laws.

The greatest effects of the discharge rule may be indirect. Although committees may be very infrequently discharged, the possibility of discharge may foster responsiveness by committees and their chairs to Member agenda preferences. Without a discharge rule, committees might feel less incentive to take up measures desired by large numbers of their colleagues. Because successful discharge requires a majority, committee leaders may feel this incentive particularly from colleagues of their own party. In this sense, the Committee may wish to consider the effects of the discharge rule not only as a possible avenue of minority party agenda influence, but as a possible mechanism of accountability of the majority party's leadership to the majority Members for whom, as House practice presumes, it acts as agent.

The rationales discussed earlier for maintaining or for abolishing confidentiality of signatures suggest that abolition would make the requisite signatures easier to obtain. Members today can attempt to persuade each other to sign, and the leadership, in particular, may be able to exercise influence in this way along with others to regulate what measures come to the floor. Permitting public access to pending petitions would most likely add more to the voices desiring expansion of the floor agenda than to those desiring its limitation.

On the other hand, presumably the publication of signatures would not lead Members to sign who were not already inclined to do so, either by conviction or out of constituency responsiveness. Few Members opposed to a measure, or who considered discharge unnecessary on a measure, would likely be led to sign a petition simply because the act was not confidential. Abolishing confidentiality would not affect the current abilities of the leadership to recover control of the floor agenda in discharge situations. For these reasons, the proposed change might be expected not to make any very large difference in the frequency or nature of discharge action.

Position taking. Some have supported the position that discharge petition signatures should be public by using an analogy with cosponsorship. This analogy seems to view both cosponsorship and discharge petitions principally as expressions of support for a measure. It thus raises the possibility that publicizing discharge signatures might render Members more inclined to use them more as a means of taking a position on a measure than of impelling floor consideration.

The starkest use of this analogy has been an argument that the confidential character of signatures permits Members publicly to declare their support of legislation while privately not signing the discharge petition, a course of action that this argument condemns as hypocritical. In light of the canonical House view of the centrality of the committee system in the processing of legislation, however, such a conclusion could be overdrawn. It seems clearly possible that Members might sincerely take a sympathetic position toward the purposes of the measure, and wish to command it to the committee's consideration, while not being so convinced of its virtue as to be willing to press its enactment if the committee of jurisdiction, on the basis of its knowledge of the policy area, could not in its considered judgment recommend it. Even Members who strongly favor a proposed might not be convinced that the committee would fail to set, and might wish to see the measure considered and refined by committee deliberations before enactment.

The analogy between discharge and cosponsorship is not perfect. Cosponsorship has no substantial legislative function beyond position taking, whereas signing a discharge petition also has formal consequences for House proceedings and agenda. Position taking has legitimate and highly significant functions in the policy process. It may afford Members a means not only of accountability to their constituents, but also of influencing the broad legislative agenda, of developing support, and of clarifying opposing issue positions. However, the actions most useful for position taking purposes may not always coincide with those most appropriate to other stages in the decision making process. The rules change under consideration might tend to make petition signing a position taking activity simultaneously with their role as an operating part of the legislative process. The Committee may wish to consider how to ensure that this combination of functions will not generate an undesirable level of potential interference with the usual processes of committee deliberation.

One suggestion has been to permit a Member to sign an undesirable level only if she or he has cosponsored the measure, or at the level of the whole chamber, to permit discharge petitions only on measures that have the cosponsorship of a majority. If such a provision had a tendency to lead every cosponsor of every measure to support discharge, it might blur the distinction between the two acts and introduce counterproductive pressures on both committee deliberations and agenda management. On the other hand, if it seems evident that Members would not necessarily want or need to invoke discharge on every measure that enjoyed majority support, then such a provision might be found to relate discharge and cosponsorship in a way that would usefully distinguish the position taking from the agenda setting function.

Consponsorship was not introduced in the House of Representatives until some five decades after the discharge petition. The original rule thus could not have been written to take account of the functions of cosponsorship. Now that both practices are well established, it may have become possible to make constructive use of the role of cosponsorship in designing the operation of the discharge rule.

Specifics of Current Proposals. Finally, some specific differences between the two proposals currently pending also deserve note. The approach represented by H.Res. 134 would require only that signatures by "a matter of public record." In other words, it would not require that names of signers be publicized, but only permit interested parties outside the House to inquire about and publish them. On the many discharge petitions that are the subject of little public attention, this provision might be of advantage primarily to representatives of interests especially concerned with the measures in question.

The approach represented by H.Res. 36, on the other hand, would mandate the publication of signatures (and withdrawn signatures) in the *Record*, but only after a petition had obtained 100 signatures. This provision would be more limited in its scope. On the other hand, it would ensure some form of permanent public record of all signers to each petition reaching the required level. A related, but weaker, proposal would provide for the publication in the *Record* of all signatures to all discharge petitions, but only after the close of the Congress.

None of these approaches are contradictory, and they could even be combined. In any case, the Committee may wish to consider specifying the exact form in which signatures to discharge petitions would become part of the public record.

Finally, the Committee may wish to consider the status of signatures to current discharge positions if the rules are amended during the present Congress. Presumably Members who signed the two petitions now pending did so on the presumption that their

acts would be confidential unless the full complement of names was obtained. The Committee may wish to consider whether the rules change would retroactively remove the confidentiality from those signatures.

OTHER POSSIBLE CHANGES

If the discharge rule is now to be changed for just the third time in sixty years, the question has also been raised of what other changes in the rule it might be appropriate to consider at this time. Few proposals to amend the discharge rule have been actively discussed in recent years; most of these fall into the categories of altering signature requirements, altering the categories of measures to which discharge may be applied, or dealing with the effects of considering a measure without benefit of committee recommendations.

Signature requirements. The House's earlier experience with signature requirements lower than a majority resulted in frequent consideration by discharge of measures that could not pass. On this point there seems no reason to think that circumstances would differ today. The House might nevertheless reconsider such a provision if it now conceives a different judgment of the value to the deliberative process of considering such measures.

Earlier in this decade, on the other hand, suggestions were made in the Democratic Caucus that, on discharge petitions on measured requiring a two-thirds' vote for passage (that is, proposed constitutional amendments) the signatures of two-thirds of the House be required. A disproportionately high percentage of discharge efforts since 1969 appear to have been on constitutional proposals. The present rule may encourage focusing discharge efforts on such measures as the only ones that can be discharged even if they lack sufficient support to pass. Nevertheless, the Democratic Caucus decided not to recommend such a change in the discharge rule.

Raising the signature requirement generally to two-thirds has also been mentioned. Such a change would clearly make discharge harder to obtain; such a high proportion of the House might seldom support anything so strongly as to wish it considered by discharge. This change might therefore restore to a minority of the House a veto over including specific items in the floor agenda. For periods in which the majority party commands less than two thirds of the House, it might also weaken any implicit role of the rule as an incentive toward responsiveness of the majority party's leadership to its own members. Nevertheless, if the Committee believes that making signatures public will generate massive increases in discharge activity, even a more modest increase in the signature requirement might be judged as tending to restore the existing balance in the rule.

Another proposal would require that a certain proportion of the signatures on a discharge petition come from each party. The House has historically avoided writing into its rules requirements based explicitly on parties. Such an arrangement might tend to give both the majority and minority party a veto over discharge efforts initiated by the other, and in particular to prevent discharge on items favored by at least 218 members of the majority party.

A final possibility would be to abolish the present practice that no additional Members may add their names to a discharge petition once the 218 signatures are obtained. This change would prevent Members who wished to sign for position-taken purposes from being "frozen out." and could thereby reduce pressure to sign simply from fear of being "frozen out." Such a provision could also permit Members to withdraw signatures after the petition is entered. However, in order to prevent uncertainty about whether a motion was eligible to be called up, it might be necessary to provide that a motion would remain on the discharge calendar once it had at any point, or at the end of any previous day of session, achieved the requisite signatures.

Application of the discharge rule. The most extreme proposal to alter the application of discharge would abolish the rule altogether. The absence of even the possibility of discharge might significantly reduce the means by which the House membership, majority as well as minority, can implicitly maintain leadership responsiveness. Adoption of such a proposal would represent a reversal of the apparently hitherto settled judgment of the House that a discharge rule capable of being effectively used on rare occasions promotes an appropriate balance between leadership and rank and file.

A less sweeping change would require all discharge efforts to file petitions both on the legislative measure and on a special rule for its consideration. Such a provision would guarantee that the committee of jurisdiction could not insulate itself from discharge by reporting the measure. It would also tend to guarantee that if the measure came to the floor by discharge, its consideration would be governed by appropriately designed terms. On the other hand, this procedure might make discharge more complicated without necessarily decreasing the likelihood of success; if supporters of discharge have to sign two petitions instead of one, they probably will.

An alternative might be to permit discharge only of special rules for the consideration of measures, retaining only the "second method of discharge" that Crisp considered the preferable one. This proposal, reflecting one made in 1910 by Swagar Sherley (D., Ky), later Chairman of the Committee on Appropriations, would prevent a committee from insulating itself from discharge by reporting. It would also prevent Members favoring discharge from ever having to go through the petition process twice to bring the desired measure to the floor. It would also ensure that every discharge attempt presented an appropriately designed procedure for consideration of the measure involved.

Further, this provision would permit the Committee on Rules to continue its present practice of pre-empting discharge proceedings by reporting alternative special rules acceptable to the leadership. In other words, this alternative might facilitate the use of discharge as a means of fostering leadership responsiveness to Member agenda preferences, rather than of precipitating struggles for floor control between leadership and rank and file. The figures supplied earlier suggest that such approaches might also yield a higher degree of legislative success for the measures involved.

Finally, the current discharge rule prohibits further action on a subject under the discharge rule during the session in which a measure on the subject has reached the floor by discharge. This provision was designed to reduce repetitive votes, although it does not prohibit action on bills on the same subject reported from committee. Under contemporary conditions of legislative scheduling, consideration might be given to extending this prohibition from the single session to the entire Congress. The practical impact would in any case, however, be small.

Lack of committee consideration. Several suggestions have been made to mitigate the disadvantages of considering legislation on the floor without benefit of a committee report or recommended committee amendments. One long-standing suggestion would require that once a petition was entered, its initiators supply information covering matters required or usually found in a committee report, to be published as a House Document that would serve the same functions of informing the membership as the report normally performs. The committee might be invited to contribute similar information as well, which would allow it to state its case for not having reported the measure.

Another approach would lengthen the time between entry of a discharge petition and floor consideration of the discharge motion. The present rule permits a minimum of seven days of actual session and a maximum of one month, depending on the timing of the petition's entry in relation to available discharge days (the second and fourth Mondays of each month). The strict 1925 rule, on the other hand, allowed only one day per month for motions to instruct a committee to report a measure within fifteen days. Counting those intervals in days of actual session, such a proceeding would give a committee typically between one and two full months to hold hearings, mark up the measure, and prepare a report. A rule of this sort might once again tend to foster leadership responsiveness to membership agenda preferences while maintaining overall leadership agenda control. It might also be possible to offer the extra time only if the committee was actively proceeding with hearings and markup.

FOOTNOTES

[1] U.S. Library of Congress. Congressional Research Service. *"Background of the House Precedent that Signatures to a Pending Discharge Petition May not be Made Public."* CRS typed report, March 30, 1984, by Richard S. Beth. Washington, 1984. 11 p.

[2] The following discussion is drawn largely from Beth, *"Background of the Precedent that Signatures May not be Made Public."*

[3] The Rules. Debate and votes in the House. *Congressional Record*, v. 65, Jan. 14, 1924, p. 951; Jan. 15, 1924, p. 1004; Jan. 18, 1924, p. 1124, 1134, 1136.

[4] Motions to Discharge Committee. Proceedings in the House. *Congressional Record*, v. 75, Feb. 23, 1932. p. 4512–4513. Cannon, Clarence. *"Cannon's Precedents of the House of Representatives of the United States."* Washington, G.P.O., 1935. v. 7, sec. 1008.

[5] A Parliamentary Question. Proceedings in the House. *Congressional Record*, v. 78, Apr. 12, 1934. p. 6489–6491.

[6] Cannon, Clarence. *"Precedents of the House of Representatives of the United States."* Washington, U.S. G.P.O., 1935. v. 7, section 1007.

[7] The figures discussed here are drawn (with updates) from U.S. Library of Congress. Congressional Research Service. *"The Discharge Rule in the House of Representatives: Procedure, History, and Statistics."* CRS Report for Congress 90-84 GOV, Feb. 8, 1990, by Richard S. Beth. Washington, 1990. 112 p.

STATEMENT BY HYDE MURRAY

Mr. Chairman. Thank you for this opportunity to discuss with you the House rules and precedents relative to discharge petitions and the Discharge Calendar.

With many "reforms" there is usually a conflict between two or more reasoned and rational purposes.

In this case, the conflict between open debate and disclosure on one hand and the need to have strong and effective committees on the other hand presents itself to you and every House member.

The committee structure is basically designed to give the House the time, the expertise, the persistence and the continuity to formulate sound law and to kill bad legislation.

The House itself (and its alter ego the Committee of the Whole) are fully equipped

to modify, ratify, or reject the work of its committees, but as some point the House must decide where the balance exists between legislating in Committee and legislating on the Floor.

Many House Rules are biased toward committees—germaneness and committee jurisdiction rules for example favor an orderly consideration of bills by the committee empowered to hear and decide specific issues.

The discharge petition rule is per se, clearly in derogation of the power of all committees . . . including the Rules Committee because it provides for a mechanism to veto the veto of a recalcitrant committee that "just wants to say no."

In drafting the current discharge petition rule, the House appears to have drawn it narrowly by, for example, not letting members sign by while in a hospital or by proxy and by keeping names confidential.

Allowing the publication of names would appear to put more pressure on other members to sign the petition and would make it most awkward to say the least for a member to remove his or her name.

In an effort to enhance your understanding and to be helpful in your consideration of this aspect of the Rules of the House, I will start by highlighting the early history of the rule as stated by former House Parliamentarian Clarence Cannon at Volume VII, Sections 1007, and 1008 of Cannon's Precedents, a copy of which is attached to my statement.

* * * * *

Conversely, conservative members could target a popular estate tax cut and in a manner similar to that used by liberal food stamp advocates, find great fault with those who are bottling up the tax bill without even allowing it to be considered by the House.

The combination of punches, one from the left; one from the right, might well result in even less fiscal discipline than is now the case. In other words, the "law of unintended consequences" may be invoked by legislative affection for more "sunshine".

CONCLUSION

As these hearings demonstrate, a good argument can be made on both sides of the question of publishing members names on a discharge petition, but eventually the leadership and the individual members will have to decide which technique will produce the best laws: Careful, thorough, subcommittee and committee deliberation (and in some cases, interment) or more participatory, open but less thorough consideration by the Committee of the Whole and the House itself.

TESTIMONY OF THOMAS E. MANN, DIRECTOR OF GOVERNMENTAL STUDIES, THE BROOKINGS INSTITUTION

I'm saddened and discouraged by the reaction inside and outside the Congress to the proposal by Rep. Inhofe to make public the names of members who sign discharge petitions before a majority of members have signed the petition. A procedure that has served the House well for over half a century—by providing a safety valve that allows a majority of members to bring a legislative measure directly to the floor—is now being portrayed as evil incarnate. Ross Perot and the Wall Street Journal editorial page writers would have us believe that the precedent governing the timing of the public release of the names of signatories frustrates democratic governance by allowing House leaders to bottle up popular legislation and keep voters in the dark.

The rhetoric on this matter has been passionate and misleading. A routine and perfectly reasonable legislative procedure has become conflated with partisan and ideological agendas in a way that confuses the public and threatens to weaken an essential feature of the legislative branch—namely, the ability to deliberate or, in the words of James Madison, "to refine and enlarge public views." Those who speak out against the Inhofe proposal are pilloried as defenders of secrecy, hypocrisy, special interests, even of the dread "establishment."

What I find most unfortunate about the debate on this matter is the portrayal of Congress as a closed, secretive institution, dominated by committee and party barons and unresponsive to popular sentiment. I know of no serious student of Congress who believes this characterization has any basis in reality. Congress has its share of problems; with Norman Ornstein, I have spent the better part of the past year diagnosing its institutional maladies and prescribing reforms that would deal constructively with them. But I can assure you that insulation from unresponsiveness to public sentiment is not a feature of the contemporary Congress.

Indeed, the Congress today is remarkably open, permeable to outside interests and opinion, and relatively unconstrained by autocratic committee and party leaders. Members if anything are hypersensitive to public opinion and unduly solicitous of intense opinions in the electorate, however ephemeral they may be. And committee and party leaders are responsive to majority sentiment among rank-and-file members. The Congress and its leaders are less equipped institutionally to cool the temporary passions of the public than ever before. The Framers of our system would be appalled to see how campaign finance practices, negative campaigning, orchestrated grass-roots lobbying and television and radio have made it more difficult for members of Congress to do what is politically unpopular in their districts but right for the country.

Majorities rule in the House of Representatives. (The same cannot be said of the Senate, where anonymous holds and filibusters regularly frustrate majorities.) Virtually all serious legislative proposals that have genuine support among a majority of members find their way to the floor. The discharge petition is an important, though seldom-used safety value to ensure consideration of legislation when a majority of members (without the threat of political pressure outside the chamber or retribution by committee or party leaders inside) believes that the leadership is inappropriately thwarting action. It was never (and should never be) designed as another means by which outside groups can pressure members into forcing action on a piece of legislation; it was a way of dealing with the arbitrary exercise of power inside the chamber.

Publicizing the signatures on discharge petitions before a majority is achieved would increase the pressure on members to take the politically safe action in the face of intense outside lobbying. It could well lead to the routinization of the discharge petition as an alternative agenda-setting mechanism in the House, diminishing the deliberative role of committees and weakening the ability of the majority party leadership to manage the floor. It would encourage government by plebiscite, a far cry from the republican form of government designed so brilliantly by the Framers.

I understand the surface appeal of H. Res. 134. Few members of either party are comfortable defending a procedure that seems to condone secrecy and hypocrisy. House Republicans are drawn to it for another reason as well. It is not easy to be a permanent minority in a majoritarian legislature. It is particularly frustrating in times of deep partisan division, when opportunities for bipartisan cooperation are limited, and when the majority uses its control of the Rules Committee to limit amendments by the minority and avoid politically embarrassing votes. In our Renewing Congress reports, we have recommended procedural changes to give the minority party and individual members meaningful opportunities to offer alternative versions of legislation. But I strongly believe that revising the discharge petition with H. Res. 134 is not the way to deal with these frustrations. House Republicans as well as Democrats have a stake in preserving the deliberative character of this institution.

At the same time, I oppose efforts to dilute the current discharge rule, by requiring a supermajority or by some other means. H. Res. 134 should be defeated on the merits. The present discharge rule makes sense and works well. The status quo should be reaffirmed. I realize that in these populist times when Congress-bashing is the rage, this position is neither popular with the public nor comforting to members. But I believe it is the wisest course for this committee and the House to take.

STATEMENT OF STEVEN S. SMITH, PROFESSOR OF POLITICAL SCIENCE, UNIVERSITY OF MINNESOTA

Chairman Beilenson and members of the Subcommittee, the discharge petition has a tortuous and tortuous history. I hope that we are not adding to the problem today.

As you know, every rule has a bias. A rule's bias may not always be manifest or important, but it is there, just waiting for the right circumstances to show itself. The bias of Rule 27 is that the influence of public opinion is minimized. It advantages any House majority that might shrink if disclosure of petition signatories was required. It certainly advantages committee majorities—usually composed of majority party members. And it advantages the Speaker, who effectively controls the only other viable means for discharging committees—suspension of the rules and resolutions from the Rules Committee.

My view is that the House should adopt neither H. Res. 134, proposed by Mr. Inhofe, nor H. Res. 36, introduced by Mr. Michel in January. These proposals would shift too much power to fluid chamber majorities, reduce the ability of the majority party to determine and take responsibility for the agenda of the House, and further exacerbate an already serious problem for the House—hyper-sensitivity to public opinion.

COMPETING PRINCIPLES

As Members of this Subcommittee appreciate, every important rule of the House represents a balance among competing principles to which most Members would subscribe. Several principles are in partial conflict in recent discussions of the discharge petition.

The first principle is public accountability. Members' should be held accountable for the manner in which they pursue their official duties. Yet no one, except a self-serving journalist, political scientist, or historian, argues that all aspects of Members' official activities should be recorded and published. For example, most Members would want to maintain the confidentiality of communications between themselves and their staff assistants. And they would want to protect

statements and formal actions made in party councils, even if decisions made in those places are consequential for the policy choices made by the House. But most people would agree that it is more important to publish a record of Members' actions when they are contributing to authoritative decisions by the House or at earlier stages that are considered essential to official House action—voting in the Committee of the whole or in committees and subcommittees.

In the absence of other considerations, I would favor H. Res. 134. Signing a discharge petition is much like voting on a special rule to bring a measure to the floor. Both actions set the floor agenda and are essential preliminary steps to final action by the House. But there are other considerations.

The second principle is republicanism. Madison emphasized the importance of avoiding the pitfalls of direct democracy and the wisdom of establishing republican government in a large and diverse country. His point was that some distance between the people and policy makers is essential to good government. His hope, of course, was that the public interest, not public demands, would be the driving force behind policy choices. He wanted Members to rise above rapidly shifting public passions, to resist the temptation to make early policy commitments, to learn from each other, to discern national and long-term interests, and to resolve rather than intensify societal conflict.

To be sure, Madison enjoyed a privileged position that modern elected officials do not. The incentives to cater to, and even to excite, public passions are overwhelming. Modern technology has increased the incentives even more, as have the sunshine, recordkeeping, and record-voting rules that were adopted over the past 25 years. A membership that is too often hyper-sensitive to public opinion and distracted from the public interest seems to be the result.

Informed decision making is a principle closely associated with republican government. In Congress, informed decision making has required reliance on committees to conduct hearings, sift through competing arguments, and distill choices. Some proponents of the Inhofe resolution argue that little damage to the role of committees because petitions would still be reserved for only a few issues, those where the majority party is flexing its muscles to bury important measures. I disagree. The temptation to use a discharge petition to gain leverage or publicity would be irresistible. Discharge petitions would become just another instrument for scoring political points.

Also at issue is the appropriate balance of party and individual responsibility in House decision making. Madison, like other Federalists, originally sought to minimize the role of faction and party in Congress. He preferred to think that Members would be virtuous individuals, each fully contributing to the collective decisions of the House. Of course, Madison recognized the inevitability of parties and became a party leader in due course. And perhaps he would have changed his views on this point as the House grew by nearly seven fold and its work load grew even more during the next century.

I note that the Inhofe and Michel proposals differ in a critical way. The Michel proposal implicitly recognizes the principle of party responsibility. Its requirement of disclosure upon the accumulation of 100 signatures on a petition means that a majority of the minority party would generally be required in the absence of significant bipartisan support for discharging a committee. Discharge petitions supported by smaller minorities—a minority of the minority party—would result in the disclosure of signatories' names. The Inhofe proposal compels disclosure for all petitions and will occasionally enhance the leverage of small groups of Members.

Does the current practice unduly undermine the principle of individual responsibility and favor party responsibility? It probably does. Current practice appears to support individual responsibility by protecting the individual Member from pressure from any source. However, the absence of public disclosure may at times help to maintain the influence of those Members—particularly majority party and committee leaders—who can inspect petitions and marshall resources to pressure their colleagues.

Clearly, both supporters and opponents of the current rule offer theories of the House that are not consistent with the original design. Supporters' emphasis on majority party responsibility is quite foreign to the principle of individual responsibility found in the original design. Opponents' emphasis on public accountability ignores the Founders' hope that public opinion would inform, not dictate, policy choices.

A NEW BALANCE?

The principles involved in the discharge rule are not easily balanced in the abstract. I see no angles in this dispute. I must say that I see no evidence that the current rule has prevented the House in recent Congresses from acting on measures that a majority of Members personally believed should be adopted. Some Members have argued that the House would have met the public demand for a strong form of the line-item veto by now if the rule permitted disclosure of petition signatories' names. I do not find this to be a compelling argument for changing the rule. In fact, by adopting the prescription of H. Res. 134, I think that the House would be moving perilously close to government by public opinion poll. The Congress is four-fifths of the way there as it is.

If a change is inevitable, I would propose a somewhat different balance than those suggested in the Republican proposals. I would seek to provide limited public disclosure, to protect of signatories' identity in the short run, to establish a higher threshold for discharging constitutional amendments, and to preserve a heavy dose of party responsibility. A reasonable balance might be achieved by a rule that:

Provided for the disclosure of signatories' names at the end of each Congress for all petitions that have been signed by at least 100 Members;

More fully protected the identity of signatories, even from Members, by using numbered cards and prohibiting Members from inspecting them during a Congress (Members could withdraw their signatures); and

Set the threshold for House action on a discharge motion at the level required for passage of the measure—two-thirds for constitutional amendments and a simple majority for most other measures.

Disclosures of signatories' names at the end of a Congress would preserve the short-term leeway that Members must have to pursue the public interest. Members could be held accountable at election time for official actions on petitions endorsed by about one fourth of the House. The incentive to engage in deceptive cosponsorship of legislation would be reduced marginally and, at least in the long run, Members would have to explain their positions on important issues.

I see nothing that can be done to prevent a Member from tracking the number of signatories who choose to disclose their identity. But I believe that there will be times when signatories will prefer to protect their identity from all others, at least in the short run. The process should allow them to do so in order to reduce the influence that otherwise would be exerted by party and committee leaders, the administration, and lobbyists.

Finally, I support a threshold for forcing a vote on a discharge motion should be the same as for passage of the measure that is the subject of the motion. In practice, this means that constitutional amendments will be given special status under the discharge rule. Here, more than anywhere, we should create a decision-making environment that allows Members to exercise their best personal judgment about the long-term public interest.

STATEMENT BY DR. ROGER H. DAVIDSON, UNIVERSITY OF MARYLAND, COLLEGE PARK

Mr. Chairman and members of the Subcommittee: I appreciate your invitation to discuss the discharge procedure and its implications for the deliberative process in the House. Although I make no claim to be expert in the details of parliamentary procedure, I have devoted much of my professional life to studying the organization and workload of Congress, especially its committee system. When committee reorganization was undertaken in the 1970s, I was privileged to serve as a staff member on both chambers. In 1973–1974, I served with the Bolling-Martin Committee after being asked by Vice Chairman David Martin of Nebraska, the ranking minority member of this Committee, to join his staff in that bipartisan effort to reorganize the House committee system. From 1980 to 1988 I served as Senior Specialist in American National Government and Public Administration at the Congressional Research Service.

The specific proposal before you, H. Res. 134, is a seemingly limited, innocuous proposal to make signatures on discharge petitions a matter of public record. But we have learned from experience that even the most innocuous procedural adjustments can have far-reaching effects, some of them wholly unexpected. Moreover, we must apply historical perspective to procedural changes: those who denounce a rule today may tomorrow have reason to seek refuge in that same rule. This subcommittee, as the chief body charged with assessing and reviewing the rules of the House, ought to examine this proposal in light of its possible effects upon the delicate balance within this chamber among the leadership, the committees, and the individual members.

THE CENTRALITY OF COMMITTEE DELIBERATION

The two leading attributes of the House of Representatives as a deliberative body are, first, its reliance upon standing committees to sift through and develop legislation and, second, its tradition of strong leadership management of scheduling and floor deliberation. These two attributes set the House apart from the Senate, and they are in fact responsible for the House's continuing significance in national policy making—given its large size and mounting workload.

Standing committees are the chief instruments through which the House defines public problems and shapes policies. Here, the political soundings are taken, the delicate compromises worked out, and the increasingly complex language of measures drafted and redrafted. Floor debate may illuminate issues and resolve crucial questions. But it is

quite impossible for a large body of lawmakers to write complex pieces of legislation during floor debate.

A key part of the committees' duties is to review legislative proposals, in the process killing the vast majority of the measures referred to them. In the 102nd Congress, 6,775 bills and 932 resolutions were introduced in the House; fewer than 12 percent of these were reported by the committees to which they were referred. (Additionally, a number of unreported measures are adopted through alternative procedures.)

As a citizen and a taxpayer, I submit that the committees perform a necessary service by eliminating the vast majority of proposals referred to them. Many unwise, unnecessary, and costly schemes lie dormant in the committee rooms; some of these are politically beguiling and might even garner a majority on the floor. Since 1931, a large number of the discharge petitions that have been entered (that is, gained 218 signatures) involved raids on the Treasury pushed by aggressive lobbyists to benefit their client groups. A dozen such measures dealt with veterans' bonuses and pensions; others concerned federal pay and water projects. Any group purporting to represent conservative values or taxpayers' interests should recall this history before trashing the existing discharge procedures. The committees' role in screening measures should not be judged simply on the basis of a few currently attractive measures that have not reached the House floor.

EFFECTS OF THE DISCHARGE PROCEDURE

The discharge mechanism (Rule XXVII, clause 3), far from being some sort of "secret rite," is one of several safety valves provided by the rules to promote accountability of the committees of the House membership. Initially adopted in 1910, it was subsequently revised on several occasions and achieved essentially its present form in 1931. It is significant that this mechanism, along with Calendar Wednesday (1909), grew out of the "revolt" against Speaker Joseph G. Cannon—an insurgent movement of progressive Republicans and Democrats against the "Old Guard" Republicans who controlled the Speakership and the Rules Committee.

Following are my observations on the role and effectiveness of the present discharge rule, as well as my assessment of H. Res. 134. In sorting out my thoughts, I acknowledge our collective debt to Dr. Richard S. Beth of the Congressional Research Service, whose detailed and careful report on the subject helps us to put this matter into perspective.

Confidentially of the petition process is a carefully considered and well-established aspect of the discharge procedure. In adopting the rule, members discussed at length the need to protect members, singers and nonsingers alike, from undue pressures—from special interests, from the press, and from committee and House leaders. The current controversy illustrates all these problems, which were cannily anticipated in the debates of sixty or more years ago. Confidentiality is implicit in the wording of the rule itself and has been regarded as an integral part of the process. Speaker John Nance Garner announced in 1932 that "signatures cannot be made public until the required number of members have signed the petition"; Speaker Sam Rayburn repeated in 1946 that premature discloses of names "is certainly a violation of the rules * * *" On the other hand, it must be said that the House has not revised the rule to make more explicit the confidentiality principle, nor has it ever taken steps to punish those rare violators of the principle. If this principle is not defended in the present controversy, it will risk becoming morbund.

The "hypocrisy" issue—the charge that members win coming and going by cosponsoring bills and then refusing to sign discharge petitions—is not persuasive and conveys an erroneous view of the act of sponsoring or cosponsoring legislation. Introducing a bill or resolution by no means implies complete agreement with everything in the bill, nor should it. Members may introduce measures to stake out jurisdiction for a committee or to pave the way for hearings and deliberations that will air a public problem. Even if a legislator is strongly committed to the ideas embodied in the measure, he or she will invariably anticipate that hearings and markups will result in modifications or amendments. Bill introduction is the beginning of the deliberative process; it gets the issues on the table, which is a long way from agreement upon a finished product.

The troubling aspects of member's position-taking, in my judgment, center more on cosponsorship than on discharge petition signatures. It is my distinct impression that members have become far too careless in cosponsoring measures. Members' offices are inundated with "Dear Colleague" requests for cosponsorship, and members are under mounting pressure to indicate early, and often premature, support for measures. In this process, it is hard to tell who is using whom. Cosponsors use their support as an inexpensive form of position-taking, while the chief sponsoring members and allied interest group seeks to interpret cosponsorship as a signal of unqualified support. One result of the present controversy, one would hope, would be greater restraint among members about agreeing to cosponsor measures.

The history of the present discharge rule has shown it to be a limited but useful took for imposing the chamber's will upon committees. It is invoked rarely and has produced very few statutes. Between 1931 and 1992, only 490 petitions have been filed to discharge committees from legislation referred to them. That is about one petition for every 100,000 bills and resolutions introduced. Of those petitions, only 44 received the required 218 signatures and were entered on the calendar; 29 of those were called up on the floor. Committees were discharged in 24 instances. Eighteen of the discharged measures passed the House, but of those only three (two statutes and one rules change) became effective.

The discharge mechanism is more effective as a prod than as a lawmaking device. Although the rule rarely produces enactments, there is evidence that the threat of a successful discharge petition often leads to committee action, or to floor action by means other than the discharge itself. According to Richard Beth's compilation, successful discharge petitions tend to result in further action by the full chamber: calling up the measure for debate (69 percent of the petitions entered), passing the measure (57 percent of the cases), and even gaining final approval of the measure (21 percent of the cases). These figures do not include instances in which a successful petition induced the relevant committee to schedule hearings or issue a report that was not acted upon by the full House. In other words, in a number of cases the discharge attempt helped to impel action by the committee, the Rules Committee, or the House leadership.

The discharge procedure is ill-suited for the process of legislative deliberation. Most importantly, it bypasses the crucial and time-consuming phases of hearings, negotiations, and markups that are needed to turn raw proposals into acceptable legislation, or to expose a proposal's fatal flaws or narrow support. The procedure itself provides inadequate debate and short-circuits amendments. It also fails to address the phenomenon of multiple referrals: more than a third of all bills and resolutions introduced in the House are sent to two or more committees.

CONCLUSIONS AND RECOMMENDATIONS

The present discharge rule has worked successfully as a safety valve. It serves as a remainder that committees are creatures of the parent chamber and ultimately answerable to the majority wishes. It is not effective as a deliberative mechanism, nor do I think it was intended as such. It should remain an extraordinary and difficult course of action, to be employed when all other means have failed.

Publicizing the signers (or non-signers) of discharge petitions will add nothing to the deliberative process but a lot to the practice of position-taking. It converts a procedural issue into a policy weapon that will be of great use to a handful of special interests but of little or no use to the general public.

As a device to promote public knowledge, H. Res. 134 leaves much unsaid. It merely makes the petition "a matter of public record." It fails to specify how or by whom the record should be prepared or disseminated. Presumably interested parties—members and lobbyist allies—would publicize the names selectively to place pressure on selected members on behalf of favored issues. A more effective course would be to direct the Clerk to publish the lists periodically, or better yet at the conclusion of each Congress. Such a course would assure that the public record would be complete, would enable the procedure to be seen in full perspective, and would provide an archival record for the use of historians and other students.

Other alterations of the discharge rule should be approached with caution. As my prior comments would suggest, I do not favor significantly broadening access to the procedure. Nor do I believe that further restrictions in the procedure would be desirable or acceptable. For example, requiring 218 signatures strikes me as an appropriate reminder of the principle of majority rule in the House. Raising the number would have greater logic in the case of constitutional amendments, but even there it seems to me that a majority should be able to indicate its desire to have a given measure taken up, even if the eventual support for the measure falls short of the required two-thirds.

Two modifications in the discharge rule would improve the currently clumsy post-petition procedure while ensuring that the disputed measure would be addressed and the issue joined. A revised rule might well: (1) require formal reports from both the sponsor of the discharge petition and the committee of reference to be submitted within a specified period of time; and (2) provide that the petition could be taken up promptly after submission of the reports. This would allow adequate opportunity for a meaningful response to the petitioner's concerns, and would improve deliberation if and when the motion were taken up on the floor.

In summary, the Rules Committee should consider either reporting H. Res. 134 adversely, or reporting a modified discharge procedure (Rule XXVII, clause 3) incorporating the refinements I have suggested.

[From the Washington Post, Sept. 27, 1993]

NO SMOKE, NO BARONS

(By Thomas Mann and Norman Ornstein)

There is no surer way to induce an editorial knee to jerk than to evoke the word "secrecy." And knees jerked all over the country over Rep. Jim Inhofe's proposal to publicize the signatures on discharge petitions in the House of Representatives before a majority is reached. George F. Will's endorsement of Inhofe ["Smoking Out the Barons," op-ed, Sept. 19] is understandable, given his unrestrained animus toward the contemporary Congress and his single-minded pursuit of term limits, but the argument advanced by The Post's editorial [Sept. 14] was uncharacteristically superficial.

The Inhofe proposal is very likely to pass the House, now that it has obtained the requisite 218 signatures on the discharge petition. Indeed, given the terms by which it was defined for the public—ending secrecy, increasing accountability, restraining the arbitrary exercise of brute power—an overwhelming majority will probably climb aboard the bandwagon when faced with a recorded vote.

But before the seemingly inevitable occurs, it is worth reflecting on how the discharge petition came to be the cause celèbre of congressional reform, what it tells us about Congress and the American political system, and how this change might reinforce and worsen some disturbing trends in our politics.

Inhofe's proposal is a solution in search of a problem, a reform based on a wildly inaccurate portrayal of Congress as a closed, secretive institution dominated by committees and party barons and unresponsive to popular sentiment.

The truth is that Congress today is remarkably open—probably the most open political institution in the world—permeable to outside interests and opinion and relatively unconstrained by autocratic committees and party leaders. Members are if anything hypersensitive to public opinion and unduly solicitous of intense opinions from a sliver of the electorate, however ephemeral they may be.

The problem with Congress is not insulation and unresponsiveness—it is pandering and symbolic position-taking. Congress and its leaders are less inclined and less equipped to cool the temporary passions of the public, or to withstand the intense views of a disciplined, organized special interest minority, than ever before. The confidentiality provision of the discharge petition rule has been a modest shield against those forces; the Inhofe change would turn the discharge process into a weapon for them.

In this case lawmakers and their leaders were putty in the hands of Ross Perot, Rush Limbaugh and the Wall Street Journal. It didn't matter that almost all serious legislative proposals that have genuine support among a majority of members find their way to the floor; that the discharge petition has worked as a noncontroversial safety valve enabling a majority of members to prod legislative action when they believe the leadership is inappropriately thwarting action; and that adopting the Inhofe proposal would make a provision designed to be a last resort into a routine one and increase pressure on members to take politically safe but substantively damaging positions in the face of intense outside single-issue lobbying, discouraging deliberation and encouraging a government by plebiscite. Once the public passions were fanned and the agenda set in simplistic, anti-secrecy terms, there was little opportunity for genuine discussion and debate about the need for this rules change and its possible consequences.

This episode is emblematic of what ails Congress today and why it is so difficult to pursue constructive reforms. An angry but inattentive public is too easily manipulated by Congress-bashers pursuing their own partisan and ideological agendas. Members of Congress are too willing to sacrifice the well-being of their institution in order to advance or protect their individual political positions back home. Congressional leaders are too slow to see the threats to the basic integrity of Congress, insensitive to the genuine rights and prerogatives of the minority party, and too reluctant to act decisively to deal with the underlying problems. And editors, eager to be on the side of the angels, buy the "reform" agenda of self-styled public interest groups and reformers without thinking through the consequences of what they support.

Ironically, if the undue sway of leadership bullies on rank-and-file members is the problem, as many Inhofe supporters believe, the most constructive change in the discharge petition rule would have been more, not less, secrecy—the complete confidentiality of signatures, so that neither leaders, chairmen nor outside interests would know which members had signed petitions to pull bills from their committees, and could not exact retribution. But that kind of change would not have mobilized United We Stand troops around the country, energized the army of radio talk show hosts or raised much money in direct-mail appeals by anti-Congress groups. Inhofe and his allies have intimidated the House to act and succeeded at stinging and embarrassing Congress' senior leaders. Now we have to figure out how to limit the damage done to deliberative democracy.

(The writers are codirectors of the AEI-Brookings Project on Renewing Congress.)

[From the Wall Street Journal, Sept. 2, 1993]

DON'T DISCARD DISCHARGE PETITION SECRECY

(By Norman Ornstein)

The latest partisan confrontation inside Congress is over an arcane House provision called the discharge petition. With the active complicity of this newspaper's editorial page, and in defiance of House rules, Republican James Inhofe has published the names of signers and nonsigners of a discharge petition—for his own petition to require that names be made public. His argument is that the rule prohibiting disclosure of the names lets cowardly representations have it both ways—satisfying their leaders who keep popular bills and resolutions bottled up in committees, while letting constituents and lobbyists think the congressmen support the bills when in fact they refuse to act to bring them to a vote.

Rush Limbaugh and other conservatives have joined Mr. Inhofe's crusade, helping to enlist members skittish about appearing to oppose an "anti-secrecy" measure that on the surface sounds so reasonable. It is not. Before jumping on board, lawmakers should realize that the Framers of the Constitution, if they were here today, almost certainly would oppose Mr. Inhofe's idea as a giant step toward the kind of plebiscitary democracy they feared the most, and a giant step away from the kind of republican democracy they worked hard to create.

The discharge petition was created in the House in 1910, as part of a package of dramatic reforms aimed at the dictatorial power exercised by Speaker Joseph Cannon. Cannon had unilaterally appointed—and "unappointed"—members and chairs to committees, and had dominated the majority party caucus and the floor.

When the House rebelled, it created a more decentralized system. But members of Congress wanted to be sure they did not react against a dictatorial speakership only to create dictatorships of committees or their chairmen. The reformers' internal checks and balances included a "fail-safe" provision to keep a committee from unreasonably killing a bill that could muster support from a majority of the full House and deserved floor consideration and passage—the discharge petition.

If a bill has spent more than 30 days in a standing committee, any member can file a motion to discharge the bill for direct consideration on the floor; if a majority of members, 218, sign the petition, the bill gets privileged consideration. Members can add or withdraw their signatures at any time until a majority of votes is secured. Under rules that are more than 50 years old, the names on the petition are not disclosed until at least 218 signatures are obtained (at which point the names are published in the Congressional Record). It is this latter provision that has so exercised Mr. Inhofe and his allies.

The discharge petition was designed to be a last resort. Fewer than one bill per Congress on average has actually been discharged over the past 50 years, and less than a handful have actually become law. The 1910 reformers expected that this would be the case—that lawmakers would want to defer to a process that lets committees immerse themselves in the details of bills in a way that a collective chamber of 435 individuals cannot. They wanted a strong and stable committee system.

And in the tradition of the Framers, they wanted a system that would stop legislation as much as—or more than—it would expedite it. Congress was designed by the Founders as a deliberative body—designed not to reflect public opinion, but to create a broader, reasoned public judgment from the mix of narrower interests. Congress was supposed to cool public passions and temper public emotions, to block or delay bad but popular ideas as much as to enact new public policies.

Forcing members under pressure from special interests or a tide of public emotion to go on record supporting discharges means letting bills come to the floor willy-nilly without the screen of committees, and removing the ability of committee chairs and party leaders to block popular but unwise bills from coming to the floor. The result will be a spate of foolish laws and even larger deficits.

Consider one of the rare contemporary instances when a discharge petition actually led to a bill's passage—in 1983, when a bill emerged to repeal the 1982 tax provision requiring withholding of income on interest and dividends. The 1982 provision, engineered by Bob Dole to reduce the deficit, had been immediately attacked by banking lobbyists, who mounted a massive repeal campaign, falsely warning widows and orphans that their interest savings were about to be snatched by the government. The scare tactics worked. Congress was flooded with outraged mail, telegrams and phone calls. Unfortunately, the discharge petition's secrecy rule was an inadequate levee and the provision was repealed, adding billions to today's deficit.

Now consider an area where the discharge petition rule has kept bad legislation at bay.

The "notch babies" are voters born between 1917 and 1921 who were caught in the middle in 1977, when Social Security benefit formulas were changed and the changes phased in. The changes reduced an overly generous benefit formula, enacted by mistake in 1972.

The notchers, a big cadre of largely affluent, outspoken and politically active elderly, have been emotionally vocal and adamant about the need to right a terrible wrong done to them. But the notch babies didn't lose anything. They actually got more than they otherwise would have—but were put at a comparative disadvantage to their elders.

Virtually every expert on entitlements has said that nothing can or should be done to provide additional benefits to the notch babies. But experts have few votes across all 435 congressional districts. If not for the fact that congressional leaders, recognizing the fiscal folly of accommodating the notchers, have kept relief bottled up in committees, our awful deficit problem would be much worse.

Destructive or foolish proposals come along all the time that have simple, seductive appeal to voters, often framed by clever special interests and their lobbyists. Others generate intense support from one particular, powerful group but no comparable opposition elsewhere. A plebiscitary democracy, responding immediately to the whims of public opinion, enacts such proposals without thinking. A responsible representative democracy builds in deliberative mechanisms to resist them.

The discharge petition and its rules are designed to provide modest protection for members of Congress against the relentless demands and pressures of special interests and volatile public opinion. A small measure of secrecy helps keep it that way. Eliminate that protection, and we will be deluged by notch baby-type measures and manipulation by interest groups. The Framers understood this; it's a pity Mr. Inhofe and his allies do not.

(Mr. Ornstein is a resident scholar at the American Enterprise Institute in Washington.)

□ 1120

Mr. INHOFE. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New York [Mr. SOLOMON], the ranking Republican member of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman from Oklahoma [Mr. INHOFE] for yielding this time to me. And I really thank the gentleman from Oklahoma, and commend him, for his initiatives and really for his persistence and success, in bringing some sunshine to the one remaining dark corner, I believe, in this House.

Mr. Speaker, the so-called secrecy rule for signatures on discharge petitions is not even a House rule. It is a 1932 precedent propounded by a Speaker some 8 years after the first discharge petition rule was adopted in 1924. And, even then, Speaker Garner cited no specific authority or rationale for the secrecy injunction. So, there really is no standing rule here that says there has to be secrecy.

It was not until 1934 that Speaker Rainey attempted to give a reason for keeping signatures secret. In response to a parliamentary inquiry, he said that:

Publishing the names in the newspaper invites people generally in the United States to bring pressure on those who have not signed the petition to sign it, and pressure upon those who have signed it to take their names off.

Mr. Speaker, contrary to the claims of those who have defended this relic of the congressional dark ages, it was public pressure, rather than narrow, special interest pressure, that was feared in those days. That remains the greatest real fear of opponents today, that we will be too sensitive and too responsive to the popular will.

Whoever heard of such a thing?

Mr. Speaker, I strongly reject this elitist, political popula-phobia—this fear of the people. I mean this is the people's House. We were sent here to serve and represent the people. We should be willing to do so, using our best judgment, no matter what the cross-cutting, political currents and pressures might be—looking out in the final analysis for what is best for the Nation and the general public.

And we should be willing to do all the people's business in the open: public business should be done in public. And, to paraphrase Harry Truman, "if you can't stand the heat and the sunshine, get out of the kitchen."

Mr. Speaker, finally this House, the people's House, is going to have the opportunity to debate these critical issues that have been bottled up in committees year after year, after year. My own bill, line-item veto, has been held up for 15 years. Issues like a constitutional amendment to require a balanced budget, a true line-item veto, product liability reform—which we need desperately to get this economy moving—medical malpractice reform have all been held up. We will not see the light of day if we do not have this secrecy removed. Now we are going to see it. These are the issues that are overwhelmingly supported by the American people.

My colleagues, we ought to vote for this resolution today, and we are finally going to do something here. We are going to represent the people of this Nation the way they want to be represented, and I commend the gentleman from Oklahoma, and really praise him, for bringing this to the floor. "God bless you."

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume. I would like to enter into a colloquy with the gentleman from Oklahoma [Mr. INHOFE] regarding the legislative intent behind his resolution on these two issues.

First, the gentleman's resolution requires the Clerk to make the signatures on discharge petitions a matter of public record. How does the gentleman suggest this would best be done?

Mr. INHOFE. Mr. Speaker, will the gentleman yield?

Mr. MOAKLEY. I yield to the gentleman from Oklahoma.

Mr. INHOFE. I thank the gentleman for yielding and for his question regarding a clarification on how the signatures should be made public.

It would be my hope that the Clerk could make a list of current signatures available on a daily basis through the House Office of Records and Registration during its normal business hours.

Moreover, I would hope that the list could be published in the CONGRESSIONAL RECORD once a week on the last day of House session, in a special section of the RECORD for that purpose—just as we now have a separate section for bill cosponsors.

I do not think the list should be published in the Journal since that is not immediately available to the public. Moreover, the discharge rule now requires publication of names in the Journal only after the 218 signatures are on the discharge petition. It would be my hope that the Clerk could make a list of current signatures available on a daily basis through the House Office of Records and Registration during its business hours. Moreover, I would hope that the list could be published in the CONGRESSIONAL RECORD, as mentioned.

Mr. MOAKLEY. Mr. Speaker, I thank the gentleman from Oklahoma [Mr. INHOFE] for his answer.

Second, I would like to clarify that the gentleman's rule would be retroactive to other discharge motions already filed in this Congress. That is, upon the adoption of his resolution the signatures of other discharge petitions currently pending would immediately be made public. Although I know there has been some discussions between the gentleman from Oklahoma and the gentleman from California [Mr. BEILENSON] during our subcommittee hearing as to whether the disclosure requirement would apply only to prospective discharge petitions, it seems to me that the plain language of the resolution requires retroactive as well as prospective disclosure. This interpretation is consistent with the idea of full disclosure.

Mr. INHOFE. Mr. Speaker, I was delighted to learn late yesterday that the chairman of the Committee on Rules now favors the retroactivity of my discharge signature disclosure rule. I welcome his support for such an application. The more sunshine, the better.

I must confess, though, as the chairman is well aware, that there is nothing in the language of my resolution to support either the retroactive or the prospective application of the disclosure requirement. In fact, it was not until I was questioned at the Committee on Rules hearing on this in the presence of the chairman that I had even given thought to the question.

As the chairman will recall, at that time it was generally agreed that it would not be fair to those who had signed pending discharge petitions under the existing confidentiality requirement, to suddenly make their

names public upon the adoption of my resolution. I was willing to accept that for the sake of fairness, even though it runs contrary to the ideal of full disclosure.

But, I felt that certain trade-offs would be necessary in implementing this rule, and I was willing to accept the trade-off of no retroactivity.

□ 1130

So while I welcome the chairman's embrace of retroactive sunshine for discharge signature disclosure, and I share in his hope that this can be done, I realize that our aspirations are not controlling and that ultimately it will be the chair's own statutory construction that will determine whether pending discharge petition signatures will be disclosed or not. I am willing to abide by that decision.

Mr. MOAKLEY. Mr. Speaker, after looking at the resolution, I saw that there was no reference to whether it was retroactive or not, so I thought it would probably be retroactive, since there was no ban on retroactivity.

Mr. INHOFE. Mr. Speaker, if the gentleman will yield further, I think, as I say, it is not going to be our decision anyway. It is going to be the chair's decision. I would certainly abide by that decision.

Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. DREIER].

Mr. DREIER. Mr. Speaker, I thank my friend from Tulsa for yielding.

Mr. Speaker, let me just say that while the gentleman from New York [Mr. SOLOMON], the gentleman from Tennessee [Mr. QUILLEN], the gentleman from Florida [Mr. GOSS], and I worked diligently on the Committee on Rules, I want to congratulate my friend from the Sooner State [Mr. INHOFE], for having such great influence over the distinguished chairman of the Committee on Rules.

Mr. Speaker, let me say that this whole process has come down to one word, and that word is "accountability." It is due to a lack of accountability that 218 Members have courageously joined the gentleman from Oklahoma [Mr. INHOFE] in signing this discharge petition. But the lack of accountability stems not just from the problem with the discharge petition. There are a wide range of other institutional issues which need to be addressed here, such as 266 committees and subcommittees in both Houses of Congress.

Mr. Speaker, if you look at the fact that we have a very confusing budget process, constantly we are faced with restrictive rules. This is a first step toward dealing with the major institutional problems that we must face here.

Mr. Speaker, I congratulate my friend, the gentleman from Oklahoma [Mr. INHOFE], for having pursued this as diligently as he has, and I look forward to seeing its success this morning.

Mr. MOAKLEY. Mr. Speaker, I yield 5 minutes to the gentleman from Maryland [Mr. CARDIN].

Mr. CARDIN. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, whatever the historical justifications for keeping secret the names of those Members who sign discharge petitions, those arguments no longer carry much weight. The American people have no patience with arcane and outdated explanations. Today we will vote to open the discharge petition process of public scrutiny. I believe we should have done so long ago, and I will vote for this proposal.

At the same time, I must voice my very strong concerns regarding the use of the discharge petition to advance legislative objectives. I wish this bill had come to the floor under the regular legislative process. The discharge petition is an antidemocratic tool. It should be used only in circumstances when the regular legislative process has been blocked and frustrated. That's not the case with this bill. The bill was introduced for the very first time in March of this year. The discharge petition was filed in May.

I believe the public has a right to know who has signed petitions to discharge committees from consideration of legislation. I frankly believe constituents have a right to ask whether their Representative has signed a petition. Under those circumstances, I can't believe most Members would refuse to answer. I have never signed a discharge petition and I hope I will never need to sign one.

I hope my colleagues will not see the passage of this proposal as an opportunity to expand the use of the discharge petition as a substitute for normal legislative procedures. The discharge petition does violence to the legislative process. The fundamental philosophical basis for our Federal system is that government should act only after careful deliberation.

The entire structure of our Government—the division of authority and responsibility among legislative, executive, and judicial branches, the further division of the legislative branch into two Houses, the protections of the rights of the States and the individual—is summed up in the words "checks and balances." The idea is, to prevent hasty, ill-considered actions, even when they have strong popular support.

The proponents of this legislation have made arguments that betray an ignorance of and a lack of respect for the workings of a representative legislative body. Some have argued that Members who cosponsor legislation but refuse to sign a discharge petition do so to deceive their constituents. But surely every Member must understand the difference between cosponsoring a bill and seeking its immediate consideration on the floor.

When Members cosponsor legislation, it expresses interest in the issue and support for the proposal. But to do our work here, we rely on a public hearing process, at which concerned Americans have the chance to come forward and tell us what they think of the proposal. Congress is engaged in making public policy. For this process to succeed, the public must have ample opportunity for input.

The discharge petition, far from being a means to achieve open government and democracy, undermines the opportunity for the people to participate in the writing of the laws we pass. The discharge petition effectively shuts the American people out of the process after the sponsoring member has introduced the bill. There's no hearings, no amendments, no possibility to accommodate concerns that the sponsor may not have considered.

So let us make the signatures public. We must do so to reduce the degree of cynicism and suspicion regarding the actions we take here in the people's House. Regrettably, some of the champions of this proposal have seized the issue as a means to drive up public suspicion of Congress.

The people should know who has signed discharge petitions and who hasn't. But let us keep in mind that the hard work of turning public policy objectives into good law must take place in the committees of the Congress, not on radio talk shows or editorial pages.

Mr. INHOFE. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. STEARNS].

Mr. STEARNS. Mr. Speaker, it is rare for a technical detail of House rules and procedure to attain the level of public interest that this resolution has, but I think this tells us something about how Americans have lost faith in Congress. For too long, Congress has taken the attitude that what the American public doesn't know about the way laws are made won't hurt them. The majority in this House often has hidden behind technicalities, procedural details, committee inaction, and closed rules to prevent the will of the people from taking place.

As a result, Americans are demanding more openness and greater accountability on the part of their elected officials. That's what this resolution is all about. They are tired of a Congress that says one thing and does another. They are tired of a Congress that sweeps important issues under the rug. They are tired of a budget deficit that has grown so large it seems as though Congress is waiting for divine intervention to address it seriously.

This is a very simple issue, but one with great potential to change the way Congress works. We can either continue the way we have been doing things for decades, choosing excuses over accountability, deception over openess, and politics over policy.

Or, we can begin instituting the long-overdue reforms that will restore the faith of the

American people in this institution. Reforming the discharge petition process will allow Americans to ask their elected officials one simple question: Do you really mean what you say? I urge my colleagues to support the Inhofe resolution.

Mr. INHOFE. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. GOSS].

Mr. GOSS. Mr. Speaker, Members and Americans who believe moderate exposure to sunshine is a healing agent are grateful to our colleague JIM INHOFE for his perseverance. As a new member on the Rules Committee, I know firsthand how important procedure is to substance—and I also know how hard it is to energize the public into demanding procedural changes to improve the substance of legislation. Procedure is pretty ho-hum stuff. But our friend JIM INHOFE made the case for openness, and with the help of a majority of Members and some enlightened media he has brought us to the threshold of significant reform.

Today thanks to Mr. INHOFE we vote on whether to make public the names of Members who sign a petition to free a bill from the iron grip of an unfriendly committee. This should at least allow us to debate topical legislation of interest to a majority of Members. In a very real way we are also voting whether to increase accountability of all Members of this House. That's a promise many have campaigned on. Some critics have labeled it a gimmick. But Government in the sunshine is no gimmick—nor is deliberative democracy something to fear; something to run and hide from. No one Member—no matter how long here or what position held—has all the answers. That is why our Founding Fathers established this House as a forum for free and open exchange of ideas, a place where deliberative democracy and the collective wisdom of 435 Members can yield the best possible result.

A little bit of sunshine can go a long way toward restoring that balance in this House. Vote for the Inhofe resolution and vote for reform—the real reform in the 103d Congress.

Mr. Speaker, at this time, in the interest of bipartisanship, I yield to the gentleman from Ohio [Mr. FINGERHUT].

Mr. FINGERHUT. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I thank the sponsor of this measure for bringing it to the floor. The substantive issues have been and will be debated by our distinguished chairman of the Committee on Rules and by the sponsor. To me, the issue is simple: The discharge petition is a public document. It raises issues of enormous public significance, and it contains the names of the publicly elected Members of the House of Representatives. Therefore, it should be public.

But I wish to make a broader point in my remaining seconds: This relatively obscure issue has taken flight, not just because its sponsor, who is a pilot, has piloted it well, but because it has been carried on the wings of public discontent with the system mired in minutiae, determined to protect individual turf, and frequently unwilling or unable to step up to the big issues of the day.

Mr. Speaker, this is a good measure, and I support it. But it is also a signal of further change in the will that must come to this body.

Mr. INHOFE. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. ARMEY].

Mr. ARMEY. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I want to thank the gentleman from Oklahoma for making this vote possible today. JIM INHOFE has demonstrated exceptional vision and determination.

Mr. Speaker, democracy cannot endure if the Government keeps secret from the people how their business is conducted. Mr. INHOFE's measure squares this House with that principle.

For too long, Members of this House have enjoyed the fruits of entrenched privilege, making passionate speeches for reform from this lectern, while quietly locking up reform legislation in that drawer.

Well, today we will unlock that drawer.

This House belongs to the American people. We only work here and our constituents have a right to know where we really stand on popular legislation. The secrecy rule, far from encouraging deliberation and debate, breeds deception and doubletalk.

Will the world come to an end if we expunge this rule? Will the sky fall? No. But it will force us to start telling the truth.

Our constituents will now be able to see who really supports a balanced budget amendment, who really supports a line-item veto, and yes, who really supports term limits.

I hear some on the other side warn that sunlight will only invite more special-interest pressure on vulnerable Members who cannot afford to say no.

I say to my friends that a person who has not enough backbone to say no to a lobbyist does not belong in Congress.

And a person who lacks the honesty to tell his constituents the truth doesn't belong in public life.

A politician who fears sunlight is a walking argument for term limits.

Mr. Speaker, it is time to end the secrecy.

It is time to square this House with the American people, change the Democrats' rules, and, be more democratic in how we conduct the people's business.

□ 1140

Mr. INHOFE. Mr. Speaker, I yield 1 minute to the gentleman from Alabama [Mr. BACHUS].

Mr. BACHUS of Alabama. Mr. Speaker, this body has been talking all year about change. The President has also been talking about the need to be courageous and make changes. But both me and the President have agreed that this change can only come with the participation of the American people.

The public cannot demand and direct change and reform unless they are aware of what goes on here in Washington.

Today, we have a perfect opportunity to do just that: to ensure public involvement by repealing one of the rules that has restrained this body for so many years from making real change and reform. This rule has effectively discouraged the public from participation and involvement through an essentially secret process.

Ask yourself: How does the public participate? They participate through their representative. But how can they participate, if they do not know how and to what extent their representative is participating?

When the gentleman from Oklahoma [Mr. INHOFE] came to me, I was very skeptical that the public would understand this highly technical amendment. But I am glad to say that after visiting people back home this weekend, the public does understand. They want to know what's going on. They want to participate. They want to be involved.

This change in the way the House of Representatives does business will allow the American people to be informed and get involved. Let's listen to our constituents, lift the veil of secrecy, and open the process to the people.

Mr. INHOFE. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts [Mr. TORKILDSEN].

Mr. TORKILDSEN. Mr. Speaker, I thank the gentleman from Oklahoma for yielding time to me, and commend him for his leadership in bringing this reform measure to the floor. I rise today to speak in favor of opening up one key part of our legislative process. This reform is part of the package of reforms proposed by the freshman Republican reform task force, which Congresswoman TILLIE FOWLER and I chair.

Anytime a Member cosponsors legislation, his or her name, as a cosponsor of that bill, becomes available to the public at anytime. But the way the rules are written now, a private citizen cannot learn from any published source whether or not his or her Member of Congress has signed a discharge petition. Even more incredible is the fact that even Members of Congress are prevented from disclosing the names of Members who have signed a discharge petition.

If a bill is bottled up in committee, often times the only way to move it to the floor for debate would be by discharge petition.

This reform is so basic, some people may find it hard to believe we even have to debate it. All we are asking is that the names of members who sign a discharge petition be made public, the same way that the names of members who cosponsor legislation have their names made public.

This change is important because it will allow us to bring other significant legislation to the House floor, including a line-item veto, legislation to make all laws apply to Congress, and many other reforms. It does not guarantee any of those reforms will become law, but it will allow public debate on issues that have been held hostage in committee for far too long.

This is not a radical change. It will not solve all the problems we face. But it will be a giant step toward opening up the process here in Washington, and helping restore some confidence that the people might have in the Congress of the United States.

Mr. INHOFE. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia [Mr. GOODLATTE].

Mr. GOODLATTE. Mr. Speaker, I rise in support of the gentleman's bill.

Mr. Speaker, today the reform-minded Members of this House have won a tremendous victory. The fact that we are even debating this resolution on disclosure of discharge petition signatures is a sign of things to come in this institution. The "old-boy" network that has repeatedly buried good bills in committees with like-minded chairmen has been dealt a blow.

The American public will now discover the true reformers in Congress. Constituents have the right to know whether their members are just talking the talk when they go home and say they support reform. If they haven't signed a discharge petition to get up or down vote on reform issues they aren't reformers. Until now constituents would never discover those who will say one thing and do another in Congress. Members could talk all they wanted, safe with the knowledge that reform bills would never come to a vote.

We all know how it works. A much needed reform like term limits is introduced. The leadership opposes the bill, but knows if a vote on the floor occurs it will likely pass because the vast majority of Americans favor limiting terms in office.

So the term limits bill gets sent to an unfriendly committee where the committee chairman simply buries the bill—not allowing public hearing and certainly not allowing a vote. The only way to get a bill out of the committee is a discharge petition, but the "old-boy" rules of the House made absolutely certain that the signers would never be made public. That's how Members could say they supported something when they never would have to vote on it.

Now those times have changed. Soon we will be calling those days of backroom scheming and secrecy the dark ages. We are about to enter the bright light of disclosure in Washington. Because of this resolution the Capitol Hill power barons won't have such an easy time protecting their cronies behind a veil of enforced secrecy. It's about time.

Mr. INHOFE. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey [Mr. ZIMMER].

Mr. ZIMMER. Mr. Speaker, I would like to commend my colleague, the gentleman from Oklahoma [Mr. INHOFE] on his success in forcing a vote to end the secrecy of discharge petitions. This kind of secrecy has allowed Congress to operate like a self-contained ecosystem, sealed off from the rest of the world. It is time to open the airlocks of this biosphere and let in some sunlight and fresh air.

We need to remember that this House does not belong to its Members, it belongs to the people who sent us here. After all, the name of our job is "Representative."

This bill, along with measures like the Zimmer-Bacchus open meetings bill, will make us more accountable to our constituents. Only when we open our activities to public scrutiny will we be able to begin to restore the public's faith in Congress.

Mr. INHOFE. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Speaker, this resolution is this year's ultimate reform battle.

Unfortunately, most freshmen Democrats were A.W.O.L. in this fight. The freshmen Democrats ran on a reform platform, but they have run away from it once they got to Congress.

The voters who put these folks in office should be outraged at these Members who suggested that they were going to be reformers and have now turned their back on reform, once they have gotten into Congress.

Note these facts: Only 12 of the 66 Democrat freshmen, less than one-fifth, signed the discharge petition that got this resolution to the floor. Of those 12, 7 were among the last 11 signers, signing after the August recess ended, more than 4 months after the petition was filed, suggesting they were not willing to do so until they were pressured.

And the first Democrat freshman to sign did not sign until weeks after the 48 Republican freshmen had already signed. The voters should be outraged.

Mr. INHOFE. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. POMBO].

Mr. POMBO. Mr. Speaker, the actions of the House will always speak louder than words. For 63 years Members got the best of both worlds—being publicly in support of a bill, but privately working to secure its defeat. When a discharge petition was filed, the signatures were kept secret and could not be made public.

Last November, many Members of this Chamber were elected on a platform of change. Today, we have the ability to make one of the most important reforms in the way the House conducts its business. It is time to let the American people really see where their Representatives stand on the issues.

I am proud to be one of the 218 Members of the House who are reforming the discharge petition process. We have taken the first step toward eliminating another congressional custom that allows Members to hide behind the smoke and mirrors of the status quo.

I hope all Members of this House will join with us in shattering the mirrors, opening the windows, and letting in both the sunlight and fresh air to this house of the people.

Mr. INHOFE. Mr. Speaker, I thank the gentleman from California.

Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin [Mr. KLUG].

Mr. KLUG. Mr. Speaker, the American people own this Chamber and by rights should know everything that goes on inside it.

But for decades several volumes in this room have been off limits.

Today thanks to JIM INHOFE's work the seal will be cracked and those books opened.

Opponents say this move will undermine the procedures of the House—but when committee chairmen bottle up bills for years what choice do we have?

While more than 70 percent of the American people support term limits we can't even get a hearing on the idea much less a vote. And it's only because of discharge petitions that we've been ever able to get a vote on the balanced budget amendment.

Next we should make sure the Freedom of Information Act applies to Congress so that the American people can see all of our records.

Any doctor will tell you sunshine will make a sick person healthier, a little sunshine in this Chamber will do a world of good for this body, too.

Mr. INHOFE. Mr. Speaker, I yield 1 minute to the gentlewoman from Florida [Mrs. FOWLER].

Mrs. FOWLER. Mr. Speaker, I rise today in support of House Resolution 134, the publication of Members Signing a Discharge Motion Act. As cochair of the freshman Republican task force for reform, I have worked closely with Members on both sides of the aisle on a number of reform proposals, many of them aimed at opening up the process.

Making signatures on the discharge petition public is an important step in the direction of openness, and I urge my colleagues to support this timely and significant legislation.

The American people voted for change in the last election because they perceived the Congress as being hidebound, unresponsive to their needs, and full of backroom politics.

Many of our constituents were horrified—and rightly so—to learn that a Member could publicly support legislation while privately refusing to sign a petition to bring it to the floor—all the

while hiding behind a cloak of official secrecy.

It is high time to cast that cloak aside and let the sun shine on the discharge petition.

□ 1150

Mr. INHOFE. Mr. Speaker, I yield 1 minute to the gentleman from Georgia [Mr. LINDER].

Mr. LINDER. Mr. Speaker, as Winston Churchill once said, this is not the end; this is not even the beginning of the end, but it is, perhaps, the end of the beginning, the beginning in this House to end the process, to end secrecy, and open up the actions of this House to the American people.

No longer will a handful of powerful Members be able to thwart the will of the majority of Members of this House. No longer will Members be able to talk one way at the Rotary Club back home and act quite differently in Washington, DC. This House, more than any other institution of Government, is primarily the people's house.

Finally, the people will have access to important information that had been denied them for too long.

Mr. INHOFE. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. BARTON].

Mr. BARTON of Texas. Mr. Speaker, we are here today to pass one of the most important openness-in-Government laws in the history of Congress. I want to commend the gentleman from Oklahoma [Mr. INHOFE] for his courageous support of this legislation, and I hope that the House endorses it by rollcall vote overwhelmingly. I would like to point out that once we pass the Inhofe bill, that it is still necessary to get 218 signatures on any discharge petition to bring it before the House.

I have a discharge petition that I am supporting, discharge petition 4, authored by the gentleman from Michigan [Mr. HOEKSTRA] to discharge the Barton-Tauzin tax limitation balanced budget amendment. We currently have approximately 50 signers of this discharge petition. I hope that after passage of this legislation today that we could get the requisite 218 signatures to bring the tax limitation balanced budget amendment to the floor.

Again, I thank the gentleman from Oklahoma [Mr. INHOFE] for his leadership in bringing more openness in government. It will make the Congress more responsive to the needs of the people, and I think it will make the committee system better because it will make the committee chairmen more responsive to the needs of the Members of Congress responding to the needs of their constituency.

Mr. MOAKLEY. Mr. Speaker, I yield 4 minutes to the gentleman from California [Mr. BEILENSON], the chairman of the Subcommittee on Rules of the House of the Committee on Rules.

Mr. BEILENSON. Mr. Speaker, I thank the chairman for yielding time to me.

Mr. Speaker, as the chairman of the subcommittee which held a hearing on House Resolution 134 2 weeks ago, I would like to share with our colleagues some of the thoughts that were expressed by our witnesses about the potential consequences of disclosing the names of signers of discharge petitions.

Before I do that, I would like to express my own views on this matter. Although I have serious concerns about the changes in our legislative process that might be set into motion as a result of House Resolution 134, I intend to vote for this resolution. I believe that Americans have the right to know what actions their elected representatives take, including whether or not they sign a discharge petition. In an age when virtually every other official action a Member of Congress takes is public information, we simply cannot justify retaining a 1930's-era decision that requires the names of Members who sign a discharge petition to be kept secret until the requisite 218 signatures have been obtained—no matter what we think the consequences might be.

At the same time, at the same time, I hope that we act with the understanding that there is much more to this issue than just secrecy versus openness. By heightening the visibility of the discharge process—and, presumably, its use—we risk seriously undermining the deliberative process that is essential to sound lawmaking. It is my hope that we will open the question of whether other changes should be made in the discharge process in the weeks or months ahead, to ensure that it remains the last-resort procedure it has been throughout its history.

We cannot say with any certainty whether the discharge process will be used more frequently when signatures are public, but it seems highly likely that special-interest groups—especially those with the resources to mobilize their followers and obtain time on the arwaves—will begin routinely urging Members not just to cosponsor bills, but also to sign discharge petitions on them. A Member might want to cosponsor a bill to show support and urge action on a proposal, but might not want to sign a discharge petition on it because he or she wants committee consideration of it before it goes to the floor. But groups supporting a bill are likely to demand that Members do both to show that they are truly committed to a proposal.

Legislating by discharge on a routine basis is something that I would think even the most enthusiastic proponents of disclosure would not want to see. By bypassing committee consideration, hearings, input from experts, amendments, the work done by the Members who know the issue in more depth than the rest of us do, and, most important, giving members of the public sufficient time to make their views known, we would be bypassing the process that is so essential to producing a good legislative product. The result of shortcircuiting the process in this manner is likely to be laws that are not well thought out, or that benefit special interests at the expense of other Americans. Many Americans think that these are already problems with the laws we pass; if discharge is used more frequently, they will find these problems to be much, much worse.

I would like to share some of the thoughts expressed about the likely effects of disclosure by the witnesses at the September 14 hearing of the Subcommittee on Rules of the House.

Hyde Murray, who served as counsel to the Republican leadership here in the House for many years, warned that there would be unintended consequences of publicizing the signatures on discharge petitions, and noted that Republicans as well as Democrats have an interest in preserving the deliberative quality of the House of Representatives. He predicted that disclosure of signatures would lead to intense politicization and lobbying and expressed the fear that liberals would use the discharge process to obtain votes on popular social programs, while conservatives would use it to push popular tax breaks, and that the result would be less fiscal discipline than there is now. Peter Robinson, who served as a top aide to Democratic leaders here in the House, also expressed fears that costly legislation benefiting special interests would be easier to get through the House if names on discharge petitions are public.

Thomas Mann, a noted congressional scholar from the Brookings Institution, said that the discharge petition "was never, and never should be, designed as another means by which outside groups can pressure Members into forcing action on a piece of legislation; it was a way of dealing with the arbitrary exercise of power inside the chamber." He warned:

> Publicizing the signatures on discharge petitions before a majority is achieved would increase the pressure on Members to take the politically safe action in the face of intense outside lobbying. It could well lead to the routinization of the discharge petition as an alternative agenda-setting mechanism in the House, diminishing the deliberative role of committees and weakening the ability of the majority party leadership to manage the floor. It would encourage Government by plebiscite, a far cry from the republican form of government designed so brilliantly by the Framers.

Norman Ornstein, the American Enterprise Institute's leading congressional scholar who shared the views of Mr. Mann, expressed particular concern about disclosure of signatures creating a referendum-type process resulting in horrific debate which doesn't focus on tradeoffs, and where there is no opportunity for amendment. He predicted

that special interest groups would quickly learn how to use the discharge process and that, as a result, the House would pass legislation which increases the Federal budget deficit.

Roger Davidson, professor of government and politics at the University of Maryland, pointed out that the discharge procedure is ill suited for the process of legislative deliberation. It bypasses the crucial and time-consuming phases of hearings, negotiations, and markups that are needed to turn raw proposals into acceptable legislation, or to expose a proposal's fatal flaws or narrow support. The procedure itself provides inadequate debate and short circuits amendments. It also fails to address the phenomenon of multiple referrals, which apply to more than a third of all legislation introduced in the House.

Steven Smith, a professor of government from the University of Minnesota who has written extensively on congressional procedures, said that he saw "no evidence that the current rule has prevented the House in recent Congresses from acting on measures that a majority of Members personally believe should be adopted." He expressed the concern that by disclosing names on discharge petitions, "the House would be moving perilously close to government by opinion poll. The Congress is four-fifths of the way there as it is."

There were also witnesses who felt otherwise—that disclosing signatures would bring positive changes to the House, including greater accountability and democracy to the internal procedures of the House. David Mason of the Heritage Foundation said that discharge petitions are more often a means to induce deliberation than to cut it short. He also said that "the best way to combat special interests is through the diffusion of power and openness in its exercise."

The president of Citizens Against Government Waste, Thomas Schatz, countered the predictions of witnesses who said that disclosing names of signers would result in less fiscal discipline, saying that "most of the legislation that will come from filing discharge petitions will be reform legislation that will favor taxpayers and work against special interests." And James Gattuso, representing Citizens for a Sound Economy, echoed his comments, stating that disclosing signatures would decrease, rather than increase, the power of special interests.

Mr. Speaker, in conclusion, the gentleman from Oklahoma [Mr. INHOFE], the sponsor of House Resolution 134, who also testified in our hearings, predicted that discharge petitions would not be used routinely, even when names are disclosed; that it was such an arduous task to get 218 signatures on a petition that successful discharge efforts would continue to be infrequent. Let us hope that he is right and that our worst fears about this change to not come to pass.

If they do, however, if the discharge process is used frequently, even routinely, to obtain floor votes on bills, I do hope that we will respond by making the necessary changes to restore the process to its historic role as a means of last resort to obtain floor consideration of a measure that a majority of Members want to vote on.

Mr. INHOFE. Mr. Speaker, I thank the gentleman from California [Mr. BEILENSON] for his remarks.

I yield 1 minute, Mr. Speaker, to the gentleman from Indiana [Mr. BUYER].

Mr. BUYER. Mr. Speaker, I came here to compliment the gentleman from Oklahoma [Mr. INHOFE] for his reform-minded measures to open up the House to more democratic measures, and I am also touched by the words of the chairman of the subcommittee. I want him to know as a very reform minded new Member to this institution that I also do not want to see the discharge petition process be used as an end run around the committee process. If that ever happens, I will jump in and help lead a fight with the gentleman to stop that form of process.

I want to let the gentleman know that when he mentions special interests, and now looks at who are on those petitions, and if he wants to say, "STEVE, you are representing a special interest," the special interests I represent now are those who want term limitations, a true line-item veto, and a balanced budget amendment, which I see as the interests of the American people, and not any particular special interests.

The gentleman has me on some of the issues, and I look forward to working with him on them.

Mr. QUINN. Mr. Speaker, will the gentleman yield?

Mr. BUYER. I yield to the gentleman from New York.

Mr. QUINN. Mr. Speaker, I join with other speakers this morning in thanking the gentleman from Oklahoma [Mr. INHOFE] for his efforts. I have learned of this through the line-item veto work a number of us have done this coming year with the gentleman from New York [Mr. SOLOMON] and other freshmen.

As I talked to people back home in Buffalo and western New York, they are astounded that this law existed. The gentleman from Oklahoma [Mr. INHOFE] and others, and all that are working for it, will lift the veil of secrecy. Today I want to thank everybody involved, and especially the gentleman from Oklahoma [Mr. INHOFE].

Mr. INHOFE. Mr. Speaker, I thank the gentleman from New York [Mr. QUINN] for his comments.

Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. BILIRAKIS].

Mr. BILIRAKIS. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, as we all know, in recent years, the public's confidence in their Representatives has plummeted. It is clear that the American people are dismayed at the workings of Congress. They want reform in many ways, and particularly a National Legislature that acts responsibly and in the open.

The Florida Sunshine Law requires that meetings of all elected officials at all levels be held in open forums. Floridians at least have the benefit of accountability because their legislators do not meet behind closed doors. There is no reason to think that the American public would be negatively impacted by lifting an arcane House rule that keeps the names of Members who sign discharge petitions secret.

We must restore the public's confidence in Congress. I urge my colleagues to support House Resolution 134. It is a good first step toward true reform of the Congress.

Mr. SOLOMON. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. MCKEON].

□ 1200

Mr. MCKEON. Mr. Speaker, today, history is being made. I commend the gentleman from Oklahoma [Mr. INHOFE] for his tireless efforts which have brought us to this momentous occasion today.

I came to Congress as a member of a class which had, and continues to have, hope to reform this institution. Unfortunately we have found that Congress doesn't always function in the best interest of the American people and that's not easy to change. I am pleased to note that of the first 35 Members to sign discharge petition No. 2 to bring House Resolution 134 to the House floor, 29 are members of the Republican freshman class.

This resolution is one of 19 items our Republican freshman class included in its congressional reform package. As a result of this breakthrough, we may now see the opportunity to bring other issues of vital importance to the floor; such as a balanced budget amendment, term limits, and a true line-item veto.

Mr. Speaker, today brings a hope that we can continue to enact congressional reforms desired by the American people. With this victory, the Congress will hopefully begin to rebuild its trust with the citizenry it governs.

Mr. INHOFE. Mr. Speaker, I would like to inquire from the majority side if they would like to use any of the remainder of their time. I would like to conclude debate, and I would advise the gentleman that at the conclusion of my remarks I will move the previous question.

Mr. MOAKLEY. Mr. Speaker, evidently some of my speakers have been persuaded by the gentleman's eloquence. I am our only remaining speaker.

The SPEAKER pro tempore (Mr. OBEY). The Chair would point out that the gentleman from Oklahoma [Mr. INHOFE] has the right to close debate.

Mr. INHOFE. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina [Mr. COBLE].

Mr. COBLE. Mr. Speaker, I thank the gentleman from Oklahoma for his tireless effort in this matter.

I have no prepared text because I did not know I was going to speak until right now. But one feature about this body that continues to perplex me, Mr. Speaker, is the fact that we do things up here in funny ways.

For example, we spend money we do not have. We do it every day and continue to do it.

The same sort of analogy applies to the discharge petition. The discharge petition is to my right. Names appear thereon. But no one can find out whose names appear on that discharge petition. That is top secret and no one can be cleared for it. The media cannot get it. Members outside of this body cannot get it.

There is something obviously especially religious or sanctified about it, and this move by the gentleman from Oklahoma will remove this veil of secrecy.

Mr. MOAKLEY. Mr. Speaker, I yield myself my remaining 3 minutes.

Mr. Speaker, I will not ask others to join me in opposition to Mr. INHOFE's proposal.

All I have gained from opposing this measure is: Harsh editorials, the worst names I have ever been called, pickets, and a measure of notoriety I could never have imagined. I have even been called a sofa—whatever that means.

But I would hate to see political campaigns, and careers, decided on this issue when the real debate ought to be about issues that impact people, issues like jobs, health care, and education.

Mr. Speaker, let me close by quoting from a recent article which appeared in the Boston Herald:.

> The Founding Fathers believed that it should be difficult for Government to do things to us. New laws, new taxes, new regulations, sending our children to die in foreign wars—these were things that required careful deliberation. The rule was simple: Except in crisis, Government should not be allowed to act, goaded neither by central power nor public whim. Not so long ago, conservatives who feared a bold and aggressive Government repeated over and over again, like a mantra, "This is a republic not a democracy." It is a healthy thing to remember.
>
> Every action the Federal Government takes affects more than a quarter of a billion Americans. Conservatives would be well advised to protect the effectiveness of a process that allows them to overcome obstruction without sacrificing the deliberation which is essential to liberty.

That quote was from Mickey Edwards, former Republican Congressman from Oklahoma.

Mr. Speaker, I yield back the balance of my time.

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Mr. INHOFE. Mr. Speaker, I yield myself my remaining time.

Mr. Speaker, I would like to make one comment about the quote by Chairman MOAKLEY from the Boston Herald. The Boston Herald also editorialized in favor of this, and I quote: "Inhofe filed a bill to help clean up this vile system by opening the discharge petition process to public scrutiny." So I do appreciate the gentleman bringing up the Boston Herald.

Mr. Speaker, there have been three basic objections that have come to our attention. One is if we do, then the lobbyists and special interests will find out what this is all about, and what we are doing around here. If we carry that to its logical conclusion, Mr. Speaker, we would turn off those cameras, we would say let us lock the doors. We do not want anybody in the galleries to find out what we are doing in here. We would close our committee rooms so they would not know what was going on. We would close all of our hearings so that the public could not go in there, and then lobbyists would not know what we are doing around this place.

I would suggest that lobbyist are the last ones who want this reform, because it is a lot easier to lobby one individual who happens to be a Member than it is some 30 Members out there wandering around. Special interests flourish on two things: secrecy and concentration of power. And this simple one-sentence resolution ends both.

Second, they say somehow this is going to impair the committee system. You know, I hope it does. We need to change the committee system. It needs shaking up a little bit.

I think a system that allows the chairman to dominate the agenda and shut out certain causes from even being heard, let alone voted on, is not one that is healthy. But this will not circumvent the process, and the best evidence of this, and the gentleman from California [Mr. BEILENSON] mentioned this, is the House Resolution 134. House Resolution 134 is the first resolution really to be using the new system, because I made it abundantly clear when I introduced it, and when I filed my discharge petition that I was going to violate the House precedent and release to the Well Street Journal the names of those who did not sign.

Now I introduced this House Resolution 134 on March 18. Then we went the requisite 30 legislative days, even though it was not necessary because it was the Committee on Rules. But I went ahead and did it anyway to make this point. Then on May 27 we filed the discharge petition. Here it is September 28, more than 6 months later, and this is as quickly as it could happen.

I would suggest, Mr. Speaker, that if a chairman is not willing to give a hearing and report out a bill in 6 months, then perhaps we do need to change the system a little bit.

But I am concerned about one thing, and that is that there have been some rumors floating around that if this passes, or I should say when it passes because it will today, certainly with the newfound support of the gentleman from California [Mr. BEILENSON], which I appreciate very much, that the leadership may meet in January 1995 and offer some type of dramatic restrictions to the discharge-petition process. If that happens, yes, there will be a rush to get in the next 18 months or 15 months, to get discharge petitions in under the system we are going to adopt today. So I would like to emphasize that. And I think the gentleman from California [Mr. BEILENSON] mentioned this too as something that could happen, and I am today, and want the RECORD to clearly report this, I am asking the leadership to give us their assurance that they will not consider massive changes in the discharge-petition process in January 1995, which would set off an unhealthy flow of discharge petitions because of the very impairment of the committee system that they seem to be so concerned about today.

Third, the objection is that of bad law. I do not quite understand this, because bad law is in the eyes of the beholder. Is a budget-balancing amendment to the Constitution bad law? Is a true line-item veto bad law? Is true tort-liability reform bad law?

Right now we are concerned about the flight of jobs into other countries, and one of the speakers, I do not remember which one, addressed this, and it is true. Product liability causes us to be noncompetitive in a global environment. And we are going to have to do something about product liability. Yes, I think that is good law, and that could very well come out with this.

We are talking about health reform. And when the President made his glorious speech the other day he did not say anything other than restricting attorneys to 33 percent on real medical and malpractice reform.

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Last year we spent $29 billion on judgments and for defensive costs. And that is passed on to all the people. So is that bad law? No, I do not think that is bad law. I think that is good law and we should do it. Who knows, we may even come up with term limitation.

Now, that may be bad law in the eyes of the majority, in the eyes of the leadership, but I think and I know the gentleman from Florida [Mr. MCCOLLUM], who has been working this cause for many years—we have been working together on this cause for many years—agrees that it is good law, and the vast majority of the people in America want it.

Who knows, we may even have a school-prayer amendment.

The fallacy of bad law, the bad-law argument, is that of definition. It is

what in the eyes of the leadership is bad law. Now, four times in history this process has been used, once in 1938 for a labor law, once in 1946 for a rule. In 1960—and I have to mention this because this was during the years of the founding of the Democrat Study Group, the liberal branch of the Democratic Party—this happened in 1960. So you see today is not the first time in history a Member has openly and admittedly violated the House precedent by disclosing the names. I am the second one, the first one is Emmanuel Celler, who in 1960 could not get his bill out of the House Committee on Rules. He filed a discharge petition and he tried everything possible, and finally, with the help of the Democrat Study Group, they were able to go right up there to where the locked drawer is and memorize the names, one went up after the other until they finally had all the names on the discharge petition in 1960, and they released those names to the New York Times, and the New York Times published those names.

The next day, they came down and they got the 218th signature. So that released, by the way, the bill that is known today as the civil rights bill of 1960.

So, Mr. Speaker, I have to make one address to the fact that people are talking about passing bills by radio talk shows. I wish there were time to name all the newspapers, all the 100 newspapers have editorialized for this. We have over 100 associations who are behind this, not just the obvious ones, like the American Family Association, the American Taxpayers Union, United We Stand America, who is very big and helpful, but many others.

So, in this remaining minute I would like to share with you something that I feel very strongly about. Quite often on this floor a great Democrat is quoted; his name is Thomas Jefferson. Thomas Jefferson said,

> Never suffer a thought to be harbored in your mind which you would not avow openly. When tempted to do anything in secret, ask yourself if you would do it in public. If you would not, be sure it is wrong.

The other day I was down at the House recording studio doing a show with the gentleman from Illinois [Mr. EWING], and I noticed on the wall was a poster. The poster had two silhouettes. The silhouette, one of them was of the Capitol and the other was of a great American Alexander Hamilton. Inscribed on that it said, "In this Nation, sir, the people govern." It did not say that the people govern in secrecy, it did not say that the chairman of the Rules Committee governs, it did not say that the Speaker governs. They said, "In this Nation, sir, the people govern."

That is what this is all about today. We are going to return the agenda of Government to the people of America and destroy the 63-year-old veil of secrecy forever.

Ms. BROWN of Florida. Mr. Speaker, I rise today in opposition to House Resolution 134.

Although this resolution will mean good headlines for the Members who support the bill, there are few among us who think this legislation represents good policy.

Mr. Speaker, House Resolution 134 will send bills directly to the House floor for a vote and bypass any and all committee review. One of the best ways to learn about legislation is to sit through a committee hearing and hear, first hand, how certain legislation will affect ordinary Americans.

How can we expect Members to intelligently vote on a bill that has had no hearings, no markup and no committee consideration whatsoever? Could you imagine voting on something as complex as the Department of Defense authorization or the budget reconciliation bill without full committee hearings? As ludicrous as the sounds, this is exactly what House Resolution 134 will allow.

Moreover, the groups that are most likely to use the new discharge procedure are those seeking greater Federal largess, both in the form of outlays and special tax breaks. In the last six sessions of Congress, one-third of the discharge petitions that were filed would have increased the deficit by more than $300 billion. I don't know how any responsible Member of Congress can support that.

Mr. Speaker, House Resolution 134 represents a good sound bite but bad public policy. In all good conscience Members cannot support this irresponsible legislation.

Ms. VELAZQUEZ. Mr. Speaker, I rise in strong opposition to House Resolution 134, a measure that purports to promote more openness in this Chamber, but will actually compromise the deliberative process of this Institution.

As Members elected to this Congress, we cannot be afraid to explain, to illuminate, and to clarify the distortions promoted by an irresponsible media and grandstanding Members who want to ride the wave of reform merely for the publicity it will generate.

If this measure is adopted, we will see discharge petitions pushed by big-monied special interests who want to circumvent the committee process. I am proud to be a member of the Committee on Banking, Finance and Urban Affairs. I selected that committee because it has jurisdiction over many of the issues that are pivotal to my congressional district, such as housing, economic development, and consumer protection. I do not wish to partake in any alleged reform that will weaken my position as a member of that committee, weaken my standing as a Member of Congress, and therefore compromise my ability to serve my constituents and their otherwise voiceless views.

By exposing to public pressure a very exceptional vehicle that allows measures to come directly to the floor, without the benefit of committee debate, we endanger thoughtful and full consideration of policy proposals.

I would have supported an alternative that was floated by some Members which would have allowed the disclosure of names on a discharge petition without undermining the committee process. Under this proposal, when a discharge petition acquired the mandatory 218 cosponsors, the Committee with jurisdiction for the legislation would have been required to act on that legislation within a prompt but reasonable timeframe, such as 60 days. This approach would have lifted the so-called veil of secrecy and would have uncorked bottled-up legislation, but it would have protected committee deliberation and the public debate of legislation.

Unfortunately, that proposal is not before us. Therefore, I am compelled to oppose this House Resolution and I urge my colleagues to do likewise.

Mr. GILCHREST. Mr. Speaker, I rise today in strong support of House Resolution 134 and the reform of he discharge petition process.

Throughout my brief time in Congress I have been a strong proponent of congressional accountability. Passage of discharge petition reform is necessary at this time if Members are to be truly accountable to their constituents. What better way to ensure this accountability than to require that Members work toward passage of legislation that we all tell our constituents we support?

Far too often, Members cosponsor legislation that they know will never come to the floor for a vote. They are able to outwardly support a measure while refusing to actually work toward its passage through committee action or the discharge process. I think this is a sham that needs to be ended and it will be when this legislation is passed by the House today.

I commend Mr. INHOFE for his courage in bringing this matter to the attention of the public who will benefit from the consideration of such important legislation as term limits, line-item veto, and balanced budget amendment. These are issues that have been bottled up for years at the committee level but need to be considered and passed by the House of Representatives.

I hope that my colleagues on both sides of the aisle see the importance of passage of this legislation and will join me in voting aye on House Resolution 134.

Ms. SNOWE. Mr. Speaker, I rise today in support of House Resolution 134. The discharge petition was adopted in 1910 to move legislation pigeon holed in committee to the House floor. Once 218 Members sign the petition, the bill can proceed to the floor for a vote. However, the discharge petition rarely achieves its purpose, largely because the names of those who sign discharge petitions are kept secret. Of the 393 bills for which discharge petitions were filed between 1937 and 1986, only 19 were ever discharged. I am proud to cosponsor and support passage of House Resolution 134 as a partial remedy for this inequity.

House Resolution 134 would make the names on a discharge public as soon as the Members sign it. This would prevent Members from engaging in the double speak of telling their constituents they support a bill while refraining from signing the discharge petition that would bring the bill to the floor.

Some of my colleagues argue that House Resolution 134 will increase the power of narrow, special interests. Openness and accountability, however, act to undermine the power of special interest groups, not to enhance that power.

I believe that this is another step toward our goal of reforming Congress to make it more

democratic and equitable. Across America, people are saying that Congress needs to be more open to the people and held accountable for its legislative activities.

For these reasons, I am proud to support House Resolution 134, Congressman INHOFE's bill to make public the names of Members who have signed discharge petitions.

Mr. WELDON. Mr. Speaker, I rise in support of House Resolution 134, the resolution which will amend House rules to make signatures on discharge petitions public. Having served in this body over 6 years and watched the defeat of numerous rules changes put forward by the minority to increase accountability, I believe action on this front is long overdue.

Most Members in this body were not here in the 1970's when the House adopted sunshine rules to open committee meetings, hearings and conferences. But we know the reason they did so—to put an end to a government run in secrecy. We know from firsthand experience that the operations of this institution have not been impaired by public access to our decisionmaking process. In fact, Congress has flourished under this system which encourages maximum citizen input and involvement.

Despite the success of the sunshine initiatives, vestiges of secrecy remain in this institution. It is time for us to open the rest of the doors and complete the job which began nearly 20 years ago. If it is the will of our constituents that certain legislation be brought forward, as representatives we should have the tools to help make that happen. In a democracy, there is no basis for granting a few select House leaders the ability to thwart a majority of the American people.

Some of those leaders are opposing this resolution on the grounds that it will allow special interests to manipulate the legislative process. The truth is that special interests now have a greater say than many Members in determining the subject and structure of committee hearings and action. The special interests that channel the bulk of their lobbying resources on committee chairs have plenty of influence on the decisionmakers. House Resolution 134 simply levels the playing field by giving the American people and their Representatives the ability to propel important legislation forward.

Mr. Speaker, this debate marks a historic occasion. With the appropriate support House Resolution 134 will pass and this will be remembered as one of the House's finer hours. I urge my colleagues to support this measure as a gesture of confidence in the American public and a down payment on congressional reform.

Mr. PORTMAN. Mr. Speaker, shortly after my election to Congress in May, I was the 39th Member of Congress to sign the discharge petition to force the bill before us to a vote in the full House. I am proud to stand as a cosponsor of this legislation that my colleague from Oklahoma has introduced, because I believe it is good Government measure long overdue.

It amazes me that at a time when the American people are demanding more openness in Government, there exists a secret process that allows some Members of the House to have unfair control over whether or not a bill will be considered by Congress. Americans are tired of wondering why needed reforms never seem to make their way to the full House for a vote. And this anachronistic rule has a lot to do with why this happens.

The legislation we are considering today will fundamentally alter the way things work in Congress, helping to restore openness to the legislative process and make it more responsive to the American people.

Open discharge procedures have worked successfully in all 50 States legislatures without jeopardizing the committee systems. There is no reason why the same openness should not work well in Congress. No longer will a Member be able to tell his constituents "I'm for this bill" and then refuse to sign the petition to discharge it from committee. The American people have a right to know where their elected representatives stand. Secrecy on discharge petitions should not act as an easy cover for Members who do not want to vote for legislation that is already popular with the electorate. What Congress needs is greater accountability and greater openness, not secrecy.

Clearly, the current system gives more power to special interests by allowing them to focus the bulk of their lobbying resources on the handful of House leaders and committee chairs who exert the most influence over the process.

It's high time that Congress puts an end to secrecy and begins to show its commitment to openness and accountability. Americans beyond the beltway deserve to see for themselves which Members have been holding things up in the House.

Mrs. UNSOELD. Mr. Speaker, I rise in opposition to the Inhofe resolution and do so knowing full well that many of my constituents will be angry with this decision. While the overwhelming majority of my colleagues will most likely bow to the public pressure created by the Wall Street Journal and radio showman and Congress basher Rush Limbaugh and support this measure, that does not make it a good decision for the Congress or for the American people.

This measure is not about secrecy, as Mr. Limbaugh and other proponents would have us believe. Everyone in this body realizes that the discharge petition is a little used and rather arcane procedure that has little impact on the legislative process. I don't dispute that many Members of Congress cosponsor politically popular but dubious measures, while secretly hoping that it dies in committee. However, enacting this measure is not going to end that practice and everyone here knows that.

More important, enactment of the Inhofe resolution will be to encourage the wider and more frequent use of the discharge petition, effectively undercutting the deliberative process that has evolved over our Nation's history. The use of the discharge petition to force measures onto the floor without any public hearing or committee consideration and without the option of amendment will essentially create the ultimate closed rule. It is worth noting that many of the strongest proponents of this measure are those regularly condemning closed rules on measure they oppose.

In closing, I would like to enter into the RECORD a powerful statement of opposition to the Inhofe resolution. It is a column written by the noted experts on Congress, Thomas Mann and Norman Ornstein, which ran in the Washington Post on September 27. They point out how the adoption of this measure will only serve to encourage government by plebiscite. While that would serve the purposes of those who regularly bash the Congress, it could have a very negative impact on the constitutional responsibility of the Congress to study and deliberate on issues rather than to simply respond to the political winds of the moment.

[From the Washington Post, Sept. 27, 1993]

NO SMOKE, NO BARONS

(By Thomas Mann and Norman Ornstein)

There is no surer way to induce an editorial knee to jerk than to evoke the word "secrecy." And knees jerked all over the country over Rep. Jim Inhofe's proposal to publicize the signatures on discharge petitions in the House of Representatives before a majority is reached. George F. Will's endorsement of Inhofe ["Smoking Out the Barons," op-ed, Sept. 19] is understandable, given his unrestrained animus toward the contemporary Congress and his single-minded pursuit of term limits, but the argument advanced by The Post's editorial [Sept. 14] was uncharacteristically superficial.

The Inhofe proposal is very likely to pass the House, now that it has obtained the requisite 218 signatures on the discharge petition. Indeed, given the terms by which it was defined for the public—ending secrecy, increasing accountability, restraining the arbitrary exercise of brute power—an overwhelming majority will probably climb aboard the bandwagon when faced with a recorded vote.

But before the seemingly inevitable occurs, it is worth reflecting on how the discharge petition came to be the *cause celebrè* of congressional reform, what it tells us about Congress and the American political system, and how this change might reinforce and worsen some disturbing trends in our politics.

Inhofe's proposal is a solution in search of a problem, a reform based on a wildly inaccurate portrayal of Congress as a closed, secretive institution dominated by committees and party barons and unresponsive to popular sentiment.

The truth is that Congress today is remarkably open—probably the most open political institution in the world—permeable to outside interests and opinion and relatively unconstrained by autocratic committees and party leaders. Members are if anything hypersensitive to public opinion and unduly solicitous of intense opinions from a sliver of the electorate, however ephemeral they may be.

The problem with Congress is not insulation and unresponsiveness—it is pandering and symbolic position-taking. Congress and its leaders are less inclined and less equipped to cool the temporary passions of the public, or to withstand the intense views of a disciplined, organized special interest minority, than ever before. The confidentiality provision of the discharge petition rule has been a modest shield against those forces; the Inhofe change would turn the discharge process into a weapon for them.

In this case lawmakers and their leaders were putty in the hands of Ross Perot, Rush Limbaugh and the Wall Street Journal. It didn't matter that almost all serious legislative proposals that have genuine support among a majority of members find their way to the floor; that the discharge petition has

worked as a noncontroversial safety valve enabling a majority of members to prod legislative action when they believe the leadership is inappropriately thwarting action; and that adopting the Inhofe proposal would make a provision designed to be a last resort into a routine one and increase pressure on members to take politically safe but substantively damaging positions in the face of intense outside single-issue lobbying, discouraging deliberation and encouraging a government by plebiscite. Once the public passions were fanned and the agenda set in simplistic, anti-secrecy terms, there was little opportunity for genuine discussion and debate about the need for this rules change and its possible consequences.

This episode is emblematic of what ails Congress today and why it is so difficult to pursue constructive reforms. An angry but inattentive public is too easily manipulated by Congress-bashers pursuing their own partisan and ideological agendas. Members of Congress are too willing to sacrifice the well-being of their institution in order to advance or protect their individual political positions back home. Congressional leaders are too slow to see the threats to the basic integrity of Congress, insensitive to the genuine rights and prerogatives of the minority party, and too reluctant to act decisively to deal with the underlying problems. And editors, eager to be on the side of the angels, buy the "reform" agenda of self-styled public interest groups and reformers without thinking through the consequences of what they support.

Ironically, if the undue sway of leadership bullies on rank-and-file members is the problem, as many Inhofe supporters believe, the most constructive change in the discharge petition rule would have been more, not less, secrecy—the complete confidentiality of signatures, so that neither leaders, chairmen nor outside interests would know which members had signed petitions to pull bills from their committees, and could not exact retribution. But that kind of change would not have mobilized United We Stand troops around the country, energized the army of radio talk show hosts or raised much money in direct-mail appeals by anti-Congress groups. Inhofe and his allies have intimidated the House to act and succeeded at stinging and embarrassing Congress's senior leaders. Now we have to figure out how to limit the damage done to deliberative democracy.

Mr. INHOFE. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

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

Mr. MOAKLEY. 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 (Mr. OBEY). Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 384, nays 40, answered "present" 1, not voting 8, as follows:

[Roll No. 458]

YEAS—384

Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
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
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Browder
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Combest
Condit
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
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, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Matsui
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDermott
McHale
McHugh
McInnis
McKeon
McMillan
McNulty
Meehan
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Molinari
Montgomery
Moorhead
Moran
Morella
Murphy
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (VA)
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Royce
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
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
Torkildsen
Torricelli
Traficant
Tucker
Upton
Valentine
Vento
Volkmer
Vucanovich
Walker
Walsh
Waters
Waxman
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—40

Abercrombie
Bishop
Brooks
Brown (FL)
Clay
Clayton
Collins (IL)
Collins (MI)
Darden
Dingell
Edwards (CA)
Fazio
Flake
Ford (MI)
Gonzalez
Hilliard
Klink
Lewis (GA)
Mazzoli
McKinney
Meek
Moakley
Mollohan
Murtha
Payne (NJ)
Pelosi
Pickle
Rangel
Roybal-Allard
Rush
Sabo
Smith (IA)
Stark
Torres
Unsoeld
Velazquez
Visclosky
Washington
Watt
Yates

ANSWERED "PRESENT"—1

Martinez

NOT VOTING—8

Brown (CA)
Conyers
Foglietta
Johnson, E. B.
McDade
Owens
Sharp
Towns

□ 1236

Ms. PELOSI and Messrs. FLAKE, HILLIARD, and LEWIS of Georgia changed their vote from "yea" to "nay."

Mr. BARLOW and Mr. BECERRA changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. INHOFE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the resolution just adopted.

The SPEAKER pro tempore (Mr. OBEY). Is there objection the request of the gentleman from Oklahoma?

There was no objection.

PARLIAMENTARY INQUIRY

Mr. INHOFE. Mr. Speaker, I have a parliamentary inquiry regarding the resolution just adopted.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. INHOFE. Mr. Speaker, is it the interpretation of the Chair that the resolution just adopted applies only to discharge motions filed after adoption or that it also applies to discharge motions already filed?

The SPEAKER pro tempore. The Chair believes that the plain reading and debate on House Resolution 134, along with standard principles of statutory construction, indicate that the language inserted in clause 3 of rule XXVII by the resolution should be read to apply to both those discharge petitions already filed as well as to those to be filed in the future.

PERSONAL EXPLANATION

Mr. SHARP. Mr. Speaker, on the vote just taken, I had intended to vote "yea." I was in the House annex office where the bells did not ring; the paging system did reach me, and I ran, but missed the vote.

PERSONAL EXPLANATION

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, during rollcall vote No. 458 on H.R. 134 I was unavoidably detained. Had I been present I would have voted "aye."

PERSONAL EXPLANATION

Mr. Conyers. Mr. Speaker, due to pending business in my district, I was unable to make the vote today on rollcall No. 458, House Resolution 134. Had I been present, I would have voted "no" on the resolution.

REQUEST FOR APPOINTMENT OF CONFEREES ON H.R. 2520, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1994

Mr. YATES. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2520) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1994, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

Mr. BURTON of Indiana. Reserving the right to object, Mr. Speaker, we continue to have very restrictive rules coming out of the Committee on Rules, and, therefore, Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

□ 1240

PROVIDING FOR FURTHER CONSIDERATION OF H.R. 2401, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1994

Mr. FROST. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 254 and ask for its further consideration.

The Clerk read the title of the resolution.

(For resolution, see RECORD of Monday, September 27, 1993, at page 22603.)

The SPEAKER pro tempore (Mr. OBEY). The gentleman from Texas [Mr. FROST] has 20 minutes remaining, and the gentleman from New York [Mr. SOLOMON] has 5 minutes remaining.

The Chair recognizes the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Wisconsin [Mr. ROTH], a member of the Committee on Foreign Affairs.

Mr. ROTH. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, yesterday, at the United Nations, President Clinton set a new course for American foreign policy. It is a break with the past and it will prove to be momentous.

The President set forth four criteria for U.N. troop involvement in trouble spots. They are logical conditions. They mirror what many of us in Congress have been urging.

What is good for the United Nations certainly should be good for the United States, too. So let us see how the criteria set forth by the President apply to Somalia.

In Somalia, is there a real threat to international peace? The answer is no.

Does the Somalia mission have clear objectives? Obviously not.

Can an endpoint be identified? No.

How much will it cost? No one knows, but we do know to this point it has cost the American taxpayer over $1 billion. The President said:

> From now on the United Nations should address these and other hard questions for every proposed mission before we vote and before the mission begins. The United Nations simply cannot become engaged in every one of the world's conflicts.

So this will become the Clinton doctrine. The American people will applaud him. It is a realistic, pragmatic approach. It is a sharp turn away from the past helter-skelter policies of let's stick our noses into everybody's business.

But as we are so often reminded, actions speak louder than words.

So let us see if the President will apply the Clinton doctrine to Somalia. That is the test. Foreign entanglements are like a treadmill. It is difficult to simply stop. We no sooner get to the end of one intervention than some in Congress are pushing us into another, So it goes.

The President has given us a formula for getting off of the treadmill. Let us urge him to abide by this blueprint.

Ever since the first American soldier set foot in Somalia, some of us have implored the White House to follow some plan, some rational approach to achieve a realistic goal. Now, if the President was sincere in his admonishment to the United Nations, and I am sure he was, why not apply those same standards to our country's overseas involvements?

Are American troops' lives any less precious than those of other nations? Are not the American taxpayers' dollars as hard earned as those of other nations?

So let us praise the President's candor. He has designed a new foreign policy paradigm for the United States. It will acclimate the United States to the new emerging world. It is a new focus for our foreign policy. It is long overdue, but so necessary.

Giving a speech at the U.N. is one thing. Applying it is something else. It is like the blue belt in karate, that's where you do well on the written part. Let us help the President apply his new doctrine and let us start with Somalia.

We must have a date certain when we will leave Somalia. We should follow the President's blueprint that he set forth at the United Nations yesterday.

Today, United States policy in Somalia is not in step with the policy enunciated by the President yesterday. In this case, I say "Let Clinton be Clinton." The Truman doctrine was correct for his day. The Clinton doctrine announced yesterday is correct for our time.

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

Mr. Speaker, in bringing debate on this fourth rule, for this most important bill to come before this body this year to a close, I ask Members to vote "no" on this restrictive rule, under which Members are being gagged. But, more than that, I ask Members to vote "no" on this defense authorization bill.

Mr. Speaker, I said on this floor last night, when there were hardly any Members here, that our military participation in Somalia today is a monstrous folly and we should not be there. I ask my colleagues, do they know what is going to happen in a week or two? I am scared to death that the President is going to order 25,000 or 35,000 American troops into a place called Bosnia, where we have no business being.

When one looks at flash points around this world, when one looks at what is happening in Russia today, when one looks at what is happening in Georgia and the other Republics of the former Soviet Union, there is chaos and virtual anarchy. And this defense budget we are about to pass is totally inadequate to meet our needs as a nation if we are confronted with a serious

crisis in Russia, on the Middle East, or North Korea.

Mr. Speaker, we should not be sending our American troops into combat anywhere with this kind of funding for our defense budget. Members had better vote against the rule, and had better vote against the bill that will follow it.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

OPEN VERSUS RESTRICTIVE RULES

95th–103d Cong.

Congress (years)	Total rules granted [1]	Open rules		Restrictive rules	
		Number	Percent [2]	Number	Percent [3]
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)	33	9	27	24	73

[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 rule, 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 Sept. 22, 1993.

OPEN VERSUS RESTRICTIVE RULES, 103D CONG.

Rule number, dated 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).
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: United States 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: For 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	A: 401–0. (July 30, 1993).
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. F: 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	MC	H.R. 2330: Intelligence Authorization Act fiscal year 1994	NA	NA	A. Voice Vote. (Aug. 3, 1993).
H. Res. 230, July 28, 1993	O	H.R. 1964: Maritime administration authorization	NA	NA	A: Voice Vote. (July 29, 1993).
H. Res. 246, Aug. 6, 1993	MO	H.R. 2401: National defense authorization	149 (D–109; R–40)		A: 246–172. (Sept. 8, 1993).
H. Res. 248, Sept. 9, 1993	MO	H.R. 2401: National defense authorization			PQ: 237–169. A: 234–169. (Sept. 13, 1993).
H. Res. 254, Sept. 22, 1993	MO	H.R. 2401: National defense authorization		91 (D–67; R–24)	
H. Res. 250, Sept. 13, 1993	MC	H.R. 1340: RTC Completion Act	12 (D–3; R–9)	1 (D–1; R–0)	A: 213–191–1. (Sept. 14, 1993).

Note.—Code: C-closed; MC-modified closed; MO-modified open; O-open; D-Democrat; R-Republican; PQ-previous question; A-adopted; F-failed.

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

Mr. Speaker, this is the fourth in a series of four rules on this very complicated, very important bill. The Committee on Rules has attempted to be fair to all sides and has provided in this rule for major issues to be joined on both sides of the aisle.

Mr. Speaker, I urge adoption of this rule, so we can proceed to final consideration of this very important piece of defense legislation.

Mrs. SCHROEDER. Mr. Speaker, I rise in strong support of the fourth and final rule for the National Defense Authorization Act for 1994. The rule adopted by the Committee on Rules provides full consideration for relevant amendments to the bill.

I know that the committee may come under strong criticism for not making in order amendments by the gentleman from Indiana [Mr. BURTON] which would have eliminated the requirement in the bill to establish the Defense Women's Health Research Center. A similar amendment was offered by the gentlewoman from Florida [Mrs. FOWLER] during the Armed Services Committee consideration of the bill and was soundly defeated.

This provision was developed by the Subcommittee on Research and Technology of the Armed Services Committee, as a key method to advance medical research generally and to take full advantage of the growing number of women in the military. The military health care system is unique in that it provides care for patients for long periods of time and thus is an excellent method to track research subjects over the years.

But the primary reason for establishment of the center is that women's health care research has been virtually ignored in both the military medical community as well as general medical community. In 1989, the GAO reported that women and minorities were not to be adequately integrated into research protocols of the National Institutes of Health.

Since then, we have learned that women's health research has been severely neglected. Women need to know why. They need to know why they are more susceptible to disease than their male counterparts. They need to know why their health is worse than their male counterparts, and why certain serious conditions, like cancer, heart disease, and sexually transmitted diseases, affect women in different ways than they affect men.

In 1991, the NIH's Office for Research on Women's Health held a major conference to identify the outstanding gaps in women's health research. The resulting 300-page report lists hundreds and hundreds of unanswered questions regarding women's health. For instance, why are women more susceptible to depression? What can be done to prevent gender specific illness, like breast cancer, ovarian cancer, and cervical cancer? What exactly happens to women during menopause, and how does hormone replacement therapy, a popular prescription for perimenopausal women, effects her risks for heart disease, cancer, osteoporosis, and depression? In addition, the study isolated outstanding gaps in our knowledge of reproductive biology, women and aging, and women and heart disease.

Why is this relevant to the military? The military, although carrying a huge research budget, favors the male research subject over the female research subject. When I asked the Department of Defense about women's health

research, they told me that they were not conducting any research into heart disease or cancer—the two leading causes of death among women. Nevertheless, the military is undertaking a giant and exciting research project on breast cancer—but only after Congress made them do it last year. Women in the military have unique health problems that should be addressed by the military health care system.

Establishing a Defense Women's Health Research Center in the military is a natural. It will combine state-of-the-art diagnostic and treatment technology as developed by the Army and other services, with telemedicine, which provides direct links between researchers and providers around the world, to become the leader in women's health research. With women composing 11.4 percent of our military, and growing, the military population provides a unique opportunity to research and study the health of women as they move through life. As an added benefit, this knowledge will benefit women outside the military structure.

Some have charged that the Center is earmarked to go to a certain hospital in my district. This is just not true.

We did include criteria for selection of a site to place this Center. This criteria adds to the value of the Center, and I challenge others to tell me how this would earmark the Center to a certain location.

I would like to review the criteria included in the bill. This section requires the Defense Women's Health Research Center to be located at:

An Army facility. The Army has great expertise in medical research and is presently administering the $210 million appropriated last year for breast cancer research. The Army has done a good job in implementing the program.

Already in existence on July 1, 1993, with a physical plant immediately available to serve as headquarters. We don't want to spend years choosing a site and building a new building. We want this Center up and running as soon as possible.

With ongoing fellowship and residency programs co-located and ongoing with the Veterans' Administration, a medical school, and a city hospital. The Center should not reinvent the wheel and should benefit from ongoing graduate medical education relationships at a wide range of service providers, including:

Technologically modern laboratories, with the capability to include state-of-the-art clinical diagnostic instrumentation, data processing, telecommunication and data storage systems. Who can argue with having modern labs and the ability to expand? There exists an exciting world of technology that has the potential for creating great cost savings and better health care. This Center should fully utilize this technology to use and share information as technology evolves and improves.

Capability with and capability to effectively expand its existing mission in accordance with the mission of the Center. We don't want to place a center at a facility where its presence would be inconsistent with the host hospital.

Maximum multistate geographic jurisdiction. The Center will be a national center and its host should also have broad geographic reach. We shouldn't limit our vision to a small part of the country.

An existing relationship for the provision of services to Native Americans through the Indian Health Service. This gets us more bang for our buck. Indian health has been the ignored stepchild of medical care. This would allow DOD research to include and benefit this special group, at no extra cost to the Government.

That's it. Our only agenda is to make women's health research another priority in the Department's research portfolio. This criteria gives proper guidance to the Department of Defense to create a Defense Women's Health Research Center at an appropriate Army medical facility.

Mr. Speaker, I urge our colleagues to adopt the rule.

Mr. FROST. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the resolution.

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

Mr. SOLOMON. 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.

The vote was taken by electronic device, and there were—yeas 241, nays 182, not voting 10, as follows:

[Roll No. 459]

YEAS—241

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Coppersmith
Costello
Coyne
Cramer
Danner
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Hutto
Inslee
Jacobs
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Rangel
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Smith (NJ)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velázquez
Visclosky
Volkmer
Washington
Waters
Watt
Waxman
Wheat
Whitten
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NAYS—182

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Bereuter
Billirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Boucher
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Collins (MI)
Combest
Cooper
Cox
Crane
Crapo
Cunningham
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hancock
Hansen
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Inhofe
Istook
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
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Leach
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Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Maloney
Manzullo
McCandless
McCollum
McCrery
McHale
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Murphy
Myers
Nussle
Oxley
Packard
Paxon
Petri
Pombo
Porter
Portman
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum

Saxton	Snowe	Upton
Schaefer	Solomon	Vucanovich
Schiff	Spence	Walker
Sensenbrenner	Stearns	Walsh
Shaw	Stump	Weldon
Shays	Sundquist	Wolf
Shuster	Talent	Young (AK)
Skeen	Taylor (NC)	Young (FL)
Smith (MI)	Thomas (CA)	Zeliff
Smith (OR)	Thomas (WY)	Zimmer
Smith (TX)	Torkildsen	

NOT VOTING—10

Bentley	Darden	Vento
Byrne	Gibbons	Williams
Condit	McDade	
Conyers	Owens	

□ 1308

Mr. COOPER changed his vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 2295, FOREIGN OPERATIONS, EXPORT FINANCING AND RELATED PROGRAMS APPROPRIATIONS ACT, 1994; AND SUPPLEMENTAL APPROPRIATIONS FOR THE NEW INDEPENDENT STATES OF THE FORMER SOVIET UNION ACT, 1993

Mr. OBEY. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight, September 28, 1993, to file a conference report on the bill (H.R. 2295) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1994, and making supplemental appropriations for such programs for the fiscal year ending September 30, 1993, and for other purposes.

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

Mr. BURTON of Indiana. Mr. Speaker, reserving the right to object, I could not hear, but I presume this is not the printing motion that the gentleman from Wisconsin [Mr. OBEY] talked to me about previously. I would ask the gentleman, this is not the printing motion is it?

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. BURTON of Indiana. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, I would tell the gentleman this is the printing motion. This is not the motion to take up the bill. This is just the printing motion.

Mr. BURTON of Indiana. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

REQUEST TO MAKE IN ORDER ON WEDNESDAY, SEPTEMBER 29, 1993, OR ANY DAY THEREAFTER, CONSIDERATION OF CONFERENCE REPORT ON H.R. 2295, FOREIGN OPERATIONS, EXPORT FINANCING AND RELATED PROGRAMS APPROPRIATIONS ACT, 1994; AND SUPPLEMENTAL APPROPRIATIONS FOR THE NEW INDEPENDENT STATES OF THE FORMER SOVIET UNION ACT, 1993

Mr. OBEY. Mr. Speaker, I ask unanimous consent that it be in order on September 29, 1993, or any day thereafter, to consider the conference report to accompany the bill (H.R. 2295) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1994, and making supplemental appropriations for such programs for the fiscal year ending September 30, 1993, and for other purposes, that all points of order against the conference report and against its consideration be waived, and that the conference report be considered as read.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

Mr. BURTON of Indiana. Mr. Speaker, reserving the right to object, I would say that the gentleman from Wisconsin [Mr. OBEY] is not the reason for my objection which I am about to lodge. It is the Committee on Rules and the way they have been bringing restrictive rules and violating minority rights in this House day after day, week after week, and month after month.

□ 1300

But it has nothing to do with the gentleman from Wisconsin, and I want to make that very clear.

Mr. Speaker, I do object.

The SPEAKER pro tempore (Mr. MAZZOLI). Objection is heard.

COMMUNICATIONS FROM THE HONORABLE STEPHEN HORN, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communications from the Honorable STEPHEN HORN, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, September 23, 1993.

Hon. THOMAS S. FOLEY,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to inform you, pursuant to Rule L (50) of the Rules of the House, that I have been served with a subpoena issued in a criminal case pending in the United States District Court for the Central District of California.

After consultation with the General Counsel, I will make the determinations required by the Rule.

Sincerely yours,

STEPHEN HORN,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, DC, September 23, 1993.

Hon. THOMAS S. FOLEY,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to inform you, pursuant to Rule L (50) of the Rules of the House, that one former and four current members of my staff have been served with subpoenas issued in a criminal case pending in the United States District Court for the General District of California.

After consultation with the General Counsel, I have determined that compliance is consistent with the privileges and precedents of the House.

Sincerely yours,

STEPHEN HORN,
Member of Congress.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1994

The SPEAKER pro tempore. Pursuant to House Resolution 254 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2401.

□ 1311

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. 2401) to authorize appropriations for fiscal year 1994 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1994, and for other purposes, with Mr. DURBIN (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Monday, September 13, 1993, amendment No. 6 printed in House Report 103–236 had been disposed of.

Pursuant to House Resolution 254, no further amendment to the committee amendment in the nature of a substitute is in order except the amendments printed in House Report 103–252 and amendments en bloc described in section 3 of House Resolution 254. Pro forma amendments for purpose of debate may be offered only by the chairman or ranking minority member of the Committee on Armed Services.

Except as specified in sections 2 through 4 of House Resolution 254, each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent of the amendment, shall not be subject to amendment except as specified in House Report 103–252 and shall not be subject to a demand for a division of the question.

It shall be in order at any time to consider the amendments printed in part 1 of House Report 102–252 in the

order printed. Such consideration shall begin with an additional period of general debate, which shall be confined to section 575 of the committee amendment in the nature of a substitute and the amendments printed in part 1 of House Report 103–252.

Debate time shall not exceed 1 hour, equally divided and controlled among the chairman and ranking minority member of the Committee on Armed Services and the gentleman from Missouri [Mr. SKELTON].

If more than one of the amendments printed in part 1 of House Report 103–252 is adopted, only the last to be adopted shall be considered as finally adopted and reported to the House.

It shall be in order at any time for the chairman of the Committee on Armed Services, or his designee, to offer amendments en bloc consisting of amendments printed in House Reports 252 or 236 or germane modifications thereof. Amendments en bloc shall be considered as read, except that the modifications shall be reported.

Amendments en bloc shall be debatable for 290 minutes, equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, shall not be subject to amendment and shall not be subject to a demand for a division of the question.

For the purpose of inclusion in amendments en bloc, an amendment printed in the form of a motion to strike may be modified to the form of a germane perfecting amendment to the text originally proposed to be stricken.

The original proponent of an amendment included in amendments en bloc may insert a statement in the CONGRESSIONAL RECORD immediately before disposition of the amendments en bloc.

The Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment made in order by House Resolution 254.

The Chairman of the Committee of the Whole may reduce to not less than 5 minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall not be less than 15 minutes.

The Chairman of the Committee of the Whole may recognize for the consideration of an amendment printed in the report out of the order printed, but not sooner than 1 hour after the chairman of the Committee on Armed Services announces from the floor a request to that effect.

The Chair will announce the number of the amendment made in order by the rule and the name of its sponsor in order to give notice to the Committee of the Whole as to the order of Recognition.

Pursuant to House Resolution 254, it is now in order to debate the subject matter of section 575.

The gentleman from California [Mr. DELLUMS] will be recognized for 20 minutes, the gentleman from South Carolina [Mr. SPENCE] will be recognized for 20 minutes, and the gentleman from Missouri [Mr. SKELTON] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. Mr. Chairman, I would like to indicate that it is my intention to yield myself 4 minutes and then to yield the balance of my time to the gentleman from Massachusetts [Mr. MEEHAN] in order that he may control that time. The gentleman from Massachusetts is the author of an important amendment in the context of this discussion.

The CHAIRMAN pro tempore. Without objection, the gentleman from Massachusetts will control the remainder of the time of the gentleman from California.

There was no objection.

Mr. DELLUMS. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, we arrive at this debate today on the status of gay men and lesbians in the military services after much discussion and controversy. While the rule governing today's debate presents a narrow range of choices, I want to reiterate my unequivocal belief that we should permanently and completely lift any restrictions to military service based on sexual orientation. Specifically, I believe we should allow gay men and lesbians to serve in the military—as they have for decades—and to allow them to do so honestly and openly, the only position truly consistent with the military's excellent code of honor.

Mr. Chairman, I believe it is possible to undertake such a commitment to equality and human dignity, while at the same time protecting legitimate privacy interests of our uniformed personnel, and while preserving good order and discipline within the ranks.

While the military cannot be asked to lead the way in every effort to improve our society, it has made significant contributions to such efforts in the past: Including efforts to integrate our society, to provide expanded opportunities to persons with disabilities, and to provide new employment vistas for women. It seems to me that the military could also aid in our society's effort to end the violence and bigotry against gay men and lesbians.

Everyone acknowledges that gay men and lesbians serve in the military, some with the knowledge of their peers, many with great distinction. This does not in my humble opinion, destroy unit cohesion. Time permitting, I would like to explode that cruel myth. Examples from other nations show that it would not do so if we were to embrace this policy.

I wish we were addressing, Mr. Chairman, this fundamental issue today. I offered an amendment in committee that would have lifted the ban; it is what I believe we should do and should do now. I was prepared to seek a rule allowing me to offer such an amendment again today. However, leaders of organizations keenly interested in this issue have chosen, for reasons of their own, to make today's fight one that focuses on whether the Congress should codify its views or leave it to the President to act in this matter. I defer to their judgment.

Mr. Chairman, because today we face only the choices before us on the floor, I rise to urge my colleagues to accept the Meehan proposal. By not codifying our actions today, we would allow the President the flexibility to work with the Joint Chiefs and the service leadership over the coming months and years to find a more comprehensive and equitable solution to expand opportunities for all.

In conclusion, Mr. Chairman, let me reiterate my view that we should choose the goal that will best move toward achieving equal opportunity for all our citizens. All my experiences—as a marine, as a psychiatric social worker, and as a Member of this august body for nearly 3 years, and a member of its Committee on Armed Services—lead me to believe that we could do so, and do so successfully. Therefore, I urge my colleagues to support the Meehan proposal.

Mr. SPENCE. Mr. Chairman, I yield myself such time as I may consume.

□ 1320

Mr. Chairman, today we will consider three amendments related to the issue of service by homosexuals in the military: One offered by Mr. MEEHAN, one offered by Mr. HUNTER, and one offered by Mr. SKELTON.

I support the Hunter and Skelton amendments and strongly oppose the Meehan amendment.

I oppose Mr. Meehan's amendment which would strike the existing bipartisan committee language, in turn guaranteeing that Congress will revisit this highly disruptive, controversial issue year after year after year.

Mr. Chairman, H.R. 2401 codifies a policy regarding homosexuals in the military which protects and preserves military readiness. I strongly support that policy for many reasons, but principally because it reflects:

The overwhelming judgment of the professional military from the ranks of the most junior enlisted personnel up through general officers;

The weight of evidence gathered by the Armed Services Committee after aggressively analyzing and debating, in

an open and comprehensive manner, the wide range of views expressed by all concerned with this issue;

American public opinion, and certainly the views of the vast majority of my constituents;

A proper exercise of Congress exclusive constitutional authority to prescribe policies regulating the Armed Forces; and

My own personal, moral and religious beliefs that the homosexual lifestyle is unnatural and immoral, as well as being illegal in some States, and should not be legitimized by a cloak of acceptability in our society.

In other forums I have already addressed the moral issues that this issue has forced my colleagues and me to confront. So, I will not elaborate today. Let me just say, however, that any advocacy of a broader societal acceptance of the homosexual lifestyle is contrary to my fundamental beliefs. A lifetime of experience has only reinforced my position on this issue. Nothing in all the testimony that I have heard in the past year has convinced me that my moral values need to be changed.

However, the evidence that was presented to both the full committee and Mr. SKELTON's subcommittee did convince me that:

The ban on homosexuals serving in the military is not a question of civil rights, equal rights, or gay rights. The courts have consistently upheld the military's right to discriminate based on the unique nature of what the military is and what the military does.

Homosexuality is incompatible with military service. Lifting the ban would have a negative impact on readiness, discipline, and morale.

Despite the testimony of homosexuals who had served in the military that they wanted nothing more than to serve with honor, political activism to promote the gay agenda subsequent to lifting the ban promised to turn the military into a legal, social, and cultural battleground for years to come unless Congress acted to legally protect the military by codifying a policy governing homosexual service.

Today, Mr. MEEHAN and his supporters will present a number of arguments against codifying the Clinton-endorsed Nunn compromise. Many supporters of the Meehan amendment will argue that we ought not to interfere with the executive branch's discretion in this matter. As you evaluate such arguments, consider that:

It was the President's own response to the political activism of the homosexual community that helped to precipitate this highly contentious and disruptive debate that occupied too much time already this last 8 months.

Just prior to marking up this bill, the committee held several days of hearings on the policy proposed by the President and the Secretary of Defense and found it deficient in several key areas. Consistent with the Senate language, H.R. 2401 simply corrects those deficiencies.

As indicated in the President's own August 4 statement of administration policy, the President supports H.R. 2401 as reported by the Committee on Armed Services because and I quote, "the bill would support many of the administration's key defense programs, including the administration's policy regarding homosexuals in the military." And I repeat, in the words of our President "including the administration's policy regarding homosexuals in the military."

Finally, I need not remind my colleagues that under article 1, section 8 of the Constitution, only Congress has the mandate to regulate the personnel of the Armed Forces.

For these reasons, I urge you to protect military readiness and vote "no" on the Meehan amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. SKELTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, regarding the issue of homosexuals in the military, I stand shoulder to shoulder with the men and women who serve in our Armed Forces. I stand with General Powell and the other Joint Chiefs of Staff. I stand with the senior noncommissioned officers from each of the services. Each has said that the Nunn-Skelton language can work. Each strongly endorsed what we have done in this bill. If my colleagues care about the people in the military, they will support the Skelton amendment which is the Nunn-Skelton language.

I rise today to say clearly that enough is enough. The issue of homosexuals in the military has been far too divisive, has consumed far too much of the Nation's energy, and has robbed this body of far too much of our legislative agenda. We must put this issue behind us; we must do so immediately. It is my hope that we will do so today.

I am happy to announce that a solution to the problem is available. There is a provision in the bill that codifies a workable policy, and my amendment codifies a workable policy, but does so in a manner that protects the combat capability of the Armed Forces.

Mr. Chairman, it is supported by the President, the Secretary of Defense, and General Powell and the other Joint Chiefs of Staff. Perhaps most importantly, the language in this provision is identical to that adopted by the Committee on Armed Services of the other body by a vote of 17 to 5 with all the committee Republicans voting to adopt. Your vote to turn back amendments to the language that currently resides in the bill will keep it identical to the language in the other body and will put the issue to rest in conference; it will not be a conference item. Rather, it will be a law that the Attorney General, the General Counsel of the Department of Defense, and a panel of constitutional lawyers agree can withstand the challenges in the courts. In short, it is a solution that will stand the test of time, a solution that cannot be altered without coming to the elected representatives of the American people, to us, Members of Congress of the United States.

What does this provision do in the Skelton amendment?

The provision would set out the fundamental difference between military and civilian life and makes clear the importance of preserving high standards of morale, good order and discipline, and unit cohesion that are the essence of military capability. It does this with 15 congressional findings that reflect the results of our hearings here in the Armed Services Committee as well as in the other body.

The provision would require the Department of Defense to issue regulations within 90 days which direct separation if the member has:

Engaged in, attempted to engage in, or solicited another to engage in a homosexual act.

States that he or she is a homosexual or bisexual, or words to that effect.

Married or attempted to marry a person known to be of the same biological sex.

The provision would require the Secretary of Defense to establish enlistment and appointment policies that are consistent with the policy and to conduct briefings upon entry, and periodically thereafter upon reenlistment, that address sexual conduct of members of the Armed Forces, to include the policies prescribed in especially in this bill.

The provision would include the sense of Congress that the Secretary of Defense should reinstate the procedure for asking applicants for enlistment and candidates for appointment about their sexual orientation, if at some time in the future the Secretary of Defense considers it necessary.

□ 1330

Mr. Chairman, based on the testimony of the Secretary of Defense, the Joint Chiefs, the General Counsel of the Department of Defense, and the services senior enlisted members during recent hearings before the Subcommittee on Military Forces and Personnel, which I chair, I am convinced that the heart of the pre-January 1993 policy has been preserved in the Nunn-Skelton language. The result is a policy that will change very little of the day-to-day life of service members. It is clear to me that the bottom line remains the same as it always has been: Homosexuals will be separated if they demonstrate conduct that is disruptive to morale and unit cohesion. The language in the bill would place that

"heart" of the policy permanently in the law.

As I have stated before, I have long been committed to codifying the solution to the debate.

By codifying, we mean putting it into the law, the statute books of this country.

In my view, codification is an essential step if we hope to put this divisive issue behind us. If we decline to codify the policy, we will substantially erode the ability of the Department of Justice to defend the policy against challenge in the courts and we will have effectively invited litigation from people who perceive that the policy lacks the committed support of the Congress.

Mr. Chairman, I have elected to support the men and women of the Armed Forces on this issue, and I believe the language in the bill does exactly that. The polls I have seen would indicate that service members are overwhelmingly in favor of continuing the ban on homosexual conduct in the military. Two different surveys indicated that over 75 percent of the men and women in the military believe the ban that existed prior to January 1993 should be continued. In one of those surveys, a remarkable 45 percent indicated that they would leave the military if the ban was lifted. Such a hemorrhage of trained and educated talent is simply a risk to our defense capability that I am unwilling to assume. In addition to the views of the troops, there are two other surveys that reveal that retired flag officers oppose the service of homosexuals at an alarming 90-percent plus rate.

I recently received a letter from retired Gen. Maxwell R. Thurman, a figure well known to this body as an extraordinary leader and the general who led our forces to victory in Panama. He is a man I greatly respect. His view echoes the testimony of the Joint Chiefs and other distinguished retired officers to include Gen. Norman Schwarzkopf and Lt. Gen. Calvin Waller. General Thurman says:

> My own view is that overt homosexuality in the Armed Forces, if permitted, will be devastating to unit morale, cohesion and, ultimately, unit effectiveness in combat.

Those are the words of General Thurman.

I, like these other highly respected leaders, am very cautious about any change that potentially threatens the morale and cohesion of our fighting force. We must not risk fundamentally undermining the best military force in our Nation's history. Second place does not count on the battlefield.

For me personally, the President's initiative has been a disturbing issue. My family background is deeply rooted in traditional religious values, and many of my constituents have sent a clear signal that they believe the service of open homosexuals is wrong. Accordingly, we must not forget that this policy focuses on the issues of greatest concern to service members and carries forward key elements of the former policy that protects those interests.

I feel we have achieved our objective of a policy that protects the combat capability of our military forces and the welfare of our men and women in uniform, while allowing the services to stop asking the question of recruits and to exercise greater control in curbing wasteful inquisition.

Mr. Chairman, I strongly urge that this body vote against the two other amendments and vote for this Skelton amendment.

The CHAIRMAN pro tempore (Mr. OBEY). The Chair recognizes the gentleman from Massachusetts [Mr. MEEHAN].

Mr. MEEHAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, after months of heated debate, we are finally going to have this issue boiled down to three choices. Let me take a moment to try to explain the implications of each choice.

If you vote for my amendment, you are voting for the compromise produced by Les Aspin and the Joint Chiefs of Staff. The amendment leaves this issue to the executive branch, and that is all it does. Unlike the committee language offered by Mr. SKELTON, my amendment does not dictate the military's personnel policy.

The Secretary of Defense will continue to have the authority to implement his directive. That is the same way this issue was handled under George Bush, Ronald Reagan, and every other President since the founding of the Republic, and I do not think the Congress should begin intervening in these matters now.

To attempt to write a law that codifies this compromise is absurd. How in the world are we going to codify something like defining when military personnel show "the propensity to commit a homosexual act."

The Congress should not be attempting to codify this at all.

If you vote for the Hunter amendment, you are voting to add insult to injury. The committee language is already stacked against civil rights, and by requiring the armed services to ask the question, the Hunter amendment just rubs it in.

The Skelton amendment offers a tiny fig-leaf of "don't ask" in a policy that amounts to a ban-plus. Is that my assessment? No. Those are the words of my friend from Orange County, Mr. DORNAN, in Committee. If you vote for the Skelton amendment, you are writing discrimination into law.

We have never attempted to codify this issue before. I would submit that if we codify it now, each and every year we will be back here debating this issue to change the amendment, to change it again if society changes.

Let us leave it to the Joint Chiefs of Staff and the President as Commander in Chief.

My amendment offers the only graceful exit from an extremely contentious debate. It does not lift the ban at all. In fact, if makes no judgment about the wisdom of any policy on gays in the military except to say that no policy on gays in the military should be written into law.

Mr. SPENCE. Mr. Chairman, I yield 1 minute to the gentleman from Maryland [Mr. BARTLETT].

Mr. BARTLETT. Mr. Chairman, I read from the Constitution of the United States:

> The Congress shall have power to make rules for the government and regulation of the land and naval forces.

To determine whether or not gays and lesbians serve in the military is clearly the prerogative of the Congress, because there is no way to argue that this is not a rule or a regulation.

The Meehan amendment would give the authority to the President to determine this issue.

This is not the will of the American people and it is not the will of this Congress.

Mr. Chairman, I urge defeat of the Meehan amendment.

Mr. SPENCE. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, every month a phenomenon occurs in this country, and that is that thousands of American families send their children to serve in the Armed Forces of the United States. They do that knowing that it may be very difficult, it may be very dangerous, and at the least is most inconvenient compared with domestic life.

I think those families do that because they believe in duty, honor, and country, and they believe that the armed services of the United States uphold a moral code that is derived from basic values that this country has had since its beginning that they believe in.

You know, it is interesting, the other night when General Schwarzkopf was questioned on a national television show, that every caller that called in started out or prefaced his remarks with, "It's an honor to talk to you, General Schwarzkopf."

□ 1340

Mr. Chairman, I think it is interesting for us, as Members of Congress, to see that when members of our community pass away, their families want them to be buried with a military funeral in many, many instances because they believe that is a valuable thing that has been given to their country by that particular person in serving in uniform, and we see that in the homes of our constituents where they put up the pictures of their loved ones on the wall in uniform. They believe that the

moral code that the military presently holds, and has held for 200 years, is right, and that is why President Clinton hit such a firestorm when he tried to change this policy, not just because of a few generals in the Pentagon, but because of the American people.

I want to remind my colleagues that this moral code has persisted since 1778, when Gen. George Washington ordered, after homosexual activity by one of his officers, that that officer be drummed out of the Army the next day by all the fifers and drummers in the U.S. Army with abhorrence and detestation. I guess we could not expect General Washington to be at the gay parade. The point is that that policy has persisted from General Washington through General Schwarzkopf.

Now the amendment that I am going to offer, Mr. Chairman, says, "Let's ask the question." The Reagan administration instituted the question, not because of some vague philosophical notion, but because in 1981 homosexual activities that were bad for the young men and women serving in the military, 84 percent of whom were unconsenting victims, was on the dramatic rise. It is going up at the rate of about 10 percent a year. It had gone up from about 1,000 a year to about 2,000 a year in 1981. When the Reagan administration instituted the question where they asked this question up front, as unpleasant as it was, homosexual acts against young people in uniform went down dramatically, went down from about 2,000 a year to about 900 a year.

So, Mr. Chairman, I do not ask my colleagues to vote for the Hunter amendment because of the moral concern, unit cohesion and all the other things that have come about in hearing, but it is because of the duty of trust we owe to our constituents to protect their children in uniform.

Mr. MEEHAN. Mr. Chairman, I yield 1 minute to my good friend and colleague, the gentleman from Florida [Mr. HASTINGS].

Mr. HASTINGS. Mr. Chairman, I rise today to proclaim my support for the amendment offered by Mr. MEEHAN.

Historically, the U.S. Armed Forces have been a symbol of excellence throughout the world. It is imperative that our military maintains that trademark, and I would never advocate a policy which would affect the superiority of our forces or the safety of our personnel.

However, sexual orientation should not be a factor in determining whether or not one should be able to serve his or her country. Professional relationships should be asexual in the office, in the classroom, and in the Armed Forces. A person's sexual orientation is a private matter and should be treated as such. Personal, professional, and sexual conduct rather than sexual preference must be the foundation of any policy.

The current ban on gays and lesbians from the military is parallel to the racial bigotry that African-Americans faced in the 1940's and 1950's. In the 1940's, two army studies showed more than 80 percent of white soldiers opposed racial integration. Now, the military argues that 74 percent of the enlisted personnel oppose lifting the ban. We must learn from the mistakes and blind judgments of the past. We cannot repeat them. We, in the Congress, cannot go into the business of writing discrimination into the law.

Just as during the civil rights movement I could not accept an offering of liberty to one group and the denial of liberty to another, I cannot accept it now. Our Nation is one of vitality, diversity, and equality. Our Armed Forces must not be too timid to reflect these strengths.

Mr. MEEHAN. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. NADLER].

Mr. NADLER. Mr. Chairman, I rise to speak for the amendment offered by the gentleman from Massachusetts [Mr. MEEHAN] and against the amendments offered by the gentleman from California [Mr. HUNTER] and the gentleman from Missouri [Mr. SKELTON].

The gentleman from Missouri has indicated that his amendment would take us back to the situation that existed with respect to gay men and lesbians in the military last year. Indeed it would. It does not simply codify the President's policy. The Meehan amendment would leave undisturbed the so-called don't-ask, don't-tell policy adopted by the President, which, although it retained the unacceptable presumption that homosexuality makes one unfit for military service, at least did take some steps to lessen the degree to which lesbians and gay men in the military are subject to harassment by military authorities. The willful indifference to evidence displayed by those determined to see that homophobia continues to be enshrined in our military policy is striking. They ignore not only the evidence of outstanding military service by lesbians and gay men, but also the clear evidence that other nations' armed forces have adopted nondiscrimination policies without any adverse consequences whatsoever for morale and unit cohesion. The arguments for the Skelton and Hunter amendments are the same arguments used to justify racial segregation of the armed services, and they are just as wrong and deeply prejudiced now.

Mr. Chairman, for my part I will not vote for a Defense authorization bill that includes the Hunter or Skelton language any more than I would vote for a Defense authorization bill that proposed to move to restore racial segregation of the Armed Forces.

Mr. MEEHAN. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Chairman, I hope that the amendment offered by the gentleman from Massachusetts [Mr. MEEHAN] is adopted.

What we are talking about here is the extent to which we believe that the people of this country are prejudiced against gay men and lesbians, and they understand the perception that the mere presence of a gay man or a lesbian in the midst of a predominantly straight group would be disorienting. I think that is wrong. I think the American people have, in fact, a greater capacity to deal with differences than people here give them credit for.

No one is talking about untoward behavior. No one is talking about anyone who makes undue advances. That is a problem across the lines of sexual orientation, and in fact we all want the military to be much together in protecting people against unwanted sexual advances than they have been.

What we are talking about is the argument that the mere presence of an entirely well-behaved, wholly decent young man or woman who happens to be gay or lesbian would somehow, by that very fact, regardless of any misbehavior, cause problems, and I understand why people think that. But I must tell my colleagues that the experience that I have had as a gay man who acknowledged some years ago, with great reluctance, but finally, the fact that I am gay, the experience that the overwhelming majority of gay men and lesbians have had is that those in the straight majority, to whom we have been honest, have, in fact, accepted that difference without the kind of panic reaction that I think is being unfairly attributed to others.

The question is whether people who are entirely well-behaved, and no one here argues for the right to misbehave, but whether people who are entirely well-behaved will, by being honest about themselves, cause a problem. That has not been the case in police departments, in private corporations, in State that have passed these laws. Time and again we have had the predictions that there would be serious negativism. It has not happened, and it will not happen here.

Mr. SKELTON. Mr. Chairman, I yield 5 minutes to the gentleman from Arizona [Mr. KYL].

Mr. KYL. Mr. Chairman, I thank my colleague for yielding this time to me and would begin by acknowledging what was earlier acknowledged; and that is, through his leadership, I think we were able to take a very difficult issue, get it resolved with a minimum of difficulty by the members of the subcommittee, and later the full committee; and I again applaud him for his efforts and commend him for the bipartisan manner in which he approaches the leadership of our subcommittee.

Mr. Chairman, I strongly support the policy adopted by the Committee on

Armed Services and contained in the committee bill, and I oppose amendments to the bill.

First, let me note that the policy adopted by the House Committee on Armed Services is the product of an extensive, full, and open debate which focussed on military readiness issues. That was our charge. We sought, and we received, full input from all sides of the issue, from pro-ban, anti-ban, military, civilian, academic, police, fire, religious, officers, NCO's, legal people, the full range of opinions, and our subcommittee began to formalize a position when Senator NUNN announced his proposal in the Senate. It coincided with our views. We adopted it with consistent, but different, report language. Our committee policy on homosexuals has the support of the President, of the Secretary of Defense, of the Chairman of the Joint Chiefs and of the service chiefs.

The full committee rejected previous efforts to modify bill provisions. Specifically two amendments were offered, one by Chairman DELLUMS, an amendment to lift the military ban, which was rejected on a 43 to 12 vote, and one by the gentleman from California [Mr. HUNTER] which was rejected on a vote of 38 to 18.

□ 1350

Regarding the Hunter amendment, it is my view, Mr. Chairman, that it is not necessary. I fully support the intention of the Hunter amendment to ensure that recruits know of the policy of the law. As a matter of fact, recruiters must advise recruits that they cannot serve in the military if they are homosexual.

Mr. Chairman, I would like to quote from the bill itself on page 203, a section under the title "Required Briefings," which reads as follows:

> . . . The briefings that members of the armed forces receive upon entry into the armed forces and periodically thereafter under section 937 of this title (article 137 of the Uniform Code of Military Justice) shall include a detailed explanation of the applicable laws and regulations governing sexual conduct by members of the armed forces, including the policies prescribed under subsection (b).

Mr. Chairman, it is clear that the people who are recruited will be required to be informed fully of the law's provisions, including the fact that if they are homosexual, they cannot serve.

Regarding the Meehan amendment, our colleague makes the point that never before have we codified this principle and asks, why do it now?

The answer, of course, Mr. Chairman, is because up to now no President has sought to change the policy. But when President Clinton decided to change the previous policy, contrary to the views of the Joint Chiefs and the majority of the Members of Congress and of the American people, it was believed necessary to codify this so that we could resolve the issue without having to have it come up time and time again.

Congress is exercising its constitutional authority to regulate personnel policies for the military. That is critically clear. The Meehan amendment would have Congress abrogate that responsibility and leave Congress open to reexamining this issue year after year until this body would have to take action in any event.

Finally, Mr. Chairman, we will hear discussion regarding the Rand study for the Department of Defense, and I want to just reiterate a couple of points that Senator NUNN made in Senate debate regarding this Rand report.

Mr. Chairman, that report did not examine the issue of whether the ban should be lifted; rather, it sought data on how to implement a new policy. In that context, I think its value is somewhat limited in the debate before us, but it will be cited.

Mr. Chairman, the Rand study did not examine whether the existing DOD policy served the national security interests or whether the President's proposed policy served the national interests.

Finally, I would note that it did examine the experience of foreign military, police, and fire departments, as did the Committee on Armed Services. But, unlike the House Committee on Armed Services, while acknowledging many dissimilarities between these organizations and the U.S. military, the Rand report drew very heavily upon these organizations, and we did not think that was appropriate.

So, Mr. Chairman, the policy regarding homosexuals in the military has been exhaustively examined by the committee. The committee bill protects military readiness. It is time, I think, to finally resolve the issue, so we can move on to a whole range of fundamental national security issues that face this Nation.

Mr. Chairman, adopting the committee bill without amendment will be consistent with the Senate position. It will resolve the issue. Therefore, I urge my colleagues to adopt the committee position without amendment.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. DORNAN].

Mr. DORNAN. Mr. Chairman, I will have an opportunity to speak again on this subject. But let me rush my words just a bit, because I have an awful lot I want to cover and not much time to do it in.

We have had a long string of people, with no military experience whatsoever, but experience in some other areas comment on this issue today. To have this House lectured about well-behaved homosexuals by some Members with, shall we say, behavioral problems of their own is too much. In the 17 years that I have been on this Hill I have only known, in either Chamber, two openly homosexual Members.

One of them was chastised for pedophilia, seducing a page; and the other one was forced to reveal details of his private life by a loathsome male homosexual, with whom the Member claimed, he was in love with for a time.

The CHAIRMAN. The Chair would state that the rules clearly prohibit such references to disciplinary procedures involving sitting Members.

Mr. DORNAN. Really Mr. Chairman? I forgot that. The jury will disregard my remarks, but I know they cannot forget them.

Now, here is a current article in Air Force magazine, written by their congressional editor, Brian Green. He correctly states there is a lot of confusion. He says contributing to the confusion is the prohomosexual spin that Clinton put on his remarks at Fort McNair. Clinton said he was deeply impressed by the devotion to duty and country exhibited by homosexuals who have served with distinction.

We keep hearing that, but where is the evidence of all this distinction?

Then Clinton said there is no study showing homosexuals to be less capable or more prone to misconduct than heterosexual soldiers. He thanked all those, including all the gay activist groups, who lobbied for change. Mr. Green gave an incomplete description of a main provision of the policy, saying,

> An open statement by a service member that he or she is a homosexual will create a rebuttable presumption that he or she intends to engage in prohibited conduct, but the service member will be given an opportunity to refute that presumption.

The subtitle of Mr. Green's article is,

> A declaration of homosexuality can be refuted, but the standard of proof is difficult. No one has ever met it. In all the history of our military, nobody has ever been able to back up from this.

In my military experience, I served on active duty at 10 bases across the country. On eight of those bases there were instances of homosexual activity, each with dishonorable conduct and dishonorable discharges.

Read the case law on this, which we never discuss. Read the case law. There are no witch hunts. The people are put out for dishonorable conduct.

Mr. Chairman, to be continued.

Mr. MEEHAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I just want to say I am very proud to serve with my colleagues from Massachusetts on the committee.

Mr. Chairman, I yield 1½ minutes to my friend, the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Chairman, I rise in support of the Meehan amendment and in opposition to the Hunter amendment.

No person who meets the Armed Forces physical and intellectual standards should be denied the opportunity to serve our country based solely upon sexual orientation. The recently released Rand report makes clear that gays and lesbians are entirely capable of honorably serving their country without any disruption of military effectiveness or unit cohesion. The Rand report flatly contradicts the bill's report language stating that "homosexuality is incompatible with military service."

The Hunter amendment reinstating the policy of asking recruits about their sexual orientation would strike the only aspect of the new policy announced by the President incorporated in this bill. It was rejected by the committee by a vote of 38 to 18. I hope that my Republican colleagues will take note that 11 committee members of our party, half of the Republicans on the committee, voted against the Hunter amendment. A Wall Street Journal/NBC news poll in June found 78 percent opposed to asking recruits about their sexual orientation.

While preferable to the Hunter amendment, the committee language would still undo the policy announced by the President, with the support of the Joint Chiefs of Staff, in July. There is no strict provision codifying don't-ask; rather, the bill allows for possible reinstatement of the policy of asking recruits about orientation. Nor does the bill pay heed to the President's pledge that existing regulations regarding both homosexual and heterosexual conduct will be evenly enforced and applied.

The Meehan amendment would leave the President's directive intact. Rather than allowing for congressional micromanagement of personnel policies, the members of our Armed Forces will be best served by leaving the issue of gays in the military to the President and the Joint Chiefs of Staff.

I urge Members to reject the Hunter amendment and to support the Meehan amendment.

The CHAIRMAN pro tempore. The Chair would advise Members that the gentleman from Missouri [Mr. SKELTON] has 6 minutes remaining and has the right to close, the gentleman from Massachusetts [Mr. MEEHAN] has 7½ minutes remaining, and the gentleman from South Carolina [Mr. SPENCE] has 8 minutes remaining.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. SAM JOHNSON].

Mr. SAM JOHNSON of Texas. Mr. Chairman, I think we have to talk more about the Hunter amendment, which seeks to reinstate the ban on homosexuals.

Mr. Chairman, it has been stated earlier that we do not do what other nations do. I would respectfully say, other nations do not win wars. Other nations are not the leader of the world, or so-called leader of the world. It is a position that I think we have to protect, at least I hope we do.

Mr. Chairman, I think it is important to make this matter very clear. When I was a commander in the Air Force, I spent more time than I needed to dealing with these sorts of issues. And I have to tell you, it was a waste of time. What happened in the end was those people were drummed out of the service and got out with a bad name.

Well, all the gentleman from California [Mr. HUNTER] is trying to do is say let us ask first. Let us let them off without having to go through the harangue of being drummed out of the service.

Furthermore, we have got a lot of innocent kids in the service nowadays, guys that do not understand the world. Really. Until they are out in the military and taken all across the world to the many countries that we try to defend, then, and only then, do they come in contact with society for real.

□ 1400

I think it is important that we protect those kids in our service. I think it is something we owe the parents of this Nation. I think that it is just our responsibility as a nation, as the sole leader in foreign policy. We have got to act to ensure the strength, morale and discipline of our armed services as the only surviving superpower and guardian of freedom in America.

Mr. MEEHAN. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Washington [Mrs. UNSOELD].

Mrs. UNSOELD. Mr. Chairman, since there is not before us an amendment to lift the ban, which the former chairman of the Senate Committee on Armed Services, Barry Goldwater, termed "un-American discrimination," I rise in support of the Meehan-Fazio amendment to the DOD authorization.

The issue of whether or not to lift the ban on homosexuals serving in our Nation's Armed Forces has proven to be one of the most contentious we have faced this year—in a year chock full of hot-button issues.

I oppose the ban. I see absolutely no justification for a ban which denies patriotic homosexual men and women the right to openly serve this country because of some misplaced belief that homosexual soldiers are somehow less capable of controlling their sexuality and performing as good soldiers than their heterosexual colleagues. The stellar military careers of thousands of homosexual troops throughout our Nation's history demonstrate the fallacy of that argument. Former Senator and Senate Armed Service Committee Chairman Barry Goldwater was right when he termed the ban "un-American discrimination."

I am deeply sorry that the ban has been largely retained in the compromise don't-ask, don't-tell policy. This only slightly altered policy continues to view homosexuality as incompatible with military service. However, the compromise adopted by the Joint Chief of Staff does make some incremental changes that do move in the right direction. Unfortunately, the Nunn/Skelton language would reverse some of these modest steps and codify that retreat into statute.

The Nunn/Skelton language makes no mention of President Clinton's directive that commanders and agencies should not begin investigation solely to determine an individual's sexual orientation. Are we to return to the witch hunts of the very recent past?

The Nunn/Skelton language fails to require an even-handed enforcement of the Code of Military Justice, as ordered in the President's directive. Are we to return to a policy that says the CMJ is to be enforced against one class of soldiers, but not against another?

Finally, while the President's directive orders an end to asking the question about a recruit's sexuality, the Nunn/Skelton language would permit its reinstitution at some future time.

I ask my colleagues to adopt the Meehan/Fazio amendment, which would simply leave these questions to the President. His compromise don't-ask, don't-tell policy is acceptable to the Joint Chiefs of Staff. Let us not retreat from the few modest steps we have taken to protect a group of our citizens who are merely seeking the very same opportunity to serve their Nation and be judged on their dedication to their country, their ability, and their performance—just as any other soldier.

Mr. MEEHAN. Mr. Chairman, I yield 3 minutes to the gentleman from Wisconsin [Mr. GUNDERSON].

Mr. GUNDERSON. Mr. Chairman, the debate over allowing gay people in the military raises many difficult issues. Some are legitimate to the debate. Others are not. Some are the result of our Nation's ignorance regarding homosexuality. Others, unfortunately, are the result of blatant homophobia. Today, I ask you to walk with me to clarify the thicket by examining what our history, our institutions, our heritage, and finally our own consciences can teach us. I believe this exercise can infuse some perspective and reason to our efforts to grapple with this emotional and complex situation.

Morality is one of the most intense and most difficult issues. This is because it pits one value system against another in claiming ownership of a single truth for everyone that does not in fact exist. Nonetheless, we are a nation founded on Judeo-Christian principles, and many, many sincere constituents have written to me and my colleagues asking us, in reference to those principles, not to legalize a lifestyle condemned by the Bible. Their concerns raise thorny issues for which there are no clear answers. But because they are raised and are deeply felt, they deserve a response.

The implicit questions are whether, indeed, the Bible literally condemns homosexuality and, if it does, whether that condemnation is applicable to our society in 1993.

The Bible is a living document. It has attributes that are constant and attributes that evolve with time and necessarily also with societal change. What is constant in that document are the fundamental values of love and tolerance it teaches, such as the command of Jesus to do justice, and love thy neighbor.

What evolves, on the other hand, are the social laws and mores, from generation to generation. The ways in which the Bible guides us thus must also adjust; it must accommodate the changes and growth within our society. Certainly none of us would seek, in 1993, to implement all the laws of Biblical times. After all, it is the same book and the same chapter of Leviticus, in the Old Testament, so often quoted on this issue of homosexuality that also prohibits divorce, men shaving, clothing made of more than one fiber, or women wearing slacks. What then of these Biblical mandates?

Even for those who would insist still on drawing and then transposing to law a more literal interpretation, does the Bible actually literally condemn homosexuality? John Boswell, in his book, "Christianity, Social Tolerance, and Homosexuality," points out that a precise review of Biblical translation discovers there actually is no such word as homosexual in either the Hebrew or Greek languages. The closest correct translation is boy prostitute. Thus, what they actually condemn is the fulfillment of uncontrolled sexual desires through the use of young boys—certainly a perversion in our own time and culture as well. As to homosexual orientation or relations per se, however, Biblical scholars also argue that homosexual relations were very common in Greek and Roman times. Biblical writings thus do not literally, clearly endorse or condemn such orientation or relations per se. Simply, the Bible, written at a particular time and reflecting a specific culture, provides no specific judgment one way or the other on this issue, then or now.

Finally, any attempts to draw literal or even general judgments about homosexuality from the Bible and apply them to our national laws are violating a fundamental fact of our national life. This Government is not and should not be the church. It thus cannot reflect—and certainly it cannot legislate—one version of morality associated with church or any similar institution over any other.

The recent Supreme Court opinion of Justice Souter on the school prayer issue speaks to the clear separation of church and state in this country. Souter scrutinized the debate among our Founding Fathers to clarify their intentions regarding the separation of church and state. Not only was there not to be a preference for the particular precepts and values of any one church, but also the Constitution guaranteed the total freedom of religion, and the separation of church and state. Therefore, even if the church were clear on this issue—which it is not—our Government cannot base its laws simply upon Biblical, or any other, scripture, or upon implications that one sect or another might draw from it.

The Bible's basic message of love and tolerance do give us enduring guidance for our personal relations with other human beings. And we are all entitled to hold and live our individual lives by those or any other precepts we draw from Scriptures. But the religious arguments about homosexuality echo the evolving scientific debate regarding the genetic origins of homosexuality: Both strive for an easy answer, but neither can provide it. The effort to interpret Biblical phraseology in a way that supports one specific judgment as a basis for lawmaking is no more than a fig leaf for moralism; it is an exercise in holding a mirror to personal precepts, rationalizing them with a Biblical charter that does not in fact exist, and then attempting to impose those on society at large. This is unconstitutional; it is wrong; and it is an inappropriate construct for this debate.

A second framework for this debate is the historical commitment of our national institutions to equality and justice for all—a commitment that inherently recognizes the rich diversity of our society. This framework is the proper contest for our discussion. Throughout history, our military has always struggled between the history of heroic contributions by gay and lesbian soldiers and the premise that homosexuality could not be allowed in the military setting. The results have been a policy applied inconsistently and capriciously.

For example, when in need of manpower during the Vietnam war, the military consistently accepted recruits and draftees despite their acknowledgment during questioning of their homosexuality. Unfortunately, after the war was over, many of its heroes were then kicked out of the military, denied the benefits of their service because of their sexual orientation—despite official knowledge of this from the beginning.

Further capricious has been the military's use of a lesbian charge as a vehicle against the advancement of women in the military. On a per capita basis, women in the military were four times more likely to face a charge of homosexuality than a man. In case after case, women have been forced to bring their fiances before a military tribunal to describe in detail their sexual activities as a way of defending against such charges. And even in cases where innocence was proven, the potential for military advancement was eliminated.

In fact, this situation strongly parallels the struggles and debates regarding blacks or women in the military, and it is worth a brief diversion to recall those struggles in terms of how they apply to the compromise we are reviewing today.

Here I appeal especially to my Republican colleagues to consider the foundation and history of our party. No one is a better expert on the issue of equal opportunity than Abraham Lincoln.

While never writing directly on the issue of homosexuality, how many writings make clear his convictions. Lincoln wrote in 1854, most foreign governments had been based "on the denial of equal rights of men." Ours, on the other hand, began "by affirming those rights by giving all a chance."

When the Union Army attempted to dismiss from its ranks soldiers of the Jewish faith, Lincoln personally revoked the order and demanded the reinstatement. But his most telling commitment to equal opportunity for all comes in his response to friends who sought to enlist him in the anti-Catholic Know-Nothing Party. Lincoln said:

> As a nation, we began by declaring that "all men are created equal." We now practically read it "all men are created equal, except negroes." When the Know-Nothings get control, it will read "all men are created equal, except negroes, and foreigners, and Catholics." When it comes to this I should prefer emigrating to some country where they make no pretence of loving liberty—to Russia for instance, where despotism can be taken pure and without the base alloy of hypocrisy.

From Randy Shilts' exhaustive study, "Conduct Unbecoming," we read:

> When pressed about why black soldiers were not allowed into combat, for example, Secretary of War Henry Stimson told congressmen that military studies had found that "many of the Negro units have been unable to master efficiently the techniques of modern weapons." Perhaps no soldier was as outspoken about segregation as Major General Thomas Holcomb, commandant of the Marine Corps, who maintained it would be "absolutely tragic" if blacks were integrated into the services. "If it were a question of having a Marine Corps of 5,000 whites or 250,000 Negroes, I would rather have the whites," he said.
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> The brass of every service adamantly insisted that military efficiency, good order, and morale demanded segregation. The Army Air Force's exclusion of black pilots, for example, resulted from the fact that pilots were officers, and integrated squadrons would mean that black officers might be giving orders to white enlisted men, a situation that, it was presumed, most white soldiers would find intolerable. It was believed that not only would white soldiers refuse orders from black soldiers, but that no white GI would want to be in the same foxhole as a black man. To buttress their arguments, the Army conducted surveys that showed 88 percent of whites favored segregated armed forces, as did 38 percent of blacks.
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> The Navy convinced President Franklin Roosevelt, a former assistant Secretary of the Navy, that it must be segregated because Navy personnel had to live and work under close conditions affording minimal privacy.

As Roosevelt wrote Secretary of War Stimson, "If the Navy living conditions on board ship were similar to the Army living conditions on land, the problem would be easier but the circumstances * * * being such as they are, I feel that it is best to continue the present system at this time."

Finally, in a speech before the Conference of Negro Editors and Publishers, Colonel Eugene Householder of the Adjutant General's Office explained, "The Army is not a sociological laboratory; to be effective, it must be organized and trained according to principles which will ensure success. Experiments to meet the wishes and demands of the champions of every race and creed for the solution of their problems are a danger to the efficiency, discipline, and morale and would result in ultimate defeat."

It is especially ironic to note that the end to segregation had little to do with the military. It had everything to do with politics. And it was the Republican Party, with pressure from its candidate for President, Tom Dewey, that forced the Roosevelt administration to take the steps necessary to order complete integration.

Although unfortunately racial discrimination is not yet completely behind us, Black Americans' struggles for equal opportunity during the past four decades at least has progressed to the point where society at large recognizes the injustices that have prevailed. We have evolved to the point where at least the blatant prejudice behind the Army's surveys about Black integration, the stereotypes obvious in Major General Holcomb's assessment, or the dire predictions of Colonel Householder would be seen differently than at the time they were uttered. They now generally would be viewed as an anachronism to a different time, and an embarrassment for an otherwise and justifiably proud institution. The error and societal costs of those policies require no further explanation and are now plain to us all.

American military history is also filled with examples of gay soldiers providing exemplary service. Randy Shilts' "Conduct Unbecoming" provides many historical examples beginning with Baron Von Steuben, one of Europe's leading military strategists enlisted by Benjamin Franklin and George Washington to upgrade the quality of troops and their military strategy.

Yet for gay citizens, who now are at an earlier stage in a similar struggle, the words used by the Army to describe the likely dire effects of their integration frequently are the very same rationalizations as those used earlier to discourage integrating blacks and women. The difference now is this: Society at large is only beginning to recognize the blatant prejudice against gay people that lies behind such scientific proof of preordained failure. The destructiveness to society of how such proof is applied is not yet so self-evident. It will become so in time, if we do not act to forestall it.

The costs of discriminating against gay soldiers already have had an added dimension that goes beyond the personal trauma that blacks and victims of racial or religious prejudice have had to face. This is the witchhunt. Military investigation units, armed with often spurious rumor or malicious intent, continue to pursue investigations to determine sexual orientation without any evidence whatsoever of public misconduct.

Recently, a young man from rural Pennsylvania was referred to me by friends. He had quickly moved up the ranks to become a senior deputy missile combat crew commander for ICBM missiles. He had a top security clearance—granted to him at considerable cost to the Government—and had received an outstanding performer rating. The Navy had discovered that he had electronically communicated with an Air Force officer who was being investigated for child pornography. Having nothing to hide, he readily allowed the investigators full access to his unaccompanied officer quarters. For 7 hours six agents searched his home. They found nothing relating to the other officer's child pornography activity.

However, 2 weeks later they returned to charge him with being homosexual. In their first search, though totally unrelated to the basis of the search, they had discovered personal correspondence and magazines indicating he was gay. Thus, unrelated to the original complaint, with no filed charges against him, with no evidence of public homosexual activity, a young man's brilliant career was destroyed.

And while the military claims all discharges resulting from witchhunts are honorable today, that is simply not the case. On the discharge papers, on line 28 explaining the reason for separation, it states: "Involuntary discharge—misconduct, moral or professional dereliction: Homosexual acts." This is not an honorable discharge; it is framed in terms, as a matter of official record, as a stigma for life.

The invasion of privacy and personal trauma for individual soldiers is not the only cost of these witchhunts. The General Accounting Office study indicated the cost to the Government for replacing a soldier, discharged for the sole crime of his sexual orientation, was $28,000 for enlistees, and $120,000 for an officer. These, after all, are often highly trained and educated military members, often with records of exemplary military service. The accomplishments of these members simply evaporate in the face of a single question pertaining to their private life that is unrelated to their potential—whether or not they are gay. So not only are citizens who yearn to pay back society for the fruits of freedom they enjoy cruelly denied their full rights of citizenship to serve in the military, but also the military and society—both of which have paid a lot of money for their training and education—are denied the continuing contribution of those members. Truly, the history of such incidents remains an insult to the military and to our Nation. The means by which some elements of the military have disregarded any rule of law in the pursuit of private sexual orientation has no justification, and must not continue. We cannot put a price on traumas imposed on gay soldiers and their loved ones for careers spuriously truncated. The best estimate for the taxpayer costs of these military witchhunts is $28 million per year.

Our choice today is this: Do we accept the don't-ask, don't-tell compromise as announced by the President, endorsed by the Joint Chiefs of Staff, and written by Senator NUNN; or do we reject that to enact into statute a total Federal ban on any service by homosexuals at any time, under any circumstances? In a country premised on equal opportunity and justice, this is not much of a choice, but it is all that is before us.

Former Senator Barry Goldwater, the icon of the conservative movement put it best when he wrote:

What would undermine our readiness would be a compromise policy like "don't-ask, don't-tell." That compromise doesn't deal with the issue—it tries to hide it. We have wasted enough precious time, money and talent trying to persecute and pretend. It's time to stop burying our heads in the sand and denying reality for the sake of politics. It's time to deal with this straight on and be done with it. It's time to get on with more important business. The conservative movement, to which I subscribe, has as one of its basic tenets the belief that government should stay out of people's private lives. * * * Legislating someone's version of morality is exactly what we do by perpetuating discrimination against gays.

I agree with the Senator.

No—this is not a perfect compromise. I regret the narrow definitions allowed in the legislation defining the difference between status and conduct. If I read the language correctly, a soldier who has an impeccable record, has followed all military codes, but informs his/her family that he/she is a homosexual, risks separation from the military purely on these grounds. In practice we are telling gay people who want to serve their country that they can only do so by denying who and what they are not only publicly and professionally, but also personally and privately. We are telling them that their military careers require them to be celibate even in their homes and to pretend they are something they are not even among close friends and family. In effect, we are telling them they must continue to lie or risk losing their careers.

I also recognize that discretion will allow future Secretaries of Defense to reinstate the question. However, I have no doubt that history will so clearly show the wisdom of not asking such a question, that even the most conservative among us would not perpetuate this nightmare of intimidation, inquisition, and false security.

These reservations notwithstanding, the progress that this compromise represents on several important fronts

leads me to rise in its support. For the choice is not between this and something better, but rather between this and the more insidious choice of not addressing the issue at all, and allowing the current and blatantly discriminatory ban to remain in place. We thus must evaluate this choice not for where it leads us to, which runs short of fully ending discrimination against gay people in the military, but rather for the distance it covers from where we have been, which has been a society insulated from the traumas and costs it has been imposing on itself. We therefore must grasp and invigorate this first, small step for the following reasons.

Under this policy, first, we make clear the Secretary does not have to ask the question of one's orientation at time of induction. To those who continue to advocate asking such a question, may I suggest that in doing so, you simply misunderstand sexual orientation. Most young people do not know, and if they do know they certainly do not accept, the reality of a homosexual orientation until at least their mid-twenties. Some fight what they are longer, arriving at full realization and acceptance even later in life, if ever. As evidenced by the number of even just the admitted gay people who have been serving in the military, asking this question did nothing to keep homosexuals from the military. Under the current policy, when self-discovery occurs for many of these members, it brings the traumatic dilemma of whether or how to continue their successful military career and to proudly serve their country, against the new knowledge that their very existence per se is a violation. They now must live each day with the terrifying risk of a humiliating public exposure of that violation—of what is and should remain a private matter unrelated to their right to serve. Such psychological torture benefits no one in return for the damage it causes. On that issue, the compromise therefore steps, albeit gently, in the right direction.

Second, this policy moves toward defining conduct, not status, as the basis for separation from the military.

Four years ago, the issue of discrimination based upon one's sexual status or orientation centered upon controversies with ROTC programs on our college campuses. I restate what I did then: Conduct should be the standard in the military. Both professional and personal conduct on base should be regulated fairly and equitably regardless of sexual orientation.

To those who think this policy goes too far, recall that the Catholic Church, and most main line Protestant churches, do not deny entrance into the ministry simply because of sexual orientation. Bishop Herbert Chilstrom of the Evangelical Lutheran Church and the bishop of my personal church, said, "We do not ban gay and lesbian persons from becoming pastors in our church. We judge them by their behavior rather than the basis of sexual orientation." So this compromise does not ask the military to become a laboratory for social experimentation as some have claimed. Instead, it is asking the military to merely reflect the same tenets of equal opportunity guaranteed not only in the Constitution as noted earlier, but also codified and exemplified in some of our most conservative social institutions, our churches.

Third, this policy represents in practice if not in language, progress on the key issue of witchhunts used to harass and remove people from the military. While committee language rejects the concept of quotas to determine equal enforcement between heterosexual and homosexual violations of the military code, it is clear fair and impartial investigations are intended regardless of whether a homosexual or a heterosexual is involved. Perhaps most encouraging here, Attorney General Reno has made it clear her department will not be a party to using limited and valuable resources to pursue discriminatory policies.

I recognize that progress on human rights for all people in our Nation has occurred slowly, one step at a time. This particular compromise in effect probably will toss many aspects of the issue back to the courts. That done, it is only a matter of time before our courts will establish once and for all that just as a person cannot be denied the chance to serve because of their race or religion, neither can a person be separated from the military solely on the basis of their sexual status or orientation. That eventual result is an inevitable one given the tenets of fairness that underlie our democracy. I believe that what also makes that result inevitable is the ardent belief of Americans in those tenets, and the fundamental, overriding desire of Americans to get along, to work out our differences, to respect our diversity, and to go forward as a nation with equality and justice for all. This compromise is one small step in the direction of that inevitable, correct result.

Many who have spoken on this issue have recalled their service experience. I deeply respect them for it. What few have acknowledged, however, is that they almost inevitably did serve with colleagues who were gay. Why didn't it pose a big problem for them then? Perhaps bearing in mind commonly held stereotypes of gay people, they probably just did not know they stood and perhaps fought beside gay colleagues who chose to keep their private lives to themselves. Thus they had no basis upon which to judge what it might be like to serve with gay soldiers.

Here I must note parenthetically but with some concern comments made during Col. Fred Peck's heartfelt testimony about the gay ban a few weeks ago, wherein he notes his concerns about his gay son's joining the Marines. Colonel Peck, who clearly, deeply loved and respected his son, worried that if his son did join the Marines and his orientation came to light, he stood to be harassed, beaten, or worse, by his colleagues. For an institution that so prides itself on leadership, good order, and discipline, I was shocked and dismayed at what he said. His comments suggested that such order, impeccable and essential to effective military operations, stands to disintegrate in the face of a factor that has no relevance to performance, team spirit, or esprit de corps. The implied disintegration of training and order in the face of what can only be raw prejudice underlines a potentially serious problem of military leadership rather than any shortcoming of a gay soldier or the community from which he comes.

I have not been a member of the military, and I cannot speak directly from that experience. But I have experienced what it feels like to have my life—who I am, what I am, and what I have accomplished—reduced to and judged by a single, irrelevant factor.

As some of you recall, 2 years ago I was the target of an attempted outing. People who had never talked to me before, who did not know me personally, attacked me. The weeks that followed were hell for me, those close to me, and my staff. Talking about, explaining, or defending one's personal and private life under a public microscope is a violation of our guaranteed right to privacy. It is intrusive and painful, especially when the weapons hurled are bullets of ignornance and prejudice encased in stereotypical labels. Labels, after all, are a handy way to tap our worst fears and gain energy out of the fog of emotionalism so stirred. Against charges so configured, there can be no rational defense. And not the least of that incident for me was that an 11-year congressional record, and almost 20 years in public office, stood to be blown apart. My accomplishments stood to become totally irrelevant next to the single question of whether or not I was gay.

I ask you how many people, how many brilliant military careers, how much taxpayer investment will we waste before learning from the struggles of blacks, Jews, and other minorities the value of integrating the gifts of our diversity into our national life? How much longer will we instead allow our biases, prejudices, and discriminatory policies to bleed our national energy?

To ignore history dooms us to repeat its cruel mistakes and tragic costs. Indeed a powerful new museum now stands on the mall as a monument to just how offensive and destructive prejudices against minorities can become.

In the microcosm of their twisted society, Nazis were not performing atrocities against Jews, gypsies, blacks, homosexuals, and other nonsuper race minorities. Rather they dutifully were performing actions mandated by official directives. The horrifying results of their actions recall the powerful extremes to which emotional prejudice can transport an entire society and rule its actions if left unchecked. The very existence of the Holocaust museum declares "never again." It declares further, "and certainly never here in the US." We, after all, are unique in how we strive to celebrate our diverse citizenship and how we codify equal treatment for that diversity. The museum declares the latter with particular poignancy, standing as it does just a few blocks away from where we now stand to debate an issue in which baltant prejudice against a minoirity still threatens to rule our actions. Let us stand together to check that raw impulse, that concession to ignorance and emotionalism.

Were this debate occuring under President Reagan or Bush I suspect every Republican would stand and say, "let the Commander in Chief work this out with the Joint Chiefs of Staff." That my friends, is what the Meehan amendment is all about. It is the Clinton-Powell compromise—nothing more, nothing less.

It is as conservative as you can get:

It gives the authority to the Commander in Chief and Pentagon to do what they think best.

It endorses the concept of less government in the personal lives of our citizens.

It eliminates the wasteful spending of $28 million a year on witchhunts of our soldiers.

It is the strict interpretation of our Constitution.

Today, I ask my colleagues to dig deep inside your conscience. Leadership demands that we do what is right, not what is politically easy.

My pastor put this all in proper perspective when he said recently, "On the question of sexual orientation, the Bible is clear on one thing; Do justice, and love thy neighbor."

Today, I ask just that. Do justice.

I submit that it is time to recognize our current bloodletting for what it truly is. Let us stop repeating the cruel, destructive mistakes of history but instead use their lessons as a springboard for showcasing our better instincts. Let us apply the tolerance and rules of fairness that previous minorities' struggles have shown to be the only enduring, effective treatment of our society from the malignancies of prejudice. The coalition of our traditions, our laws, our institutions, and our inbred sense of fairness leave no doubt about what we must do here. We must not only learn from history, but we must teach by example those who will follow. So we must now take the first step that this compromise offers for gay participation in military service, and build on it inch by inch toward a new level of fairness and equality of opportunity. Let us in taking this step respect our differences, broaden our awareness about the diversity that comprises our national fabric awareness about the diversity that comprises our national fabric and, in so doing, enrich our lives individually and collectively.

Mr. SPENCE. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I neglected, a minute or so ago, to mention that the gentleman from Texas [Mr. SAM JOHNSON], who spoke to this body from that podium, knows something about the military because he served as a fighter pilot in the Air Force during Vietnam.

He was shot down, and was a POW for over 6 years.

He knows of the conflicts which arise among people living and serving in close quarters and how it can affect the readiness of our military.

Mr. Chairman, I yield 2 minutes to the gentleman from Indiana [Mr. BUYER].

Mr. BUYER. Mr. Chairman, I rise in strong support of the Hunter amendment.

I also would like to compliment the gentleman from Missouri [Mr. SKELTON] for his fine work.

Many of us on the committee and full committee have truly exhausted many hours working on this issue. There is not anybody who supports more open debate than myself. And while I say, why are we doing it on the House floor, I think it ought to be proper and we will continue it through the duration of the issue.

But I also, as well as many others in this body, worked hard to codify the ban on homosexuals in the military. While some of us wish we had some stronger language, we eventually came to accept the Nunn-Skelton compromise. However, some of us still have concerns about one omission in the bill.

I am referring to the section that states that there will be a "suspension of questioning concerning homosexuality as part of the processing of individuals into the Armed Forces."

Under the pre-January 1993 policy, self-identification as a homosexual or bisexual, a history of homosexual activity, and an intent to engage in conduct were considered relevant indicators of the propensity for prohibited activity. The history of past homosexual conduct is now held to be irrelevant by not asking the question.

This policy is in direct contradiction of the personal views of some of the top officers and enlisted leaders of this country.

In testimony before the subcommittee, the Commandant of the Marine Corps and all four of service senior staff NCO's stated that in their personal opinion, they would prefer to continue to ask the question about homosexuality during the accession process.

The reason is clear. It clearly signals that the military is serious about the idea that homosexuality is incompatible with service life. With the question, the Government's policy is consistent that there is no effort to screen out those who exhibit suspect behavior prior to enlistment and a clear policy of immediate discharge if this behavior or orientation is discovered after enlistment. Without the question, the message seems to be "You can come on in, just don't get caught."

Mr. SKELTON. Mr. Chairman, I yield 2½ minutes to the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. Mr. Chairman, under the king of the hill rule, I will support the Skelton amendment, which is already in the committee bill, and I will oppose the other two amendments.

The Skelton amendment is the same language that is in the Senate bill and is known as the Nunn amendment. The provision in our bill is in effect now in the military services. Mr. Chairman, I am told it is working well.

Six months ago, the Chiefs of the Army, Navy, Air Force, and Marines implemented this policy on homosexuals with the support of Secretary Aspin and also General Powell. Actually, the Nunn-Skelton proposal is tougher on homosexuals once they get into the military than the Hunter amendment.

The amendment I support spells out what homosexuals can and cannot do in the service. Also, our amendment makes it easier on a commander. It tells that commander what he can or cannot do or what she can or cannot do in that different unit.

Under the Hunter amendment, it requires a person to state his or her sexual preference. Now, we know that in the past that these young recruits have not told the truth in filling out the forms. So why make them lie?

In the Skelton amendment, it is optional, if the Secretary of Defense wants to go back and ask new recruits their sexual preference.

□ 1410

Mr. Chairman, the homosexual issue has really, in my opinion, quieted down in this country. The policy in force has been accepted by most as the best way to handle the issue. Why change something that is working?

I urge my colleagues to support the so-called Nunn-Skelton amendment and oppose the so-called Meehan and Hunter amendments.

Mr. MEEHAN. Mr. Chairman, I yield 45 seconds to my friend and colleague, the gentlewoman from California [Ms. ESHOO].

Ms. ESHOO. Mr. Chairman, I rise today in support of the so-called Meehan amendment to strike the Defense authorization bill's provision regarding gay and lesbian Americans in the military, and in opposition to the Hunter amendment. By striking the language in the bill presented to the House today, we are accomplishing the bare minimum of what this Congress can do to protect the thousands of men and women in our Nation's Armed Forces. We should not codify discrimination.

On July 16 of this year, I sent a letter to the President asking him to end the ban on gays and lesbians in the military. I asked him to be steadfast and courageous in the pursuit to end discrimination and committed myself to help him face the political risk and social prejudice that surround this issue. I now ask the House to do the same.

I urge all Members to reach deep into their conscience and ask themselves what the right thing is to do today. Are we going to permit the codification of discriminatory language in this body, or are we going to leave decisions about the Armed Forces to this country's Commander and Chief?

On issues of civil rights, our Nation's history reflects that the long march for justice is one step at a time. The champions and the leaders are those who recognize that on some issues one simply must do what is right and lead our people to the truth. This is one of those times.

I urge my colleagues to vote "yes" on the Meehan amendment. History will thank them.

Mr. MEEHAN. Mr. Chairman, I would ask how much time I have remaining.

The CHAIRMAN pro tempore. The Chair would advise the gentleman from Massachusetts that he has 3¾ minutes remaining.

Mr. MEEHAN. Mr. Chairman, I yield 45 seconds to my friend, the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from Massachusetts, [Mr. MEEHAN] and a bipartisan group of our colleagues which would strike the bill's provision regarding lesbians and gay men in the military, because clearly, this issue is best left to our President and the Department of Defense.

As Barry Goldwater recently stated:

> When the facts lead to one conclusion, I say it is time to act, not to hide. The country and the military know that eventually the ban will be lifted. The only remaining questions are how much muck will we be dragged through and how many brave Americans * * * will have their lives and careers destroyed in a senseless attempt to stall the inevitable.

Now, only the House can stop the attempt to codify officially sanctioned bias and injustice. I urge my colleagues to support the Meehan amendment and reject the Hunter amendment.

Congress would best serve our national interest by finding the courage to rally the troops in support of ending this un-American discrimination.

Mr. MEEHAN. Mr. Chairman, I yield 30 seconds to my friend, the gentleman from Illinois [Mr. GUTIERREZ].

Mr. GUTIERREZ. Mr. Chairman, the debate on gays and lesbians serving in the military is certainly a debate about choosing unity over division, tolerance over hatred, fairness over exclusion.

But it is something more than that. It is a debate about patriotism. We talk a lot about patriotism and country and serving our Nation here on this floor.

I believe we all at times feel a bit disappointed that we do not see more patriotism in our Nation, that we do not see more people with a desire to serve their country.

But apparently some of my colleagues disagree. Patriotism—the desire to serve your country—the hope that you can contribute to making our Nation a better, safer place to live—are only desirable, admirable qualities if Members of this Congress approve of what you do in your bedroom with your body, in your private life.

You see, if we disagree with how you behave in your private life, well then, your patriotism is something to be ashamed of, something to hide from.

Well, I believe this Congress has a lot to be ashamed of here today if we say to Americans who want nothing more than to serve their country that we do not really want them and we do not really need them.

Let us be reasonable today. Let us be fair today. Let us put an end to the hatred that is filling this room today. Let us say to every American—to every American—that we admire and respect and honor—that we need—your patriotism.

I urge my colleagues to vote for fairness, to vote for tolerance, to vote for patriotism, and pass the Meehan amendment.

Mr. SPENCE. Mr. Chairman, I yield 1 minute to my colleague, the gentleman from Florida [Mr. STEARNS].

Mr. STEARNS. Mr. Chairman, I rise today in support of the so-called Hunter amendment to the 1993 Department of Defense Authorization Act to require the armed services to continue to ask recruits whether or not they are homosexuals.

The crux of this debate was whether homosexuality is compatible with military service. To the satisfaction of Congress, the Secretary of Defense, and the Joint Chiefs of Staff, it was determined that the current policy is correct and homosexuality is incompatible with unit cohesion.

I have one concern about the details of the compromise proposal that has been reached, however. The don't ask component of this policy would formally condone a degree of deception for both military recruits and the services themselves.

The policies of this Nation should not condone or encourage deception. It is a disservice for all parties to allow a recruit into the Armed Forces who is an active homosexual while the Code of Conduct forbids homosexual activities.

We should not give a young recruit who is a homosexual a wink and a nod to enter the military when we know that he will be discharged if he or she engages in these acts. That is not fair to those individuals and it is not fair to the taxpayers of this Nation who would train and equip our Armed Forces.

But, most of all, it moves Congress one more step away from a recognition that what we do here is the law of the land. The compromise policy blurs the line between laws and lawbreaking, rules and rule breaking. And that is a message that is much larger than this debate and much more important than this policy.

I believe that as long as we maintain the exclusion on homosexuals in the military we should ask recruits if they are active homosexuals. This is a more fair and more honest approach for all involved and one that preserves the integrity of our Armed Forces and our laws. Vote yes on the so-called Hunter amendment.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to the gentleman from Nevada [Mr. BILBRAY].

Mr. BILBRAY. Mr. Chairman, as a member of the committee, I came in with an open mind. I originally supported the President's policy and believed in a ban against any discrimination against any segment of our society.

However, as the tens of hours of testimony was taken by this committee, in listening to what the military had to say and what those who had served in the military, some that were gays, some that were lesbians, and some, of course, heterosexuals who had served with those types of individuals, we listened to that testimony hour after hour after hour. We listened to the Joint Chiefs, we listened to the senior enlisted men of our country.

At that time I came to the conclusion, at the end, that the policy as advocated by Senator NUNN and the gentleman from Missouri [Mr. SKELTON] was the only possible policy that will work for the military in this time and day. It is a compromise, we believe, that has been carefully worked out over the whole year. It is one that can work.

I ask everybody to turn down the so-called Hunter amendment, to accept the language of the committee, so we can move forward on other important matters that face our country.

Mr. MEEHAN. Mr. Chairman, I yield myself 10 seconds.

Mr. Chairman, I really hope we can put this type of energy and this type of

inquiry into the whole Tailhook scandal, because we really need to talk about sexual behavior, and it is in the Tailhook report.

Mr. SPENCE. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. BARTON].

Mr. BARTON of Texas. Mr. Chairman, back in January President Clinton announced his intention to repeal the ban against homosexuals serving in the military. The next day I held a press conference and announced my intention to introduce legislation to codify the ban as it existed under the previous administration.

Subsequently, myself and the gentlemen from California, Mr. HUNTER and Mr. DORNAN, and the gentleman from Texas [Mr. JOHNSON] introduced such legislation. That legislation currently has over 100 cosponsors.

Later today we will vote on three amendments, dealing with homosexuality in the military. Of these, only one amendment maintains the total ban, and that is the Hunter amendment. If Members have told their constituency that they support the ban on homosexuals serving openly in the military, the only vote they can make is to vote yes on Hunter.

If Members have sent out letters to their veterans' group, to their church groups, to their retired military groups, and said, "I am for the ban on homosexuals serving in the military," they must vote yes on Hunter.

The CHAIRMAN pro tempore. The gentleman from Massachusetts [Mr. MEEHAN] has 2 minutes and 20 seconds remaining.

Mr. MEEHAN. Mr. Chairman, I yield my 2 minutes and 20 seconds remaining to my friend and colleague, the gentleman from Massachusetts [Mr. STUDDS].

Mr. STUDDS. Mr. Chairman, I would like, in the spirit of the words of the gentleman from Wisconsin who spoke a few moments ago, to try to put this in a slightly broader perspective. Why do we have an armed forces? It is not, surely, simply to defend the piece of geography known as the United States of America. It is to defend and preserve and protect a document known as the Constitution, which enshrines the rights and liberties of all of our people.

History teaches us that the promises of that Constitution have taken a very long time to fulfill. It was written 206 years ago by white men, many of whom owned slaves. President Lincoln signed the Emancipation Proclamation 130 years ago. President Truman signed the Executive order ending racial discrimination in the Armed Forces 45 years ago. President Johnson signed the Civil Rights Act of 1964 29 years ago. And less than 1 year ago, this country elected the first President of the United States committed to helping us write the last chapter in the long history of civil rights, which is the history of this country.

□ 1420

Mr. Chairman, history gives us perspective, and it teaches us patience. But it is hard to counsel patience and perspective to someone who has lost his job simply because of who he or she is, or to someone who has lost his home simply because of who he or she is, or to someone who has lost a distinguished military career simply because of who he or she is. Mr. Chairman, it is virtually impossible to counsel patience to someone who is sick and to someone who is dying.

But we are holding this debate, and we have never done that before. And this country is debating this, and we have never done that before. And the President has asked us to act, and no President has ever done that before.

We will not win this battle here today. The fundamental question is not even before us today. But these struggles are never won quickly or easily. And the ultimate outcome is in no doubt whatsoever.

This country, in the words of Martin Luther King, will rise up and live out the true meaning of its creed, and we will write a happy ending to this, the last chapter in the long history of civil rights, which in some very fundamental ways is the history of this country.

Mr. Chairman, I rise in support of the amendment offered by my friend, Mr. MEEHAN of Massachusetts. I join him and many of our colleagues in a final plea to this House not to enact into law a policy of State-sanctioned inequality. If, as appears likely, the Members of this House enact the language contained in section 575 of the committee report, they will be committing themselves to a policy of overt discrimination supported by nothing more than naked prejudice.

Whatever action we take on the bill before us, the ban on lesbians and gay men in the military will remain. The DOD directive issued in July at the President's behest was far from the result for which I had hoped and worked for so many years. Under the directive, lesbians and gay men will continue to be subject to investigation and separation from the military merely for speaking privately about their sexual orientation or engaging in private consensual relationships. This perpetuates a situation in which gay men and lesbians are denied the security, dignity, and openness in their private lives which their comrades in arms take for granted.

Nevertheless, I believe that the policy announced in the directive, if left in the hands of the President and the Joint Chiefs, would make life slightly more tolerable for those who are prepared to abide by the rules of silence and social isolation that the policy lays down. It would delete the current presumption that homosexuality per se is incompatible with military service; it would eliminate the practice of asking recruits their sexual orientation; and it would guarantee fair and uniform enforcement of the Uniform Code of Military Justice. It is a disappointingly small step, but it is a beginning.

The language presented by the committee not only eliminates most of these modest improvements, but attempts through codification to ensure that any hope for further progress is stillborn. It seeks to micromanage a personnel policy best left to those with the expertise to apply it humanely and flexibly. For all these reasons, the Meehan amendment offers the better approach.

The committee's conclusions fly in the face of a mountain of objective evidence—much of it assembled at the behest of the military itself—that stands uncontradicted on the record.

On January 29, 1993, President Clinton directed the Secretary of Defense to draft an executive order ending discrimination on the basis of sexual orientation in the armed forces. On April 1, the Secretary commissioned the Rand National Defense Research Institute to prepare a $1.3 million analysis that would assist in the formulation of the new policy. The Rand report, "Sexual Orientation and U.S. Military Personnel Policy: Options and Assessments," is a thorough, objective, 518-page study that concluded that sexual orientation, as such, is not germane to military service. Moreover, Rand determined that a standard based on conduct rather than status could be implemented with minimal disruption to military life and without extensive revision to military rules, provided that the policy change were communicated clearly and consistently from the top and reinforced throughout the chain of command. In other words, the answer is leadership. And sadly, leadership remains in short supply.

The Rand report represents the fifth instance in the last several years that an independent agency has called into question the rationality of our country's military ban. In fact, every study undertaken at the direction of Congress or the Pentagon has come to similar conclusions.

On June 25 of this year, the General Accounting Office released a report requested by Senator WARNER which confirmed once again what every previous Government-commissioned study has shown—that the presence of lesbians and gay men does not disrupt discipline or morale in a military setting. The report, "Homosexuals in the Military: Policies and Practices of Foreign Countries," GAO/NSIAD–93–215, June 1993, focused on the experience of four countries, three of which have dropped all restrictions based on sexual orientation. According to the report, military officers in Canada, Israel, and Sweden confirm that "the inclusion of homosexuals in the military is not a problem and has not adversely affected unit readiness, effectiveness, cohesion, or morale." Even in Germany, where homosexuals serve but still face some restrictions, officials consider homosexuality a nonissue.

One year earlier, in a report which I had requested together with my friend Mr. CONYERS and out late colleague, Ted Weiss, the GAO concluded that the Government wastes $27 million each year simply to recruit and train replacements for gay men and lesbians who are discharged from military service. That report, "Defense Force Management: DOD's Policy on Homosexuality," GAO/NSIAD–92–98/98S, June 1992, examined the practices of analogous paramilitary institutions such as police and fire departments, and found no evidence that the inclusion of homosexuals disrupted

the ability of these institutions to perform their mission.

In 1988 and 1991, a pair of studies by the Defense Personnel Security Research and Education Center [PERSEREC] concluded that sexual orientation is irrelevant to an individual's suitability for military service. Theodore R. Sarbin and Kenneth E. Karols, "Nonconforming Sexual Orientations and Military Suitability," Defense Personnel Security Research and Education Center, PERS–TR–89–002, Dec. 1988; Theodore R. Sarbin, "Homosexuality and Personnel Security," Defense Research and Education Center, October 1991. Indeed, the 1988 report stated that sexual orientation is as unrelated to job performance as left- or right-handedness.

Taken together, these reports tell a consistent story—there simply is no evidence that the performance of the military mission is improved by discharging individuals with distinguished records of service to their country solely on this basis of a personal characteristic they are powerless to control.

Yet the findings presented in the reports were ignored by the Defense Department and, in some instances, suppressed. The handling of the PERSEREC reports is instructive. Only after the reports were released by my office did DOD even acknowledge their existence. Rather than questioning the conclusions of the reports, the Department tried to dismiss them on the ground that the researchers had addressed a question they had not been asked.

Nor did these reports—the only independent, objective studies on record—have any effect on the subcommittee's deliberations. The authors were never invited to testify at the hearings, nor were the studies cited in the committee report. The sole references to any of them appear in the additional views of committee members who disagree with the committee's conclusions.

By their own admission, the proponents of the committee report base their conclusions on a single unproven assertion: that the mere presence of lesbians and gay men in the military setting will provoke such hostility against them as to destroy unit cohesion and morale. The evidence provided for this assertion by committee witnesses was purely speculative and anecdotal. It was flatly contradicted by military witnesses who testified that any disciplinary problems that might occur over the short term could be fully addressed through the system of command. The committee has offered no reasoned explanation for its decision to accept one set of testimony while disregarding the other.

What is most troubling about the committee's rationale is that it is an accommodation to prejudice. It is precisely this readiness to defer to the prejudices of the majority that makes this a civil rights issue. Much has been said by those seeking to perpetuate the ban about the differences between the discrimination endured by gays in the military and the discrimination suffered by racial and ethnic minorities. Yet it was Coretta Scott King who equated the accommodation of homophobia in the military to the accommodation of customer preferences by businesses seeking to justify their refusal to hire African-American employees.

When President Truman ordered the desegregation of the Armed Forces, there were Members of Congress who made the very arguments heard in this Chamber during the last several months—that white troops would not accept intimate contact with black troops and would refuse to take orders from them; that integration would undermine cohesion and increase the prevalence of violence, sexual misconduct, and disease; that recruitment and retention would be adversely affected. Then, as now, there were military leaders like Gen. Omar Bradley, who argued that the Armed Forces are not the place for social experimentation.

Yet despite these misgivings, the integration of the military was achieved. The issue was framed as a matter of social justice, and its implementation as a matter of leadership. Once the order was given, the military took on the job of getting it done.

Today it is inconceivable that the Congress would defer to prejudice against African Americans—or members of any other racial or ethnic group. Indeed, the Supreme Court has held that catering to the prejudices of others is not a legitimate governmental objective. *Cleburne* v. *Cleburne Living Center,* 473 U.S. 432, 1985; *Palmore* v. *Sidoti,* 466 U.S. 429, 1984. This is as true in regard to sexual orientation discrimination as it is when other minority interests are at stake. It will now be up to the Court to say so.

In so doing, they will have the blessing of scores of professional, civic, labor, and religious organizations who joined together in opposition to the ban—groups as diverse as the American Psychological Association and the American Bar Association, the NAACP and the AFL–CIO, the YWCA and People for the American Way, the United Church of Christ and the Union of American Hebrew Congregations. This is the first time that such a broad coalition has come together in support of the civil rights of lesbian and gay Americans, and I have every confidence that that support will continue to grow.

I would also note that some Members of Congress who have worked to retain the ban have gone out of their way to assert their willingness to respect the civil rights of gay men and lesbians in a civilian context. They have done this in an effort to show that their readiness to condone discrimination is based not on prejudice but on the peculiar requirements of military life. I am prepared to be persuaded of the sincerity of these assertions, and I challenge those Members of Congress to give their support to H.R. 431, the Civil Rights Act of 1993, which my good friend Mr. WAXMAN of California has introduced and which is now pending before us.

I know that many of my colleagues will agree that the debate on this issue has exhibited some of the worst features of our political life. Rational discussion has been swept aside by slogans and caricatures; calm deliberation preempted by the ability of lobbyists to orchestrate a chorus of instant reactions from constituents. Is it any wonder that the Rand report and its precursors could not be heard above the din?

Nevertheless, while the debate has not always been as thoughtful or edifying as one might have hoped, it has provided a forum for the most sustained, frank, and open discussion in our history of what it means to be a gay person in America. If the debate has laid bare the extent of popular hostility, it has also facilitated a large measure of public education.

Members of Congress and the public have been challenged to confront the contradictions in their own thinking. Indeed, many have been forced to think about this issue for the first time. They have stood face to face with brave, patriotic men and women who have served their country honorably and well, answering insults and hysteria with quiet dignity and pride.

These are truly remarkable people—and yet, as Colonel Cammermeyer said in her Senate testimony, they are also ordinary human beings. More than anything else, the debate has helped to demonstrate that gay men and lesbians are just like everybody else. We belong to every family and community, every vocation and walk of life. We are doctors and lawyers and farmers and factory workers; we are Members of Congress and the clergy. We are your children, your parents, your friends and neighbors.

What is not ordinary about the lesbians and gay men in the military is their courage. They have made untold sacrifices for the right to serve their country with honor and pride. I have waged this battle together with them for many years, and I share their pain and anguish at this difficult moment.

I also salute the first President in the history of the United States who cared enough to try to make their dreams—and ours—a reality. In accepting this challenge President Clinton showed a degree of courage and leadership that is all too rare in politics. Gay people everywhere—and those who care about them—will feel anger and pain at the President's inability to fulfill his pledge. I share such feelings. Nevertheless, it is important at such times to see that our understandable feelings of anger and betrayal are not misdirected. In raising this issue to the forefront of the national agenda, the President has stood for reason and decency in a political environment that was supercharged with hysteria and the most cynical opportunism. He must not be condemned for the bigotry and intransigence of others.

We must also not lose sight of what the struggle has been all about. This is the last great unfinished chapter in the long history of civil rights in this country. We will lose some battles, as we have today, but we must never doubt our ultimate victory in the struggle for justice. We will continue to fight on—in Congress and the courts—until the final chapter has been written and all Americans are free.

Mr. SPENCE. Mr. Chairman, I yield my remaining 1 minute to the gentleman from California [Mr. CUNNINGHAM], a top gun fighter pilot, the only Vietnam ace in this country, having shot down five MiGs, and nominated for the Congressional Medal of Honor.

Mr. CUNNINGHAM. Mr. Chairman, what this whole issue should wrap around is, is homosexuality compatible with military service. We are not competing for six gold medals, or even a Super Bowl, but we are dealing with the lives of men and women in combat.

Any degradation of training that combat unit cuts back the capability of

that unit to survive. Pilots in the U.S. Navy, Air Force, and Army up to a high percentage are killed in training. We do everything we can to tie that unit together, to make sure that everybody is pulling in one direction.

It was mentioned that homosexuals are all around us. This is true, not in as great a numbers as they would like us to believe, but if they are allowed in the military, then that disruption will take place, and it will affect the combat-readiness of this military.

The military is sworn to uphold the Constitution. It was discussed by my colleague from Massachusetts. Any degradation in the ability to defend that Constitution should be eliminated.

I support both the Hunter amendment and the Nunn-Skelton amendment.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to the gentlewoman from California [Ms. HARMAN].

Ms. HARMAN. Mr. Chairman, today the House will have the opportunity to take an incremental step forward—or a big step backward. As a member of the Military Forces and Personnel Subcommittee. I commend my chairman for his effort to focus us on coming together, not pulling apart.

As I have stated on this floor, I think the gay ban is unconstitutional and violates the equal protection clause of the 14th amendment. This is why I voted to lift the ban in the Armed Services Committee. Last month, a second Federal court reached that verdict, in the case of Dahl versus Secretary of the U.S. Navy. Clearly, given this decision—and given the determination of many patriotic gay and lesbian Americans to serve their country—this debate is far from over. I think and hope that the courts will strike the ban down.

Mr. Chairman, I take my responsibilities as a member of the Armed Services Committee extremely seriously. It is not easy to look the Joint Chiefs in the face and tell them how you think they should organize their forces and enforce the military chain of command. I respect our military leaders enormously, and I think Congress should give them flexibility to manage this issue and to move on with the business of defending our country. The best way we can do that is to vote against codification, and so I will support the Meehan-Gunderson amendment, and vigorously oppose the Hunter amendment. We must hold the fragile ground we have gained.

Mr. SKELTON. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I know that we are all very anxious to put this issue behind us. We are anxious to get on with many challenges ahead for our country and for the defense of our Nation.

I believe the language in this bill allows us to achieve that purpose. I would ask my colleagues to keep in mind that this issue has been fully debated in the committee. I am asking Members to support the committee position, which is the same as the Skelton amendment, which is the Nunn-Skelton language, and that this debate end because the language is identical to the language in the other body.

Mr. Chairman, this is not a matter of civil rights. This is a matter of winning on the battlefield. Second place does not count on the battlefield. Unit cohesion is uppermost.

The Meehan amendment causes serious problems concerning unit cohesion. The Hunter amendment raises serious constitutional problems, and this will be carried on down through the courts ad infinitum, so that must be defeated.

The Skelton amendment is one that codifies the law and has a tough, workable policy that helps keep unit cohesion so that when the time comes in the face of an enemy, victory will be there because there will be strong unit cohesion among the troops.

I sincerely urge the other two amendments be defeated and that the Skelton language be adopted.

Mr. BROWN of California. Mr. Chairman, the past 6 months of debate concerning lesbians and gays in the military have made at least one thing very clear, and that is that stereotypes and myths about lesbians and gays continue to flourish. Perhaps one of the most noxious myths that persists is the idea that these individuals have chosen their sexual orientation.

Indeed, Chairman of the Joints Chiefs of Staff, Gen. Colin Powell, said that part of the reason that he felt that the racial integration of the military was not analogous with the current efforts to lift the ban on gays and lesbians is that they believed homosexuality was a chosen behavior. General Powell is an intelligent man who has rendered great service to our country, but I would question how he came to this particular conclusion.

Likewise, Col. Margarethe Cammermeyer, a woman with an impeccable and distinguished military service record who was discharged for acknowledging that she is a lesbian, was asked by Senator STROM THURMOND in hearings before the Senate Armed Services Committee whether she had sought psychiatric treatment for her lesbianism.

On a commonsense level, this question of choice of homosexuality was perhaps expressed best by columnist Molly Ivins in the Ft. Worth Star-Telegram on January 30, 1993. She said, and I quote:

> Of all the odd misperceptions current about homosexuality, perhaps the oddest is that it is a choice, that people choose to be homosexuals. That strikes me as patently silly. Did any of us who are straight choose to be straight? When? Did we wake up one morning when we were 15 and say, "Gosh, I think I'll be heterosexual," For Heaven's sake, how can anyone believe that people choose to be homosexual. I think it would be fun to be called "Queer" and "Sissy" for the rest of my life, so I think I'll be gay.

I agree with Ms. Ivins. It is utter nonsense to think that people would somehow choose to lead a life in which discrimination and degradation are heaped upon them at every turn when the alternative would also be freely available.

If the idea that people choose to be gay is insupportable from the standpoint of common sense, it is also insupportable from the empirical and scientific standpoint, and this is the aspect that interests me most as chairman of the House Committee on Science, Space, and Technology.

For over 20 years now, psychological and psychiatric research has concluded that sexual orientation is a core part of an individual's identity that develops very early in his or her personal life and is not readily subject to external manipulation.

Dr. Gregory Herek, who recently testified before the House Armed Services Committee, summed up these conclusions in an article appearing in Law and Sexuality (summer, 1992):

> The assertion that homosexuality is a choice is erroneous for the vast majority of lesbians and gay men. Although the origins of sexual orientation are not well understood, neither heterosexuality nor homosexuality appear to represent a conscious choice for most people.

John C. Gonsiorek, perhaps the foremost authority on sexuality and choice agrees. In his introductory chapter to "Homosexuality: Research Implications For Public Policy," he states:

> It might appear to outsiders that individuals going through this process have "chosen" their homosexuality. We suggest that the term "sexual preference" is misleading as it assumes conscious or deliberate choice and may trivialize the depth of psychological processes involved. We recommend the term "sexual orientation" because most research findings indicate that homosexual feelings are a basic part of an individual's psyche and are established much earlier than conscious choice would indicate.

Chandler Burr in his recent article in the Atlantic Monthly (March 1993) came to the same conclusion. He stated that:

> Psychiatry not only consistently failed to show that homosexuality was a preference, a malleable thing susceptible to reversal, it also consistently failed to show that homosexuality was a pathology.

The American Psychological Association recently set forth its position on sexuality and choice in an amicus brief filed before the Supreme Court of Texas in the case of Texas versus Morales. The APA said that:

> Sexual orientation generally is a characteristic over which individuals lack a substantial degree of control. To punish an individual for an essentially "immutable" characteristic, based on false stereotypes, when that characteristic is in no meaningful sense detrimental or harmful to society is arbitrary. * * * Sexual orientation is acquired at an early age, and thus it makes little sense to argue that the trait is voluntarily acquired. * * * Once established homosexual orientation is highly resistant to change. Researchers generally agree that the majority of gay people are unable to change their sexual orientation, even if they wished to do so.

Further, the APA's fact sheet on reparative therapy says that "No scientific evidence exists to support the effectiveness of any conversion therapies that try to change sexual orientation." Bryan Welch of the APA has stated

that "Research findings suggest that efforts to 'repair' homosexuals are nothing more than social prejudice garbed in psychological accoutrements."

Where does sexual orientation come from? The answer to this question is not clear, but more and more scientific research suggests that sexual orientation is genetic or otherwise biological in origin. The most recent and most compelling of this research was reported by Hamer et al. in the July 16, 1993 edition of the highly respected journal Science, published by the American Association for the Advancement of Science. A team of researchers at the National Institutes of Health has done a thorough study that clearly indicates that at least some examples of male homosexuality are inherited as a expression of a gene locus on the x chromosome, which in males can only be inherited via the mother. In fact, the observation that male homosexuality often—but not always—is more frequently found on the female side of inheritance was the beginning point of their study.

This builds on a developing body of research in the biology of sexuality and sexual orientation. The Science article notes, as have numerous other studies, that it is more likely that both sons of identical twins will both be gay than is the case with fraternal twins or nontwin siblings. The correspondence is highly significant from a statistical point of view. And the study follows on the heels of reports showing that homosexuals and heterosexuals have differences in certain brain structures. As well, there seems to be an association of homosexuality with lefthandedness, and handedness has been established to be largely biologically determined.

What does all this mean? It probably does not mean that all expressions of homosexuality derive from the same origin. But it certainly does indicate that sexuality is clearly more a matter of biology than of environment. And sexual orientation of any kind is certainly not a matter of choice or preference.

Thus, it is absurd for General Powell to suggest that homosexuality is a chosen behavior. And it is equally absurd for Senator THURMOND to suggest that lesbians and gays seek psychological treatment for their sexuality. It is unfortunate that neither of these prominent persons has any expertise on this subject since so many in our society are liable to look to them as leaders for guidance in the formation of opinion.

So today as we consider the additional restrictions placed on President Clinton's policy on lesbians, gays, and bisexuals in the military as found in the Senate version of the fiscal year 1994 Defense authorization bill, I hope that we will have the good sense and moral fiber to reject those restrictions and any House amendments that are in the same vein. These efforts to keep gays, lesbians, and bisexuals out of the Armed Forces are, in my opinion, derived from prejudice. They are certainly not based on science or for that matter on reason. The scientific evidence is that sexual orientation is not a matter of choice and that homosexuality is not pathological. Homosexuality like heterosexuality is simply an expression of the great complexity of human biology.

To me, to exclude persons from service in the Armed Forces on the basis of sexual orientation makes as much sense as excluding persons on the basis of eye color or handedness. Service in the Armed Forces of the United States should be based on high standards of ability and conduct. I repeat: ability and conduct. And the standards and requirements that apply to any should apply to all, regardless of their sexual orientation.

Ms. LONG. Mr. Chairman, I rise to express my support for the President's policy regarding the service of homosexuals in our Nation's Armed Forces.

The legislation we are considering today will codify the President's policy toward homosexuals' service in the military. This compromise policy establishes criteria from which the Defense Department is to pattern its recruiting and investigating processes in the future as it relates to prospective or current military service members. This compromise, negotiated with Defense Secretary Les Aspin, Joint Chiefs of Staff Chairman Colin Powell, and chairmen of the Senate and House Armed Services Committees, will ensure an effective military in the future while respecting service members' basic freedoms.

Serving in our Nation's Armed Forces is a unique calling—one that comes with a great deal of responsibility. In carrying out one's duties in the military, a service member must exhibit a commitment to discipline, order, and proper conduct. In everyday civilian life, individuals may decide whether incorporating these principles on the job will ensure success. In the military, however, it is incumbent upon service personnel to strictly adhere to these principles due to the sensitive nature of the objectives that the military seeks to achieve; it requires the most effective military force.

Mr. Chairman, the President's policy that we are considering here today as part of the Defense Authorization Act recognizes these unique characteristics which are inherent in military service. It also reaffirms the importance of maintaining a strict code of conduct as outlined in the United States Code of Military Justice [USCMJ]. However, this policy will require military commanders to distinguish, in the future, between an individual service member's conduct and his or her orientation. Furthermore, disciplinary action will be regarded to be appropriate when a service member's conduct is in question as it relates to the USCMJ, rather than a service member's orientation.

I believe the President's policy, as drafted in consultation with Secretary Aspin and Chairman Powell, has made a fair assessment of this important, yet controversial, issue. It provides an acceptable compromise which recognizes the rights of all service members.

Mr. Chairman, the successful implementation of this policy clearly rests upon the proper supervision, active participation, and forthright leadership by our military leaders. The confidence that I have in the abilities of our military leaders, therefore, gives me confidence that this policy will be properly administered, preventing any perceived undermining of unit cohesiveness.

The CHAIRMAN pro tempore. All time for general debate has expired.

It is now in order to consider amendment No. 1 printed in part I of House Report 103–252 relating to the subject matter of section 575.

If more than one of the amendments is adopted, only the last to be adopted shall be considered as finally adopted.

AMENDMENT OFFERED BY MR. MEEHAN

Mr. MEEHAN. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. [Mr. DURBIN]. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MEEHAN:

Stike out section 575 (page 198, line 7, through page 206, line 11) and insert in lieu thereof the following:

SEC. 575. SENSE OF CONGRESS CONCERNING HOMOSEXUALITY IN THE ARMED FORCES

It is the sense of Congress that the policy of the Government concerning the service of homosexuals in the Armed Forces is a matter that should be determined by the President, as chief executive officer of the Government and commander-in-chief of the Armed Forces, based upon advice provided to the President by the Secretary of Defense and the military advisers to the President and Secretary.

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from Massachusetts [Mr. MEEHAN] will be recognized for 5 minutes, and the gentleman from South Carolina [Mr. SPENCE] will be recognized in opposition for 5 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. MEEHAN].

Mr. MEEHAN. Mr. Chairman, I yield 1 minute to my friend, the gentleman from Connecticut [Mr. SHAYS].

Mr. SHAYS. Mr. Chairman, I thank the gentleman for yielding me the time.

Barry Goldwater is right. It is not the Government's business what one's sexual preference is. What matters is their conduct.

If Americans want to serve their country and give their lives to their country, they should be allowed to do so.

I urge my colleagues to allow the President and Chiefs and Staff to decide this issue and not codify it into law.

Mr. MEEHAN. Mr. Chairman, I yield 45 seconds to my friend, the gentlewoman from New York [Mrs. MALONEY].

Mrs. MALONEY. Mr. Chairman, I rise in strong support of the Meehan amendment.

This amendment represents our best hope to do the right thing—end discrimination against lesbians and gays in the military.

Already, thousands of gay men and lesbian women are buried beneath gravestones adorned with American flags.

They fought and died for freedom—the dearest of American principles—even while their freedom was being suppressed in the very ranks in which they served.

That is true heroism. That is true love of country.

But as Randy Shilts documented in his book "Conduct Unbecoming," purges of gay men and lesbian women have taken place only in peacetime, never during war.

If they are willing to give their lives in war, they should also enjoy the benefits of military service during peace.

Our armed forces fight for American ideals.

Discrimination is most certainly not an American ideal.

End discrimination. Support the Meehan amendment.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from Utah [Mr. HANSEN].

Mr. HANSEN. Mr. Chairman, I rise in strong opposition to the amendment offered by the gentleman from Massachusetts and in support of the committee position.

The House Armed Services Committee held extensive hearings earlier this year on this issue and arrived at what I consider to be a sound policy compromise to a difficult issue.

It is not perfect. It did not make everyone happy. But that is the definition of a compromise.

What the committee approach does is ensure that we not throw overboard the sound principle that military readiness and unit cohesion must be the principle criteria in determining what type of behavior is allowed within the military.

The Meehan amendment, on the other hand, says it is not the business of Congress to determine such policy matters. That such matters are best left to the President and the executive branch.

Rather than tell you what I think, let me read a brief passage from the U.S. Constitution that should settle any question on who has the responsibility to determine such matters.

Article 1, section 8 of the Constitution reads:

> The Congress shall have the power * * * to raise and support Armies * * * provide and maintain a Navy * * *. Make rules for the government and regulation of the land and naval forces.

It should be obvious then, that the Meehan amendment is not only bad policy, but it also would put Congress in the position of relinquishing its role under the Constitution to make rules for the regulation of military forces.

Regardless of where we may individually stand on the question of homosexuals in the military, Congress has a right and an obligation to speak on this issue of critical importance to the future and readiness of our armed forces.

Vote "no" on the Meehan amendment and vote "yes" on the Skelton amendment.

□ 1430

Mr. MEEHAN. Mr. Chairman, I yield 1½ minutes to my friend, the gentleman from California [Mr. EDWARDS].

Mr. EDWARDS of California. Mr. Chairman, I rise in enthusiastic support of the Meehan amendment. Mr. Chairman, I would have hoped that by this time in our history, discrimination would only be a bad dream of the past and that we would judge people in this country by their conduct and not by their personal and private inclinations.

Fifty years ago when I joined the Navy and sailed for 5 years, black Americans were discriminated against and they could not hold very good jobs at all in the Navy. And yet when President Truman came along, by a strike of the pen he eliminated discrimination in the Navy and in the Armed Forces and made major improvements.

When I was sworn in here in January 1963, black Americans were discriminated against in 11 States so that they had no personal liberties whatsoever. We passed the civil rights laws, and our country has been far, far better off.

The subcommittee that I chair has jurisdiction over the FBI. In the last 20 years we have worked to eliminate discrimination against African-Americans and Hispanic-Americans and women. We are doing that. The FBI is a far, far better place than it has ever been before.

One of these days it will stop discriminating against people of a different sexual preference, too, like all of the major police departments of this country who must have the magic word, "readiness." They have readiness, and they do not discriminate.

We have done so much for civil rights in this country in this century; let us not end the century by a step backwards.

The view that homoesexuals cannot, or should not, serve in the military refects an intolerance that has no place in American society. Gay men and lesbians deserve our respect and thanks for serving their country with honor and patriotism.

The measure of a soldier's worth is his or her conduct and skill, not his or her sexual orientation. The President, recognizing this, took an important step forward earlier this year by proscribing the military witch hunts that cost taxpayers millions of dollars and so many valuable servicemembers their careers. But "Don't Ask, Don't Tell, Don't Pursue" is only a beginning—much more remains to be done before lesbians and gay men are treated justly.

Much the same as our military, we expect our police officers to be of the highest caliber. In 1991, more than 130 men and women in blue lost their lives in the line of duty, almost as many fatalities as Americans suffered in the Persian Gulf war. Yet most every major metropolitan police force and fire department explicitly permit homosexuals to serve and protect and none prohibit them.

Now is the most opportune time in our history to secure the right of every American to serve in defense of the Nation. I am confident that the prejudices that keep homosexuals from serving openly can be overcome. This will require flexibility on the part of Congress and responsiveness from the administration. Rather than freeze an anachronistic policy in legislative stone, it is imperative that we preserve the President's authority to act. Support the Meehan amendment.

Mr. SPENCE. Mr. Chairman, I yield 1½ minutes to the gentleman from Missouri [Mr. SKELTON], who is chairman of the Subcommittee on Personnel and Military Forces of the Committee on Armed Services.

Mr. SKELTON. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Massachusetts.

In my view, the most likely result of the gentleman's amendment is that the debate does not end. In the immediate future, the issue would become a conference issue as our language would no longer be identical to that in the other body's bill. Over the long run, if the Congress were to remove the codification language from the bill, our perceived lack of resolve would encourage both sides of the argument to continue the struggle, to continue to attempt to shape the policy in their favor. Ultimately, the uncertainty and controversy would cause combat readiness in the armed services to suffer. I would ask my colleagues to avoid such a result by preserving the language in the bill, the language supported by the President, the Joint Chiefs of Staff, and the men and women in uniform.

I would suggest that my colleagues also not overlook two very practical advantages of codifying the policy on homosexuals. First, codification of the policy ensures that this very divisive issue is always managed by the elected representatives of the people, the Congress. It appears to me we are long past the time when the Congress would agree to allow this emotional issue to be resolved by the executive branch alone. It is also clear to me that enacting the policy in law is essential because the American people want their elected officials in the Congress to play a role in the resolution of such controversial issues.

Second, codification will limit the latitude of lower courts to render decisions that are inconsistent with the President's policy. Such a limitation will stabilize the policy and reduce controversial decisions. Why is that important? Because the combat readiness of our military forces is at risk when the people who serve are confused and uncertain about important policies.

Mr. Chairman, I ask my colleagues to vote for stability. To vote for an end to the divisive debate. To vote for a policy that will work. Vote "no" on Mr. MEEHAN's amendment.

Mr. MEEHAN. Mr. Chairman, I yield 1 minute to my friend, the gentleman from Georgia [Mr. LEWIS].

Mr. LEWIS of Georgia. Mr. Chairman, I rise today in support of the Meehan-Fazio amendment. The words we hear today sound like the words we heard in 1963. We heard the same words in 1964. We heard the same words in 1965. Back then, we debated over the rights, whether black Americans would have the right to sit at a lunch counter with white Americans; whether they would have the right to vote and participate fully in our political process.

Mr. Chairman, this Member of Congress fought too hard to guarantee the rights of all Americans, to stand here today and see us vote to deny the rights of other Americans.

We should be more concerned about what is going on in the Constitution, what our Constitution is all about, rather than what is going on in private in people's bedrooms.

Gays and lesbian Americans are citizens like all other Americans and deserve the same rights as all other Americans. That includes the right to serve their country.

I say, Mr. Chairman and to my colleagues, pass the Meehan-Fazio amendment.

Mr. SPENCE. Mr. Chairman, I yield 30 seconds to the gentleman from California [Mr. DORNAN].

Mr. DORNAN. I thank the gentleman for yielding this time to me.

Mr. Chairman, every military unit is a walking blood bank.

The other day I came across one of my dog tags, which has a B positive on it. If someone screens for B positive, if a person with B positive is injured in a missile attack, a bombing attack, or is on the battlefield, we have to make sure that they can get the blood they need and that it won't kill them. We simply cannot risk polluting the blood supply by allowing practicing homosexuals in the military.

Now, 120,000 male homosexuals have died since I returned to this Chamber in 1984, 120,000! We are pressing 200,000 overall.

That death toll has not encroached on the military, because "Cap" Weinberger and Ronald Reagan cleaned up the blood supply, requiring that everyone take an HIV test and asking the question of military recruits.

Mr. MEEHAN. Mr. Chairman, I yield 45 seconds to my friend, the gentleman from California [Mr. FAZIO].

Mr. FAZIO. I thank the gentleman for yielding this time to me.

Mr. Chairman, what the New York Times calls the military's favorite think tank, the Rand Corp., has done a definitive study that shows that heterosexuals and homosexuals can successfully serve together in the military. They have done so in foreign military services they have done so in the police and fire departments, of cities and counties all across our country.

By simply allowing the executive branch to do what President Truman did in desegregating the armed services, I think we move the cause forward, the cause that says that people ought to be able to serve their country regardless of their sexual orientation, that people ought not to have to deny the very essence of who they are, in order to serve their country.

I think this amendment offered by the gentleman from Massachusetts [Mr. MEEHAN] is the best approach we could take to demonstrate that we are a tolerant nation, to say that we will accommodate change as it occurs in the hearts of the American people. Let's not codify this language today but allow flexibility on this issue overtime.

Mr. MEEHAN. Mr. Chairman, I yield the balance of my time to the distinguished gentleman from Rhode Island [Mr. REED], a graduate of West Point.

Mr. REED. I thank the gentleman for yielding this time to me.

Mr. Chairman, I spent 12 years in the Army and had the opportunity to command troops. The question here is conduct. I believe that the President of the United States, as Commander in Chief, and his service chiefs can handle this issue without a legislative formula. The ultimate question about anyone in the military forces is not who they love, it is whether or not they love their country enough to serve it proudly and nobly.

I believe Americans of any sexual orientation can respond to that question and that love of country.

Mr. SPENCE. Mr. Chairman, I yield the balance of our time to the gentleman from Texas [Mr. BARTON].

Mr. BARTON of Texas. Mr. Chairman, I rise in respectful opposition to the Meehan-Gunderson amendment.

With all due respect, this is not a question of civil rights. The military is an institution tasked with defending this Nation against all enemies, foreign and domestic.

It is a discretionary privilege to serve in the Armed Forces of the United States. Court after court has upheld that it is a discretionary privilege to serve in the military. It is not a civil right.

The military Joint Chiefs oppose relaxation of homosexuals serving in the military. The American people oppose it. Every opinion poll that has been taken of people currently serving in the military and those who have retired have opposed repealing the ban.

The Chairman of the Joint Chiefs of Staff, Gen. Colin Powell, an African-American, has said that is not a question of civil rights.

What we should try to do is vote on what is the best policy for the military readiness of the United States of America. The way to do that is to vote no on the Meehan-Gunderson amendment and vote yes on the Hunter amendment.

Mrs. SCHROEDER. Mr. Chairman, I rise in strong support of the Meehan amendment and in strong opposition to the Hunter and Skelton amendments.

In the year and a half since I first introduced the Military Freedom Act to end discrimination on the basis of sexual orientation in the military, the entire Nation has vigorously debated the role of gay men and lesbians in the military. This fact, in and of itself, is a victory for those of us who, for years, have struggled to get the Department of Defense and Congress to recognize, let alone change, a 50-year-old policy that criminalizes the service of patriotic gay and lesbian servicemembers.

I strongly reject the policy concerning homosexuality in the Armed Forces that has been included in the 1994 Department of Defense Authorization Act and encourage my colleagues to vote for the Meehan amendment to remove it. The Nunn-Skelton language in the defense bill disregards much of the testimony from the full House Armed Services Committee hearings, the original intent of the President to judge individuals based on their conduct rather than on their status, and codifies a policy that is unconstitutional.

As a senior member of the Judiciary Committee Civil and Constitutional Rights Subcommittee, I am most greatly concerned with constitutional questions raised by the Nunn-Skelton language in this year's defense bill. The courts are already moving swiftly to challenge the ban, either in its original form, as Secretary of Defense Aspin recrafted it, or as it is codified by Congress.

On September 22, U.S. District Judge Terry J. Hatter, Jr., ordered the Secretary of Defense and senior military officials to appear in court to explain their continuing disparate treatment of Moffett Naval Air Station petty officer Keith Meinhold. Mr. Meinhold, who acknowledged his homosexuality on television the same day I introduced the Military Freedom Act, was reinstated by the U.S. District Court for the Central District of California in January. As the Department of Defense will find itself extensively grilled about the basic constitutionality of the ban, I offer the following comments on the legislative findings of section 1177 of the defense bill:

Though article 8 of the Constitution clearly confers broad powers to Congress, Congress has traditionally delegated to the President, contrary to findings 1 and 3, broad discretion in enacting rules for the Armed Forces. In codifying the principles of the Secretary of Defense's July 19 directive, Congress is removing the Commander in Chief's flexibility in regulating and maintaining the Armed Forces.

If Congress is willing to codify the Secretary's directive on homosexual conduct, it should also codify other personnel directives, particularly those that pertain to heterosexual sexual misconduct. In codifying the July 19 directive, the Congress sends a signal that it considers the fear of homosexual sexual harassment more important than the reality of heterosexual sexual harassment, an issue vividly exemplified by the Tailhook incident, that we have scrutinized in far more detail and which, in my opinion, is a far greater problem for the military.

The second finding that there is no constitutional right to serve in the Armed Forces may or may not be valid. However, whether or not there is a constitutional right to serve is irrelevant to the question of whether a ban on service in the military by homosexuals is constitutional. Furthermore, as gay men and lesbians, both acknowledged and unacknowledged, have served their country with distinction for years, the burden of proof should rest on those opposed to their service to explain why they cannot serve.

Granted, the military discriminates against the nearsighted, the flatfooted, and those who are incapable of the physical and mental demands of military service. However, the continuing presence, with or without a ban, of gay men and lesbians who offer to die for their country while their country reviles them is not only the supreme act of courage but also evidence that they are indeed capable of such service. If we allow the military to discriminate against classes of individuals because there is no constitutional right to serve, there must be just cause. There is none for gay Americans, other than tired old stereotypes.

Findings 4 through 12 are true but imply that military service is so unique that homosexuals will be destructive to unit cohesion. Dr. David H. Marlowe, Department of Military Psychiatry at Walter Reed Army Institute of Research, testified at the full committee hearings that the impact of a homosexual on cohesion depends on whether or not the individual brought overly homosexual behaviors into the group. In other words, the impact of a gay individual on cohesion depended on both the gay individual's conduct—not her status—and the tolerance of those in the unit. A conduct-based policy that proscribes public affirmations of either heterosexual or homosexual orientation, as well as leadership that demands cooperation and tolerance, would be all that is necessary to preserve findings 4 through 12.

Finding 13 is particularly misleading. Though a ban on military service by homosexuals is longstanding practice, the rationale for the exclusion has changed over the years. In fact, the ban has been arbitrarily enforced. The finding implies that the prohibition against homosexual conduct has a longstanding record of reason, which has remained unchanged through the decades and continues to be necessary today because of the unique needs of the military. There is no empirical evidence to support this claim.

For instance, advocates of the ban claim that gay men are at higher risk for HIV infection. This was not true during the first 40 years of the ban's existence, when the human immunodeficiency virus did not exist, and, more important, we have never denied individuals enlistment because they might develop a medical condition. Should smokers be excluded? How about drinkers or those ethnic groups more susceptible to hereditary diseases?

Finding 15 disregards the findings of two reports undertaken by the Department of Defense itself, "Non-Conforming Sexual Orientations and Military Suitability" and "Homosexuality and Personnel Security," two GAO reports, "Defense Force Management: DOD's Policy on Homosexuality" and GAO's June 25, 1993 report on gays in foreign militaries. The recent GAO report concluded, after studying 25 countries and 4 of our allies in detail, "the military leadership's support of the new policy—of nondiscrimination against gays and lesbians—and the military's ability to keep a low profile on this issue" made the successful integration of gays and lesbians possible. Unfortunately, such was not the case in the United States, as senior military leaders opposed the President's intentions within 1 week after his election.

Finding 15 also disregards the conclusions of the $1.3 million Rand report, which, as I suspected when I first called for its release on June 23, advocates a complete rescission of the ban. Rand's recommendations were all but ignored by the Secretary of Defense's working group and the Joint Chiefs of Staff, but its conclusions are inescapable:

> In light of this research, the [RAND] team examined a range of potential policy options. Most of the options were judged to be either inconsistent with the President's directive, internally contradictory, or both. Only one policy option was found to be consistent with the findings of this research, with the criteria of the Presidential memorandum, and to be logically and internally consistent. That policy would consider sexual orientation, by itself, as not germane to determining who may serve in the military. The policy would establish clear standards of conduct for all military personnel, to be equally and strictly enforced, in order to maintain the military discipline necessary for effective operations. The option requires no major changes in other military personnel policies and no change in current law. The "not germane" option could be implemented without any changes to the administrative guidelines for prosecutions under the Uniform Code of Military Justice (UCMJ). However, several considerations lead to the conclusion that the policy would be more legally defensible and less costly and cumbersome to implement if the guidelines were revised to exclude private sexual behavior between consenting adults.
>
> Understanding Unit Cohesion: The principal conclusion from an extensive review of this literature is a commonsense observation: It is not necessary to like people in order to work with them, so long as members share a commitment to the group's objectives.

The Rand report also goes on to challenge the arguments of the ban's proponents, ranging from fear of increased HIV transmission to antihomosexual violence. I encourage my colleagues to read these sections, in particular. With respect to antihomosexual violence, Rand concluded:

> The experience of foreign militaries and police and fire departments suggests that if leaders make it quite clear that violence will not be tolerated and stern action will be taken, violence can be kept to a minimum.

Section 1177(b) of the bill all but mirrors the preexisting Department of Defense Directive 1332.14 of January 28, 1982. The policy, including the entry standards, required briefings, and rule of construction are, in my opinion, unconstitutional, and the courts should move swiftly to overturn them, as Members of Congress and the President, at the present time, do not have the courage to do it themselves.

The policy violates the Constitution's promise of equal protection guaranteed in the fifth and fourteenth amendments because it treats lesbians and gay men differently from their heterosexual colleagues. It violates first amendment guarantees of free speech for gay individuals, who wish to disclose even to their closest friends something elemental to their being. It also violates first amendment guarantees of freedom of religion because a gay individual who attends a metropolitan community church service, the largest gay organization in the United States, could meet the credible information standard necessary for investigation.

The Joint Chiefs assured the committee that this would not occur unless there was "a pattern of such behavior." Unfortunately, as the Subcommittee on Military Forces and Personnel Members insisted on reducing gay men and lesbians to hyperpoliticized sexual predators who only attend parades and bars, there was little incentive for uniformed leaders to explain what, in reality, constitutes such a pattern or how such a standard would respect the privacy and integrity of the individual.

I am also displeased that, in our rush to codify a policy concerning homosexuality in the Armed Forces, we have made no provisions to require that the Uniform Code of Military Justice be uniformly and equally enforced against heterosexuals and homosexuals, that witch hunts and Department of Defense money used to carry them out be suspended, and that the suspension of the question concerning sexual orientation during accession be codified.

Therefore, I urge my colleagues to support the Meehan amendment to strike the Nunn-Skelton language in the Defense bill because it will give the President, the Secretary of Defense, and the Joint Chiefs of Staff the flexibility to issue regulations that reflect the fundamental elements of the President's announced policy. In our rush to micromanage military personnel policy with respect to gays and lesbians, the Aspin directive is infinitely better than what the House and Senate Armed Services Committees have crafted and certainly better than the amendment offered by Mr. HUNTER to essentially codify the original ban.

The great irony of the Nunn-Skelton language in the Defense bill is that it ignores the valor of thousands of gay men and lesbians who served and fought in Operation Desert Storm. Some Reserve units even directed that all actions against gays and lesbians be suspended while Desert Storm was underway. What kind of policy is it that allowed and will, in reality, continue to allow gays and lesbians in the military during war as long as they are cashiered in times of peace? Such an arbitrary policy mocks the integrity of our outstanding military forces, the service of gay Americans, and the Constitution they are sworn to defend.

Mr. MINETA. Mr. Chairman, during the debate over ending discrimination against gays and lesbians in the U.S. military, some have questioned whether discrimination against gays and lesbians in the military is a civil rights issue. To me, there is no question that it is.

The civil rights movement, at its heart, is about the right of all Americans to be judged on their individual merits—not on the basis of whatever stereotype is currently attached to the population group to which they belong.

Make no mistake about it. That is what we are debating today, and to those of us who

have been the targets of discrimination this debate is very familiar.

During the Second World War, when the United States Government decided that all Japanese-Americans were a categorical threat to the security of the United States, my family and I, along with 120,000 other Americans of Japanese ancestry, were forced from our homes and into internment camps. The fact that I was an American citizen made no difference.

Our loyalty to this country made no difference, our contributions to our communities made no difference, our rights under the Constitution made no difference—simply because by accident of birth we were of Japanese ancestry.

More than 50 years after that decision, this House is considering a bill that would send a similar message to gay and lesbian Americans. That message says this:

We do not care how qualified you are. We do not care how dedicated you are. We don't care how loyal you are to this Nation. Those things don't matter—because we do not want your kind here.

Mr. Chairman, as an American of Japanese ancestry, that policy sound hauntingly familiar to me. I know it will sound familiar to many of my colleagues who have themselves faced this kind of injustice.

I also know that such a policy should have no place in the laws of this Nation. I urge my colleagues to join me in voting to remove it by supporting the Meehan amendment.

Mr. FOGLIETTA. Mr. Chairman, I rise in favor of the Meehan-Fazio amendment and in opposition to the Hunter amendment.

I served for 12 years on the House Armed Services Committee. Stereotypes about the men and women in the military were destroyed—they are strong, smart, and loyal people. As they have in the past, they will accept the law as we state it—and I believe they want to put this issue behind them.

The issue is not whether gays and lesbians serve in the military. They have. They do. They will. They have done so honorably and with distinction. Many have served as heroes.

The issue is that the existing policy—and the policy of the Skelton and Hunter amendments—demands that these men and women hide their identities. It is basic public policy to use the truth as a tool in making law. The do-tell, do-pursue policy turns that policy on its head. It makes lying and deceit the law.

That is not the way we do things in America. Let us break down more barriers; let us stop discrimination; I urge my colleagues to vote in favor of the Meehan-Fazio amendment.

The CHAIRMAN pro tempore [Mr. DURBIN]. Under the rule, all time for debate on this amendment has expired.

The question is on the amendment offered by the gentleman from Massachusetts [Mr. MEEHAN].

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

RECORDED VOTE

Mr. MEEHAN. Mr. Chairman, I demand a recorded vote. A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 169, noes 264, not voting 5, as follows:

[Roll No. 460]

AYES—169

Abercrombie
Ackerman
Andrews (ME)
Applegate
Bacchus (FL)
Barca
Barrett (WI)
Becerra
Beilenson
Berman
Blackwell
Boehlert
Bonior
Brown (CA)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Clay
Clayton
Clyburn
Collins (IL)
Collins (MI)
Condit
Coppersmith
Coyne
de Lugo (VI)
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dixon
Dooley
Durbin
Edwards (CA)
Engel
English (AZ)
Eshoo
Evans
Faleomavaega (AS)
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Furse
Gejdenson
Gephardt
Gibbons
Gilman
Gonzalez
Grandy
Green
Gunderson
Gutierrez
Hamburg
Harman
Hastings
Hilliard
Hinchey
Hoagland
Hochbrueckner
Horn
Hoyer
Huffington
Inslee
Jefferson
Johnson (CT)
Johnson, E. B.
Johnston
Kennedy
Kennelly
Kildee
Kleczka
Kopetski
Kreidler
Lantos
LaRocco
Leach
Levin
Lewis (GA)
Lowey
Maloney
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
McCloskey
McDermott
McKinney
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Moran
Morella
Nadler
Neal (MA)
Norton (DC)
Oberstar
Obey
Olver
Pallone
Pastor
Payne (NJ)
Pelosi
Penny
Pickle
Rangel
Reed
Reynolds
Richardson
Rostenkowski
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shays
Shepherd
Skaggs
Slaughter
Smith (IA)
Stark
Stokes
Strickland
Studds
Swett
Swift
Synar
Thompson
Torkildsen
Torres
Torricelli
Towns
Tucker
Unsoeld
Velazquez
Vento
Visclosky
Washington
Waters
Watt
Waxman
Wheat
Woolsey
Wyden
Wynn
Yates

NOES—264

Allard
Andrews (NJ)
Andrews (TX)
Archer
Armey
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barlow
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehner
Bonilla
Borski
Boucher
Brewster
Brooks
Browder
Brown (FL)
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chapman
Clement
Clinger
Coble
Coleman
Collins (GA)
Combest
Cooper
Costello
Cox
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeLay
Derrick
Diaz-Balart
Dickey
Dingell
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards (TX)
Emerson
English (OK)
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Frost
Gallegly
Gallo
Gekas
Geren
Gilchrest
Gillmor
Gingrich
Glickman
Goodlatte
Goodling
Gordon
Goss
Grams
Greenwood
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hayes
Hefley
Hefner
Herger
Hobson
Hoekstra
Hoke
Holden
Houghton
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Jacobs
Johnson (GA)
Johnson (SD)
Johnson, Sam
Kanjorski
Kaptur
Kasich
Kim
King
Kingston
Klein
Klink
Klug
Knollenberg
Kolbe
Kyl
LaFalce
Lambert
Lancaster
Laughlin
Lazio
Lehman
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Machtley
Mann
Manzullo
Mazzoli
McCandless
McCollum
McCrery
McCurdy
McHale
McHugh
McInnis
McKeon
McMillan
McNulty
Meyers
Mica
Michel
Miller (FL)
Molinari
Mollohan
Montgomery
Moorhead
Murphy
Murtha
Myers
Natcher
Neal (NC)
Nussle
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Ravenel
Regula
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Romero-Barcelo (PR)
Ros-Lehtinen
Roth
Roukema
Rowland
Royce
Sangmeister
Santorum
Sarpalius
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shuster
Sisisky
Skeen
Skelton
Slattery
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stearns
Stenholm
Stump
Stupak
Sundquist
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thornton
Thurman
Traficant
Upton
Valentine
Volkmer
Vucanovich
Walker
Walsh
Weldon
Whitten
Williams
Wilson
Wise
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—5

Conyers
McDade
Owens
Rose
Underwood (GU)

□ 1501

Mr. DICKS changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 2 printed in part 1 of House Report 103–252.

AMENDMENT OFFERED BY MR. HUNTER

Mr. HUNTER. Mr. Chairman, I offer an amendment.

The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. HUNTER:

In section 575, at the end of subsection (c) of section 654 of title 10, United States Code, as proposed to be added by subsection (a) of that section (page 203, after line 15), insert the following new paragraph:

"(3) As part of the process for enlistment or appointment of a person as a member of the armed forces, the Secretary concerned shall, before the enlistment or appointment, ask the person (1) whether the person is a homosexual or bisexual, and (2) whether the

person engages in homosexual acts or intends to engage in, or has a propensity to engage in, homosexual acts."

In section 575(d), strike out "sense of Congress that—" (page 205, beginning on line 18) and all that follows through "(2) the Secretary" (page 206, line 5) and insert in lieu thereof "sense of Congress that the Secretary".

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from California [Mr. HUNTER] will be recognized for 5 minutes, and the gentleman from Missouri [Mr. SKELTON] will be recognized for 5 minutes in opposition.

The Chair recognizes the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. HALL].

Mr. HALL of Ohio. Mr. Chairman, I have agonized over this vote now for some time, and I have searched my conscience and gone back and forth, and have tried to decide what is the right way to deal with this issue and how to vote on the issue of gays and lesbians in the military.

I wish we did not have to vote on an issue like this. But the fact is, that is what we are elected to do. Some people in this country can duck this issue, but we cannot.

Mr. Chairman, what I want to say is I care about homosexuals as a people, and I detest the hate and the meanness and the polarization that surrounds them and the issue and issues like this that are related to them. But I cannot support their lifestyle and their agenda, and I think that is what you and I are being asked to do today.

Mr. Chairman, I believe that lifestyle is not compatible with the military life, and for that reason I support the Hunter amendment.

Mr. Chairman, I do not want to compromise. I do not want to accommodate an agenda that I disagree with. I say that if we cave in on this one, if we compromise on this issue, I wonder what is next.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to the gentleman from Oklahoma [Mr. MCCURDY].

Mr. MCCURDY. Mr. Chairman, I rise in opposition to the Hunter amendment. This has not been an easy decision for any of us who sit on the Committee on Armed Services and have, through personal reflections and discussions with a wide range of people and their views, including our pastors and others, about the issue of gays in the military. But I believe the Nunn-Skelton amendment is the proper approach. It is a very carefully crafted amendment that will stand legal scrutiny. It does eliminate the screening question of sexual orientation, and, therefore, discrimination. But it is one that puts conduct, not preference, as the standard by which we judge. There is bipartisan support for this amendment.

The Hunter amendment undermines the bipartisan consensus that we have achieved, and, in my opinion, will invite a successful legal challenge.

Mr. Chairman, if you want to end this ugly and divisive debate, I would urge my colleagues to support the Skelton-Nunn amendment.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to the gentlewoman from Oregon [Ms. FURSE].

Ms. FURSE. Mr. Chairman, I rise today in opposition to the Hunter amendment. We should never, never support discrimination.

I want to read from a letter from a constituent of mine who is a senior ranking officer in the Air Force, the U.S. Air Force:

> Gay people are in our families, our churches, our schools, and our neighborhoods. They have the right and they have the duty to defend their country alongside their brothers and sisters. You know someone who is gay, you love them, or respect them, or both. Do this for them and the military and because Americans should stand up against discrimination against any group.

I keep hearing that homosexuality is incompatible with military service. Well, my constituent is an officer who has served with distinction. She has been promoted by her superiors. She is a credit to the uniform. And she is a lesbian.

What if my constituent had been required to announce her sexual orientation, as with the Hunter amendment? This country would have lost a soldier of great value.

I am proud of her. I am proud of all the members of our armed services. We know that gays and lesbians are serving in these forces, and we know that we have the most capable armed service in the world. Let us keep it that way. Today we have an opportunity to vote "yes" for justice by voting "no" on Hunter.

□ 1510

Mr. HUNTER. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. DORNAN].

Mr. DORNAN. Mr. Chairman, let me state very clearly and very succinctly why it is the ethical thing to do to ask military recruits if they are homosexual and why I support the Hunter amendment.

There are a lot of confused young people in this country. I read on the front page of the Washington Post that high school kids in the Commonwealth of Virginia are opting for bisexuality because it is "trendy." It is cute; it is in vogue.

In my nacent city, the Big Apple, there is a high school for only children who have expressed that they are lesbians or male homosexuals.

This is an age of confusion. If our armed services' language says that homosexuality in incompatible and the gentleman from Missouri [Mr. SKELTON], his well-thought-out views based on hours and hours of hearings, says the exact same thing, we owe it to these young people to tell them, "We don't want you in the military."

And some of them will say, "I didn't know that. I thought the President said it was cool. Thank you. I will go elsewhere."

But if we shave their heads, put them in baggy fatigues and, 6 weeks after they are in, tell them, "We don't want you," then they have to ask for an administrative discharge which happens all the time. And our taxpayers pay the money to kick them out after the fact.

Ask. It is the moral thing to do.

Mr. HUNTER. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. BARTON].

Mr. BARTON of Texas. Mr. Chairman, this is not a vote about civil rights. The Chairman of the Joint Chiefs of Staff, who is an African-American, has disavowed that issue. It is not a vote about whether homosexuals can, or could serve ably in the military. I would stipulate that they have in the past, and they could in the future.

This is a vote about what is best for the military. Military necessity says that we should not allow homosexuals to openly serve in the military. Every military leader has said that, most on the record, all off the record. Poll after poll that has been taken of the military indicates that.

I do not think that we can compromise, as the gentleman from Missouri [Mr. SKELTON] is attempting to do, on issues of principle and morality.

Homosexuality is an abomination. We should vote to codify the ban against homosexuals serving in the military. We should vote for the Hunter amendment.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. EDWARDS].

Mr. EDWARDS of Texas. Mr. Chairman, sometimes common sense needs to win out over political posturing. Now is one of those times. This is why I urge my colleagues to vote no on the Hunter amendment.

This amendment is unnecessary for a simple reason. It would be totally ineffective. If one is a homosexual and wants to serve in the military, they are filling out the application, would they say they were a homosexual? Absolutely not.

The Hunter amendment would not only be ineffective, it would be counterproductive.

The Joint Chiefs of Staff, under the leadership of Colin Powell, has said as much.

Members, if we want to spend more tax dollars on lawsuits defending this policy and this law, vote "yes" on the Hunter amendment. If we want to spend our tax dollars providing for military manpower and training to save lives, I urge my colleagues to vote "no" on the Hunter amendment.

Mr. HUNTER. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN pro tempore (Mr. DURBIN). The gentleman from California [Mr. HUNTER] is recognized for 2 minutes.

Mr. HUNTER. Mr. Chairman, this amendment asks the question. It is directly against President Clinton's new policy, "Don't ask, don't tell."

It does no injury to the Nunn-Skelton language. It is exactly the Nunn-Skelton language with the question asked.

Let me just rebut the last speaker. This thing was put into effect by President Reagan because it was necessary and because it did work, because we had homosexual activities with nonconsenting young people in the military going up at a rapid rate.

If Members look at this chart, they can see that. The tip of that peak is 1981, when the policy was put in place by President Reagan. And homosexual events, many of them against young people in the military, went straight down hill.

Very simply, my colleagues, this policy was put in place because it worked. If we want to accommodate President Clinton, then vote no on the Hunter amendment. If we want to protect the children of the families who sit around the breakfast table and send their kids to serve in the Armed Forces of the United States, vote yes.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Georgia [Mr. GINGRICH].

Mr. GINGRICH. Let me say that I rise in very strong opposition to my good friend from California.

Senator NUNN, from my State, spent a long time looking at this issue. The Committees on Armed Services in both Houses spent a long time looking at this issue.

It is a painful, difficult, and an emotional issue that goes to the heart of human lives.

A very tough, very specific policy was adopted. It is in the base of this committee bill for which I commend the chairman and the ranking member. It was adopted by the Senate overwhelmingly. To go beyond that position strikes me as radically too far, unnecessary, and inappropriate.

I think that the militarily correct thing to do and the correct thing to do for this country is to vote no on the Hunter amendment and to vote for the gentleman from Missouri [Mr. SKELTON], when that time comes.

Mr. SKELTON. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, this amendment would create a direct conflict and a distinction between conduct on the one hand and orientation on the other. Leading constitutional scholars, the Attorney General, the Justice Department feel that it would raise a serious constitutional question.

If Members want to put this debate to an end, if they want to have no constitutional question involved, the Skelton language is what we should adopt. And we should reject this.

In addition, this will prove to be a delay, because it will be dragged through the courts for time immemorial. This amendment also suggests that homosexual men and women will only understand that homosexual conduct is prohibited in the military if they are asked about their sexual orientation.

I urge a no vote on this, the Hunter amendment.

Mr. PACKARD. Mr. Chairman, I support the amendment offered by DUNCAN HUNTER to reverse the military's current "don't ask" policy.

I am very pleased that the Armed Services Committee included language in the bill to codify the ban against homosexuals in the military. However, I am disappointed that the committee failed to include a provision codifying the Pentagon's previous policy to ask recruits, at the time of enlistment, if they are homosexual.

Since the committee has so conclusively determined that homosexuality is not compatible with military service, it doesn't make sense to toss aside part of the ban while retaining the major portion of it.

Extensive hearings have proven what I have always held, that homosexuality has no part in our Armed Forces. I strongly encourage my colleagues who support the ban to support this amendment. We must retain the whole ban, not just part of it.

Mr. Chairman, I would also like to submit a copy for the RECORD of a statement I made earlier on this issue:

STATEMENT OF HON. RON PACKARD, AUGUST 4, 1993

Mr. Speaker, I rise today in strong support of a provision in the Defense Authorization Act to codify the ban on homosexuals serving in the military.

Our military is under attack from the liberals in Congress and from the Clinton administration, seriously undermining the morale and readiness of our Armed Forces.

Service in the Armed Forces is unique and unparalleled in civilian society. More than any other single factor, military unit cohesion is paramount to the success or failure of America's defense. But there are those among our country's leadership who would destroy that cohesion.

Combat ability is unalterably tied to mutual trust and confidence among servicemembers. Extensive hearings and studies have decisively proven that the presence of known homosexuals within a unit will undermine that trust and confidence, endangering the entire unit and compromising our military mission.

From the lowest grunt to the highest commander, our military men and women have expressed time and time again that homosexuality is in no way compatible with military service.

The ban on homosexuals must remain intact for the military to maintain combat readiness in defense of our country. We can not allow the radical gay and lesbian activists to use the military as a lab to conduct their social experiments. I strongly urge my colleagues to support language in the defense authorization bill that codifies the ban.

The CHAIRMAN pro tempore. Pursuant to the rule, all time has expired on the amendment offered by the gentleman from California [Mr. HUNTER].

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

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

RECORDED VOTE

Mr. HUNTER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 144, noes 291, not voting 3, as follows:

[Roll No. 461]

AYES—144

Allard	Everett	Ortiz
Andrews (TX)	Ewing	Packard
Archer	Fawell	Parker
Armey	Fields (TX)	Paxon
Bachus (AL)	Franks (CT)	Petri
Baesler	Gallegly	Pombo
Baker (CA)	Gekas	Portman
Baker (LA)	Geren	Quillen
Barcia	Goodlatte	Quinn
Barlow	Goss	Rahall
Barrett (NE)	Grams	Ravenel
Bartlett	Hall (OH)	Roberts
Barton	Hall (TX)	Rogers
Bateman	Hancock	Ros-Lehtinen
Bentley	Hansen	Roth
Bereuter	Hastert	Royce
Bevill	Hefley	Sarpalius
Bilirakis	Herger	Schaefer
Bliley	Hoekstra	Sensenbrenner
Boehner	Holden	Shaw
Bonilla	Hunter	Skeen
Brewster	Hutchinson	Smith (NJ)
Browder	Hutto	Smith (OR)
Bunning	Hyde	Smith (TX)
Burton	Inglis	Snowe
Buyer	Inhofe	Solomon
Callahan	Istook	Spence
Camp	Johnson, Sam	Stearns
Canady	King	Stenholm
Coble	Kingston	Stump
Collins (GA)	Knollenberg	Sundquist
Combest	Lancaster	Talent
Cooper	Levy	Tanner
Cox	Lewis (FL)	Tauzin
Cramer	Lightfoot	Taylor (MS)
Crane	Linder	Taylor (NC)
Crapo	Livingston	Tejeda
Cunningham	Manzullo	Thomas (WY)
de la Garza	McCandless	Valentine
DeLay	McCollum	Volkmer
Derrick	McHugh	Vucanovich
Diaz-Balart	McInnis	Walker
Dickey	McKeon	Wilson
Doolittle	McMillan	Wolf
Dornan	Mica	Young (AK)
Duncan	Miller (FL)	Young (FL)
Emerson	Moorhead	Zeliff
English (OK)	Myers	Zimmer

NOES—291

Abercrombie	Brown (OH)	Darden
Ackerman	Bryant	de Lugo (VI)
Andrews (ME)	Byrne	Deal
Andrews (NJ)	Calvert	DeFazio
Applegate	Cantwell	DeLauro
Bacchus (FL)	Cardin	Dellums
Ballenger	Carr	Deutsch
Barca	Castle	Dicks
Barrett (WI)	Chapman	Dingell
Becerra	Clay	Dixon
Beilenson	Clayton	Dooley
Berman	Clement	Dreier
Bilbray	Clinger	Dunn
Bishop	Clyburn	Durbin
Blackwell	Coleman	Edwards (CA)
Blute	Collins (IL)	Edwards (TX)
Boehlert	Collins (MI)	Engel
Bonior	Condit	English (AZ)
Borski	Conyers	Eshoo
Boucher	Coppersmith	Evans
Brooks	Costello	Faleomavaega (AS)
Brown (CA)	Coyne	Farr
Brown (FL)	Danner	

Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (NJ)
Frost
Furse
Gallo
Gejdenson
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoke
Horn
Houghton
Hoyer
Huffington
Hughes
Inslee
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
Kleczka
Klein
Klink
Klug
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCrery
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Michel
Miller (CA)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moran
Morella
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Norton (DC)
Nussle
Oberstar
Obey
Orton
Owens
Oxley
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Porter
Poshard
Price (NC)
Pryce (OH)
Ramstad
Rangel
Reed
Regula
Reynolds
Richardson
Ridge
Roemer
Rohrabacher
Romero-Barcelo (PR)
Rose
Rostenkowski
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Santorum
Sawyer
Saxton
Schenk
Schiff
Schroeder
Schumer
Scott
Serrano
Sharp
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Thomas (CA)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Velazquez
Vento
Visclosky
Walsh
Washington
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—3

McDade
Olver
Underwood (GU)

□ 1537

Mr. RANGEL changed his vote from "aye" to "no."

Mr. COOPER and Mr. DE LA GARZA changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 3 printed in part 1 of House Report 103-252.

AMENDMENT OFFERED BY MR. SKELTON

Mr. SKELTON. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore (Mr. DURBIN). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SKELTON: Strike out section 575 (page 198, line 7, through page 206, line 11) and insert in lieu thereof the following:

SEC. 575. POLICY CONCERNING HOMOSEXUALITY IN THE ARMED FORCES.

(a) CODIFICATION.—(1) Chapter 37 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 654. Policy concerning homosexuality in the armed forces

"(a) FINDINGS.—Congress makes the following findings:

"(1) Section 8 of article I of the Constitution of the United States commits exclusively to the Congress the powers to raise and support armies, provide and maintain a Navy, and make rules for the government and regulation of the land and naval forces.

"(2) There is no constitutional right to serve in the armed forces.

"(3) Pursuant to the powers conferred by section 8 of article I of the Constitution of the United States, it lies within the discretion of the Congress to establish qualifications for and conditions of service in the armed forces.

"(4) The primary purpose of the armed forces is to prepare for and to prevail in combat should the need arise.

"(5) The conduct of military operations requires members of the armed forces to make extraordinary sacrifices, including the ultimate sacrifice, in order to provide for the common defense.

"(6) Success in combat requires military units that are characterized by high morale, good order and discipline, and unit cohesion.

"(7) One of the most critical elements in combat capability is unit cohesion, that is, the bonds of trust among individual service members that make the combat effectiveness of a military unit greater than the sum of the combat effectiveness of the individual unit members.

"(8) Military life is fundamentally different from civilian life in that—

"(A) the extraordinary responsibilities of the armed forces, the unique conditions of military service, and the critical role of unit cohesion, require that the military community, while subject to civilian control, exist as a specialized society; and

"(B) the military society is characterized by its own laws, rules, customs, and traditions, including numerous restrictions on personal behavior, that would not be acceptable in civilian society.

"(9) The standards of conduct for members of the armed forces regulate a member's life for 24 hours each day beginning at the moment the member enters military status and not ending until that person is discharged or otherwise separated from the armed forces.

"(10) Those standards of conduct, including the Uniform Code of Military Justice, apply to a member of the armed forces at all times that the member has a military status, whether the member is on base or off base, and whether the member is on duty or off duty.

"(11) The pervasive application of the standards of conduct is necessary because members of the armed forces must be ready at all times for worldwide deployment to a combat environment.

"(12) The worldwide deployment of United States military forces, the international responsibilities of the United States, and the potential for involvement of the armed forces in actual combat routinely make it necessary for members of the armed forces involuntarily to accept living conditions and working conditions that are often spartan, primitive, and characterized by forced intimacy with little or no privacy.

"(13) The prohibition against homosexual conduct is a longstanding element of military law that continues to be necessary in the unique circumstances of military service.

"(14) The armed forces must maintain personnel policies that exclude persons whose presence in the armed forces would create an unacceptable risk to the armed forces' high standards of morale, good order and discipline, and unit cohesion that are the essence of military capability.

"(15) The presence in the armed forces of persons who demonstrate a propensity or intent to engage in homosexual acts would create an unacceptable risk to the high standards of morale, good order and discipline, and unit cohesion that are the essence of military capability.

"(b) POLICY.—A member of the armed forces shall be separated from the armed forces under regulations prescribed by the Secretary of Defense if one or more of the following findings is made and approved in accordance with procedures set forth in such regulations:

"(1) That the member has engaged in, attempted to engage in, or solicited another to engage in a homosexual act or acts unless there are further findings, made and approved in accordance with procedures set forth in such regulations, that the member has demonstrated that—

"(A) such conduct is a departure from the member's usual and customary behavior;

"(B) such conduct, under all the circumstances, is unlikely to recur;

"(C) such conduct was not accomplished by use of force, coercion, or intimidation;

"(D) under the particular circumstances of the case, the member's continued presence in the armed forces is consistent with the interests of the armed forces in proper discipline, good order, and morale; and

"(E) the member does not have a propensity or intent to engage in homosexual acts.

"(2) That the member has stated that he or she is a homosexual or bisexual, or words to that effect, unless there is a further finding, made and approved in accordance with procedures set forth in the regulations, that the member has demonstrated that he or she is not a person who engages in, attempts to engage in, has a propensity to engage in, or intends to engage in homosexual acts.

"(3) That the member has married or attempted to marry a person known to be of the same biological sex.

"(c) ENTRY STANDARDS AND DOCUMENTS.—(1) The Secretary of Defense shall ensure that the standards for enlistment and appointment of members of the armed forces reflect the policies set forth in subsection (b).

"(2) The documents used to effectuate the enlistment or appointment of a person as a member of the armed forces shall set forth the provisions of subsection (b).

"(d) REQUIRED BRIEFINGS.—The briefings that members of the armed forces receive upon entry into the armed forces and periodically thereafter under section 937 of this

title (article 137 of the Uniform Code of Military Justice) shall include a detailed explanation of the applicable laws and regulations governing sexual conduct by members of the armed forces, including the policies prescribed under subsection (b).

"(e) RULE OF CONSTRUCTION.—Nothing in subsection (b) shall be construed to require that a member of the armed forces be processed for separation from the armed forces when a determination is made in accordance with regulations prescribed by the Secretary of Defense that—

"(1) the member engaged in conduct or made statements for the purpose of avoiding or terminating military service; and

"(2) separation of the member would not be in the best interest of the armed forces.

"(f) DEFINITIONS.—In this section:

"(1) The term 'homosexual' means a person, regardless of sex, who engages in, attempts to engage in, has a propensity to engage in, or intends to engage in homosexual acts, and includes the terms 'gay' and 'lesbian'.

"(2) The term 'bisexual' means a person who engages in, attempts to engage in, has a propensity to engage in, or intends to engage in homosexual and heterosexual acts.

"(3) The term 'homosexual act' means—

"(A) any bodily contact, actively undertaken or passively permitted, between members of the same sex for the purpose of satisfying sexual desires; and

"(B) any bodily contact which a reasonable person would understand to demonstrate a propensity or intent to engage in an act described in subparagraph (A).".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following:

"654. Policy concerning homosexuality in the armed forces.".

(b) REGULATIONS.—Not later than 90 days after the date of enactment of this Act, the Secretary of Defense shall revise Department of Defense regulations, and issue such new regulations as may be necessary, to implement section 654 of title 10, United States Code, as added by subsection (a).

(c) SAVINGS PROVISION.—Nothing in this section or section 654 of title 10, United States Code, as added by subsection (a) may be construed to invalidate any inquiry, investigation, administrative action or proceeding, court-martial, or judicial proceeding conducted before the effective date of regulations issued by the Secretary of Defense to implement such section 654.

(d) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the suspension of questioning concerning homosexuality as part of the processing of individuals for accession into the Armed Forces under the interim policy of January 29, 1993, should be continued, but the Secretary of Defense may reinstate that questioning with such questions or such revised questions as he considers appropriate if the Secretary determines that it is necessary to do so in order to effectuate the policy set forth in section 654 of title 10, United States Code, as added by subsection (a); and

(2) the Secretary of Defense should consider issuing guidance governing the circumstances under which members of the Armed Forces questioned about homosexuality for administrative purposes should be afforded warnings similar to the warnings under section 831(b) of title 10, United States Code (article 31(b) of the Uniform Code of Military Justice).

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from Missouri [Mr. SKELTON] will be recognized for 5 minutes, and a Member in opposition, the gentleman from Massachusetts [Mr. FRANK], will be recognized for 5 minutes.

The Chair recognizes the gentleman from Missouri [Mr. SKELTON].

□ 1540

Mr. SKELTON. Mr. Chairman, in offering this amendment I seek to reaffirm the language on homosexuals in the military that was reported by the Committee on Armed Services.

In offering this amendment, I and the Committee on Armed Services seek to finally close the door on this painful issue. It is a matter of conduct, it is a matter of unit cohesion, it is a matter that strikes at the very heart of success in combat. Second place does not count on the battlefield.

It is my hope that we will be able to put an end to this debate and the issue today, this afternoon.

Mr. Chairman, for purposes of debate, I yield 1 minute to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in support of the Nunn/Skelton amendment. We had vast committee hearings on this particular issue. Colin Powell, the chairman of the Joint Chiefs of Staff made a statement to the chairman that I did not feel that this language was in his heart. And the chairman looked at me and said, "Duke, believe it, this is."

It mandates that recruits be given clear statements that any homosexual activity is not tolerated. The Joint Chiefs of Staff also told me that to make sure this is not a progressive amendment; we do not issue homosexual marriages in the military. No commissary, medical privileges for homosexuals; not a foot in the door. And that is the key.

The liberals will try and take this one step further. I do not believe that this amendment allows for that.

Mr. Chairman, I rise in support of my colleague, the gentleman from Missouri [Mr. SKELTON], and the gentleman from Georgia [Senator NUNN].

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 1 minute to the delegate from the District of Columbia [Ms. NORTON].

Ms. NORTON. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in support of the Meehan amendment because only this amendment is defensible. I did not support the Clinton compromise with the Joint Chiefs on gays and lesbians in the military now in effect. The Meehan amendment, however, at least blocks action that would take the services back in the direction from which they have just come.

The cold war is over, but I assumed that, with downsizing, military personnel had more than enough to keep them busy. The Hunter amendment and the Nunn/Skelton amendment still allow the sexual orientation question to be asked and scarce resources to be spent chasing gays and lesbians for private consensual acts and speech.

If the military wants to get into the sex business, let the military police chase the documented, widespread sexual harassment that pervades much of its ranks.

In the military, personnel matters almost never are pursued though statute but are treated like the President's Executive order or through regulations. In a free society, personal, consensual, adult conduct should not be pursued at all.

This issue has been tortured enough. It adds insult to torture to codify Hobson's choices for people whose generosity and patriotism lead them to volunteer to serve their country.

Enough damage has been done. Leave it alone. Enact the Meehan amendment.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to the gentleman from the State of Washington [Mr. DICKS].

Mr. DICKS. I thank the gentleman for yielding this time to me.

Mr. Chairman, I want to rise here today in strong support of the amendment that has been crafted by Congressman IKE SKELTON and the chairman of the Committee on Armed Service in the other body.

I want to commend the Committee on Armed Services for the job that they have done on this issue. I think on both sides of the aisle we have had cooperation in drafting this language. And I want my colleagues to remember that this is supported by the President of the United States; by our former colleague, Les Aspin, the Secretary of Defense; by the Joint Chiefs of Staff. And I know there are people who have very strong views on this, as we have heard earlier in the debate, honest, well-intentioned views. This obviously is a compromise.

But I think it is a good one, and I want to commend my friend, the gentleman from Missouri [Mr. SKELTON] for the hours and hours and hours that he worked on trying to fashion this compromise. He has done a good job for all of us today in this body.

The CHAIRMAN pro tempore (Mr. DURBIN). The gentleman from Massachusetts [Mr. FRANK] has 4 minutes remaining; the gentleman from Missouri [Mr. SKELTON] has 2½ minutes remaining and has the right to close.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself my remaining time.

Mr. Chairman, I want to begin by expressing my respect and admiration for the very hard work and very sincere work done by the gentleman from Missouri [Mr. SKELTON] on this, the gentleman from California [Mr. DELLUMS] also, the chairman of the full committee, and the chairman of the subcommittee. I have not agreed with the

gentleman from Missouri, but I admire the work he did.

Now, to explain the parliamentary situation, which may be a little complicated: If this amendment is agreed to, it will be the language of the bill. On the other hand, if this amendment is defeated, it will be the language of the bill.

This is the language that is already in the bill. It is an amendment to put into the bill the language that is already there. So you can defeat it and have the language that is in there, or pass it and have the language that is in there.

There are reasons that many Members have for wanting to have the vote, and I support those reasons and I think it is appropriate.

I want to make a case for the negative vote.

Those who voted for the amendment offered by my colleague from Massachusetts [Mr. MEEHAN] should vote against this. We are talking here about what the opinion of the House is. Let us be very clear what we are talking about. Those of us who want the ban lifted agree even more than many of the Joint Chiefs, I will tell you, that inappropriate sexual behavior ought to be banned by the U.S. armed services. Many of us feel that they have erred on the side of too little in that regard, not too much.

This is not a request that anyone be allowed to impose himself or herself sexually on another. We insist that, particularly in the close quarters in the armed services, strict respect be enforced.

The question is this: Take a young gay man or a young lesbian who wants to serve his or her country, who is motivated by the same patriotism, the same desire for self-improvement, the same love of country and love of adventure and willingness to sacrifice that any other individual has, and let that individual have the same opportunity that anyone else has and subject him or her to the same rules. If he or she behaves inappropriately toward any other, kick him out. But if that individual is prepared to come into the military and put on the uniform and abide by every rule of conduct while on duty, is prepared to be wholly scrupulous in his or her respect for the rights of others, and then on leave, off the base, on his or her time, which is free, decides in the privacy of her home, in the quietude of his social gathering place to express love for another individual that some people here do not approve of, let us kick him out; let us declare that anyone who dare express affection for another human being discreetly, privately, consensually, on private property on a weekend in his or her own home, let us punish that person by degrading them and kicking them out of the armed services of the United States no matter how patriotic, no matter how committed to country, because that is the policy you are being asked to approve.

□ 1550

That is indisputable. We are not talking about allowing anyone to behave inappropriately. We are talking about those young people who want to behave appropriately, who are prepared, in fact, to make a sacrifice, to confine their own expression of their sexual orientation to moments of privacy away from others, and they are being denied even that.

I tell those of you who say that you underestimate the commitment of the American people to the principles of fairness and acceptance of others, and I say that, as I said before, from personal experience. I hesitated a long time before acknowledging that I am gay. I feared an automatic negative reaction, and I am proud to be able to tell you on behalf of my fellow citizens that I have not had it. People no less judge me by who I am today than they did before I made that acknowledgement.

Do not deny patriotic young people the same opportunity I had.

Mr. SKELTON. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, let me refresh the memory of this body as to what is contained in this amendment. The provision would set out the fundamental difference between military and civilian life and make clear the importance of preserving high standards and moral, discipline and unit cohesion.

The provision would require separation if the Member has engaged in, attempted to engage in or solicited another to engage in a homosexual act.

It states that he or she as a homosexual or bisexual who marries or attempts to marry a person known to be of the same biological sex.

This is codifying what the law should be.

This is an important issue that has captured the time and minds and imagination all across this land.

Now is the time to put an end to this debate.

Mr. Chairman, there is no constitutional right to serve in the Armed Forces.

Mr. Chairman, the primary purpose of our Armed Forces is to prepare for and prevail in combat.

Mr. Chairman, the conduct of military operations requires members of the Armed Forces to make extraordinary sacrifices. Success in combat requires military units that are characterized by high morale, good order, discipline and unit cohesion.

As of this moment, the Armed Forces of the United States are as fine as they have ever been, and they are the finest in this world. Let us not split them asunder. Let us keep them strong. Let us not have the possibility of tearing their unit cohesion apart. We cannot afford that.

Mr. Chairman, I stand shoulder to shoulder with the Joint Chiefs of Staff, their Chairman Colin Powell, our Secretary, our President; but most of all, I stand with the young men and the young women who feel very strongly about this issue that homosexual conduct has no place in the uniform of the United States of America.

Mr. Chairman, I urge a yes vote on my amendment.

Mrs. LLOYD. Mr. Chairman, when the President first presented the country and Congress with his proposal to open service to homosexuals, I clearly stated my opposition. I remain opposed to this policy change.

Over the past 8 months, the House Armed Services Committee wrestled with the President's proposal. We sought testimony and expertise from the Joint Chiefs, from the Secretary, and from the individual servicemember. We further sought outside testimony from doctors, psychologists, retired military, and gay and lesbian activists. No stone was left unturned in our quest for a complete understanding of the compatibility of homosexuality and military service.

The committee concluded, and very rightly so, that homosexuality is incompatible with military service. The U.S. military offers unique opportunities for men and women who want to serve. But at the same time, the environment, both social and professional, is equally as unique and commands special attention. Unit cohesion and morale are perhaps the two most important elements of a successful fighting force. While advanced, high-quality equipment definitely contributes to overall capability, the ability of the men and women who serve to conduct themselves with dignity and bravery is most vital.

Every servicemember I have spoken with has expressed uneasiness over any changes to the policy banning service by homosexuals. The slightest distraction to any serviceperson in any military situation could be fatal. As a member of the committee who oversees our military, I cannot expose our troops to that risk. At the same time, I am respectful of the fact that there are many who do not share my opinion and who believe that the ban should be eliminated.

The Skelton-Nunn amendment which we are voting on today, should put this tired, divisive issue to rest. I feel in many ways that this language improves upon the old ban. The intent of the old ban, to remove known homosexuals from the military, remains intact. With the passage of the Skelton-Nunn language, if a servicemember is found out to be homosexual, that person will be separated. Also, while not mandating it, the amendment allows the Secretary to reinstate the questioning of one's sexual orientation, if deemed appropriate. Most importantly, the Joint Chiefs of Staff have told us that these changes are workable and enforceable.

The amendment clears up the question of constitutionality and the ban. There is no constitutional right to serve in the military. The Skelton-Nunn language offers clear outlines as to what is considered homosexual behavior. The gray area has been removed. Conduct is the sole basis for judgment and with the guidelines in this legislation, the courts will

have the necessary guidance to rule appropriately on contested cases.

Mr. Chairman, the Hunter amendment, should it be adopted, reopens the months of debate on this very divisive issue. It undermines all the tireless efforts of Representative SKELTON and Senator NUNN in developing this workable proposal. For too long, the future shape of our national defense has been held up by this issue. The attention of the country has been distracted from more pressing matters. Let us put this matter behind us, approve the tough Skelton-Nunn language, pass the bill and move on to other things.

The CHAIRMAN pro tempore (Mr. DURBIN). The question is on the amendment offered by the gentleman from Missouri [Mr. SKELTON].

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

RECORDED VOTE

Mr. SKELTON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 301, noes 134, not voting 3, as follows:

[Roll No. 462]

AYES—301

Allard
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (FL)
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Carr
Castle
Chapman
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Combest
Condit
Cooper
Costello
Cox
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeLay
Derrick
Diaz-Balart
Dickey
Dicks
Dingell
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (TX)
Emerson
English (OK)
Everett
Ewing
Faleomavaega (AS)
Fawell
Fields (TX)
Fingerhut
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Johnson (GA)
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Johnson, Sam
Kanjorski
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Lewis (CA)
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Santorum
Sarpalius
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Schiff
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Smith (MI)
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Taylor (MS)
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NOES—134

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Andrews (ME)
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Beilenson
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Blackwell
Boehlert
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Johnson, E.B.
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Smith (IA)
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Stokes
Studds
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Torkildsen
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Washington
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Watt
Waxman
Wheat
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Woolsey
Wyden
Yates

NOT VOTING—3

Istook
McDade
Underwood (GU)

□ 1611

Messrs. HILLIARD, SYNAR, BERMAN, and RUSH, Ms. SLAUGHTER, and Mrs. KENNELLY changed their vote from "aye" to "no."

Mr. FAWELL changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. ISTOOK. Mr. Chairman, I was unavoidably detained outside of the Capitol building during the last vote on the Skelton amendment. Had I been present, my vote would have been aye.

The CHAIRMAN pro tempore. (Mr. DURBIN). It is now in order to consider the amendment printed in part 2 of House Report 102-252.

AMENDMENT OFFERED BY MR. GEPHARDT

Mr. GEPHARDT. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

Amendment offered by Mr. GEPHARDT:

At the end of title X (page 346, after line 23), insert the following new section:

SEC. 1043. INVOLVEMENT OF ARMED FORCES IN SOMALIA.

(a) SENSE OF CONGRESS REGARDING UNITED STATES POLICY TOWARD SOMALIA.—

(1) Since United States Armed Forces made significant contributions under Operation Restore Hope toward the establishment of a secure environment for humanitarian relief operations and restoration of peace in the region to end the humanitarian disaster that had claimed more than 300,000 lives.

(2) Since the mission of United States forces in support of the United Nations appears to be evolving from the establishment of "a secure environment for humanitarian relief operations," as set out in United Nations Security Council Resolution 794 of December 3, 1992, to one of internal security and nation building.

(b) STATEMENT OF CONGRESSIONAL POLICY.—

(1) CONSULTATION WITH THE CONGRESS.—The President should consult closely with the Congress regarding United States policy with respect to Somalia, including in particular the deployment of United States Armed Forces in that country, whether under United Nations or United States command.

(2) PLANNING.—The United States shall facilitate the assumption of the functions of United States forces by the United Nations.

(3) REPORTING REQUIREMENT.—

(A) The President shall ensure that the goals and objectives supporting deployment of United States forces to Somalia and a description of the mission, command arrangements, size, functions, location, and anticipated duration in Somalia of those forces are clearly articulated and provided in a detailed report to the Congress by October 15, 1993.

(B) Such report shall include the status of planning to transfer the function contained in paragraph (2).

(4) CONGRESSIONAL APPROVAL.—Upon reporting under the requirements of paragraph (3) Congress believes the President should by November 15, 1993, seek to receive congressional authorization in order for the deployment of United States forces to Somalia to continue.

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from

Missouri [Mr. GEPHARDT] will be recognized for 30 minutes, and a Member opposed will be recognized for 30 minutes.

Mr. STUMP. Mr. Chairman, I am opposed to the amendment.

The CHAIRMAN pro tempore. The gentleman from Arizona [Mr. STUMP] will be recognized for 30 minutes in opposition.

The Chair recognizes the gentleman from Missouri [Mr. GEPHARDT].

Mr. GEPHARDT. Mr. Chairman, for purposes of debate only, I wish to yield half my time in support of this amendment to my distinguished colleague, the gentleman from New York [Mr. GILMAN], the ranking member of the Committee on Foreign Affairs, for purposes of yielding time.

The CHAIRMAN pro tempore. Without objection, the gentleman from New York [Mr. GILMAN] will be recognized for 15 minutes.

There was no objection.

Mr. GEPHARDT. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Indiana [Mr. HAMILTON], the chairman of the Committee on Foreign Affairs.

Mr. HAMILTON. Mr. Chairman, I thank the distinguished majority leader for yielding.

Mr. Chairman, I rise in support of the amendment, because it achieves several important aims. First of all, it requires the President to report to the Congress on the goals and objectives of United States deployment in Somalia. It mandates the Congress to authorize the continued deployment of United States forces in Somalia. It facilitates the United Nations assuming the functions now performed by the United States Armed Forces. Finally, the amendment preserves a bipartisan approach to United States policy in Somalia.

Now, I have some questions about this amendment. It is not perfectly drafted, as far as I am concerned. It is incomplete and one-sided. It is the account of the history of our involvement in Somalia. The timetable in it I think is unrealistic, and it does not adequately state the role of the Congress.

But putting those concerns aside, I want to remind my colleagues that we voted in May to authorize United States participation in the U.N. mission in Somalia. In doing that, the House did what it was supposed to do: we authorized the deployment of U.S. forces for combat purposes overseas. The Senate has that legislation before it, and the Senate should act.

Without going into a lot of the history of the United States involvement in Somalia, let me really make a single point. We went into Somalia by order of President Bush for two purposes: to create a secure environment so that food could move to the people in Somalia. The President stated that very carefully in December. Then when the U.N. Security Council Resolution 794 was adopted in December 1992, those purposes were restated. And I use the words of the U.N. resolution now, use force, if necessary, "to secure the environment for humanitarian relief operations". Then after Operation Restore Hope was ended and U.N. Security Council Resolution 814 came into effect, setting up UNOSOM II, the United States role in Somalia became more limited than it has been under Operation Restore Hope. It was limited in two specific ways: we have withdrawn now 80 percent of our forces, so we have had fewer forces under UNOSOM II than in Operation Restore Hope. We had 28,000 United States troops in Somalia last December. Today that figure is about 5,000.

But not only was there a limitation with respect to the numbers. We also reduced our costs. The United States was responsible for the entire cost under Operation Restore Hope. Under UNOSOM II we were responsible only for the U.N.-assessed rate, and we are reimbursed for our logistic troop contribution.

I do not believe that the United States should be engaged in nation building in Somalia. That is the task of the United Nations. That is not the task of the United States. The mission for the United States remains today exactly what it was when we went in: to ensure a secure environment for humanitarian relief.

We have achieved the humanitarian relief. There is no starvation today in Somalia. We have almost achieved the secure environment, but not quite. We have made a lot of progress in Somalia. No longer is there mass starvation. In half of Somalia's 60 districts, representative councils are functioning, schools and hospitals are opening, thousands of people have been spared from starvation, and efforts are underway to rehabilitate the country's police force and the prison system.

Where do we go from here? There is no doubt that we have got a difficult problem in the southern part of the capital city, Mogadishu, and our goal should be to reduce and to eliminate the United States military presence in Somalia as soon as possible.

We are clearly moving in that direction. The objectives of the United States and Somalia should be what they have always been, to establish a secure environment so that humanitarian relief can flow.

United States interests are going to suffer if there is an immediate and precipitous withdrawal from Somalia. It is in the U.S. interests that the U.N. become successful at the business of peacekeeping so that we do not always have to go it alone in the world, so that we do not have to be the world's policeman.

In addition, we have invested a large amount of capital and resources, and, indeed, some lives, in an effort to end the starvation and to provide some stability in that country. If we pull out immediately, anarchy will return swiftly, and our past investment will be lost.

We should not sacrifice the substantial gains that have been made in the last 10 months. I urge adoption of this amendment.

No one can deny that efforts to achieve progress in Somalia under Security Council Resolution 814 have been difficult. This is the first U.N.-led chapter VII enforcement action. It is critical that it achieve success, because it is in the U.S. interest that the U.N. become successful at peacekeeping. The United States cannot and should not be the world's policeman.

At the end of Operation Restore Hope, the United States found itself in a difficult position. Without continued international involvement, the gains achieved in Somalia would be jeopardized. The United Nations was ready to assume precedent-setting control of the operation. At the same time, the U.N. acknowledged its need for continued strong U.S. support and leadership to provide security for humanitarian relief.

Our goal should be to reduce and eventually eliminate the United States military presence in Somalia. As the U.N. is able to assume greater control, we're moving in that direction. We must continue to do so. On the day President Clinton took office, there were 25,000 United States forces in Somalia. This number is now under 5,000. Remaining United States forces in Somalia should be withdrawn as expeditiously as possible. There should be open-ended United States military commitment in Somalia.

The objectives of the United States in Somalia should be what they have always been: to help to establish a secure environment so that humanitarian relief can flow.

For now, U.S. Armed Forces are still needed as part of the overall U.N. operation.

U.S. interests will suffer if there is a precipitous withdrawal of U.S. forces.

It is the U.S. interest that the U.N. become successful at peacekeeping so that we do not always have to go it alone in the world. Right now, UNOSOM II needs U.S. participation if it is to have a chance at success.

In addition, we have invested a tremendous amount of money, energy, and human capital in efforts to end starvation in Somalia and provide some stability in that country. If we pull out immediately, anarchy will return swiftly and our past investment will be lost.

We should not sacrifice the substantial gains that have been made in Somalia in the last 10 months.

IV. CONCLUSION

Mr. Chairman, I urge quick action on this amendment. I think the resolution accurately reflects congressional sentiments in favor of:

An early withdrawal of U.S. forces from Somalia;

The need for Presidential consultation with Congress; and

The requirement that Congress authorize the continuing deployment of U.S. forces.

The amendment also gives the President time to articulate his policy goals in Somalia and helps preserve a bipartisan approach toward Somalia.

Despite my concerns about this amendment, I will vote for it in order to ensure that we have an opportunity to address this issue again in the weeks ahead.

I urge adoption of the amendment.

Mr. STUMP. Mr. Chairman, I yield one-half of my time to the gentleman from California [Mr. DELLUMS], the chairman of the Committee on Armed Services, for purposes of debate only.

The CHAIRMAN pro tempore. Without objection, the gentleman from California [Mr. DELLUMS] will be recognized for 15 minutes.

There was no objection.

Mr. STUMP. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina [Mr. SPENCE].

□ 1620

Mr. SPENCE. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, the matter before the House today goes well beyond the substance addressed by this amendment. We all recognize what this amendment represents. Its an artfully crafted compromise that evades the hard questions on United States policy in Somalia and, on a broader level, the proper role of the United States military in peacekeeping, peacemaking, and humanitarian operations.

Let me say at the outset that I intend to support this amendment. But my support results from the fact that the only alternative is to remain silent and to do nothing.

Mr. Chairman, the House has a responsibility to be heard as the security situation in Somalia worsens with each passing day. We have a responsibility to be heard as thousands of American troops remain deployed in Somalia operating within the context of ill-defined policy objectives that have more to do with the future of the United Nations than with United States national interests.

Finally, we have a responsibility not to silently acquiesce while this administration continues to craft ambitious Presidential directives that would dramatically expand the United States role in future Somalia-like operations while seemingly ignoring the real-time lessons coming out of Mogadishu every day.

Mr. Chairman, as the House deliberates today, I would suggest this deliberation ought to occur on two levels. At one level is what is actually happening in Somalia. At another level, however, is how Somalia fits into a broader debate that is just beginning within the United States, the United Nations, and the global community over how to respond to conflicts and human suffering in the post cold war world.

Looking at Somalia in isolation, almost 10 months after President Bush announced his decision to commit United States forces for the limited mission of facilitating the delivery of humanitarian aid to thousands of starving Somalis, we find ourselves embroiled in an open-ended urban guerilla war.

While the United Nations has placed a premium on the capture of General Aideed as the solution to the worsening conflict in south Mogadishu, there is every indication that such an act would lead to increased guerilla attacks against United States and U.N. peacekeepers.

And even though the United Nations has been officially in command since May, the reality is that U.S. troops are the backbone of the U.N. presence and will be required to continue doing most of the heavy lifting for the foreseeable future.

So where is United States policy in Somalia headed?

In allowing United States forces to remain the central element of the U.N. operation in Somalia, the Clinton administration apparently bought into a number of questionable assumptions. First, that the United Nations could carry its own weight militarily and that all U.S. combat forces could have been withdrawn this past summer. This has yet to happen. In fact, we have deployed additional U.S. forces to beef up anemic U.N. led forces.

Second, the Clinton administration agreed to place approximately 4,000 U.S. logistical support troops under U.N. command to form the support backbone of the multinational U.N. contingent, expected to number 28,000. The plan was for these U.S. support forces to be steadily reduced down to 1,400 by January, 1994, and to be completely replaced by U.N.-provided logistical support sometime in 1994. Again, this assumption appears to have been overly optimistic, as the United Nations continues to show no sign of being able or willing to pick up the support mission.

Third, the administration counted on a more rapid resolution of the political crisis that led to and has sustained the conflict in the first place, so as not to plunge Somalia back into chaos following the withdrawal of American forces.

While hindsight is always 20/20, no matter how you look at it, the administration's key assumptions have not come to pass.

In an August 27 speech, Secretary Aspin recently sought to clarify the Clinton administration's objectives in Somalia. But Secretary Aspin's speech has only served to further raise anxieties by outlining a series of objectives that are not achievable within a politically acceptable timeline, and which are more in line with a long-term nation building effort, than with the limited objectives that were originally used to justify the operation almost 1 year ago.

Instead, the administration's Somalia policy lacks an exit strategy and appears to be expanding by the day.

For these reasons, I welcome the basic thrust of the Gilman-Gephardt amendment in asking the President to submit a detailed report in October, followed in November by a congressional vote to authorize further U.S. involvement. While the language of the amendment is technically nonbinding, I trust the administration recognizes Congress' determination to actively pursue these objectives.

Mr. Chairman, many of the questions being raised relative to our Somalia policy have a relevance extending well beyond the horn of Africa.

As we debate the merit of United States policy in Somalia, this administration is about to propose committing upwards of 25,000 American troops to a similar type of peacekeeping/peacemaking operation in Bosnia at an estimated United States cost of $2 billion per year. While I am encouraged by the administration's recent willingness to consult with Congress over its Bosnia policy. I have strong reservations over launching into another massive and costly peacekeeping operation of tenuous relevance to United States national interests when we have yet to figure out how to extricate ourselves from the last such operation.

Mr. Chairman, I submit that much of what is driving the national uneasiness over Somalia is the confused state of United States foreign policy. United States actions in Somalia and Bosnia appear ad hoc and erratic and reflect, in my opinion, the lack of an objective assessment of how to balance United States global interests within the context of the ethnic, religious, or political conflicts that continue to haunt the world. As a result, United States policymakers have not confronted the more fundamental policy issues that are at play in places like Somalia and Bosnia.

For instance, at what point is it in our national interest to intervene in the internal strife of sovereign nations? There is a body of opinion that neither the United Nations nor the United States should involve itself in conflicts that are driven and abetted by purely internal factors. For instance, no outside power invaded Somalia, and in Bosnia, the conflict is largely one of warring factions within a recognized nation-state.

Looking at it another way, under what conditions do civil wars justify humanitarian intervention by outside powers? And in this context, can Western participants in peacemaking or peace enforcement operations realistically be expected to retain the critical element of neutrality among local warring factions? I fear we may not have learned the lessons of Beirut.

Furthermore, what are the long-term consequences of sanctioning the regular international intervention in the affairs of sovereign nations? How will the United States retain the ability to determine when it is legitimate for the collective conscience of the United Nations to mandate intervention in the

affairs of nations that do not meet the politically correct standards of the day?

I certainly do not have good answers to these questions, but neither does this administration. Thus, while the United States involvement in Somalia and Bosnia may be founded on good intentions, it is not a sufficient, even proper, basis for the foreign policy of the world's only superpower.

Given the turbulent state of world affairs, U.S. foreign policy must be concise and unambiguous, so allies and foes alike clearly understand where the boundary lies between U.S. national interests and the broader international agenda of multilateral bodies such as the United Nations.

Mr. Chairman, a final point.

In the midst of the current confusion over U.S. foreign policy, there is one consistent theme emerging within this administration that suggests a disturbing willingness to subordinate U.S. national interests to the interests of the United Nations and other multilateral organizations.

This expanded U.S. commitment to the United Nations in peacekeeping and multilateral affairs is reportedly about to be codified by the President in Presidential Decision Directive or PDD No. 13.

Among other recommendations, this document reportedly suggests that U.S. military forces will be placed under U.N. command on a regular basis, the declining defense budget will pay for U.S. peacekeeping costs, and U.S. forces will receive dedicated peacekeeping training.

I expect that these controversial recommendations will receive great scrutiny by Congress in the weeks and months ahead as they represent significant changes in U.S. foreign and defense policy.

But most importantly, should these recommendations be implemented, they would confirm what many of us fear—namely that this administration, despite a hardening of rhetoric in recent weeks in response to congressional skepticism, is unable to grasp the appropriate lessons from our experiences in Somalia and Bosnia to date.

While many of us look at the untenable situation in Somalia and the potential quagmire in Bosnia and understandably urge the President to proceed cautiously, the administration appears nevertheless determined to aggressively pursue a foreign policy of assertive multilateralism with implications for future Somalias and Bosnias.

Unfortunately, there are disturbing signs that senior officials of this administration view any disagreement or dissent with their conduct of foreign policy with disdain. By branding bipartisan critics as "neo-know nothings," I fear that this administration has not come to grips with Congress' proper and essential role in formulating and implementing U.S. foreign policy.

Instead, administration officials ought to be listening and trying to engage thoughtful critics in a constructive dialog that may lead to a more coherent and presumably supportable U.S. approach to the many foreign policy problems of the post cold war world. To this end, I strongly support any and all efforts on the part of the administration to improve its consultation with Congress.

I sincerely hope that we can move beyond this debate and return to a bipartisan, consensus-based foreign policy that strikes the proper balance between U.S. national interests and the exponentially growing burdens being adopted by the United Nations.

Otherwise, we run the risk of waking up one day and finding our young men and women deployed in far away places, fighting and dying for ill-defined causes neither they or the American people understand.

The CHAIRMAN pro tempore (Mr. DURBIN). The gentleman from New York [Mr. GILMAN] is recognized for 15 minutes.

Mr. GILMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of the amendment H.R. 2401 offered by myself and the distinguished majority leader, the gentleman from Missouri, Mr. GEPHARDT, and I commend our Republican leadership, the gentleman from Illinois, our Republican leader, Mr. MICHEL, the gentleman from Georgia, the Republican whip Mr. GINGRICH, and the gentleman from New York, the ranking member of the Rules Committee, Mr. SOLOMON, for their support. In rising in support of this amendment, I rise also in opposition to the Clinton administration's policy in Somalia.

Mr. Chairman, I say it is time to bring our U.S. forces home from Somalia and turn that operation over to the United Nations.

We first went into Somalia last December with a limited humanitarian mission of creating a secure environment for feeding the hungry. We accomplished that mission within a matter of weeks, but regrettably we stayed until May—in order to handoff the responsibility for Somalia to the United Nations.

Coincidentally, that handoff occurred just before the House began consideration of a resolution to authorize the Somalia operation, Senate Joint Resolution 45. The House was misled by that handoff into believing that United States involvement in Somalia was winding down.

Under this misapprehension, the House approved Senate Joint Resolution 45 on May 25. Had it also been approved by the Senate and enacted into law, Senate Joint Resolution 45 would have authorized United States military involvement in Somalia for 12 months.

There were 243 votes in the House in favor of the resolution, 179 against.

I led the opposition to Senate Joint Resolution 45. I am confident that if that vote were held again today, Senate Joint Resolution 45 would be defeated. I cannot begin to count the number of Members who have told me that they wish they could take back their vote in support of Senate Joint Resolution 45.

What accounts for this shift in opinion since last May? I believe that it is because most Members, and indeed most Americans, have awakened to two facts that I stressed during the debate on Senate Joint Resolution 45.

First, while we weren't looking, the United Nations and the administration changed the mission in Somalia. It was shifted from feeding hungry people to nation-building. This shift was accomplished by U.N. Security Council Resolution 814, which was adopted with the support of the administration last May.

It was reiterated by U.N. Security Council Resolution 865, which was adopted just last week. And sadly, it remains the chief objective of our administration's Somalia policy.

Listen to what the U.S. Representative to the U.N. said just last week in praise of Resolution 865. That Resolution, he said, and I quote, "sets out in clear, unambiguous terms that the U.N.'s principal goal in Somalia is to bring about the political reconciliation of that long suffering country. My government—I am still quoting—has always seen the U.N.'s mission in Somalia as political in nature; helping the Somali people to reestablish their political structures and democratic institutions. Nothing is more important in Somalia than this political goal."

Let me underscore that statement: "Nothing is more important in Somalia than this political goal." That is the position of the Clinton administration. So much for feeding the hungry.

Compare the statement to the limited mission originally outlined by President Bush last December. Allow me to quote just one passage from the Washington Post's story dated December 4, 1992, entitled "U.N. Orders U.S.-Led Force Into Somalia." The story quotes the White House press spokesman as follows: "We want to make it clear that this U.N. force would be designed to get humanitarian supplies in, not to establish a new government or resolve the decades-long conflict there or to set up a protectorate or anything like that."

The second fact that has finally become obvious is that the new, expanded mission in Somalia is unachievable by the U.N. acting alone. U.S. armed forces will have to be deeply involved if there is to be any possibility of success. That involvement is going to cost us billions of dollars and possibly many American lives. It could very well extend into the next century. Even then, there is no probability it will succeed.

We've already spent over $1 billion this year just on military operations in Somalia. That's over five times what we will spend on humanitarian relief there this year. Up to today, 11 Americans have been killed in combat and over 60 wounded. Regrettably, nation-building does not come cheap.

And the cost is going to continue to spiral so long as the administration pursues its strategy of using our U.S. forces in Somalia as sitting ducks. Any doubt about this was set to rest last week when a U.S. helicopter was shot down and three more Americans were killed. You see, we've located our headquarters in the center of renegade warlord Mohamed Aideed's stronghold in South Mogadishu.

Initially we resupplied our headquarters by convoy through Aideed's territory. Then Aideed began mining the roads, causing the death of four Americans. Thereafter, we switched to helicopter resupply. But now Aideed is shooting down our helicopters. Mr. Chairman, our troops are vulnerable. We must stop exposing our troops to these senseless risks.

Some of the costs we have incurred already are spelled out in a letter sent to me and Congressman BURTON by the State Department in response to a letter that we sent Secretary Christopher. I am submitting this correspondence for the RECORD and request that it be inserted at this point in the RECORD:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, August 6, 1993.

Hon. WARREN M. CHRISTOPHER,
Secretary of State, Washington, DC.

DEAR MR. SECRETARY: We wrote you on March 2, 1993, to request information from the Administration relevant to consideration by the Committee on Foreign Affairs of U.S. policy in Somalia. Robert Bradtke, Acting Assistant Secretary for Legislative Affairs, responded on your behalf on March 22. His letter was very helpful and informative.

There have been many developments in Somalia since that exchange of correspondence. Most significantly, serious fighting broke out in Mogadishu on June 5 and has continued since that time. Accordingly, we would appreciate an update on the matters addressed in our letter last March. In particular, we would appreciate any information you can provide in response to the following questions.

COSTS

What was the total cost to the United States of the UNISOM I peacekeeping operation? What was the total cost to the United States of the UNITAF operation? What has been the cost to date of the UNOSOM II operation? Based on experience to date do you continue to estimate that the first year cost of UNOSOM II will total $1.5 billion? Does it remain the case that the only incremental Defense Department costs associated with UNOSOM II are those incurred for special pay for military personnel assigned to the operation? In particular, have there been any incremental costs in addition to special pay borne by the United States in connection with military operations by the Quick Reaction Force (QRF) or other U.S. military units since fighting broke out in Mogadishu on June 5? To what extent will the United Nations reimburse the United States for the cost of military operations by the QRF or other U.S. military units since June 5? Do you continue to estimate that the total incremental Defense Department cost will be $12 million over 17 months? Has there been any change in the estimates contained in the March 22 letter for Somalia-related expenditures in FY 1993 by the State Department, AID, and USIA?

U.S. PERSONNEL IN SOMALIA

How many U.S. personnel were killed or wounded in Somalia during the UNITAF operation? How many were killed or wounded after the transition to UNOSOM II and prior to June 5? How many have been killed or wounded since June 5? What has been the maximum level of U.S. forces in Somalia since the transition to UNOSOM II? What is the U.S. force level today?

TIMETABLE FOR U.S. WITHDRAWAL

Has the timetable for withdrawal of U.S. forces from Somalia been affected by the fighting that began on June 5? In particular, does the Administration still plan to withdraw all U.S. forces by October 1994 (17 months after the transition to UNOSOM II)? Will U.S. force levels drop to 1,400 by the end of 1993? How soon will the QRF be withdrawn from Somalia? How soon will the QRF be withdrawn from the Somalia theater of operations?

FOREIGN PARTICIPATION IN UNOSOM II

Has the United Nations been able to fully staff UNOSOM II with military prsonnel from U.N. member states? Do you anticipate that UNOSOM II will be fully staffed in the future? What countries currently have military personnel participating in UNOSOM II, and in what numbers? Do any participating countries plan to withdraw their personnel? If so, how will those personnel be replaced? Is UNOSOM II developing a logistical capability that will permit U.S. military personnel to be withdrawn in the future, and what is the United States doing to facilitate that effort?

POLITICAL RECONCILIATION IN SOMALIA

At a hearing of our Subcommittee on Africa on July 29 former U.S. Ambassdor to Somalia Frank Crigler testified that the turmoil in Mogadishu since June 5 stems in part from the efforts of UNOSOM II to "nullify" the results of a conference of faction leaders on June 4. He stated that UNOSOM II rejected this conference as "unauthorized" because it took place "outside the U.N. framework," notwithstanding that "Aideed and over 200 representatives of other rival factions pledged to make peace and work for national unity" at the conference. We would appreciate your response to Ambassador Crigler's testimony. Is the U.N. doing an effective job promoting political reconciliation in Somalia? Is it being sufficiently sensitive to local political concerns? How soon will the Somali people to be able to reclaim control of their country?

We appreciate the Department's prompt response to our last request, and look forward to hearing from you again.

Sincerely,

BENJAMIN A. GILMAN,
Ranking Republican Member, Committee on Foreign Affairs.

DAN BURTON,
Ranking Republican Member, Subcommittee on Africa.

U.S. DEPARTMENT OF STATE,
Washington, DC, September 3, 1993.

Hon. BENJAMIN A. GILMAN,
House of Representatives.

DEAR MR. GILMAN: Secretary Christopher has asked me to reply to the letter you and Mr. Burton sent him on August 6 about Somalia. In the interest of clarity, I have broken this letter down into sections corresponding to the headings listed in your letter to the Secretary. For your information, I have enclosed a copy of Secretary Aspin's August 27 speech outlining Administration policy on Somalia.

COSTS

You have asked a number of detailed questions about the cost of U.S. activities in Somalia. The total cost to the United States for UNOSOM I is $158 million to date; we expect to receive an additional assessment from the United Nations of $58 million before the end of FY-93. The UNITAF operation cost the U.S. about $750 million. It is too early to provide a similar estimate for the cost of UNOSOM II.

Projected U.N. reimbursements will not cover the cost of maintaining the Quick Reaction Force (QRF) in Somalia. We do not expect to receive reimbursement for the QRF as the unit is not part of the U.N. force structure. Incremental costs for the QRF should be about $37.5 million through the end of FY 1993, with monthly incremental costs of about $6 million until the force is redeployed. The Department of Defense initially estimated that the QRF would remain in theatre for a limited time, with minimal cost impact. Because of the actions in Mogadishu since June 5, it has not been possible to follow this timetable and in fact the size of the QRF has been increased.

Estimated State Department, U.S. AID, and U.S.I.A. costs have changed since our March 22 letter to you. The Bureau of Refugee Programs effort for refugees and displaced persons is about $57 million, an increase of $2 million over the figure we provided in March. State Department operating expenses in Mogadishu for this fiscal year will equal roughly $4 million. (We earlier had estimated a cost of $2 million.) The revised figure includes the cost of providing security, rehabilitating facilities, and operating communications. U.S. AID will expend $88 million by the end of this fiscal year for food aid and $55 million for both emergency relief and development programs. This reflects a decrease in previous estimates. U.S.I.A.'s programs have cost $327,000, a slight increase over the figure cited in March.

U.S. PERSONNEL IN SOMALIA

U.S. causalities during the UNITAF operation (December '92-May '93) included seven serviceman and one DOD-civilian employee killed (four in combat) and 25 wounded. No Americans lost their lives on UNOSOM operations before General Aideed's June 5 attack against Pakistani peacekeepers. As you know, however, Aideed-backed militia killed four of our service personnel on August 8 with a command-detonated explosive device. A total of 26 Americans have been wounded since the initiation of UNOSOM II, as of August 30.

U.S. forces in Somalia under UNOSOM II reached their maximum strength on August 12, when there were 4,585 in the country. This troop level was an aberration. The rotation in and out of the country of U.S. troops caused the number of U.S. military personnel to grow beyond a level of approximately 3,900 including the Quick Reaction Force. We expect it to reach this level again shortly.

The addition of 400 U.S. Army Rangers late in August does not alter our commitment to reducing the number of U.S. troops in Somalia as circumstances permit.

TIMETABLE FOR U.S. WITHDRAWAL

It is too early to gauge the full extent to which General Aideed's attacks on U.N. and U.S. forces have affected the timing of the withdrawal of U.S. troops. We anticipate withdrawing the U.S. Quick Reaction Force later this year. The QRF will, however, remain "on call" offshore in the event of a crisis. We plan also to reduce the number of logistics troops below the current figure of 2,800. Our goal is for the withdrawal of U.S. forces early in 1995.

FOREIGN PARTICIPATION UNOSOM II

Thus far, the U.N. has succeeded in staffing UNOSOM II with military personnel from member nations, although it has not yet reached its goal. As of August 9, 22,448 troops from 28 countries served with UNOSOM II. On this date, the largest contingents were from Pakistan (4,973), the United States (4,264), Italy (2,708), Germany (1,569), Morocco (1,345), France (1,103), Belgium (1,006), Bangladesh (950), Malaysi (873), and Zimbabwe (743). You should note, however, that France and Belgium have announced plans to withdraw their troops early in 1994 while other nations like India have pledged large numbers of troops which have yet to arrive.

Regarding the development of logistical capability absent U.S. help, there are two ways to achieve this goal. In addition to recruiting other countries to shoulder this burden, we anticipate that UNOSOM will hire additional civilian contract employees to replace existing U.S. soldiers. High costs and security considerations may, however, limit the U.N.'s ability to rely upon contractors. In light of these factors, we believe the importance of U.S. logistics personnel is not likely to diminish soon.

POLITICAL RECONCILIATION

Political reconciliation remains one of UNOSOM's most important missions. UNOSOM's goal is to have Somalis managing all of their affairs by 1995. Reconciliation is a field in which the U.N. is making notable progress, as evidenced by the creation of district councils and, quite recently, the conclusion of a peace agreement in the southern port town of Kismayo in which local leaders established a framework for resolving interclan disputes. These developments have taken place under UNOSOM's auspices and reflect a painstaking effort to ensure the broad representation of all important interests in a given area. In attempting to achieve this aim, the U.N. has worked diligently to ensure that armed groups do not dominate the district councils. Other interests including professional groups, women, and clan elders receive formal invitations to participate as well.

You asked also for a reaction to former Ambassador Crigler's argument before your Subcommittee that the U.N.'s conflict in Mogadishu grew partially out of UNOSOM's refusal to give official sanction to a conference of factional leaders that ended on June 4. According to our information, this conference took place after the U.N. had severed its connections with a meeting on reconciliation in the Central Region that General Aideed had promoted as his own. The U.N. action followed an intensive effort to ensure that no faction could use the reconciliation meeting to promote its ambitions at the expense of others. General Aideed and his supporters had made clear that they had no intention to abide by this condition. In any event, General Aideed received formal notification on June 4 of UNOSOM's intention to search several sites he controlled. Unfortunately, he did not avail himself of this opportunity to demonstrate his commitment to work for peace.

I hope you find this information helpful. Please feel free to contact us again if you require further assistance.

Sincerely,

WENDY R. SHERMAN,
Assistant Secretary, Legislative Affairs.

Another casualty of Somalia has been the war powers resolution. The administration wants to have it both ways on the war powers resolution, claiming that they are complying with it when in fact they are not. They say we're not in hostilities in Somalia even though our soldiers are fired on almost every day. This brazen disregard for the resolution in Somalia goes far beyond anything we have seen by previous administrations. And Congress has simply looked the other way.

I've exchanged correspondence with the administration about this subject. My last letter was sent on July 30 and has not yet been answered. It rebuts the administration's claim of compliance with the resolution. I am submitting this correspondence for the Record and I am requesting that the full text of those letters be added to the end of my statement.

CONGRESS OF THE UNITED STATES
Washington, DC, June 15, 1993.

Hon. WARREN M. CHRISTOPHER,
Secretary of State, Washington, DC.

DEAR MR. SECRETARY: We are writing to request your assessment of the current situation in Somalia. Until now, the Administration has taken the position that the U.S. Armed Forces in Somalia are not in a situation of hostilities or imminent involvement in hostilities within the meaning of the War Powers Resolution. In our opinion, recent events in Mogadishu call for a reexamination of this conclusion.

According to press accounts, 23 Pakistani soldiers were killed and 59 wounded in guerilla attacks on United Nations peacekeepers on June 5. The U.S. Quick-Reaction Forced had to be called out to rescue besieged Pakistanis, and three U.S. soldiers were wounded in the combat. On June 6, the U.N. Security Council adopted a resolution calling for the arrest, prosecution, and trial of those responsible for the attacks.

Between June 5 and June 12, non-essential U.N. officials and foreign aid workers were evacuated from Mogadishu, and those who remained were relocated to a heavily fortified compound in preparation for assaults on arms depots and other facilities belonging to warlord Mohamed Farah Aideed. U.S. AC-130 gunships were sent to Djibouti for use in these assaults, and over 2,000 U.S. Marines were ordered to redeploy from Kuwait to Somalia.

On June 12, the AC-130s attacked facilities in Mogadishu belonging to Aideed. Attacks by U.S. aircraft and helicopters have continued daily since June 12. These attacks have prompted demonstrations by Somali supporters of Aideed, including one in which Pakistani soldiers opened fire and killed at least 14 demonstrators.

In light of these facts, and in accordance with section 4(b) of the War Powers Resolution, we would appreciate your response to the following questions:

1. Where U.S. Armed Forces in Somalia in "hostilities" within the meaning of the War Powers Resolution on June 5?

2. Were U.S. Armed Forces in Somalia in "hostilities" or a situation "where imminent involvement in hostilities [was] clearly indicated by the circumstances" within the meaning of the War Powers Resolution between June 5 and June 12?

3. Have U.S. Armed Forces in Somalia been in "hostilities" within the meaning of the War Powers Resolution between June 12 and the date of this letter?

4. Have U.S. Armed Forces in Somalia been in "hostilities" or a situation "where imminent involvement in hostilities is clearly indicated by the circumstances" within the meaning of the War Powers Resolution at any time between the date of this letter and the date of your response?

5. Does the Administration anticipate that U.S. Armed Forces in Somalia will be in "hostilities" or a situation "where imminent involvement in hostilities is clearly indicated by the circumstances" within the meaning of the War Powers Resolution at any time subsequent to the date of your response?

6. If U.S. Armed Forces in Somalia have been, are, or are anticipated to be in "hostilities" or a situation "where imminent involvement in hostilities is clearly indicated by the circumstances" within the meaning of the War Powers Resolution, does the Administration intend to withdraw U.S. Armed Forces from Somalia within 60 days in accordance with section 5(b) of the War Powers Resolution? If not, what will be the legal basis for the U.S. military presence in Somalia after 60 days have elapsed?

Your response to these questions will be of great use to Congress as it proceeds with consideration of S.J. Res. 45, the "Resolution Authorizing the Use of United States Armed Forces in Somalia."

Sincerely,

BENJAMIN A. GILMAN,
Ranking Republican Member, Committee on Foreign Affairs.

JESSE HELMS,
Ranking Republican Member, Committee on Foreign Relations.

DEPARTMENT OF STATE,
Washington, DC, July 21, 1993.

Hon. BENJAMIN A. GILMAN,
Committee on Foreign Affairs,
House of Representatives.

DEAR MR. GILMAN: Thank you for your letter of June 15 (signed also by Senator Helms) to the Secretary regarding the War Powers Resolution and Somalia. I am pleased to respond on behalf of the Secretary.

You have raised several specific questions regarding whether U.S. Armed Forces in Somalia have been involved in "hostilities" since June for purposes of the War Powers Resolution. These questions all relate to the deployment that was the subject of a June 10 report to Congress by the President, and which was the subject of a supplemental report by the President on July 1. Your questions were raised in the context of section 5(b) of the War Powers Resolution, which provides that, absent Congressional action, the use of U.S. forces is to be terminated within 60 or 90 days after those forces have been introduced into hostilities or into situations where hostilities are clearly indicated by the circumstances.

In our view, no issue is presented of compliance with section 5(b) of the War Powers

Resolution (regardless as to whether it is constitutional). We note at the outset that no previous Administration has considered that intermittent military engagements involving U.S. forces overseas, whether or not constituting "hostilities," would necessitate the withdrawal of such forces pursuant to section 5(b) of the Resolution. The War Powers Resolution provision on withdrawal sixty days after forces are introduced into hostilities (with certain exceptions) was intended to apply to sustained hostilities so as to ensure that the collective judgment of both Congress and the President would be applied to decisions about whether to go to war.

This is not the situation we face in Somalia. As summarized in the President's report of July 1, the significant involvement of the U.S. Quick Reaction Force in the United Nations operation against Aideed's forces and compound has not involved sustained military action. These activities have been directed at those responsible for the murder or wounding of peacekeepers, as well as other criminal activity. While significant military force was used, our actions have been in support of the United Nations humanitarian mandate and have not been directed at the forces of a sovereign state, but rather at bandits or warlords. Moreover, as you know from the President's reports, U.S. Armed Forces have made important contributions to the United Nations-led military action in support of U.N. peacekeeping efforts in Somalia.

Finally, both the House and Senate have voted in favor of bills that would provide express statutory authority to participate in peacekeeping efforts in Somalia (including authority for purposes of the War Powers Resolution). As we have stated before, although we do not believe that specific statutory authority is necessary, the Administration welcomes such Congressional support for U.S. activities in Somalia.

I hope this is useful to you. We look forward to further discussions with you on this important issue. Please feel free to communicate with me if I can be of further assistance.

Sincerely,

WENDY R. SHERMAN,
Assistant Secretary,
Legislative Affairs.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, July 30, 1993.

Hon. WARREN M. CHRISTOPHER,
Secretary of State,
Washington, DC.

DEAR MR. SECRETARY: I am writing in response to Assistant Secretary Sherman's letter to me of July 21, 1993, answering some questions I had posed to you on June 15 about the application of the War Powers Resolution to Somalia.

I understand from her letter that the Administration's legal rationale for concluding that section 5(b) of the War Powers Resolution does not apply to the U.S. military presence in Somalia is that the combat since June 5 has consisted of "intermittent military engagements" rather than "sustained military action." Irrespective of whether these intermittent military engagements constitute "hostilities" within the meaning of the War Powers Resolution, her letter seems to suggest, they have not lasted more than 60 days and therefore are outside the scope of section 5(b).

I note, however, that the provisions of section 5(b) are triggered not only when U.S. Armed Forces are deployed into "hostilities" for 60 days, but also when they are deployed into "situations where imminent involvement in hostilities is clearly indicated by the circumstances" for 60 days. Thus, the fact that actual military engagements may be "intermittent" is not determinative under section 5(b) if, during the intervals between the engagements, it remains the case that "imminent involvement in hostilities is clearly indicated by the circumstances."

In this connection, I asked Assistant Secretary George Moose at a hearing of our Subcommittee on Africa on July 29 whether in his opinion the U.S. forces in Somalia are likely to be involved in fighting in the near future. He responded that it is likely that they will be involved in fighting. I fail to understand how Somalia could not be a situation "where imminent involvement in hostilities is clearly indicated by the circumstances" if, in the judgment of the State Department's senior Africa official, the U.S. forces there are likely to be involved in fighting in the near future.

Do you disagree with Assistant Secretary Moose's assessment that, at least on July 29, U.S. forces in Somalia were likely to be involved in fighting in the near future? Has there been any point between June 5 and the date of your response when U.S. forces in Somalia were not likely to be engaged in fighting in the near future? If you cannot specify dates on which the 60-day clock of section 5(b) was interrupted, please explain why section 5(b) does not require that U.S. forces be withdrawn from Somalia by August 4.

Assistant Secretary Sherman's letter made some additional points about the War Powers Resolution, but I did not understand them to be relevant to the legal analysis. For instance, she observed that our actions in Somalia have been in support of the United Nations humanitarian mandate and have not been directed at the forces of a sovereign state, but rather at bandits or warlords. I am not aware of any exceptions to the War Powers Resolution for actions at the behest of the United Nations, or for involvement in hostilities against bandits, warlords, or other forces not controlled by a sovereign state. Please correct me if I am in error.

Likewise, Assistant Secretary Sherman referred to the resolutions passed by the House and the Senate that would have provided statutory authority under the War Powers Resolution for the Administration to continue the deployment of U.S. forces to Somalia. Neither resolution, of course, has been approved by both Houses of Congress and signed into law by the President. Accordingly, I do not understand the Administration to claim that it has "specific statutory authorization" within the meaning of section 8(a)(1) of the War Powers Resolution on the basis of these resolutions. Again, I invite you to correct me if I have misunderstood Secretary Sherman's letter.

I look forward to your response to my questions.

Sincerely,

BENJAMIN A. GILMAN,
Ranking Minority Member.

Mr. Chairman, the solution in Somalia is simple. We must return to the initial mission of feeding hungry people, and then allow the U.N. to take over. We don't need to be hunting down warlords. We don't need our troops in a situation where they are being attacked by forces using women and children as human shields. Somalia has become a deadly sandtrap for American forces and it's time to get them out.

If the U.N. plans similar peacekeeping operations in other areas of the world, other nations must be groomed to undertake the central role that so many people automatically assume the United States will play.

The amendment that Mr. GEPHARDT and I have offered calls for the President to give us a report explaining his policy is Somalia by October 15, and for him to seek and receive congressional authorization for any additional deployment of United States forces in Somalia by November 15. I expect the President to comply with this amendment if it passes into law. Also, I will request the House of Representatives to carry out its responsibility under the amendment by holding committee hearings on the President's report once it is received, and voting by November 15 on whether to approve the policy outlined in the report.

Accordingly, I urge adoption of the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. DELLUMS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of the amendment offered by the distinguished colleagues on a bipartisan basis, the gentleman from Missouri [Mr. GEPHARDT] and the gentleman from New York [Mr. GILMAN].

I would first like to express the fact that I concur in the reservations regarding the drafting of this amendment expressed by the distinguished gentleman from Indiana, the chairman of the House Committee on Foreign Affairs.

That notwithstanding, I would like to make a few remarks.

Mr. Chairman, for months the American people have watched with deepen concern as our role in Mogadishu has slipped from that of humanitarian peacekeeper to that of both perpetrator and victim in a tragic escalation of hostilities.

Americans and Somalis alike are meeting senseless, violent deaths. Mr. Chairman, this must end.

The Gephardt-Gilman amendment requires the President to issue a detailed report to Congress on our Somalia mission. Meanwhile, General Aideed has asked that the United Nations investigate the circumstances that led to the crisis in Mogadishu, the results of which Mr. Aideed will await in a third country.

I have long urged that while the President is preparing his report and the United Nations is considering General Aideed's request that the United States use every means at its disposal to secure a cessation of hostilities in Mogadishu so that the humanitarian and diplomatic challenges facing Unosom II can proceed unimpeded.

Mr. Chairman, Unosom II has, by and large, been successful throughout the

rest of Somalia, and our options there are not merely between waging war and jumping ship. That is simplistic in the extreme. The United States can and must remain a part of Unosom II, but we must first seek and agree to a cessation of hostilities in Mogadishu.

It is now clear that our militaristic stance in Somalia has pointlessly endangered young American lives and must now be replaced by our active involvement in the quest for a political solution in Somalia.

Should the administration shift from a military to a political posture, however, I must urge the President, in the strongest possible terms, to ensure that we not make the same mistake politically that we did militarily.

Specifically, we spent an extraordinary amount of time targeting all of our military might on the pursuit and capture of one man.

□ 1630

Clearly, this was ill-advised. However, today's New York Times presents a new wrinkle to this old obsession when it reports that American military commanders are now saying that a better way of eliminating General Aideed is by enlisting his rivals to undercut his influence.

Mr. Chairman, who gave us the right—as peacekeepers—to determine which political figure or faction deserves to emerge victorious in Somalia?

Where is the impartiality that is the sine qua non of peacekeeping?

When I urge a cessation of hostilities, Mr. Chairman, I am urging a cessation of military and political hostilities. This new thrust reported by the New York Times would violate a cardinal rule of peacekeeping—take no sides, make no enemies; and it would guarantee continued hostility toward peacekeepers because it would reinforce the already-existing impression that we are interested, not in being peacekeepers, but political kingmakers, in Somalia.

Mr. Chairman, we must give our total support to the convening of a conference similar to that which produced the Addis Ababa accords last March in which all warring and interested Somali figures met, debated, and developed an agreement that was acceptable to the Somali people. This should be our thrust, Mr. Chairman. We must stop thinking that in the Third World we must either be teaching somebody a lesson, making an example of somebody else, or insisting that the people involved fall in line behind the U.S.-approved political leader. The people of Somalia may very well choose to support the person favored by our military commanders—but is it appropriate to dedicate our peacekeeping effort to this objective? I think not. and I hope that a rejection of this thrust will be clearly enunciated in the President's report to Congress that is required by this very amendment.

I believe, Mr. Chairman, we must stay in Somalia. But our role there must be that of an honest broker. It is inappropriate for us to be combatants, and it is inappropriate for us to become involved in any political tug of war.

My colleagues in the Congressional Black Caucus and I had long argued that the challenge in Somalia was not military. We knew that unless the United States was willing to obliterate Mogadishu from the face of the earth, continued United States helicopter gunship attacks and pre-dawn Ranger raids would only serve to further inflame the already tense and incendiary environment that Mogadishu has become.

Mr. Chairman, I now urge the administration to involve the good offices of the OAU, other Horn governments—Eritrea and Ethiopia—and Somali elders in a quest to secure a ceasefire between peackeepers and the residents of Mogadishu. We must resist any inclination on our own part to view the pursuit of peace as a loss of face. For one thing, we are neither supposed to be at war with the Somali people nor manipulating their political choices; and nowhere is it written that we are obliged to conquer or eliminate any one faction of figure in Mogadishu. Our original entry into Somalia was as peacemakers and humanitarians, and the time has come to recapture the humanitarian, nonpartisan character of our original mission.

Commitment to these two priorities is essential if the as-yet-uncompleted task that the Secretary General of the United Nations, the other Horn governments, and many Africa analysts urged be made an integral part of Operation Restore Hope from its very inception—a program of voluntary, nondiscriminatory disarmament—is to succeed.

President Bush steadfastly resisted all urgings that nationwide disarmament be incorporated into Operation Restore Hope, maintaining, instead, that this would best be handled by the United Nations.

The United Nations is now on the ground in Somalia. The United States is part of the United Nations. We must work within that body to complete the important task of disarmament once a cessation of hostilities has been negotiated in Mogadishu.

The international community made a commitment to disarmament in wartorn, tumultuous El Salvador with positive results. Mr. Chairman, we must do no less in Somalia.

The Addis Ababa Agreement of March 1993, to which the United States was a facilitator, and in which all Somali factions agreed to a ceasefire and a program of voluntary, nondiscriminatory disarmament, must be revived.

Operation Restore Hope was a resounding success and UNOSOM II still can be as well. But we must stay the course and not allow the challenges of Mogadishu to blind us to the fact that stability has already returned to most of Somalia.

I am not now advocating, nor would I ever advocate, an indefinite, open-ended United States involvement in Somalia—whatever the human and material costs. However, I do not believe that all reasonable, nonmilitary options have been fully pursued, and this indeed has been a major contributor to the loss of life on all sides.

It is my hope that my congressional colleagues will agree that the options in Somalia are not only between waging war and jumping ship. There are undeveloped, but superior, alternatives the successful implementation of which depends upon us all resisting either precipitous calls for United States withdrawal from UNOSOM II or misguided impulses to decide which political figure deserves to emerge victorious in Somalia.

Mr. Chairman, I reserve the balance of my time.

Mr. GEPHARDT. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio [Mr. BROWN].

Mr. BROWN of Ohio. Mr. Chairman, I rise in support of the so-called Gephardt-Gilman amendment.

For several months I have been a vocal critic of United States involvement in Somalia. We simply cannot afford the war in Somalia, either in terms of American lives or in terms of American taxpayer dollars.

In July I introduced House Resolution 227, which urges the President to withdraw United States forces from Somalia as expeditiously as possible. Since then, American soldiers have died. Since then, Somalian soldiers have died. Since then, Somalian children have died. Since then, tens of millions of taxpayer dollars have been spent. It is clearly time to reassess our role in Somalia.

Mr. Chairman, the American people supported our involvement in December in a humanitarian rescue mission. All of us, every American in this body and every American citizen, should be proud that we helped save thousands of lives from starvation. We accomplished our goal. We accomplished our mission. We as Americans should be proud of the lives we saved in the great American tradition of reaching out around the world and helping people, especially our colleague, my colleague, the gentleman from Ohio [Mr. HALL], from Dayton, who himself lived there and played a major role in helping with these humanitarian efforts.

Last week, in a trilogy of speeches, Secretary of State Christopher, National Security Adviser Lake, and U.N. Ambassador Albright, began the effort to articulate a Clinton doctrine, followed yesterday by the President's remarks at the United Nations. The

President set forth, Mr. Chairman, full guidelines for U.S. involvement in multilateral peacekeeping operations:

No. 1, is there a real threat to international peace;

No. 2, does the proposed mission have clear objectives;

No. 3, can an exit point when we withdraw be identified;

And, No. 4, how much will the mission cost?

Mr. Chairman, I submit that the United States military operation in Somalia under U.N. command fails to meet the very guidelines enunciated by the President.

First, there is no real threat to international peace in Somalia. Everybody in this Chamber, I think, agrees to that, everybody among the American people; virtually everybody agrees to that.

Second, our goal has no clear objectives. People all over this country in every congressional district in the country will tell us, will say we simply have not defined why we are in Somalia, as the chairman said. We simply have not defined our mission in that country.

Third, there is clearly no identifiable exit point.

Last, we do know the cost of the mission. It is too high by any measure. It is too high in loss of life, it is too high in loss of American lives, too high in loss of Somalian children's lives, too high in real dollars. We are spending about $1.5 million every day to carry our mission out in Somalia.

Mr. Chairman, the American people were not asked, were not consulted, and were not informed that our presence in Somalia had changed dramatically from our mission, our original mission in December, our original humanitarian mission, which we accomplished with flying colors.

□ 1640

It changed from that to a combat role, and the American people were not told. No wonder the American people do not support what is going on in Somalia.

The longer we are in there, the more lives that are lost. I urge Members of Congress to support the Gephardt-Gilman amendment.

Mr. DELLUMS. Mr. Chairman, I yield 2 minutes to my distinguished colleague, the gentleman from Kansas [Mr. GLICKMAN], chairman of the Permanent Select Committee on Intelligence.

Mr. GLICKMAN. Mr. Chairman, I thank my distinguished chairman of the Armed Services Committee for yielding the time. Many people do not know it, but we share the same birthdate, which accounts for my brainpower, my ability, and I appreciate it. We were born under the same stars.

Mr. Chairman, I rise in support of this resolution. Later we are going to be hearing from our colleague, the gentleman from Rhode Island [Mr. REED], who spent time in both Somalia and Bosnia, and I urge my colleagues to listen very carefully to his thoughtful and dispassionate and objective look at the strategic, military, and intelligence implications of our involvement in Somalia.

But I think the bottom line of what he may say, and certainly what I would say right now, is that Somalia is an intelligence quagmire of the highest denomination. The fact is that we have a United Nations force, a United Nations commander with American forces, with other forces of other countries, frankly with no clear delineation of who is in charge at all. The intelligence operations in Somalia to date have been not very good. The United Nations does not really want intelligence. They are not used to it because they have not had to operate in these kinds of services before. So in the process, the information that the units have been getting is not very good. The information that people in charge have been getting is not very good, and quite frankly, there has been a loss of life.

Now maybe this is just what happens when you have a multinational force running a military operation. But I would tell Members that we cannot stay there forever unless either the chain of command changes or the intelligence abilities change, because more and more people will get killed. This thing will have a never ending lifeline to it.

So a mission that started out as humanitarian in nature, to feed hungry people, to keep people from starving, has moved into more of a classic military holding action, except the rules of engagement are not clear, the control is not clear, and the intelligence is murky at best.

So I would urge my colleagues to support this resolution and to work for a day when we can remove our troops from Somalia.

Mr. STUMP. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin [Mr. ROTH].

Mr. GILMAN. Mr. Chairman, I am pleased to also yield 1 minute to the gentleman from Wisconsin.

Mr. ROTH. Mr. Chairman, I thank my friend from Arizona, and the ranking member of the Committee on Foreign Affairs, for yielding me the time.

I think it is important for us to recall just quickly our involvement in Somalia. As we all remember, we went into Somalia in December. And when we asked when are we going to be out of Somalia, feeding the starving people, we were told by Inauguration Day, January 20.

Well, January 20 came and went. And when we went back and asked when will we be leaving Somalia, we were told by April.

When April came around, Members will remember the President had service people on the White House lawn, thanking them for the great work in Somalia, and said now let the United Nations take over.

But in May we were back here with a resolution to keep our troops in Somalia for a year, and if Members read the fine print, or longer. Many of us wanted a date certain when we would be out of this quagmire and we did not get it. We had 127 votes for it. As the gentleman from New York mentioned, there are many Members now who would say they wish they could have that vote over again.

But it is important for the American people, and for us, to remember that today, we have 4,000 troops in Somalia. Then it went up to 5,700 troops. We have our elite commanders, our elite troops there. And we are putting more troops into Somalia. We have more than 6,000 troops in Somalia again today. And we are looking incompetent when we go after General Aideed.

Now we are told by Admiral Howe that he needs one more brigade and then we will be able to solve the problems of Somalia. It is almost verbatim what we heard in the 1960's. The thing we have learned from history is that we do not learn from history.

Our friend from Ohio mentioned that the President yesterday gave a historic address where the President set down the new criteria for foreign involvement. Quickly I want to go over those four criteria again and apply them to Somalia.

Is there a real threat to international peace, the President asked. The answer is no. Does the proposed mission have a clear objective? The answer is no. Can we see an end point? No. How much will it cost? It has cost over $1 billion.

I have a question. We have all of these people in the last decade here talking about the War Powers Act, and we have people being killed in Somalia. Why are we not discussing the War Powers Act here today?

The CHAIRMAN pro tempore. The gentleman from Ohio [Mr. BROWN] is now controlling the time of the gentleman from Missouri [Mr. GEPHARDT].

Mr. BROWN of Ohio. Mr. Chairman, I yield 1 minute to the gentlewoman from California [Ms. HARMAN].

Ms. HARMAN. Mr. Chairman, this amendment calls an overdue time out on our involvement in Somalia. It comes to the floor too late for the three American soldiers who were killed last Saturday in Mogadishu. For their sake, we must bring sense to this mission—and we must set a time to end it.

United States troops were deployed to Somalia last fall, with a clear mission that the American public supported—delivering humanitarian relief and improving security conditions. But in the past few months, U.N. forces have shifted from peacekeeping to unsuccessful search-and-destroy missions

against General Aideed. Fifty-six U.N. peacekeepers have been killed since June, including 11 Americans.

I was personally horrified to read about Somalis celebrating the shootdown of the United States helicopter. Our mission in Somalia has wandered far from its original goals, and my constituents do not understand what we are trying to do there any more. Neither do I. I urge my colleagues to support the Gephardt-Gilman amendment, and I only wish its deadline for hard answers about our goals in Somalia were now.

I regret that the Bush administration did not start the disarmament process in Somalia last winter, when there were far larger United States forces there. But we cannot make up for that mistake by pushing U.N. forces into missions that they cannot execute. As President Clinton told the U.N. General Assembly yesterday, "If the American people are to say yes to U.N. peacekeeping, the United Nations must know when to say no."

My position on this amendment does not mean that I will not support any American role in peacekeeping operations. I think that we can do much good working under U.N. authority, as my colleague and good friend from California, Mr. DELLUMS, has so ably explained. But if this policy is going to work, we cannot let it be diverted into military actions that will undercut public support at home and abroad. President Clinton called for the United Nations to ask hard questions about future peacekeeping missions, but before those debates start, we need answers about Somalia now.

Mr. STUMP. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. SAXTON].

Mr. SAXTON. Mr. Chairman, I rise in reluctant support of this amendment not because I think our troops should continue their present role but rather because this amendment does not bring them home fast enough.

Like the rest of my colleagues in the House, I supported the use of United States troops to assist the feeding efforts in Somalia. However, now that that mission is complete and our troops have worn out their welcome, and I repeat, our troops have worn out their welcome, I believe we should have brought our troops home months ago.

So far, Operation Restore Hope has cost the American taxpayers more than $1.5 billion. This money I might add, comes out of the funds that ensure our troops are the most highly trained and competent in the world.

In a recently released report conducted by Senator MCCAIN of Arizona, he documents that needed ship repairs have been put off to pay for operations in Somalia. It is estimated that the cost of these repairs is $765 million, and with the defense budget being slashed, other funds that could be used for these maintenance repairs are not available.

We have all heard reports of the U.S.S. *America*, an aircraft carrier that is having maintenance problems while at sea because there is not enough money to repair the ship. One of my constituents wrote me regarding the *America*. She has a grandson aboard this ship. She is naturally concerned.

Mr. Chairman, for all of the reasons mentioned here today, it is time to bring our troops home and this amendment does not, by itself, accomplish that goal.

It does head in the right direction, and so I reluctantly offer my support.

Mr. GILMAN. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Florida [Mr. MICA].

Mr. MICA. Mr. Chairman, October 15 will come and go.

And quite frankly, we will have no clearer goal or objective in Somalia than we have today. United States involvement in Somalia started as a humanitarian mission. Our purpose was noble. We forged the initial path to Somalia by ourselves.

Then what went wrong? The United States chose sides in a civil conflict. Despite counsel from those who have dealt with Somalia for decades, the United States plowed ahead. Each month we've spent more in lives and dollars.

The administration hurriedly justified our deeper involvement in Somalia under the guise of creating democratic institutions.

However, even the most amateur Ph.D. in international affairs will tell you that it may be generations before Somalia establishes Western-style democracy.

Since that pronouncement, this administration has been more interested in saving face than saving lives or U.S. taxpayer dollars.

And today, we have another stall measure before us. I am forced to hold my nose and vote for it, but we all must realize we do not have a policy for Somalia—nor will we have an acceptable policy on October 15.

It is indeed unfortunate that this Congress is once again failing to establish policy that will save American lives and a fortune in hard earned taxpayer dollars.

□ 1650

Mr. JOHNSTON of Florida. Mr. Chairman, on behalf of the gentleman from California [Mr. DELLUMS], I yield 3 minutes to the gentleman from Rhode Island [Mr. REED].

Mr. REED. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in support of the Gephardt-Gilman amendment. Since January I visited Somalia twice, first during the humanitarian relief operations of Operation Restore Hope, and most recently during the nation-building operation under UNOSOM.

The first impression that one gets from being in Somalia is of the skill, professionalism, and valor of our military forces and our civilian personnel, and we should recognize that.

But there is one inescapable conclusion, after my two trips: We must actively disengage our forces from Somalia. That is not in response to the violence in the streets but in recognition that Somalia is not of strategic importance to the United States. UNOSOM is not an effective vehicle to implement policy. Importantly, the policy of nation-building has a questionable chance of success and an indeterminate end point. UNOSOM inherited a precarious military situation. Because of the slow military buildup of forces under the United Nations, there was a shift of initiative away from the United Nations to the warlords. We went from an overwhelming military presence under the joint task force to a series of months in which we were trying through the United Nations to cobble together a force.

In addition to the poor tactical situation, UNOSOM has significant structural faults. There is no coherent intelligence-gathering operation. Indeed, it appears that intelligence services, national intelligence services, are competing against each other to the detriment of the overall mission.

But the primary problem with respect to UNOSOM is its debilitating lack of a coherent command and control system. Invariably, there is a debate between who is in charge, whether it is the U.N. commander or the national chain of command back in the home country.

This has led to an operation through negotiation, operation through committees, and not the central directive command which should be the hallmark of all military operations.

But there is an underlying fundamental flaw in addition to the shortcomings of UNOSOM and the difficult tactical situation. That fault is the fact that from the beginning of this operation we have failed through UNOSOM to identify local leaders and institutions in Somalia to show the responsibility to govern that country.

Politics, like nature, abhors a vacuum, and there has been a political vacuum in Somalia. Into that vacuum UNOSOM has attempted to introduce a participatory model government. Unfortunately, there is little history or precedent for such a form of government in Somalia. Consequently, this approach has a limited chance and will, I fear, guarantee an open-ended commitment by the United Nations to Somalia. This is particularly true since UNOSOM has failed to take preliminary steps necessary to ensure a successful political transformation, such as establishing an effective police force, creating mass communication through radio station and, indeed, insuring safety and security within the city of Mogadishu.

For these reasons and many more, I think we have to withdraw. Somewhere between a hasty retreat and a perpetual presence, a strategy must be developed to depart. Not a precipitous withdrawal, but a measured withdrawal. We must have an active policy to insure securing the country, coupled with a firm date of departure well in advance of the 2 years stated by UNOSOM.

I thank the gentleman for yielding.

Mr. STUMP. Mr. Chairman, I yield 1 minute to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. May I ask the gentleman from New York [Mr. GILMAN] if he will yield 1 additional minute.

Mr. GILMAN. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Indiana [Mr. BURTON].

The CHAIRMAN pro tempore [Mr. DURBIN]. The gentleman from Indiana [Mr. BURTON] is recognized for 2 minutes.

Mr. BURTON of Indiana. Mr. Chairman, I remember when Ronald Reagan was President and they called and asked us if we would support keeping marines in Beirut. And we did that, and we did not have a specific mission, and they just sat there like sitting ducks. One day a fellow with a truckload of dynamite ran the blockade and blew up and killed 230-some marines, American young men.

I said at that time that I would not support any further military operation unless there was a clear military objective and a timetable within which we were going to complete that objective and get our troops home.

I supported the aid program to Somalia because I thought it was the right thing to do. But now we are involved in what is called nation-building. We lost seven of our troops, three last weekend in the helicopter tragedy. We saw people running around from over there in Somalia, carrying American young men's body parts and holding them up for scrutiny by the world.

Now, we should not be involved in nation-building. This particular approach is not the right approach. There has to be a time certain, a date certain to get our troops out.

This is a sense-of-Congress resolution that says by October 15 the President has to let us know what is going on and by November 15 Congress has to be apprised of the situation so we can take some positive action.

There is no date certain, it is open-ended, as has been stated previously. We need to bring our young people home and turn this over to the United Nations. We should not be involved in nation-building. And the longer we keep them there the more there is going to be a danger of them being killed and we run the same risk of what happened under the Reagan administration in Beirut. We could end up with these young people being killed by the hundreds like sitting ducks.

This is something we should not tolerate, and we should urge the administration to set a date certain and bring our troops home. That is what the American people want. There is no specific objective for them right now except to sit over there and try to find a warlord.

Bring our troops home.

Mr. STUMP. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana [Mr. BUYER.]

Mr. BUYER. I thank the gentleman for yielding this time to me.

Mr. Chairman, I wish I could stand here in the well of the House and talk about the real Gilman amendment that was not made proper by the Committee on Rules, because that would have given this body a real choice, a choice to make a decision as to whether or not there will be a date certain as to when we can bring troops home, or we can have debate on a bipartisan, watered-down version of a nonbinding sense of Congress.

I will, though, stand here and give reluctant support to this. I am indifferent to the United States taking a role in nation-building. That is a mission of the United Nations, and I do not believe U.S. troops should participate in that.

Also, I am uncomfortable with the present megatrend, which is happening right now with the use of U.S. troops under the guise of what the President has now called the enlargement of responsibilities coming out of the United Nations.

It almost galls me now when I think of the new term called "peace enhancement." It is incredible. All of us have heard about peacemaking and peacekeeping, but now there is peace enhancement. It is almost as if those who are under control at the bottom of the Hill—if it has to do with the humanitarian effort, then we can use combat troops. But if it is protecting U.S. national interests, then it is making war and we should not do that because we should make peace, not war.

Now, wait a minute. Peace enhancement, how it is defined right now in the United Nations is: When I take an M-16 and I point it at someone to enhance his ability to seek peace. Then when he drops his AK-47, I walk over to that gentleman, I take his AK-47 because now I become a peacemaker. When I secure the environment, I then become a peacekeeper. And then when the mission is completed, I could get to go home, not as a war hero, but as a humanitarian.

Now, wait a minute. This is all combat environment; American lives are being placed in jeopardy. We should have a date certain as to when to send the troops home. I reluctantly support this bipartisan amendment, but we are coming back on this issue.

Mr. GILMAN. Mr. Chairman, I yield 1 minute to the gentlewoman from Kansas [Mrs. MEYERS].

Mrs. MEYERS of Kansas. Mr. Chairman, I rise in support of this amendment offered by the gentleman from Missouri and the gentleman from New York.

Our commitment in Somalia has grown like topsy. First, our troops' mission was to feed starving people. Our forces succeeded admirably in stopping the famine. Then the United Nations decided to rebuild Somali society. Our troops are now the quick reaction force tasked with rescuing the other peacekeeping contingents when they get into trouble, and responsible for hunting down Mr. Aideed, who until only a few weeks ago, was being paid by the United Nations, even after his forces murdered U.N. peacekeepers and the United Nations ordered his arrest.

On Wednesday, the U.N. Security Council set a March 1995 target date for the end of its mission. The new plan is to first reestablish the Somali law enforcement and judicial systems. Admiral Howe has been quoted as saying that the Somali factions will not disarm until a law-and-order system is up and running. After a Somali police force has been created, then the United Nations will work on creating a Somali Government. So the United Nations would have us stay in Somalia for at least another year and a half.

Good policy dictates that we be guided by several precepts that should be established before American military forces are committed overseas. They include: First, do not commit combat forces overseas unless the engagement is deemed vital to our national interest; second, if combat forces are committed, do so wholeheartedly, with the clear intention of winning, and with clearly defined political and military objectives, so we will know what indeed constitutes "winning;" and, third, that such a commitment have the support of the Congress and the American people.

This Congress needs to know from the President why this commitment to Somalia is vital to our national interest. We also need to know what the objectives of our commitment are, and whether the forces sent—both American and foreign—are capable of attaining those objectives. Congress should also have the opportunity to share in the decision as to whether these interests mean Americans should stay in prolonged combat operations in Somalia. I would prefer to direct the President to provide this report, and require that congressional authorization be attained to allow United States troops to stay in Somalia. But I accept this sense of the Congress compromise in the hope that the President will recognize that obtaining the full support of Congress is vital to the success of this mission. And I hope the President will also recognize that if Congress will not give its support, then to continue this commitment would be folly.

□ 1700

Mr. GEPHARDT. Mr. Chairman, I yield 2½ minutes to the gentleman from Florida [Mr. JOHNSTON].

Mr. JOHNSTON of Florida. Mr. Chairman, before I speak, the gentleman from California [Mr. DELLUMS] has consented to yield me also his final 1 minute.

Mr. DELLUMS. Mr. Chairman, I am very pleased to yield 1 minute to my distinguished colleague, the gentleman from Florida.

The CHAIRMAN pro tempore. [Mr. DURBIN]. The gentleman from Florida [Mr. JOHNSTON] is recognized for a total of 3½ minutes.

Mr. JOHNSTON of Florida. Mr. Chairman, I am in the distinct minority here today, because I support the United States involvement with the United Nations in Somalia.

I visited the Horn of Africa in July, principally to go there to visit Ethiopia, the Sudan, and see what was happening with the Fundamentalists in the Sudan.

I made the obligatory trip to Mogadishu for 1 day. There I visited with 90 members of various clans in Mogadishu, all of whom told me that what you had to do before you ever restored peace to this country is to neutralize Mr. Aideed.

Before that, I visited a refugee camp in Mambasa where there were 45,000 Somalians from Kismayu and Mogadishu. To a person they came to me and said, "You're going to have to do something about Aideed because we cannot go back there. You cannot restore law and order in Mogadishu until this man has been captured."

In Mogadishu I visited also with General Bir, the Turkish general, the head of the United Nations Forces there.

I visited with General Montgomery and I visited with Admiral Howe. Each of them concurred with the same conclusion.

The balance of this country has been restored to stability. Ninety-five percent of this country is eating well. The infrastructure for the government is doing well. It is only in southern Mogadishu that we have an insurrection there by one clan leader.

I feel that this amendment is in error. The United Nations is not doing nation building here.

Mr. Chairman and Members of Congress, the stakes here are very high. This man, Aideed, is responsible for 300,000 people starving to death. There are over 20 countries here with the United Nations. If we leave, they will leave, the operation will collapse.

This is the test case in the world today, whether the United Nations can go into a country, feed them, and reestablish law and order, the rule of order there and the rule of law.

If we fail in Somalia, then where will we ever accomplish our mission for humanitarian purposes?

Mr. Chairman, I ask all of you to be very careful, to move very slowly, because we have to reestablish law and order here in order to have humanitarian care for this country.

Mr. STUMP. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the American people generally supported our humanitarian efforts to bring relief to millions of starving Somalians, but they did not expect our troops to remain there after the mission was accomplished.

Now, the mission in Somalia has become ambiguous and seemingly indefinite.

Somalia is but one of many places in the world today where conflict rages.

Mr. Chairman, this is a test case which will determine not just our commitment to provide assistance to those in need, but more importantly, our ability to disengage our forces when that task is no longer in the national interest in putting their lives at risk.

We need to bring our troops home now. I urge a no vote on this sense-of-the-Congress resolution.

Mr. Chairman, I rise in opposition to this amendment as it represents one more attempt by Congress to evade the hard question by putting forth a nonbinding resolution that does nothing of consequence and allows the administration to continue floundering in search of a policy in Somalia.

Both Mr. GILMAN and Mr. MICA filed amendments with the Rules Committee that would have given this House real choices on whether we should continue supporting United States participation in the open-ended Somalia operation. But the Rules Committee instead chose to take the compromise reached between the Senate and the White House with no changes, no questions asked, no opportunity for the House to suggest its own views or concerns.

The result is that Members have only one choice before them; vote either for this watered-down compromise nonbinding resolution or vote to do nothing.

I will vote "no," but not because I believe we should do nothing. My vote reflects my opposition to the manner in which this issue was packaged and presented to the House thereby inhibiting our ability to express our growing concern and alarm over this administration's Somalia policy.

Mr. Chairman, the American people supported our humanitarian effort to bring relief to millions of starving Somalians, but they did not expect troops to remain after that mission was accomplished. Now the mission in Somalia has become ambiguous and seemingly indefinite. Somalia is but one of many places in the world today where conflict rages. This is a test case which will determine not just our commitment to provide assistance to those in need, but more importantly our ability to disengage our forces when there is no longer a national interest in putting their lives at risk.

Let's bring our troops home now.

Vote "no" on this nonbinding amendment.

Mr. GILMAN. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Chairman, have you noticed there is a distinct lack of enthusiasm for this amendment? That is because the majority of Members of this House understand that we should have ended our activities in Somalia late last winter.

The President in a seminal foreign policy address yesterday before the General Assembly of the United Nations laid down four criteria for involvement of our forces in peacekeeping activities.

The gentleman from Ohio [Mr. BROWN] and the gentleman from Wisconsin [Mr. ROTH] have already enumerated and discussed those criteria. I would lay down a fifth. It must be in our national interest before we become involved in international peacekeeping activities.

Those criteria should have been applied to Somalia and they still should be applied retroactively.

Mr. Chairman, these were precisely the questions that should have been asked—but apparently were not—before the United States signed on to the U.N.'s nation-building efforts in Somalia. With unclear objectives, spiraling costs, and no clear end point, the Somalia operation increasingly seems misguided and ill-conceived.

What began as a sharply limited, perfectly justifiable, and short-term humanitarian mission has suddenly become an adventure in nation building. We came to Somalia as heroes, but are now engaged in a brutal civil war where the United Nations is seen by Somalis in their capital city as an oppressive occupation force. And now, incredibly, because the current force is not able to pacify Mogadishu, the U.N. commander is asking for more troops. Another brigade is needed, we are now being told, and the Somalia capital can be pacified. Does that sound like Vietnam in the Johnson administration?

We ought to bring our forces out of Somalia rapidly and in an orderly fashion. It is not in our interest to continue our military presence in Somalia. It is inconsistent with our sole original purposes—to provide a secure environment for the delivery of humanitarian relief in an emergency effort to save hundreds of thousands of Somalia.

Senator BYRD's first instincts were right in attempting to gain an early withdrawal of American Armed Forces from Somalia.

As Senator NUNN said at Offutt Air Force Base in Nebraska a couple of weeks ago, "if our military presence is there to establish stability, I ask you, when was Somalia ever stable?"

Mr. Chairman, the question is not whether we should have our Armed Forces in Somalia until November 15, 1993. The question is whether or not this body was given a proper opportunity to formally express itself, to act, and to extract our troops from Somalia in a timely fashion. They ought

to be withdrawn rapidly and as soon as possible in an orderly fashion, and the leadership is manipulating the will of the Congress to avoid a straightforward vote, now, on the rapid and orderly withdrawal of our military personnel from Somalia. I believe they know how this House and the other body would vote. Where, too, I ask is the usual demand from across the aisle to invoke the War Powers Act.

Mr. STUMP. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. DORNAN], a member of the Committee on Armed Services.

Mr. DORNAN. Mr. Chairman and my colleagues, let us go over the death toll in Somalia of our fine young men and U.N. forces.

I was up in an Intelligence Committee meeting just a little while ago, and just to give you an update on these figures, how many Americans were killed, with three men in a helicopter shot down by a rifle grenade, the total is now 11 Americans and 51 U.N. soldiers, 62 people total dead in Somalia as part of nation-building.

Yes, nation-building and hot combat with mined roads and now an American flying vehicle shot out of the sky.

Now, here is something that is rather sad. Two Pakistani forces are missing in action. Can you imagine if these were American boys how upset some people in this Chamber and the U.S. Senate should be?

Missing in action? Does that mean a lot in some dirty little garage off some Mogadishu street being tortured to death, or does it mean they are already dead and their bodies have been dumped down a well or are rotting behind some blown up building in Mogadishu?

This is not combat.

I want to take two lines from my colleague, the gentlewoman from Kansas [Mrs. MEYERS]. Yes, these words should not be called for, under the words of the gentleman from New York and the gentleman from Missouri. It should require a full accounting of our objectives. It should not be to ask the President to seek and receive authorization for deployment of our troops beyond November 15. It should direct such action. Unfortunately this is the best we can get out of the Rules Committee, the gentleman from New York [Mr. GILMAN] tells me.

Why are we afraid to save Mr. Clinton from himself, to give him direct orders?

Mr. Bush said he hoped to have these people out of Somalia by Inauguration Day so he would not be leaving this tar baby in Mr. Clinton's lap.

Mr. Chairman, I will put into the RECORD the words from a speech at the National Press Club by a great former Secretary who was there for 7 full years, my friend Cap Weinberger, when he outlined under the title, "The Uses of Military Power," six hard-core reasons that I want to see in the RECORD during this debate when we should deploy our men and women in harm's way in combat.

One, if it is deemed vital to our national interests, and I will put in his exact words, because Cap Weinberger flushes out each point.

Two, the clear intention of winning. What are we going to win when we have a country as stable as Ukraine, as stable as Estonia, as stable as Abkhazia, a brand new nation forming in blood on the east coast of the Black Sea?

I will only get in number three, Mr. Chairman. I will put the rest in the RECORD.

Clearly defined political and military objectives. I might vote for the Gilman-Gephardt amendment, only because it is the best we have, but it is not nearly sufficient when we have lost 62 U.N. forces, 11 of them our finest young heroes.

So, I rise in weak support of this amendment which calls for consultation with Congress on further United States military involvement in Somalia. I repeat, it should require consultation. Whether or not you supported the initial deployment of U.S. troops, there remains some very basic questions that must be answered before we decide to keep combat forces in this country, maybe as long as March 1995 according to a recent Washington Post article.

Is the situation vital to U.S. interests?

Are there clearly defined political and military objectives?

Will U.S. forces be under U.S. or U.N. command? And who will be accountable?

Will the resources necessary to support the operation be added to the defense budget or will the funds come from other military operations and maintenance accounts?

If we are going to commit United States troops into combat, and yes, Somalia now is definitely a combat zone, it should be for U.S. interests and U.S. military objectives, not U.N. interests and objectives. These troops must also serve under U.S. command and be accountable through Bill Clinton, not Boutros-Ghali.

Finally, it is utterly hypocritical today as we begin to gut the defense budget by over a hundred billion dollars to then turn around and start expanding the role of U.S. military operations overseas as part of questionable U.N. missions.

We in Congress must first ask the hard questions and demand the right answers before going any further in Somalia. So, specifically, I believe the six tests for committing combat forces, as outlined by former Secretary of Defense Caspar Weinberger in a November 28, 1984 speech, should be our guide. Basically, Secretary Weinberger indicated that the following tests should be used to determine whether or not U.S. troops should be sent into combat:

First, is the situation vital to U.S. or allied national interests?

Second, is there a clear commitment, including allocated resources, to achieving victory?

Third, are there clearly defined political and military objectives?

Fourth, will our commitment of forces change if our objectives change?

Fifth, will the American people and Congress support the action?

Sixth, have all other options already been considered or used?

There are many variations on each of these tests. However, these six seem to provide simple yet clear guidelines regarding the use of military force ranging from peacekeeping operations in Somalia to the liberation of Kuwait. Based upon our experience in Vietnam, and the cold hard fact that American lives are at stake every time we deploy United States military forces aboard, I find Secretary Weinberger's second and third tests most valuable. If it is decided that military force should be used, we must act quickly and decisively with clearcut military objectives and overwhelming force to ensure victory.

Operations in the Falklands and Grenada clearly demonstrated the resolve and effectiveness of small local forces against less than overwhelming invading forces. In response, we should heed the advice of General Ulysses S. Grant who claimed: "The art of war is simple enough. Find out where your enemy is. Get at him as soon as you can. Strike him as hard as you can and as often as you can, and keep moving on."

Likewise, the clear military objectives set forth in Desert Storm and Just Cause allowed our military leaders to plan and execute victory on the battlefield that also met the political objectives of those at home. As Napoleon warned: "An irresolute general who acts without principles and without plan, even though he lead an army numerically superior to that of the enemy, almost always finds himself inferior to the latter on the field of battle." My main concern is not about irresolute or vacillating generals, but instead about undecided leaders here in Washington. We must give the Powells and Schwarzkopfs of tomorrow not only the forces, but also the clear objectives necessary to achieve victory on the field of battle.

"THE USES OF MILITARY POWER"

(By Caspar W. Weinberger)

Thank you for inviting me to be here today with the members of the National Press Club, a group most important to our national security. I say that because a major point I intend to make in my remarks is that the single most critical element of a successful democracy is a strong consensus of support and agreement for our basic purposes. Policies formed without a clear understanding of what we hope to achieve will never work. And you help to build that understanding among our citizens.

Of all the many policies our citizens deserve—and need—to understand, none is so important as those related to our topic today—the uses of military power. Deterrence will work only if the Soviets understand our firm commitment to keeping the peace * * * and only from a well-informed public can we expect to have that national will and commitment.

So today, I want to discuss with you perhaps the most important question concerning keeping the peace. Under what circumstances, and by what means, does a great democracy such as ours reach the painful decision that the use of military force is necessary to protect our interests or to carry our national policy?

National power has many components, some tangible—like economic wealth, technical pre-eminence. Other components are intangible—such as moral force, or strong national will. Military forces, when they are strong and ready and modern, are a credible—and tangible—addition to a nation's power. When both the intangible national will and those forces are forced into one instrument, national power becomes effective.

In today's world, the line between peace and war is less clearly drawn than at any time in our history. When George Washington, in his farewell address, warned us, as a new democracy, to avoid foreign entanglements, Europe then lay 2–3 months by sea over the horizon. The United States was protected by the width of the oceans. Now in this nuclear age, we measure time in minutes rather than months.

Aware of the consequences of any misstep, yet convinced of the precious worth of the freedom we enjoy, we seek to avoid conflict, while maintaining strong defenses. Our policy has always been to work hard for peace, but to be prepared if war comes. Yet, so blurred have the lines become between open conflict and half-hidden hostile acts that we cannot confidently predict where, or how, or from what direction aggression may arrive. We must be prepared, at any moment, to meet threats ranging in intensity from isolated terrorist acts, to guerrilla action, to full-scale military confrontation.

Alexander Hamilton, writing in the Federalist Papers, said that "It is impossible to foresee or define the extent and variety of national exigencies, or the correspondent extent and variety of the means which may be necessary to satisfy them." If it was true then, how much more true it is today, when we must remain ready to consider the means to meet such serious indirect challenges to the peace as proxy wars and individual terrorist action. And how much more important is it now, considering the consequences of failing to deter conflict at the lowest level possible. While the use of military force to defend territory has never been questioned when a democracy has been attacked and its very survival threatened, most democracies have rejected the unilateral aggressive use of force to invade, conquer or subjugate other nations. The extent to which the use of force is acceptable remains unresolved for the host of other situations which fall between these extremes of defensive and aggressive use of force.

We find ourselves, then, face to face with a modern paradox: The most likely challenge to the peace—the gray area conflicts—are precisely the most difficult challenges to which a democracy must respond. Yet, while the source and nature of today's challenges are uncertain, our response must be clear and understandable. Unless we are certain that force is essential, we run the risk of inadequate national will to apply the resources needed.

Because we face a spectrum of threats—from covert aggression, terrorism, and subversion, to overt intimidation, to use of brute force—choosing the appropriate level of our response is difficult. Flexible response does not mean just any response is appropriate. But once a decision to employ some degree of force has been made, and the purpose clarified, our Government must have the clear mandate to carry out, and continue to carry out, that decision until the purpose has been achieved. That, too, has been difficult to accomplish.

The issue of which branch of government has authority to define that mandate and make decisions on using force is now being strongly contended. Beginning in the 1970s Congress demanded, and assumed, a far more active role in the making of foreign policy and in the decisionmaking process for the employment of military forces abroad than had been thought appropriate and practical before. As a result, the centrality of decision-making authority in the executive branch has been compromised by the legislative branch to an extent that actively interferes with that process. At the same time, there has not been a corresponding acceptance of responsibility by Congress for the outcome of decisions concerning the employment of military forces.

Yet the outcome of decisions on whether—and when—and to what degree—to use combat forces abroad has never been more important than it is today. While we do not seek to deter or settle all the world's conflicts, we must recognize that, as a major power, our responsibilities and interests are now of such scope that there are few troubled areas we can afford to ignore. So we must be prepared to deal with a range of possibilities, a spectrum of crises, from local insurgency to global conflict. We prefer, of course, to limit any conflict in its early stages, to contain and control it—but to do that our military forces must be deployed in a timely manner, and be fully supported and prepared before they are engaged, because many of those difficult decisions must be made extremely quickly.

Some on the national scene think they can always avoid making tough decisions. Some reject entirely the question of whether any force can ever be used abroad. They want to avoid grappling with a complex issue because, despite clever rhetoric disguising their purpose, these people are in fact advocating a return to post-world war I isolationism. While they may maintain in principle that military force has a role in foreign policy, they are never willing to name the circumstance or the place where it would apply.

On the other side, some theorists argue that military force can be brought to bear in any crisis. Some of these proponents of force are eager to advocate its use even in limited amounts simply because they believe that if there are American forces of any size present they will somehow solve the problem.

Neither of these two extremes offers us any lasting or satisfactory solutions. The first—undue reserve—would lead us ultimately to withdraw from international events that require free nations to defend their interests from the aggressive use of force. We would be abdicating our responsibilities as the leader of the free world—responsibilities more or less thrust upon us in the aftermath of World War II—a war incidentally that isolationism did nothing to deter. These are responsibilities we must fulfill unless we desire the Soviet Union to keep expanding its influence unchecked throughout the world. In an international system raised on mutual interdependence among nations, and alliances between friends, stark isolationism quickly would lead to a far more dangerous situation for the United States: We would be without allies and faced by many hostile or indifferent nations.

The Second alternative—employing our forces almost indiscriminately and as a regular and customary part of our diplomatic efforts—would surely plunge us head-long into the sort of domestic turmoil we experienced during the Vietnam War, without accomplishing the goal for which we committed our forces. Such policies might very well tear at the fabric of our society, endangering the single most critical element of a successful democracy: A strong consensus of support and agreement for our basic purposes.

Policies formed without a clear understanding of what we hope to achieve would also earn us the scorn of our troops, who would have an understandable opposition to being used—in every sense of the word—casually and without intent to support them fully. Ultimately this course would reduce their morale and their effectiveness for engagements we must win. And if the military were to distrust its civilian leadership, recruitment would fall off and I fear an end to the all-volunteer system would be upon us, requiring a return to a draft, sowing the seeds of riot and discontent that so wracked the country in the '60s.

We have now restored high morale and pride in the uniform throughout the services. The all-volunteer system is working spectacularly well. Are we willing to forfeit what we have fought so hard to regain?

In maintaining our progress in strengthening America's military deterrent, we face difficult challenges. For we have entered an era where the dividing lines between peace and war are less clearly drawn, the identity of the foe is much less clear. In World Wars I and II, we not only knew who our enemies were, but we shared a clear sense of why the principles espoused by our enemies were unworthy.

Since these two wars threatened our very survival as a free Nation and the survival of our allies, they were total wars, involving every aspect of our society. All our means of production, all our resources were devoted to winning. Our policies had the unqualified support of the great majority of our people. Indeed, World Wars I and II ended with the unconditional surrender of our enemies . . . the only acceptable ending with the alternative was the loss of our freedom.

But in the aftermath of the second world war, we encountered a more subtle form of warfare—warfare in which, more often than not, the face of the enemy was masked. Territorial expansionism could be carried out indirectly by proxy powers, using surrogate forces aided and advised from afar. Some conflicts occurred under the name of "National Liberation," but far more frequently ideology or religion provided the spark to the tinder.

Our adversaries can also take advantage of our open society, and our freedom of speech and opinion to use alarming rhetoric and disinformation to divide and disrupt our unity of purpose. While they would never dare to allow such freedoms to their own people, they are quick to exploit ours by conducting simultaneous military and propaganda campaigns to achieve their ends.

They realize that if they can divide our national will at home, it will not be necessary to defeat our forces abroad. So by presenting issues in bellicose terms, they aim to intimidate western leaders and citizens, encouraging us to adopt conciliatory positions to their advantage. Meanwhile they remain sheltered from the force of public opinion in their countries, because public opinion there is simply prohibited and does not exist.

Our freedom presents both a challenge and an opportunity. It is true that until democratic nations have the support of the people, they are inevitably at a disadvantage in a conflict. But when they do have that support they cannot be defeated. For democracies have the power to send a compelling message to friend and foe alike by the vote of their citizens. And the American people have sent such a signal by re-electing a

strong Chief Executive. They know that President Reagan is willing to accept the responsibility for his actions and is able to lead us through these complex times by insisting that we regain both our military and our economic strength.

In today's world where minutes count, such decisive leadership is more important than ever before. Regardless of whether conflicts are limited, or threats are ill-defined, we must be capable of quickly determining that the threats and conflicts either do or do not affect the vital interests of the United States and our allies * * * and then responding appropriately.

Those threats may not entail an immediate, direct attack on our territory, and our response may not necessarily require the immediate or direct defense of our homeland. But when our vital national interests and those of our allies are at stake, we cannot ignore our safety, or forsake our allies.

At the same time, recent history has proven that we cannot assume unilaterally the role of the world's defender. We have learned that there are limits to how much of our spirit and blood and treasure we can afford to forfeit in meeting our responsibility to keep peace and freedom. So while we may and should offer substantial amounts of economic and military assistance to our allies in their time of need, and help them maintain forces to deter attacks against them—usually we cannot substitute our troops or our will for theirs.

We should only engage our troops if we must do so as a matter of our own vital national interest. We cannot assume for other sovereign nations the responsibility to defend their territory—without their strong invitation—when our own freedom is not threatened.

On the other hand, there have been recent cases where the United States has seen the need to join forces with other nations to try to preserve the peace by helping with negotiations, and by separating warring parties, and thus enabling those warring nations to withdraw from hostilities safely. In the Middle East, which has been torn by conflict for millennia, we have sent our troops in recent years both to the Sinai and to Lebanon, for just such a peacekeeping mission. But we did not configure or equip those forces for combat—they were armed only for their self-defense. Their mission required them to be—and to be recognized as—peacekeepers. We knew that if conditions deteriorated so they were in danger, or if because of the actions of the warring nations, their peacekeeping mission could not be realized, then it would be necessary either to add sufficiently to the number and arms of our troops—in short to equip them for combat, * * * or to withdraw them. And so in Lebanon, when we faced just such a choice, because the warring nations did not enter into withdrawal or peace agreements, the President probably withdrew forces equipped only for peacekeeping.

In those cases where our national interests require us to commit combat forces, we must never let there be doubt of our resolution. When it is necessary for our troops to be committed to combat, we must commit them, in sufficient numbers and we must support them, as effectively and resolutely as our strength permits. When we commit our troops to combat we must do so with the sole objective of winning.

Once it is clear our troops are required, because our vital interests are at stake, then we must have the firm national resolve to commit every ounce of strength necessary to win the fight to achieve our objectives. In Grenada we did just that.

Just as clearly, there are other situations where United States combat forces should not be used. I believe the postwar period has taught us several lessons, and from them I have developed six major tests to be applied when we are weighing the use of U.S. combat forces abroad. Let me now share them with you:

(1) First, the United States should not commit forces to combat overseas unless the particular engagement or occasion is deemed vital to our national interest or that of our allies. That emphatically does not mean that we should declare beforehand, as we did with Korea in 1950, that a particular area is outside our strategic perimeter.

(2) Second, if we decide it is necessary to put combat troops into a given situation, we should do so wholeheartedly, and with the clear intention of winning. If we are unwilling to commit the forces or resources necessary to achieve our objectives, we should not commit them at all. Of course if the particular situation requires only limited force to win our objectives, then we should not hesitate to commit forces seized accordingly. When Hitler broke treaties and remilitarized the Rhineland, small combat forces then could perhaps have prevented the Holocaust of World War II.

(3) Third, if we do decide to commit forces to combat overseas, we should have clearly defined political and military objectives. And we should know precisely how our forces can accomplish those clearly defined objectives. And we should have and send the forces needed to do just that. As Clausewitz wrote, "No one starts a war—or rather, no one in his senses ought to do so—without first being clear in his mind what he intends to achieve by that war, and how he intends to conduct it."

War may be different today than in Clausewitz's time, but the need for well-defined objectives and a consistent strategy is still essential. If we determine that a combat mission has become necessary for our vital national interests, then we must send forces capable to do the job—and not assign a combat mission to a force configured for peacekeeping.

(4) *Fourth, the relationship between our objectives and the forces we have committed—their size, composition and disposition—must be continually reassessed and adjusted if necessary.* Conditions and objectives invariably change during the course of a conflict. When they do change, then so must our combat requirements. We must continuously keep as a beacon light before us the basic questions: "*Is this conflict in our national interest?*" "Does our national interest require us to fight, to use force of arms?" If the answers are "yes", then we *must* win. If the answers are "no", then we should not be in combat.

(5) *Fifth*, before the U.S. commits combat forces abroad, there must be some *reasonable assurance we will have the support of the American people and their elected representatives in Congress.* This support cannot be achieved unless we are candid in making clear the threats we face; the support cannot be sustained without continuing and close consultation. We cannot fight a battle with the Congress at home while asking our troops to win a war overseas or, as in the case of Vietnam, in effect asking our troops *not* to win, but just to be there.

(6) *Finally*, the commitment of U.S. forces to combat should be "a last resort".

I believe that these tests can be helpful in deciding whether or not we should commit our troops to combat in the months and years ahead. The point we must all keep uppermost in our minds is that if we ever decide to commit forces to combat, we must support those forces to the *fullest* extent of our national will for as long as it takes to win. So we must have in mind objectives that are clearly defined and understood and supported by the widest possible number of our citizens. And those objectives must be vital to our survival as a free nation and to the fulfillment of our responsibilities as a world power. We must also be farsighted enough to sense when immediate and strong reactions to apparently small events can prevent lion-line responses that may be required later. We must never forget those isolationists in Europe who shrugged that "Danzig is Not Worth A War", and "Why should we fight to keep the Rhineland demilitarized?"

These tests I have just mentioned have been phrased negatively for a purpose—they are intended to sound a note of caution—caution that we must observe prior to committing forces to combat overseas. When we ask our military forces to risk their very lives in such situations, a note of caution is not only prudent, it is morally required.

In many situations we may apply these tests and conclude that a combatant role is not appropriate. Yet no one should interpret what I am saying here today as an abdication of America's responsibilities—either to its own citizens or to its allies. Nor should these remarks be misread as a signal that this country, or this administration, is unwilling to commit forces to combat overseas.

We have demonstrated in the past that, when our vital interests or those of our allies are threatened, we are ready to use force, and use it decisively, to protect those interests. Let no one entertain any illusions—if our vital interests are involved, we are prepared to fight. And we are resolved that if we must fight, we *must* win.

So, while these tests are drawn from lessons we have learned from the past, they also also can—and should—be applied to the future. For example, the problems confronting us in Central America today are difficult. The posssibility of more extensive Soviet and Soviet-proxy penetration into this hemisphere in months ahead is something we should recognize. If this happens we will clearly need more economic and military assistance and training to help those who want democracy.

The President will not allow our military forces to creep—or be drawn gradually—into a combat role in Central America or any other place in the world. And indeed our policy is designed to prevent the need for direct American involvement. This means we will need sustained Congressional support to back and give confidence to our friends in the region.

I believe that the tests I have enunciated here today can, if applied carefully, avoid the danger of this gradualist incremental approach which almost always means the use of insufficient force. These tests can help us to avoid being drawn inexorably into an endless morass, where it is not vital to our national interest to fight.

But policies and principles such as these require decisive leadership in both the executive and legislative branches of Government—and they also require strong and sustained public support. Most of all, these policies require national unity of purpose. I believe the United States now possesses the policies and leadership to gain that public support and unity. And I believe that the future will show we have the strength of character to protect peace with freedom.

In summary, we should all remember these are the policies—indeed the only policies—

that can preserve for ourselves, our friends, and our posterity, peace with freedom.

I believe we can continue to deter the Soviet Union and other potential adversaries from pursuing their designs around the world. We can enable our friends in Central America to defeat aggression and gain the breathing room to nurture democratic reforms. We can meet the challenge posed by the unfolding complexity of the 1980's.

We will then be poised to begin the last decade of this century amid a peace tempered by realism, and secured by firmness and strength. And it will be a peace that will enable all of us—ourselves at home, and our friends abroad—to achieve a quality of life, both spiritually and materially, far higher than man has even dared to dream.

□ 1710

Mr. GILMAN. Mr. Chairman, I yield 1 minute to the gentleman from Illinois [Mr. MANZULLO].

Mr. MANZULLO. Mr. Chairman, we should pull out of Somalia now. Our humanitarian mission was over 4 months ago.

Last May, we voted to get out of Somalia by June 30, I supported the amendment, but it was defeated by more than a 2 to 1 margin.

Another amendment was offered by the respected Republican leader of the Foreign Affairs Committee, Mr. GILMAN, to remove our forces by the end of October. I also voted for the amendment, but it, too, was defeated.

Yet, what did the House adopt? A resolution to keep our troops for up to 2 years in Somalia. This only extends our unending commitment in Somalia.

My freshman classmate, Mr. MICA, introduced a resolution to withdraw all U.S. Armed Forces from Somalia, which I have cosponsored. Mr. GOODLING also circulated a letter, opposing the placement of U.S. troops under foreign command, which I also signed. I have done all that I can to protest the continued deployment of American forces in Somalia.

The Clinton administration is wrong in using American Armed Forces to rebuild the political life of Somalia for the indefinite future.

This amendment would require the Clinton administration to report to Congress by October 15 the mission, command arrangements, size, functions, location and anticipated length of stay of United States forces deployed in Somalia. It would also require congressional approval by November 15 for any troops deployed in Somalia beyond that date.

This amendment was adopted in the other body by an overwhelming vote of 90 to 7. The House should do likewise.

Mr. GILMAN. Mr. Chairman, I yield 2 minutes to the gentlewoman from Maryland [Mrs. BENTLEY].

Mrs. BENTLEY. Mr. Chairman, I thank the gentleman from New York [Mr. GILMAN] for his continuous fight to bring to the floor the issue of the open-ended United States deployment of forces in Somalia.

American troops are in harm's way, yet Congress has not voted on the issue. Even though the Constitution mandates it, the Congress is empowered to make the decision regarding war. If anything can be learned from Vietnam, it should be that continuous military involvement is contingent on the country's support. It is not there today. A vote by Congress demonstrates that support. We owe our troops no less.

Hard decisions about the U.S. role in the post-cold-war era and our military budget must be made. The money we are contemplating for the 1994 DOD authorization does not begin to match the rhetoric of the administration's proposed commitments.

Yesterday, I attended the Board of Visitors' meeting for the Naval Academy and discovered that last year very few civilian professors received even cost-of-living increases. I raise this to point out that we do not have enough money in our defense budget to fund commitments inside the United States—let alone to fund mediating the endless disputes that lie beyond our borders.

Mr. Chairman, I will support the efforts of the gentleman from New York [Mr. GILMAN], although I feel the Gephardt-Gilman amendment does not accomplish what is truly needed now.

Mr. GILMAN. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. LEVY].

Mr. LEVY. Mr. Chairman, I rise in support of the amendment, although I, too, would have preferred an amendment to bring our troops home immediately.

Earlier this year, this House passed a resolution which authorized United States involvement in Somalia for another year and contained language enabling the Congress to consider extending this commitment even longer. That resolution was not a detailed plan for resolving the situation in Somalia but rather a blueprint for chaos.

Mr. Chairman, this amendment sets realistic dates for the President to report to Congress on the nature of our mission in Somalia. Members should be aware that the amendment does not usurp the constitutional authority of the President to conduct foreign policy. Instead, the amendment simply sets a clear timetable for the President to submit a realistic plan of action for troops who have traveled in to harm's way.

No one can deny that our original mission in Somalia has been altered. Events of this past weekend demonstrate that our mission, which was first based on humanitarian virtues, has turned into a exercise in urban warfare. I urge my colleagues to support this amendment and address the open-ended nature of our Somalian policy as a first step toward bringing Americans home as quickly as possible.

Mr. GILMAN. Mr. Chairman, I yield such time as he may consume to the gentleman from Georgia [Mr. GINGRICH], our distinguished whip on the minority side.

Mr. GINGRICH. Mr. Chairman, I thank the gentleman from New York [Mr. GILMAN], my friend, for yielding this time to me, and I rise in strong support of this amendment.

I think that it is very important that Congress carry its full share of the responsibility for establishing the framework of foreign policy, and let me draw the distinction because I think it is important for every Republican to understand that for 12 long years, under Presidents Reagan and Bush, we argued that Presidents should manage on a day-to-day basis foreign policy, that Congress should not micromanage. I think that is still true, and yet at the same time it is very clear, just as it was under Presidents Reagan and Bush, that Congress should establish the framework both in terms of what it will pay for and in terms of what it will legally authorize, and that is a tradition which goes all the way back to the 1790's, when, for example, there was a major debate over whether or not to deal with the Algerian pirates and whether or not to negotiate with them. So, from the very beginning our Founding Fathers understood that it is legitimate for the Congress to discuss the framework of foreign policy while delegating to the President, as the Constitution does, the day-to-day executive nature of implementing that policy once established.

Mr. Chairman, I think that the Gephardt-Gilman amendment is very important because it does set a time frame, and it does say to the executive branch, "You need to account for what you're doing in Somali," and it does say to the executive branch, "If, in fact, you're going to change the mission, you need to explain that change, you need to get the country's support, and you need to get the Congress' authorization," and I think that is exactly right.

Back in the last administration, Mr. Chairman, Marlin Fitzwater, the President's spokesman said, and I quote:

> We want to make it clear that this U.N. force would be designed to get humanitarian supplies in, not to establish a new government or resolve the decades-long conflict there or to set up a protectorate or anything like that.

Mr. Chairman, that was Marlin Fitzwater speaking for President Bush as reported in the Washington Post on December 4, 1992.

Now the fact is the mission is changing. I could make a pretty good argument the mission should change. I am prepared to have the President explain to us why we cannot leave without establishing a framework, that he has the obligation to come to the Congress to do so.

I urge a "yes" vote for the Gephardt-Gilman amendment.

Mr. STUMP. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. WELDON].

Mr. WELDON. Mr. Chairman, in my opinion this debate is outrageous. This is a feel-good, CYA amendment for this body to go on record saying, "We'd like to have our troops back home at some time in the future, but don't give us any specifics right now."

Mr. Chairman, I was a reluctant supporter of President Bush and Secretary Cheney when they committed our troops to Somalia. I supported them because of their public statements, like in December 1992, when Dick Cheney said that Americans would not get bogged down in a guerrilla war or when he said in December 1992, "If you're looking for the U.S. to stay until Somalia's problems are solved, it's not going to happen," or when General Powell said in December 1992 to reporters that the United States military may take 2 to 3 months to accomplish the mission.

We made a group visit to Somalia, to Mogadishu, and Baidoa, in January of this year. The U.N. was not prepared then, and they are not prepared now, and our troops are still there. The U.N. is not in place. We have spent $2 billion. We have had 11 young people killed from our country, and we still do not know what our mission is.

Read the resolution, my colleagues. What it says is by October 15, 9 months after we went in there, we are going to ask the Secretary of Defense and the President to give us what our goals and objectives are, 9 months after our troops have been there, $2 billion later, 11 dead Americans. Now we are going to ask for the goals and objectives, and we give the President until November 15 to do something about it.

Mr. Chairman, this action today is outrageous. It is outrageous for those Americans who do not want to see our troops there.

I will quote Ambassador Bob Oakley and Brig. Gen. Tony Zinney, both of whom were involved in Vietnam and made the comparison of Somalia to Vietnam and to Beirut. They summed it up in three basic lessons. They said, "If you go in, go in quickly, avoid entanglement with one side or the other, and get out as quickly as possible."

□ 1720

We have done none of those things. David Shim, the United States special coordinator for Somalia, quoted recently, August 15, what he thought our position was going to be in terms of staying in Somalia. He left the door open that we would stay there through 1994, 1995, and possibly beyond.

Mr. Chairman, famine relief is one thing, and we have done that. Nation-building is another. If the U.N. wants to undertake what has never been done before in the history of the world, fine. The United States is not in that business. It is bad enough playing cop in the world; playing God is crazy.

This resolution is not enough. We should come to our senses, and we should get our troops out of Somalia now.

The CHAIRMAN pro tempore (Mr. DURBIN). The gentleman from Missouri [Mr. GEPHARDT] is recognized for 4½ minutes to close the debate.

Mr. GEPHARDT. Mr. Chairman, first, everyone here and all of the people in our country honor and respect and pray for the families of the young people who have been killed, who have lost their lives, trying to help Somalia be able to advance into the future with a bright future.

We respect and honor the lives of all of the young people, whether they are American, Pakistani, or of other countries, who have given their lives.

This is a very serious matter. President Bush was right when he came to Congress and said, just before he left office, that this should be done. I think it is very important as we consider this to remember what has been done and the facts that we were presented with when we started. Over 1,000 people a day were dying of starvation in Somalia. Over 1 million refugees had been forced into exile. The United Nations efforts to deliver food to starving people had virtually been halted and stopped. It was that that we faced.

Let us also remember what has been accomplished. Mass starvation in Somalia has ended. Schools and hospitals are reopening across this country. Police forces and court systems are rebuilding, and, in some parts, representative councils are functioning.

I have asked everybody who has been there what would happen if we pulled everybody out, and the answer universally is if we pull our people out, all of the advance, all of the progress, all of the help that has been accomplished, would be lost in a day. Let us keep those facts in our mind as we consider what to do.

Mr. Chairman, I think this resolution is sensible. It takes what we have accomplished and says, let us ask the administration now, by the middle of October, for an assessment. Let us call for an authorization of the Congress by the middle of November, to decide again if the course we are on is one we want to continue to follow. The truth is when we started, when President Bush started, when it was handed off to President Clinton, when we handed it off to the United Nations, we have entered into a new era and a new period and a new challenge. We are not sure yet how to do peacekeeping, or certainly, peacemaking. This is not the kind of a military assignment that we have been involved in for 50 years. It is new, it is different. We are feeling our way. We are learning. We are trying to figure it out.

Now is not the time to back off. This is our new challenge, and it will be our challenge, not only in Somalia, but in other places around the world.

Mr. Chairman, we have made great progress. Let us not stop that progress. Let us back up, let us look, let us assess, let us make further decisions. But now is not the time to lose our strength and our vision and our commitment.

Mr. Chairman, I urge Members to vote for this amendment. Give this effort a chance. Let us learn how to do this very important assignment and precedent for the future.

Mr. LEWIS of Florida. Mr. Chairman, I rise in support of this amendment, which requires that the President report to Congress on the goals, objectives, and anticipated duration of United States forces deployed in Somalia by October 15, 1993.

Although I would have preferred a stronger amendment, mandating that our troops be called home, I support this amendment on the basis that it is the first step toward this goal.

In June, I wrote the President to request that the troops be brought home since our original mission had been completed. At the time, my concerns focused on the fact that our mission had evolved from one of humanitarian concerns to the goal of disarming Mogadishu.

Since that time, our goals have become even more troubling. Apparently, our goal now is to establish democratic institutions in Somalia, a country whose democratic traditions are, at best, negligible.

Mr. Chairman, we are caught in an open-ended, ill-defined mission in Somalia. Aside from being foolhardy, it is also dangerous. It is dangerous for the thousands of young American men and women who are doing their best to make good, and yes, even survive this mission. I cannot, with a clear conscience, ask them to put their lives at risk for a mission such as this.

I urge my colleagues to support this amendment as a first step toward bringing our troops home from Somalia.

The CHAIRMAN pro tempore. Under the rule, all time for debate has expired.

The question is on the amendment offered by the gentleman from Missouri [Mr. GEPHARDT].

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

RECORDED VOTE

Mr. STUMP. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 406, noes 26, not voting 6, as follows:

[Roll No. 463]

AYES—406

Abercrombie	Armey	Barlow
Ackerman	Bacchus (FL)	Barrett (NE)
Allard	Baesler	Barrett (WI)
Andrews (ME)	Baker (CA)	Bartlett
Andrews (NJ)	Baker (LA)	Bateman
Andrews (TX)	Ballenger	Becerra
Applegate	Barca	Beilenson
Archer	Barcia	Bentley

Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
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
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Condit
Coppersmith
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de Lugo (VI)
Deal
DeFazio
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Evans
Everett
Ewing
Faleomavaega (AS)
Farr
Fawell
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hutchinson
Hutto
Hyde
Inglis
Inslee
Istook
Jacobs
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDermott
McHale
McHugh
McInnis
McKeon
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Norton (DC)
Nussle
Oberstar
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Pastor
Paxon
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
Roemer
Rogers
Rohrabacher
Romero-Barcelo (PR)
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Royce
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 (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Traficant
Tucker
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walsh
Washington
Waters
Watt
Waxman
Wheat
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—26

Bachus (AL)
Barton
Burton
Coble
Combest
Conyers
Dornan
Fields (TX)
Geren
Gonzalez
Hancock
Hunter
Inhofe
Johnston
McKinney
Obey
Parker
Payne (NJ)
Ridge
Roberts
Sensenbrenner
Stump
Taylor (MS)
Towns
Walker
Weldon

NOT VOTING—6

Cooper
de la Garza
Jefferson
McDade
Underwood (GU)
Whitten

□ 1746

Mr. BACHUS of Alabama, Ms. McKINNEY, Mr. TOWNS, and Mr. CONYERS changed their vote from "aye" to "no."

Messrs. LEACH, SMITH of Michigan, and ZELIFF changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

□ 1750

AMENDMENTS EN BLOC OFFERED BY MR. DELLUMS

Mr. DELLUMS. Mr. Chairman, pursuant to section 3 of House Resolution 254, I offer amendments en bloc consisting of amendment 7, as modified, amendment 8, as modified, amendment 10, printed in House Report 103-236, and amendments numbered 4, 5, 6, 7, 8, and 9, amendment 10, as modified, amendment 12, amendment 13, amendment 15, as modified, and amendment 17, as modified, printed in part 4 of House Report 103-252.

The CHAIRMAN pro tempore. The Clerk will designate the amendments en bloc and report the modifications.

Mr. DELLUMS. Mr. Chairman, I ask unanimous consent that the modifications to the amendments be considered as read and printed in the RECORD.

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

There was no objection.

The texts of amendment 7, as modified, amendment 8, as modified, amendment 10, printed in House Report 103-236, and amendments numbered 4, 5, 6, 7, 8, and 9, amendment 10, as modified, amendment 12, amendment 13, amendment 15, as modified, and amendment 17, as modified, printed in part 4 of House Report 103-252, are as follows:

AMENDMENT OFFERED BY MR. LEVY OR MR. PALLONE

At the end of title IX (page 325, after line 25), insert the following section:

SEC. 950. REINVESTIGATION BY DEFENSE INSPECTOR GENERAL OF CERTAIN CASES OF DEATH OF MEMBERS OF THE ARMED FORCES BY SELF-INFLICTED WOUNDS.

(a) IN GENERAL.—The Inspector General of the Department of Defense shall conduct a reinvestigation of the death of any member of the Armed Forces who died while on active duty after January 1, 1982, from a wound determined to be self-inflicted (whether by accident or intention) in any case in which the immediate family members of the deceased servicemember request the reinvestigation based upon allegations grounded in new evidence or wellfounded suspicions of an incomplete or inadequate previous investigation.

(b) EXPERT SERVICES.—In carrying out any such reinvestigation, the Inspector General may obtain necessary expert services (such as the services of pathologists and ballistics experts) from sources outside the Department of Defense.

(c) FINDINGS AND RECOMMENDATIONS.—The Inspector General shall prepare a report on each case investigated under this section. Based upon the findings and conclusions in such report, the Secretary of the military department concerned shall take such actions as the Secretary determines to be appropriate, including actions to correct the record of the deceased servicemember and actions to institute disciplinary proceedings against other servicemembers relating to the circumstances of the death investigated or to the conduct of earlier investigations of the death.

(d) FURNISHING OF REPORT TO FAMILY.—In each case of an investigation under this section, the Inspector General shall furnish a copy of the report on the investigation to the family members of the individual whose death was investigated in accordance with section 1072 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2508).

AMENDMENT OFFERED BY MR. SMITH OF NEW JERSEY

At the end of title II (page 81, after line 23), add the following new section:

SEC. 266. LYME DISEASE PROGRAM.

(a) PROGRAM.—The Secretary of Defense shall carry out a program relating to Lyme disease. The program shall be carried out through the Environmental Hygiene Agency of the Department of the Army. The Secretary shall provide that information relating to prevention, detection, or treatment of Lyme disease that is developed under the program and that may be applicable to the general public shall be provided to the Secretary of Health and Human Services for dissemination to appropriate public health authorities through the Public Health Service.

(b) FUNDING.—From funds made available to the Army for fiscal year 1994 for research, development, test, and evaluation pursuant

to section 201, the sum of $1,000,000 shall be available for the program under subsection (a), of which $500,000 shall be for one-time startup costs for equipment, facilities, and software development and $500,000 shall be for fiscal year 1994 labor and operating expenses.

AMENDMENT OFFERED BY MR. TORRICELLI

At the end of title VIII (page 293, before line 17), add the following new section:

SEC. 825. REPORTS BY DEFENSE CONTRACTORS OF DEALINGS WITH TERRORIST COUNTRIES.

(a) REPORT REQUIREMENT.—Whenever the Secretary of Defense proposes to enter into a contract with any person for an amount in excess of $500,000 for the provision of goods or services to the Department of Defense, the Secretary shall require that person—

(1) before entering into the contract, to report to the Secretary each commercial transaction which that person has conducted with any terrorist country during the preceding three years; and

(2) to report to the Secretary each commercial transaction which that person conducts during the course of the contract (but not after the date specified in subsection (f)) with any terrorist country.

The requirement contained in paragraph (2) shall be included in the contract with the Department of Defense.

(b) REGULATIONS.—The Secretary of Defense shall issue such regulations as may be necessary to carry out this section.

(c) ANNUAL REPORT TO CONGRESS.—The Secretary of Defense shall submit to the Congress each year a report setting forth those persons conducting commercial transactions with terrorist countries as included in the reports made pursuant to subsection (a) during the preceding fiscal year, the terrorist countries with which those transactions were conducted, and the nature of those transactions.

(d) TERRORIST COUNTRY DEFINED.—A country shall be considered to be a terrorist country for purposes of a contract covered by this section if the Secretary of State has determined pursuant to law, as of the date that is 60 days before the date on which the contract is signed, that the government of that country is a government that has repeatedly provided support for acts of international terrorism.

(e) EFFECTIVE DATE.—This section shall apply with respect to contracts entered into after the end of the 60-day period beginning on the date of the enactment of this Act.

(f) TERMINATION.—This section expires on September 30, 1996.

MODIFICATION TO THE AMENDMENT OFFERED BY MR. DELLUMS

The amendment as modified is as follows:

In section 1005(d), strike out "$48,000,000" and insert in lieu thereof "$58,000,000".

At the end of subtitle A of title X (page 329, after line 25), insert the following new sections:

SEC. 1008. INCREASE IN AMOUNT FOR CINC INITIATIVE FUND.

The amount provided in section 301 for Defense-wide activities for fiscal year 1994 is hereby increased by $5,000,000, to be an additional amount for the CINC Initiative Fund.

SEC. 1009. REPORT ON HUMANITARIAN ASSISTANCE ACTIVITIES

The Secretary of Defense shall include in the next annual report of the Secretary under section 113 of title 10, United States Code, a report on the activities of the Department of Defense under sections 401, 402, 2547, and 2551 of that title. The report shall describe activities under those sections that have been carried out during fiscal year 1994 to the date of the report and planned activities under those sections for the remainder of fiscal year 1994 and for fiscal year 1995.

AMENDMENT OFFERED BY MR. MC CLOSKEY, MR. STARK, OR MR. MC CURDY

At the end of subtitle C of title X (page 346, after line 23), insert the following new sections:

SEC. 1043. NUCLEAR NONPROLIFERATION.

(a) FINDINGS.—The Congress finds the following:

(1) The United States has been seeking to contain the spread of nuclear weapons technology and materials.

(2) With the end of the Cold War and the breakup of the Soviet Union, the proliferation of nuclear weapons is now a leading military threat to the national security of the United States and its allies.

(3) The United Nations Security Council declared on January 31, 1992, that "proliferation of all weapons of mass destruction constitutes a threat to international peace and security" and committed to taking appropriate action to prevent proliferation from occurring.

(4) Aside from the five declared nuclear weapon states, a number of other nations have or are pursuing nuclear weapons capabilities.

(5) The IAEA is a valuable international institution to counter proliferation, but the effectiveness of its system to safeguard nuclear materials may be adversely affected by financial constraints.

(6) The Nuclear Non-Proliferation Treaty codifies world consensus against further nuclear proliferation and is scheduled for review and extension in 1995.

(7) The Nuclear Nonproliferation Act of 1978 declared that the United States is committed to continue strong support for the Nuclear Non-Proliferation Treaty and to a strengthened and more effective IAEA, and established that it is United States policy to establish more effective controls over the transfer of nuclear equipment, materials, and technology.

(b) COMPREHENSIVE NUCLEAR NONPROLIFERATION POLICY.—In order to end nuclear proliferation and reduce current nuclear arsenals and supplies of weapons-usable nuclear materials, it should be the policy of the United States to pursue a comprehensive policy to end the further spread of nuclear weapons capability, roll back nuclear proliferation where it has occurred, and prevent the use of nuclear weapons anywhere in the world, with the following additional objectives:

(1) Successful conclusion of all pending nuclear arms control and disarmament agreements with all the republics of the former Soviet Union and their secure implementation.

(2) Full participation by all the republics of the former Soviet Union in all multilateral nuclear nonproliferation efforts and acceptance of IAEA safeguards on all their nuclear facilities.

(3) Strengthening of United States and international support to the IAEA so that the IAEA has the technical, financial, and political resources to verify that countries are complying with their nonproliferation commitments.

(4) Strengthening of nuclear export controls in the United States and other nuclear supplier nations, impose sanctions on individuals, companies, and countries which contribute to nuclear proliferation, and provide increased public information on nuclear export licenses approved in the United States.

(5) Reduction in incentives for countries to pursue the acquisition of nuclear weapons by seeking to reduce regional tensions and to strengthen regional security agreements, and encourage the United Nations Security Council to increase its role in enforcing international nuclear nonproliferation agreements.

(6) Support for the indefinite extension of the Nuclear Non-Proliferation Treaty at the 1995 conference to review and extend that treaty and seek to ensure that all countries sign the treaty or participate in a comparable international regime for monitoring and safeguarding nuclear facilities and materials.

(7) Reaching agreement with the Russian Federation to end the production of new types of nuclear warheads.

(8) Pursuing, once the START I treaty and the START II treaty are ratified by all parties, a multilateral agreement to significantly reduce the strategic nuclear arsenals of the United States and the Russian Federation to below the levels of the START II treaty, with lower levels for the United Kingdom, France, and the People's Republic of China.

(9) Reaching immediate agreement with the Russian Federation to halt permanently the production of fissile material for weapons purposes, and working to achieve worldwide agreements to—

(A) end in the shortest possible time the production of weapons-usable fissile materials;

(B) place existing stockpiles of such materials under bilateral or international controls; and

(C) require countries to place all of their nuclear facilities dedicated to peaceful purposes under IAEA safeguards.

(10) Strengthening IAEA safeguards to more effectively verify that countries are complying with their nonproliferation commitments and provide the IAEA with the political, technical, and financial support necessary to implement the necessary safeguards reforms.

(11) Conclusion of a multilateral comprehensive nuclear test ban treaty.

(c) REQUIREMENTS FOR IMPLEMENTATION OF POLICY.—(1) Not later than 180 days after the date of the enactment of this Act, the President shall submit to the Congress a report, in unclassified form, with a classified appendix if necessary, on the actions United States has taken and the actions the United States plans to take during the succeeding 12-month period to implement each of the policy objectives set forth in this section.

(2) Not later than 180 days after the date of the enactment of this Act, the President shall submit to the Congress a report in unclassified form, with a classified appendix if necessary, which—

(A) addresses the implications of the adoption by the United States of a policy of no-first-use of nuclear weapons;

(B) addresses the implications of an agreement with the other nuclear weapons states to adopt such a policy; and

(C) addresses the implications of a verifiable bilateral agreement with the Russian Federation under which both countries withdraw from their arsenals and dismantle all tactical nuclear weapons, and seek to extend to all nuclear weapons states this zero option for tactical nuclear weapons.

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

(1) The term "IAEA" means the International Atomic Energy Agency.

(2) The term "IAEA safeguards" means the safeguards set forth in an agreement between a county and the IAEA, as authorized

by Article III(A)(5) of the Statute of the International Atomic Energy Agency.

(3) The term "non-nuclear weapon state" means any country that is not a nuclear weapon state.

(4) The term "Nuclear Non-Proliferation Treaty" means the Treaty on the Non-Proliferation of Nuclear Weapons, signed at Washington, London, and Moscow on July 1, 1968.

(5) The term "nuclear weapons state" means any country that is a nuclear-weapon state, as defined by Article IX(3) of the Treaty on the Non-Proliferation of Nuclear Weapons, signed at Washington, London, and Moscow on July 1, 1968.

(6)The term "weapons-usable fissile materials" means highly enriched uranium and separated or reprocessed plutonium.

(7) The term "policy of no first use of nuclear weapons" means a commitment not to initiate the use of nuclear weapons.

(8) The term "START II treaty" means the Treaty on Further Reductions and Limitations of Strategic Offensive Arms, signed by the United States and the Russian Federation on January 3, 1993.

SEC. 1044. SENSE OF CONGRESS RELATING TO THE PROLIFERATION OF SPACE LAUNCH VEHICLE TECHNOLOGIES.

(a) FINDINGS.—The Congress finds the following:

(1) The United States has joined with other nations in the Missile Technology Control Regime (MTCR) which restricts the transfer of missiles or equipment or technology that could contribute to the design, development or production of missiles capable of delivering weapons of mass destruction.

(2) Missile technology is indistinguishable from and interchangeable with space launch vehicle technology.

(3) Transfers of missile technology or space launch vehicle technology cannot be safeguarded in a manner that would provide timely warning of diversion for military purposes.

(4) It has been United States policy since agreeing to the guidelines of the Missile Technology Control Regime to treat the sale or transfer of space launch vehicle technology as restrictively as the sale or transfer of missile technology.

(5) Previous congressional action on missile proliferation, notably title XVII of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1738), has explicitly supported this policy through such actions as the statutory definition of the term "missle" to mean "a category I system as defined in the MTCR Annex, and any other unmanned delivery system of similar capability, as well as the specially designed production facilities for these systems".

(6) There is strong evidence that emerging national space launch programs in the Third World are not economically viable.

(7) The United States has successfully dissuaded countries from pursuing space launch vehicle programs in part by offering to cooperate with them in other areas of space science and technology.

(8) The United States has successfully dissuaded other MTCR adherents, and countries who have agreed to abide by MTCR guidelines, from providing assistance to emerging national space launch programs in the Third World.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) The Congress supports the strict interpretation by the United States of the Missile Technology Control Regime concerning—

(A) the inability to distinguish space launch vehicle technology from missile technology under the regime; and

(B) the inability to safeguard space launch vehicle technology in a manner that would provide timely warning of its diversion to military purposes; and

(2) the United States and the governments of other nations adhering to the Missile Technology Control Regime should be recognized for—

(A) the success of such governments in restricting the export of space launch vehicle technology and of missile technology; and

(B) the significant contribution made by the imposition of such restrictions to reducing the proliferation of missile technology capable of being used to deliver weapons of mass destruction.

(c) DEFINITIONS.—In this section:

(1) The term "Missile Technology Control Regime" or "MTCR" means the policy statement, between the United States, the United Kingdom, the Federal Republic of Germany, France, Italy, Canada, and Japan, announced on April 16, 1987, to restrict sensitive missile-relevant transfers based on the MTCR Annex, and any amendments thereto.

(2) The term "MTCR Annex" means the Guidelines and Equipment and Technology Annex of the Missile Technology Control Regime, and any amendments thereto.

AMENDMENT OFFERED BY MS. FURSE

In section 3105(e)(4), strike out "yield less than the lowest yield nuclear weapon type in the nuclear weapons stockpile in existence on the date of the enactment of this Act." and insert in lieu thereof "yield of less than five kilotons."

AMENDMENT OFFERED BY MR. MOAKLEY

Page 104, strike out section 343 (line 12 through page 105, line 2) and insert in lieu thereof the following:

SEC. 343. CONTINUATION OF CERTAIN PERCENTAGE LIMITATIONS ON THE PERFORMANCE OF DEPOT-LEVEL MAINTENANCE.

The Secretary of Defense shall ensure that the percentage limitations on the performance of depot-level maintenance of material set forth in section 2466 of title 10, United States Code, are adhered to. The Secretary of Defense may not enter into a contract for the performance exclusively by non-Federal Government personnel of any depot-level maintenance that is not required to be performed by employees of the Department of Defense under such section unless, prior to selecting the entity to perform the depot-level maintenance—

(1) the Secretary uses competitive procedures for the selection; and

(2) where appropriate, depot-level activities of the Department of Defense are eligible to compete for the depot-level maintenance.

Page 108, after line 3, insert the following new section:

SEC. 347. AUTHORITY TO WAIVE CERTAIN CLAIMS OF THE UNITED STATES.

(a) DESCRIPTION OF THE CLAIMS INVOLVED.—This section applies with respect to any claim of the United States against an individual which relates to a bonus or other payment awarded to such individual under a productivity gainsharing program based on work performed by such individual as an employee of the Naval Aviation Depot, Norfolk, Virginia, after September 30, 1988, and before October 1, 1992.

(b) WAIVER AUTHORITY AVAILABLE WITHOUT REGARD TO THE AMOUNT INVOLVED.—Notwithstanding the limitation set forth in section 2774(a)(2)(A) of title 10, United States Code, any waiver authority under section 2774(a)(2) of such title may be exercised, with respect to any claim described in subsection (a) of this section, without regard to the amount involved.

(c) DEFINITION.—For the purpose of this section, the term "productivity gainsharing program" means a productivity gainsharing program established under chapter 45 or section 5407 of title 5, United States Code, or Executive Order 12637 (31 U.S.C. 501 note).

AMENDMENT OFFERED BY MR. MOAKLEY

At the end of subtitle D of title XIII (page 481, after line 25), insert the following new section:

SEC. 1344. REGIONAL RETRAINING SERVICES CLEARINGHOUSES.

(a) ESTABLISHMENT REQUIRED.—The Secretary of Labor, in consultation with the Secretary of Defense, shall carry out a demonstration project to establish one or more regional retraining services clearinghouses to serve eligible persons described in subsection (b).

(b) PERSONS ELIGIBLE FOR CLEARINGHOUSE SERVICES.—The following persons shall be eligible to receive services through the clearinghouses:

(1) Members of the Armed Forces who are discharged or released from active duty.

(2) Civilian employees of the Department of Defense who are terminated from such employment as a result of reductions in defense spending or the closure or realignment of a military installation, as determined by the Secretary of Defense.

(3) Employees of defense contractors who have been terminated or laid off (or receive a notice of termination or lay off) as a result of the completion or termination of a defense contract or program or reductions in defense spending, as determined by the Secretary of Defense.

(c) INFORMATION ACTIVITIES OF CLEARINGHOUSES.—The clearinghouses shall—

(1) collect educational materials which have been prepared for the purpose of providing information to eligible persons regarding available retraining programs, in particular those programs dealing with critical skills needed in advanced manufacturing and skill areas in which shortages of skilled employees exist;

(2) establish and maintain a data base for the purpose of storing and categorizing such materials based on the different needs of eligible persons; and

(3) furnish such materials, upon request, to such educational institutions and other interested persons.

(d) FUNDING.—From funds made available under section 4465(c) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 29 U.S.C. 1662d-1 note) to carry out section 325A of the Job Training Partnership Act (29 U.S.C. 1662d-1), not more than $10,000,000 shall be available to the Secretary of Labor to carry out this section during fiscal year 1994. Funds made available under section 1302 for defense conversion, reinvestment, and transition assistance programs shall not be used to carry out this section.

MODIFICATION TO AMENDMENT OFFERED BY MR. HALL OF OHIO

The amendment as modified is as follows:

At the end of title XXXI (page 589, after line 17), insert the following section:

SEC. 3139. TRANSFER OR LEASE OF PROPERTY AT DEPARTMENT OF ENERGY WEAPON PRODUCTION FACILITIES.

(a) FINDINGS.—Congress makes the following findings:

(1) The termination or reconfiguration of weapon production activities at facilities of the Department of Energy within the United States is a necessary consequence of the end of the Cold War and of changed United States national security requirements.

(2) A facility of the Department of Energy is a significant source of employment for many communities, and the closure or reconfiguration of such a facility may cause economic hardship for the workers and the communities.

(3) It is in the interest of the United States that the Federal Government facilitate the economic recovery of communities that experience adverse economic circumstances as the result of the closure or reconfiguration of a Department of Energy facility and, where possible, prevent the occurrence of adverse economic circumstances.

(4) It is in the interest of the United States that the Federal Government work with communities that experience adverse economic circumstances as the result of the closure or reconfiguration of Department of Energy facilities to identify and implement means of reutilizing or redeveloping such facilities in a beneficial manner.

(5) The Federal Government may provide such assistance by closing or reconfiguring such facilities and conveying the real property in a manner that best ensures environmental protection and the beneficial reutilization or redevelopment of such facilities by such communities.

(6) The Federal Government may best ensure such reutilization and redevelopment by making available real and personal property of the closing or reconfigured Department of Energy facilities to communities affected by such closures or reconfiguration on a timely basis, and, if appropriate, at less than fair market value.

(7) Preservation of the national technology and industrial base could be assisted by the appropriate transfer, lease, or reutilization of property, facilities, and equipment which currently are not needed for the Department of Energy weapon production mission.

(8) A delay in the transfer, lease, or reutilization of such property, facilities, and equipment for commercial use will reduce the national technology and industrial base because of lost skilled personnel and lost business opportunities.

(b) MANAGEMENT AND DISPOSAL OF PROPERTY.—(1) The Administrator of General Services shall delegate to the Secretary of Energy, with respect to property covered under subsection (d)—

(A) the authority of the Administrator to utilize excess property under section 202 of the Federal Property and Administrator Services Act of 1949 (40 U.S.C. 483);

(B) the authority of the Administrator to dispose of surplus property under section 203 of that Act (40 U.S.C. 484); and

(C) the authority of the Administrator to grant approvals and make determinations under section 13(g) of the Surplus Property Act of 1944 (50 U.S.C. App. 1622(g)).

(2)(A) Subject to subparagraph (C), the Secretary of Energy shall exercise the authority delegated to the Secretary pursuant to paragraph (1) in accordance with—

(i) all regulations in effect on the date of the enactment of this Act governing the utilization of excess property and the disposal of surplus property under the Federal Property and Administrative Services Act of 1949; and

(ii) all regulations in effect on the date of the enactment of this Act governing the conveyance and disposal of property under section 13(g) of the Surplus Property Act of 1944 (50 U.S.C. App. 1622(g)).

(B) The Secretary, after consulting with the Administrator of General Services, may issue regulations that are necessary to carry out the delegation of authority required by paragraph (1).

(C) The authority required to be delegated by paragraph (1) to the Secretary by the Administrator of General Services shall not include the authority to prescribe general policies and methods for utilizing excess property and disposing of surplus property.

(c) ADDITIONAL AUTHORITY TO TRANSFER AND LEASE.—(1) The Secretary of Energy may transfer or lease any or all right, title, and interest of the United States in and to the property referred to in subsection (d) to any public agency if the Secretary determines that such transfer or lease will mitigate the adverse economic consequences that might otherwise arise from the closure or reconfiguration of a Department of Energy facility.

(2)(A) The consideration to be paid to the United States for any transfer or lease under paragraph (1) shall be for the estimated fair market value of such property or leasehold interest, as determined by the Secretary of Energy, except that the Secretary may accept consideration for an amount that is not less than 50 percent of the estimated fair market value of such property if the Secretary determines that—

(i) the discount is required to implement the plans established in the report under subsection (i); and

(ii) 30 days after published notice, no private or public party has made a bona fide offer for such property at the estimated fair market value.

(B) The instrument transferring or leasing property for less than the estimated fair market value under this paragraph—

(i) shall contain a condition that all such property shall be used and maintained for the purpose for which it was transferred in perpetuity in accordance with the plans described in the report under subsection (i) or, in the case of a lease, for the term of the lease; and

(ii) may contain such additional terms, conditions, reservations, and restrictions as the Secretary determines to be necessary to safeguard the interests of the United States.

(C) The Secretary may—

(i) determine compliance with the terms, conditions, reservations, and restrictions contained in any instrument by which a transfer or lease of property is made;

(ii) reform, correct, or amend any such instrument by the execution of a corrective, reformative, or amendatory instrument where necessary to correct such instrument or to conform such transfer or lease to the requirements of applicable law; and

(iii)(I) grant releases from any of the terms, conditions, reservations, and restrictions contained in, and (II) convey, quitclaim, or release to the transferee any right or interest reserved to the United States by, any instrument by which such transfer or lease is made, if the Secretary determines that the property transferred no longer serves the purpose for which it was transferred, or that such release, conveyance, or quitclaim will not prevent accomplishment of the purpose for which such property was so transferred.

Any such releases, conveyance, or quitclaim may be granted on, or made subject to, such terms and conditions as the Secretary considers necessary to protect or advance the interests of the United States.

(d) COVERED PROPERTY.—Property that may be transferred or leased under subsections (c) and (g) is the related personal property and acquired real property at a facility of the Department of Energy to be closed or reconfigured that the Secretary of Energy determines to be no longer necessary for weapon production or other missions of the Department.

(e) APPLICABILITY OF OTHER LAWS.—Property transferred or leased under subsections (c) and (g) shall be transferred or leased in accordance with—

(1) the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.), to the extent not inconsistent with this section; and

(2) all applicable environmental laws, including the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

(f) LIMITATION ON RELOCATION OF EQUIPMENT.—The Secretary shall not relocate equipment from a facility, such as machine tools that could be useful in converting the facility, except in cases where buying new equipment would be significantly more costly or significantly more time-consuming than moving the equipment. The Secretary shall establish guidelines for determining costs under this subsection.

(g) REUTILIZATION.—To the extent practicable, the Secretary of Energy may make available for reutilization a facility or property of the Department of Energy that is not required for weapon production work in any case in which the Secretary determines that such reutilization will—

(1) reduce the long-term cost to the Government, including the cost of worker displacement and retraining in the community in which the facility or property is located;

(2) contribute to the preservation of the national technology and industrial base by using the equipment at the facility or property; or

(3) assist the economic development in the community in which the facility or property is located.

(h) OTHER TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions with respect to a transfer or lease of property under subsection (c) as the Secretary determines appropriate to protect the interests of the United States.

(i) REPORT.—Not later than February 1, 1994, the Secretary of Energy shall submit to the Committees on Armed Services of the Senate and the House of Representatives, the Committee on Government Affairs of the Senate, the Committee on Government Operations of the House of Representatives, and the Committee on Energy and Commerce of the House of Representatives a report on the plans of the Secretary in accordance with applicable law for the reutilization of real property, facilities, equipment, and supplies at weapon production facilities of the Department of Energy that are planned or scheduled for the termination of weapon production activities.

(j) DEFINITION.—For purposes of this section, the term "reutilization" means the development of sites previously used in the nuclear weapons complex of the Department of Energy for private commercial work or nonweapon production-related Government work. Such development may consist of—

(1) conversion of the site or portions of it to exclusively private or local government use;

(2) leasing of facilities or equipment to non-Department of Energy sources;

(3) use of Department of Energy facilities to enhance the national technology and industrial base through technology transfer

and commercial work by Department of Energy contractors;

(4) development of a financial assistance arrangement with local communities to seek other uses for vacated or underutilized facilities;

(5) sale of all or portions of certain facilities to commercial concerns under terms that dictate economic development of the site; or

(6) any combination of paragraphs (1) through (5).

At the end of subtitle B of title XXVIII (page 516, after line 6), insert the following new section:

SEC. 2819. PILOT PROGRAM TO CONVEY CLOSED MILITARY INSTALLATIONS TO NEIGHBORING COMMUNITIES.

(a) PILOT PROGRAM REQUIRED.—The Secretary of Defense shall establish a pilot program to develop, and evaluate the adequacy of, economic revitalization criteria to govern the conveyance of surplus real property and related personal property at closed military installations to local redevelopment authorities in order to assist the communities adjacent to these installations recover from the adverse consequences of the closure of military installations pursuant to the base closure laws.

(b) MILITARY INSTALLATIONS IN THE PILOT PROGRAM.—The pilot program required by this section shall be conducted at Naval Air Station Alameda, California, Naval Depot Alameda, California, Loring Air Force Base, Maine, Gentile Air Force Station, Ohio, and military installations in Charleston, South Carolina, to be closed.

(c) CONVEYANCE.—Subject to subsection (f), in the case of each military installation included in the pilot program, the Secretary shall convey all right, title, and interest of the United States in all surplus real property and related personal property at the installation to the local redevelopment authority for that installation. If a local redevelopment authority is in existence for such an installation on the date of the enactment of this Act, the conveyance shall be made to that local redevelopment authority.

(d) CONSIDERATION NOT TO BE REQUIRED.—No consideration may be required for a conveyance of property pursuant to this section.

(e) ECONOMIC REVITALIZATION CRITERIA.—As part of the pilot program, the Secretary shall develop economic revitalization criteria to be used as the basis for reviewing redevelopment plans submitted under subsection (f) to ensure that the plans promote the economic revitalization of areas within, and surrounding, closed military installations. Such criteria shall emphasize such factors as job creation, training, technology development, small business concerns, land use planning, and appropriate public purposes.

(f) REDEVELOPMENT PLAN REQUIRED.—To be eligible to receive property under subsection (c), the local redevelopment authority for a military installation included in the pilot project shall submit to the Secretary a redevelopment plan for the installation not later than 120 days after the date on which the installation is first included in the pilot program. Not later than 120 days after the submission of the redevelopment plan, the Secretary shall complete a review of the redevelopment plan using the economic revitalization criteria developed under subsection (e) and either approve the plan or reject the plan as incomplete or inadequate. If the Secretary determines that the redevelopment plan is incomplete or does not adequately address the redevelopment and reuse of the installation, the Secretary shall inform the local redevelopment authority involved of the reasons for the determination and shall give the local development authority a sufficient period within which to resubmit an adequate redevelopment plan.

(g) TIME FOR CONVEYANCE.—The conveyance of all surplus real property and related personal property at a military installation included in the pilot program shall be completed pursuant to the terms of the approved redevelopment plan for the installation, but not later than the date the Secretary officially closes the installation.

(h) RELATIONSHIP TO CERCLA.—Nothing in this section shall be construed as superseding section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980.

(i) REPORT.—Not later than three years after the date of enactment of this Act, the Secretary shall submit a report to Congress evaluating the success of the pilot program and containing such recommendations as the Secretary considers to be appropriate.

(j) DEFINITIONS.—For purposes of this section:

(1) The term "military installation" has the meaning given such term in section 2687(e)(1) of title 10, United States Code.

(2) The term "base closure law" means the following:

(A) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

(B) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).

(C) Section 2687 of title 10, United States Code.

MODIFICATION TO THE AMENDMENT OFFERED BY MR. MARKEY

The amendment as modified is as follows:

At the end of subtitle C of title X (page 346, after line 23), insert the following new section:

SEC. 1043. LIMITATION ON USE OF FUNDS FOR CERTAIN PLUTONIUM STORAGE BY RUSSIA.

(a) LIMITATION.—None of the funds authorized to be appropriated by this Act or any other Act for any fiscal year may be obligated or expended for the purpose of assisting the Ministry of Atomic Energy of Russia to construct a storage facility for surplus plutonium from dismantled weapons, unless the President certifies to the Congress—

(1) that Russia is committed to halting the chemical separation of weapon-grade plutonium from spent nuclear fuel; and

(2) that Russia is taking all practical steps to halt such separation at the earliest possible date.

(b) SENSE OF CONGRESS ON PLUTONIUM POLICY.—It is the sense of the Congress that a key objective of the United States with respect to the nonproliferation of nuclear weapons should be to obtain a clear and unequivocal commitment from the Government of Russia that it will cease all production and separation of weapon-grade plutonium and halt chemical separation of plutonium produced in civil nuclear power reactors.

(c) REPORT.—Not later than June 1, 1994, the President shall submit to the Congress a report on the status of efforts by the United States to secure the commitments and achieve the objectives described in subsections (a) and (b), including the status of joint efforts by the United States and Russia to replace any remaining Russian plutonium production reactors with alternative power sources or to convert such reactors to operation with alternative fuels that would permit their operation without generating weapon-grade plutonium.

AMENDMENT OFFERED BY MR. DELLUMS

At the end of subtitle C of title X (page 346, after line 23), insert the following new sections:

SEC. 1043. COUNTERPROLIFERATION.

(a) IN GENERAL.—Chapter 20 of title 10, United States Code, is amended by adding at the end the following new subchapter:

"SUBCHAPTER III—
COUNTERPROLIFERATION

"Sec.
"415. International counterproliferation activities.
"416. Counterproliferation policy.
"417. Semiannual report.

"§ 415. International counterproliferation activities

"(a) ASSISTANCE FOR INTERNATIONAL COUNTERPROLIFERATION ACTIVITIES.—Subject to the limitations and requirements provided in this section, in order to support international activities with respect to the nonproliferation of weapons of mass destruction and their delivery systems, the Secretary of Defense, under the guidance of the President, may provide the assistance specified in subsection (b).

"(b) ACTIVITIES FOR WHICH ASSISTANCE MAY BE PROVIDED.—The following activities are authorized under this section:

"(1) Support of nonproliferation monitoring programs, nonproliferation inspection programs, and nonproliferation compliance programs, to include—

"(A) support of the United Nations Special Commission on Iraq for its inspection and long-term monitoring activities; and

"(B) support of activities of the International Atomic Energy Agency that are designed to ensure more effective safeguards against nuclear proliferation and more aggressive verification of compliance with the Treaty on the Non-Proliferation of Nuclear Weapons of July 1, 1968.

"(2) Monitoring and control of transfers of weapons of mass destruction, related technologies, and other sensitive goods and technologies.

"(3) Efforts to improve international cooperation in monitoring of nuclear weapons proliferation, nuclear security, and nuclear safety projects to combat the threat of nuclear theft, terrorism, or accidents, to include—

"(A) collaborative activities such as joint emergency response exercises, technical assistance, and training; and

"(B) joint technical projects and improved intelligence sharing.

"(4) Efforts to improve international capabilities and cooperation in deterring and responding to terrorism, theft, and proliferation involving weapons of mass destruction.

"(c) COORDINATION.—The President shall coordinate the activities described in subsection (b) with those authorized in section 504 of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act (Public Law 102-511; 22 U.S.C. 5854).

"(d) SOURCES OF ASSISTANCE.—Supplies and equipment provided as assistance under this section may be provided, by loan or donation, from existing stocks of the Department of Defense and the Department of Energy.

"(e) PRIOR NOTICE TO CONGRESS.—Not less than 15 days before providing assistance under this section, the Secretary of Defense shall transmit to the appropriate congressional committees a report on the proposed assistance. Each report shall specify—

"(1) the forms of assistance the Secretary of defense proposes to provide;

"(2) the recipient of the proposed assistance;

"(3) the proposed involvement of United States Government departments and agencies in providing such assistance; and

"(4) the amount of funds proposed to be obligated by the Department of Defense in order to provide such assistance.

"(f) DEFINITIONS.—In this section:

"(1) The term 'weapons of mass destruction' includes nuclear, radiological, chemical, and biological weapons.

"(2) The term 'delivery system' means a ballistic missile, manned or unmanned air vehicle, or cruise missile that (A) is capable of delivering a 500 kilograms payload to a range of 300 kilometers, or (B) is intended to deliver weapons of mass destruction regardless of range or payload.

"§ 416. Counterproliferation policy

"(a) PROGRAMS.—The Secretary of Defense may conduct counterproliferation policy research and analysis programs as described in subsection (b) to support the counterproliferation activities of the Department of Defense.

"(b) COUNTERPROLIFERATION EFFORTS.—Such counterproliferation policy research and analysis may include programs intended to explore defense policy issues that might be involved in efforts to prevent and counter the proliferation of weapons of mass destruction and their delivery systems. Such efforts include—

"(1) enhancing United States military capabilities to deter and respond to terrorism, theft and proliferation involving weapons of mass destruction;

"(2) cooperating in international programs to enhance military capabilities to deter and respond to terrorism, theft and proliferation involving weapons of mass destruction; and

"(3) otherwise contributing to Department of Defense capabilities to deter, identify, monitor and respond to such terrorism, theft and proliferation involving weapons of mass destruction.

"(c) DESIGNATION OF COORDINATION.—The Secretary of Defense shall designate the Under Secretary of Defense for Policy to coordinate the research of the Department of Defense on countering proliferation of weapons of mass destruction and their delivery systems.

"§ 417. Semiannual report

"(a) REPORT.—Not later than April 30 of each year, and not later than October 30 of each year, the Secretary of Defense shall submit to the committees of Congress named in subsection (b) a report on the activities carried out under sections 415 and 416 of this title. Each report shall set forth for the preceding six-month period the following:

"(1) For activities carried out under section 415 of this title—

"(A) a description of the assistance provided;

"(B) the recipients of that assistance; and

"(C) a description of the participation of the Department of Defense and other Federal agencies in providing the assistance.

"(2) For activities carried out under section 416 of this title—

"(A) a description of the research and analysis carried out;

"(B) the amounts spent for such research and analysis;

"(C) the organizations that conducted the research and analysis;

"(D) an explanation of the extent to which such research and analysis contributes to enhancing United States military capabilities to deter and respond to terrorism, theft, and proliferation involving weapons of mass destruction; and

"(E) a description of the measures being taken to ensure that such research and analysis within the Department of Defense is effectively managed and comprehensively coordinated.

"(b) CONGRESSIONAL COMMITTEES.—The committees of Congress to which reports under subsection (a) are to be submitted are—

"(1) the Committee on Armed Services, the Committee on Appropriations, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

"(2) The Committee on Armed Services, the Committee on Appropriations, the Committee on Foreign Affairs, and the Select Committee on Intelligence of the House of Representatives."

(b) FISCAL YEAR 1994 FUNDING.—(1) In addition to funds otherwise available, funds for assistance authorized under section 415 of title 10, United States Code (as added by subsection (a)), for fiscal year 1994 shall be derived from amounts authorized in section 301(5) and shall not exceed $25,000,000. None of such assistance for fiscal year 1994 may be provided in the form of cash contributions.

(2) Funds for counterproliferation policy research and analysis programs for fiscal year 1994 under section 416 of title 10, United States Code (as added by subsection (a)), shall be derived from amounts appropriated in fiscal year 1994 for Defense-wide Activities and shall not exceed $6,000,000.

(c) RESTRICTION.—Note of the funds authorized in section 301(5) shall be available for the purposes stated in sections 415 or 416 of title 10, United States Code (as added by subsection (a)), until 15 days after the date on which the Secretary of Defense has submitted to the appropriate congressional committees a report setting forth—

(1) a description of all the activities within the Department of Defense that are being carried out or are to be carried out with the purposes described in section 415 and 416 of title 10, United States Code (as added by subsection (a));

(2) the plan for coordinating and integrating these activities within the Department of Defense; and

(3) the plan for coordinating and integrating these activities with those of other Federal agencies.

(d) CLERICAL AMENDMENTS.—The table of subchapters at the beginning of chapter 20 of title 10, United States Code, is amended by adding at the end the following new item:

"III. Counterproliferation ..... 415".

SEC. 1044. REPORT REQUIREMENT.

(a) EFFECT OF INCREASED USE OF DUAL-USE TECHNOLOGIES ON ABILITY TO CONTROL EXPORTS.—Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report assessing what effect the increased use of dual-use and commercial technologies and items by the Department of Defense could have on the ability of the United States to control adequately the export of sensitive dual-use and military technologies and items to nations to whom the receipt of such technologies is contrary to United States national security interests.

(b) CONSULTATION.—The report required by subsection (a) shall be prepared in consultation with the Director of Central Intelligence.

AMENDMENT OFFERED BY MR. COOPERSMITH, MR. SHARP, OR MR. ZIMMER

At the end of subtitle C of title XXXI (page 589, after line 17), insert the following new section:

SEC. 3139. PROHIBITION ON USE OF FUNDS FOR ADVANCED LIQUID METAL REACTOR.

No funds authorized pursuant to this title or otherwise available for fiscal year 1994 or any previous fiscal year for the national security programs of the Department of Energy shall be used for the support of the advanced liquid metal reactor.

MODIFICATION TO THE AMENDMENT OFFERED BY MR. MEEHAN

The amendment as modified is as follows:

At the end of subtitle A of title II (page 42, after line 23), insert the following new section:

SEC. 203. REALLOCATION OF CERTAIN R&D FUNDS.

(a) INCREASE IN AMOUNT FOR ARMY.—The amount provided in section 201 for the Army is hereby increased by $10,000,000, of which—

(1) $2,000,000 is for a study of the requirements for the incorporation of an electronics software upgrade into the M1A2 tank; and

(2) $8,000,000 is for Horizontal Battlefield Integration to expand the demonstration of technology interfaces needed to verify the compatibility of digital electronics in various Army Combat Systems.

(b) LIMITATION.—None of the funds described in subsection (a)(2) or otherwise made available to the Department of Defense for fiscal year 1994 may be obligated for Horizontal Battlefield Integration until the Secretary of the Army submits to the congressional defense committees a report containing a revised demonstration plan for that program. The revised plan shall include program milestones and funding requirements.

(c) REDUCTION IN AMOUNT FOR DEFENSE-WIDE ACTIVITIES.—The amount provided in section 201 for Defense-wide activities is hereby reduced by $10,000,000, to be derived from amounts for acquisition of foreign equipment for test and analysis purposes.

MODIFICATION TO THE AMENDMENT OFFERED BY MR. HALL OF TEXAS

The amendment as modified is as follows:

At the end of subtitle C of title VII (page 252, after line 13), insert the following new section:

SEC. 736. REPORT REGARDING DEMONSTRATION PROGRAMS FOR THE SALE OF PHARMACEUTICALS.

Section 702 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 10 U.S.C. 1079 note) is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection:

"(f) ADDITIONAL REPORTS REGARDING PROGRAMS.—Not later than January 1, 1994, the Secretary of Defense shall submit to Congress a report containing

"(1) an evaluation of the feasibility and advisability of increasing the size of those areas determined by the Secretary under subsection (c)(2) to be adversely affected by the closure of a health care facility of the uniformed services in order to increase the number of persons described in such subsection who will be eligible to participate in the demonstration project for pharmaceuticals by mail or in the retail pharmacy network under this section;

"(2) an evaluation of the feasibility and advisability of expanding the demonstration project and the retail pharmacy network

under this section to include all covered beneficiaries under chapter 55 of title 10, United States Code, including those persons currently excluded from participation in the military medical system by operation of section 1086(d)(1) of such title;

"(3) an estimation of the costs that would be incurred, and any savings that would be achieved by improving efficiencies of operation, as a result of undertaking the increase or expansion described in paragraph (1) or (2); and

"(4) such recommendations as the Secretary considers to be appropriate."

The CHAIRMAN. Pursuant to the rule, the amendments en bloc are not subject to a demand for a division of the question.

Pursuant to the rule, the gentleman from California [Mr. DELLUMS] will be recognized for 10 minutes, and the gentleman from South Carolina [Mr. SPENCE] will be recognized for 10 minutes.

The Chair recognizes the gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. Mr. Chairman, I yield 1½ minutes to my distinguished colleague, the gentleman from Massachusetts [Mr. MARKEY], the author of one of the amendments included in the en bloc amendments.

Mr. MARKEY. Mr. Chairman, I rise in support of an amendment to H.R. 2401, Defense authorization for fiscal year 1994. This amendment places a fence around $75 million in Department of Defense funding for construction of a long-term plutonium storage facility in Russia. The fence comes down if the President certifies to Congress that the Ministry of Atomic Energy in Russia is committed to halting chemical separation of weapon-grade plutonium, and that Russia is taking all practical steps to halt such separation at the earliest possible date.

The need for this amendment is clear even as the administration seeks to add another $400 million to the existing $800 million assistance budget for demilitarization of the independent States of the former Soviet Union, Russia continues to operate a vast complex of facilities to produce and separate plutonium, one of the key ingredients in nuclear weapons.

While the United States rejected civil plutonium use in the early 1980's as being uneconomical, environmentally damaging and an unacceptable proliferation risk, and while we ceased production and separation of weapon-grade plutonium in 1988, Russia continues to separate plutonium from spent fuel for both military and civil purposes. The Russian nuclear ministry continues to do this despite huge existing stockpiles of some 135 metric tons of weapon-grade plutonium, and 30 tons of reactor-grade civil material. Despite its nominal designation as civil, the reactor-grade plutonium can also be used to make nuclear weapons. All this material is produced under conditions that fail to meet current—much less truly adequate—international standards for nuclear materials accounting and control and environmentally responsible radioactive waste management.

On September 2, the Department of Defense signed an agreement with the Russian Ministry of Atomic Energy [MINATOM] that will provide this Ministry with $75 million in operating, construction equipment, and training assistance for a planned storage facility for fissile material derived from the destruction of nuclear weapons. Remember, this Ministry is the same outfit that brought the Russian people the Kyshtym nuclear disaster in the Urals, Chernobyl, the recent Tomsk reprocessing plant accident, billions of curies of routine radioactive releases to the environment, and an estimated 45,000 nuclear weapons.

We should not be in the business of subsidizing or encouraging—directly or indirectly—the development of a plutonium economy in Russia, or any other country. The recent activities of MINATOM are hardly encouraging from a nonproliferation perspective. The Ministry has announced ambitious plans for large-scale separation and use of plutonium in civil reactors, and is actively seeking agreements to extract additional plutonium contained in foreign spent fuel.

Even if the Russians insist that their antiquated production reactors must be kept in operation for electric power and district heating, either the spent fuel storage, the fuel cladding, or both can be upgraded to permit operation of the reactor without reprocessing of the spent fuel.

From a nonproliferation perspective, the real issue is not the future availability of gold-plated storage capacity—5 or more years from now—for whatever fraction of its warhead plutonium Russia ultimately declares is excess to its military needs. No, today the real urgent nonproliferation issue is the prompt declaration and continuing periodic verification of all retired weapons and weapons-usable-material stocks at current storage sites and nuclear production facilities in Russia, and in the other the independent states of the former USSR. In comparison with this task, the plutonium storage facility project is just not the core of the problem.

I have worked with the administration to satisfy their concerns with this amendment. The amendment is now in a form that the administration strongly supports. I strongly urge my colleagues to support this important amendment.

Mr. SPENCE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to engage the committee chairman in a colloquy. Mr. Chairman, on pages 186 to 189 of House Report 103–200, the report accompanying H.R. 2401, the Armed Services Committee summarized its action on the operations and maintenance budget requests for the four military services.

Under the section marked "increases," these tables show a Peacekeeping Disaster Relief transfer entry to each service O&M budget for an aggregate total of $350 million. Is it your understanding, Mr. Chairman, that these entries reflect additions back into the each of the service O&M budgets from the peacekeeping and disaster relief budget request and not an allocation of $350 million for peacekeeping and disaster relief activities as some have suggested?

Mr. DELLUMS. If the gentleman will yield. the gentleman is correct. The committee bill as reported contains no funds specifically earmarked for peacekeeping or disaster relief activities.

The administration request contained $350 million for those purposes. Instead, the committee chose to shift those funds to general operations and maintenance. Unfortunately, the committee report on the bill has confused some people on what we did. Mr. Chairman, the entries the gentleman mentions reflect increases to each military service's general O&M budget achieved by transferring money out of the administration request for peacekeeping and disaster relief, not into it as many have misconstrued.

Mr. SPENCE. Mr. Chairman, I thank the gentleman for this important clarification.

Mr. Chairman, I want to express my support for the amendment entitled "Transfer or Lease of Property at Department of Energy Weapon Production Facilities," offered by Representative HALL from Ohio. The amendment makes available to local communities equipment or other property no longer needed at Department of Energy [DOE] weapons production facilities. For many communities, the shutdown or workforce realignment of a DOE facility will cause severe economic hardship. The Hall amendment seeks to ease the burden on these communities by allowing DOE to sell, at less than fair market value, equipment that can be beneficially reutilized by the community. At the Savannah River site in South Carolina, for example, DOE will be disposing of fire fighting equipment and trucks no longer needed to support the on-site fire station. Some local communities would like to purchase the equipment and trucks. One community in particular, Hollow Creek, desperately needs a replacement for its vintage 1952 pumper firetruck. I am pleased that passage of the Hall amendment will, at a minimum, give the citizens of Hollow Creek the opportunity to purchase a moderately priced firetruck which will be of benefit to the community at large. This is just one example of the kind of equipment that will be made available by passage of the Hall amendment; there are many others.

I strongly support initiatives to aid communities adversely affected by the downsizing of the DOD and DOE infrastructure. Through no

fault of their own, the citizens of these communities are faced with redirecting their careers after years and years of reliable employment. In some communities the DOE weapons production facility has been the sole source of employment for 45 years.

I thank Mr. HALL for working with me on this important amendment to ensure that communities like Hollow Creek all over the country have a chance to purchase surplus DOE property at a reasonable price. I intend to work with representatives from Hollow Creek and other South Carolina communities to assist them in fully utilizing the opportunities offered through passage of this amendment.

Mr. DELLUMS. Mr. Chairman, I yield 2 minutes to my distinguished colleague, the gentleman from Missouri [Mr. SKELTON], for the purposes of entering into a colloquy with the gentleman from Massachusetts [Mr. MEEHAN].

Mr. MEEHAN. Mr. Chairman, will the gentleman yield?

Mr. SKELTON. I yield to my friend, the gentleman from Massachusetts.

Mr. MEEHAN. Mr. Chairman, I would ask the distinguished chairman of the Subcommittee on Military Forces and Personnel to engage in a colloquy regarding the extension of the Uniformed Services Treatment Facilities.

Mr. SKELTON. I would be happy to do so. Let me point out that the committee directed DOD to develop a managed care model as the basis for continued use of the USTF's in the military health care system.

Mr. MEEHAN. In light of DOD's continued efforts to kill the USTF's, I am still concerned that the Department of Defense may try to terminate them before performing an accurate assessment of their cost-effectiveness. As the gentleman is aware, they have 4-year contracts, and the retirees who elect to receive care from a USTF are relying on the facilities to provide care over a period of time greater than 1 or 2 years.

Mr. SKELTON. Let me reassure the gentleman that the committee always gives highest priority to the welfare of beneficiaries. The committee limited the extension to 2 years because there is simply a great deal going on in health care and the committee wanted to preserve the flexibility to oversee the future course of the entire military medical system and make adjustments, as we do with many other important personnel programs.

Mr. MEEHAN. As the gentleman knows, the other body has proposed to extend the USTF's for 5 years. Are you open to considering a longer extension as a compromise in conference, especially in light of the fact that DOD has signed 4-year participation agreements with these facilities and that the USTF's have invested resources based on the agreements?

Mr. SKELTON. Let me assure the gentleman that I am open to the Senate's arguments for a longer extension of the deemed status for the USTF's.

Mr. MEEHAN. Mr. Chairman, I thank the gentleman.

Mr. SPENCE. Mr. Chairman, I yield 1½ minutes to the gentleman from California [Mr. DORNAN] for the purposes of a colloquy.

Mr. DORNAN. Mr. Chairman, I thank my leader for yielding the time. I would like to engage in a colloquy with the distinguished gentleman from Missouri [Mr. SKELTON].

As the good chairman is aware, I had planned to offer an amendment on the floor today requiring the discharge from our military forces of HIV-positive servicemembers because they are not worldwide deployable and thereby pose a serious impediment to personnel readiness. In addition, once a member comes up HIV positive, their jet flying, paratrooper, helicopter, submarine, surface ship, fighting vehicle, artillery, rifle, and pistol days are instantly terminated. In a word, it is terribly unfair to the fit, the healthy men and women in service requiring your healthy to deploy more often. According to the Commandant of the Marine Corps, "This not only impacts readiness but also increases the deployment tempo of fully fit marines."

I understand, however, that the chairman plans hearings on this issue.

Mr. SKELTON. If the gentleman will yield, Mr. Chairman, the gentleman from California is correct. Let me reassure him that, as a result of earlier discussions within the committee, I intend to hold hearings as soon as possible on the readiness impact of nondeployables.

Mr. DORNAN. I thank the chairman for his reassurance and leadership on this important issue of readiness.

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Mr. DELLUMS. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. HALL].

Mr. HALL of Texas. Mr. Chairman, recently, many of my constituents and others could easily receive their pharmaceuticals at Carswell Air Force Base, and with very little notice, they were informed that a catchment area had been designated around Carswell. For those who do not know what a catchment area is, it is the legal boundary which surrounds a military treatment facility and is used to determine the requirement for nonavailability statements for CHAMPUS beneficiaries. In other words, it is an area where certain citizens are deemed eligible for pharmaceuticals, and those outside that area were given significantly different treatment.

Military retirees have been able to obtain pharmaceuticals at military facilities, and therefore, not having to rely on Medicare. But those who had easy access to pharmaceuticals in the Carswell area have had the door closed on them. Those retirees and other eligible persons who are fortunate enough to live within the 40-mile radius are indeed privileged as they still have pharmaceutical benefits, but now at designated drug stores in this catchment area.

Even though an eligible retiree might live across the street from one of these drug stores, he or she has been told they cannot partake of the pharmaceutical benefits because they do not have the right ZIP Codes.

With the assurance of Chairman MONTOGMERY and Chairman SKELTON, and as recommended by the National VFW and the American Legion, I am agreeing to this en bloc amendment for a study of 90 days. This is necessitated by what I consider an erroneous cost estimate by the Congressional Budget Office. At best the CBO estimate clouds the issue and puts a favorable vote on the amendment in jeopardy. The rights sought in my amendment are too important to risk an unfavorable vote and thereby delay indefinitely the relief I have sought for the veterans and retirees of our Nation.

Mr. SPENCE. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. LEVY].

Mr. LEVY. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in support of the en block amendment of H.R. 2401.

Included in the en bloc is an amendment which would direct the inspector general of the Department of Defense to reopen investigations of a number of cases in which members of our Armed Forces were alleged to have committed suicide. My interest in this issue stems from a case I inherited from my predecessor, former Congressman Raymond McGrath. A young marine from the district I now represent was killed by gunshot in a nightclub in San Salvador. The Naval Investigative Service called the incident a suicide, yet physical evidence and numerous accounts from members of the Marine Corps and other witnesses raise troubling questions.

The efforts of my constituents to get answers from the Departments of Navy and State have attracted nationwide publicity. Families of 72 other alleged suicide victims have come forward with stories that have disturbing parallels with that of the deceased young man from New York. Some of the lapses by Department of Defense investigators are incredible. Evidence was mishandled, witnesses were ignored, and other serious procedural failures have been noted. In some instances, photographs taken by investigators clearly conflict with official findings.

The amendment requires an independent review of these incidents by the inspector general of the Defense Department. The inspector general was established to provide an independent review of agency activities and operations. The sensitivity of these particular cases and repeated failures on

the part of the Defense Department investigative agencies cries out for the kind of review that can only be conducted by the IG.

One of the problems faced by the Office of Inspector General is the enormous caseload. The purpose of this amendment is to indicate the priority we place on members of our Armed Forces whose deaths have not been properly investigated.

Our goals are clear. We would like a better explanation for the cases at hand and an examination of the pattern of failure by Defense law enforcement agencies. Absent fundamental changes in these agencies, more families will live with terrible and nagging uncertainty over the death of a loved one.

I want to thank my colleague from New Jersey, Mr. PALLONE, who has joined me in this endeavor and Chairman DELLUMS for including the amendment in the en bloc.

Mr. DELLUMS. Mr. Chairman, I yield 1 minute to the coauthor of that amendment, the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. I thank the gentleman for yielding this time to me.

Mr. Chairman, the amendment being offered by Congressman LEVY and myself calls upon the inspector general of the Department of Defense to conduct a reinvestigation of any self-inflicted death, after January 1, 1982, while the serviceman was on active duty, if there are allegations of incomplete or inadequate initial investigation and if the family makes the request.

For the last several years our attention has been drawn to repeated stories of flawed criminal investigations within the armed services.

Story after story has appeared detailing those stories that have grabbed the attention of the American public: Tailhook, the USS *Iowa* explosion and others.

But what happens when an American family experiences a tragedy: The unexpected death of their son or daughter in the military—and compounding that tragedy, an investigation that results in a finding that the death was self-inflicted?

Then, as the family receives information from various sources, questions begin to arise. Why were there no fingerprints on the gun? Why was he bruised all over? Why was he bound? Why was there no nitrate on his hands? Why was the person with their son not immediately tested? Why were his wallet and personal belongings missing?

But no one answers the questions. No one acknowledges that the questions are bona fide. No one is able or willing to respond. Request after request is made by the family under various acts. First they are patronized, then they are ignored.

Finally the official reports are received, some including the photos of the death scene and the autopsy photos, if the family has requested them—only to discover there are even more questions.

These families develop suspicions, and over a long period of time they go back and forth between belief that there was a coverup of some sort or that the investigators were simply incompetent.

So far, the military investigators response to this is to say that the families are in denial. The military says that these families simply cannot accept the fact that their sons killed themselves. Go home, the families are told, and forget your questions.

Well, let me tell you that I have grave doubts about many of the cases brought to my attention—and two of them are from my congressional district. One constituent, a 27-year-old marine, had just come out of Officers Candidate School and finished No. 1 in his class. He died at Camp Pendleton, where nine young men have allegedly committed suicide in the last 18 months.

One of my questions is whether we are really having an increase in the number of suicides or whether these are homicides that are not properly investigated because of understaffing or inexperience? How will we know without looking at the cases where questions exist?

If no one at DOD is willing to look into each of the investigations where questions have been raised that most certainly are not frivolous, how do we know, how do the parents know, exactly what quality of investigation prevailed after these young people died?

Mrs. Jakovic, my constituent, has become one of several mothers across the country who are organizing the effort to obtain reinvestigations into the deaths of their children. These families need your support of this amendment, which does not require additional funding.

Certainly throughout DOD and the armed services there is the ability to absorb a reinvestigation of these cases. Further, other Departments, such as the Department of Justice, are well able to perform expert services in pathology and ballistics.

This amendment will provide assurance to families that their questions will be answered and further, provide immediate insight into the integrity of military investigations—the product of which may be of lasting benefit to future investigations.

Mr. SPENCE. Mr. Chairman, I yield such time as he may consume to the gentleman from Arizona [Mr. KYL].

Mr. KYL. Mr. Chairman, I rise in support of one particular aspect of the amendment offered by the gentleman from Indiana [Mr. MCCLOSKEY] which puts the Congress on record in support of the U.S. Government's longstanding policy of treating the export of space launch vehicle technology as restrictively as its identical military twin—ballistic missile-related exports. I firmly believe that passage of this amendment is the very least Congress should do given the misguided efforts of some State Department officials to have President Clinton loosen existing missile and nuclear nonproliferation controls.

Mr. Chairman, last week, in response to earlier congressional and press objections to relaxing existing controls on dangerous nuclear and rocket technology, Vice President GORE personally intervened and temporarily blocked any changes from being made to existing U.S. nonproliferation policy. However, this pause did not last long. Just yesterday, the President announced, during his speech to the United Nations General Assembly in New York, that he had approved the new policy recommendations being pushed by the State Department.

Passage of this amendment on space launch vehicle [SLV] controls, which is quite similar to an amendment sponsored by Senator BINGAMAN and added to the Senate version of the fiscal year 1994 Department of Defense authorization bill, is a modest, but useful step in the right direction. I should state, however, that since the administration has chosen to adopt these policy changes, despite the continued misgivings that I and other Members have expressed, I will seek, during the conference committee's deliberations on this bill, to add more restrictive provisions to guard against the clear dangers these changes threaten.

What am I talking about? Mr. Chairman, at the heart of U.S. missile and nuclear nonproliferation policy has been a recognition of the need to clearly differentiate between activities that are dangerous and those that are not, and activities that are profitable and those that are not. Unfortunately, the State Department's recommendations would fuzz up these distinctions with potentially disastrous consequences for United States and allied security.

U.S. nuclear cooperation, for example, has long emphasized activities relating to reactors that do not use weapons usable uranium or plutonium over activities relating to reactors that do. The reason why is simple: The mere possession of nuclear weapons usable materials brings a nation within days of having a nuclear bomb. Similarly, U.S. space cooperation has always drawn the line where the Missile Technology Control Regime [MTCR] does—in denying additional nations the means to deliver nuclear weapons over great distances.

Thus, it has been our policy not to increase the number of nations acquiring space launch vehicles or large sounding rockets since such rockets are indistinguishable from intermediate or intercontinental range ballistic missiles. Indeed, the only SLV cooperation the United States has engaged in to date was both before the MTCR's creation and with the People's Republic of China [PRC] or Russia, who are already recognized nuclear weapon states under the Nuclear Nonproliferation Treaty [NPT].

In both the rocket and nuclear cases, the safeguards logic of our existing nonproliferation policy has been clear. Because nuclear

activities associated with the production or use of weapons usable plutonium and uranium and rocket activities associated with SLVs or large sounding rockets brings nations so close to having nuclear weapons and ballistic missiles, neither are safe or safeguardable. Safeguards, after all, must provide time warning of a diversion of a safe activity to a dangerous one.

By this standard, monitoring only becomes a safeguard if it can detect a diversion in enough time to allow us to prevent the diversion from being completed. How much time is this? A useful definition was provided in the 1946 Acheson-Lilienthal report on the International Control of Atomic Energy, which estimated that "sufficient warning" meant at least a year or more. Judging from our slow response to Iraq's and North Korea's proliferation activities, a year's worth of warning seems the very minimum we need.

In the case of nuclear activities involving weapons usable uranium or plutonium or SLV's and large sounding rockets, diversions to nuclear weapons or long-range or intercontinental ballistic missiles [ICBM's] are measured in days, not years. By the time you detected a diversion, assuming you were luckily enough to do so, it would be too late to do anything effective to stop it. It would be a fait accomplis.

Reinforcing the safeguards logic of our current nonproliferation aversion to dangerous rocket and nuclear activities is simple economics. It turns out that both the production or use of nuclear weapons usable uranium and plutonium and starting a totally new SLV program are sure-fire money losers. As was noted in a recent editorial published in the Christian Science Monitor by a former senior Pentagon official:

> Studies last year by the Commerce Department and the RAND Corporation concluded that initiating new "peaceful" SLV programs is a sure-fire money loser for any nation not already launching commercial satellites. * * * Dangerous "civil" nuclear activities * * * are no different. * * * The world is already awash with civil uranium enrichment capacity and trying to use highly toxic plutonium instead of cheap, safe uranium as reactor fuel is like trying to make quick money fueling autos with high sulfur coal.

Brian Chow, the Rand author of a detailed study completed for the Defense Department entitled "Emerging National Space Launch Programs: Economics and Safeguards," drove this same point home concerning SLV exports in a recent editorial in the Wall Street Journal:

> Last month President Clinton persuaded Saudi Arabia to purchase $6 billion in new passenger jets from Boeing and McDonnell Douglas. The economic benefits of exporting space launch technology are not anywhere near as large. Considering the competition from Russia, the European Space Agency, Japan and others, the American share of space launch technology sales is unlikely to exceed $200 million a year. It would take 30 years of such sales to equal what we just achieved with that single aircraft sale. Furthermore, after other countries succeed in developing their own space launch capability, they will no longer ask the U.S. for launch services.

It is this economic and safeguards logic that the State Department, with the support of former State Department Under Secretary Frank Wisner, now at the Defense Department, would change. The State Department's efforts to modify the underlying logic of our missile and nuclear nonproliferation policy are hardly new. As was noted by Senator BINGAMAN when he introduced the Senate version of the SLV resolution now included in the MCCLOSKEY amendment, a State Department report to Congress in 1989 suggested the possibility of the United States aiding emerging space launch programs. It was opposition to this suggestion, the Senator noted, that encouraged him to author the missile technology control provisions that were ultimately adopted as part of the Defense Authorization Act for fiscal year 1991 (Public Law 101–510), which required the United States to treat exports of SLV technology as restrictively as those relating to ballistic missiles.

Apparently, the State Department bureaucracy did not get the message. Just last year, during the Bush administration, officials from State suggested some of the key relaxations of U.S. nonproliferation policy now having been adopted by President Clinton. Fortunately, the Defense Department resisted these ideas and they were put aside when National Security Directive 70, President Bush's directive on U.S. nonproliferation policy, was announced in July 1992.

But the State Department did not give up. In fact, I understand that in the fall after the election, the State Department again revised its nonproliferation ideas for consideration by the Clinton administration. And, with the nomination of Under Secretary of Defense Frank Wisner, unanimous interagency support was virtually guaranteed.

What precisely are these changes? In the missile technology area, instead of making it necessary for new members of the MTCR to give up any large missile or rocket development effort, the Clinton policy would allow nations to become members of the MTCR even if they pursued such programs so long as these programs were deemed not to be for offensive purposes. Second, and related, instead of discouraging nations from developing large sounding rockets and SLV programs, the new Clinton policy would ratchet U.S. concerns back to a skeptical attitude with case-by-case review of applications for U.S. assistance to such programs. Third, and finally, the proposed Clinton policy would offer cooperation with the United States on such large rocket programs as an incentive to get nations interested in joining the MTCR.

In the nuclear field, the changes to U.S. policy are no less significant. These were highlighted in a State Department paper handed to foreign governments several months ago and in a White House press release issued September 11 and later withdrawn but not contradicted as mistaken. First, the United States would no longer be concerned about other nations producing or using weapons usable uranium and plutonium for civilian purposes so long as these nations were located in regions deemed by the administration to be stable and the activities were monitored by the International Atomic Energy Agency [IAEA]. Second, the United States would commit up-front to hand over its excess weapons plutonium and highly enriched uranium along with its excess bomb components to the IAEA for safeguarding, even though the necessary technical measures to permit international safeguarding of this material has yet to be developed.

All of these changes are quite disturbing. First, as difficult as it is to safeguard weapons usable uranium and plutonium, it is incomprehensible that anyone would propose to have the IAEA safeguard U.S. nuclear materials in the form of nuclear weapon components, such as pits. This is reckless. In fact, critical nuclear weapon design information is visibly available simply by looking at how we shape our nuclear weapons materials to make nuclear weapon pits.

This is not the sort of information we want non-nuclear weapons state members of IAEA to have access to. Yet, it would be more difficult to keep this information from them in an organization that is so clearly dedicated to the principle of equal treatment of all members. Indeed, Iran, a nation that the Honorable James Woolsey, the Director of Central Intelligence, has publicly testified is working to develop nuclear weapons, is on the IAEA's Board of Governors.

Second, it makes no sense to indulge or allow our friends to engage in uneconomical civil nuclear activities involving the production or use of weapons usable uranium or plutonium when we are trying to get all the world's other nations to avoid these activities altogether. This is doubly so when there is no technical means to safeguard such activities. Trying to argue otherwise for our friends in stable regions is a delusion.

Finally, the administration's professed willingness to entrust so much to the IAEA belies any sound understanding of that organization's key weaknesses. It is far behind in meeting its safeguarding responsibilities for safe activities and yet is overly eager to educate Iranians and other questionable members in sensitive nuclear fuel cycle activities. Rather than get this agency into more dangerous duties, we ought to be disciplining it to live up to its current list of responsibilities.

As for the administration's missile recommendations, these too leave much to be desired. In fact, the Washington Post and the widely respected industry publications Space News and Jane's Defense Weekly have raised serious and legitimate questions about PRD–8 in recent editorials and analysis. The editorial that ran in Space News was most telling. As it noted:

> * * * those behind a policy shift want to show friendship to other nations as a means of encouraging democracy and convincing them to join in nonproliferation efforts. Selling launch technology as a friendly gesture reflects inexcusable naivete about defense matters on the part of these public servants.

The argument, of course, is that the United States will only help MTCR members on the development of ICBM-capable rockets who are truly trustworthy. The problem with this supposition is that other MTCR members likely will not share our views as to who is and isn't trustworthy; the PRC, Russia, and other MTCR countries will be free to adopt their own view of what constitutes a trustworthy nation and will follow our lead in establishing cooperative relationships with these nations to development SLV's.

There is also the problem of undermining what few clear successes we have had in the missile nonproliferation field. The Washington Post editorial rightly noted that United States policy succeeded in getting South Africa, Taiwan, and Argentina all to drop their plans for so-called peaceful SLV's and that only by sticking to our principles concerning the interchangeability of SLV's and ballistic missiles were we able to get the Russians to agree to drop, albeit rather late in the game, their SLV cooperation with India. The Indians have continued their program, of course, but just recently their program suffered a test-launch failure that clearly suggests just how important foreign rocket assistance is. What will happen when we bring Argentina, India, South Africa, and Brazil into the MTCR, as Clinton administration officials have claimed they want to do? Many officials in these countries still want to develop large rockets. Will the United States refuse to assist them because we consider them untrustworthy—after we support their entrance into the MTCR? And if we do, on what grounds will we be able to prevent other MTCR members from assisting these nations?

Mr. Chairman, these are important questions that the administration and Congress should answer before any change is made in existing nonproliferation policy. Adoption by the House of this modest amendment concerning SLV issues is, I believe, the best way to register congressional concerns about Presidential Review Directive No. 8 [PRD–8] and to encourage the administration to consult with interested members in earnest not only on the SLV dimensions of their proposed policy initiative, but the nuclear ones as well.

In an effort to help inform other Members of the House and the American public on this critical issue, I have included copies of various articles and other materials that I have found useful and insightful.

Mr. DELLUMS. Mr. Chairman, I yield 1 minute to my distinguished colleague, the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. I thank the chairman for yielding this time to me.

Mr. Chairman, I want to explain that I will not be offering the amendment for which I was given permission by the Committee on Rules regarding the ground wave emergency network. I think there is a waste of money there. But that amendment was dealt with by the Senate in a way that would affirm the vote. It did not seem to me it would be a productive use of the time of the House to take up that effort here, especially since I understand some people concerned with this are going to be dealing with it as a financial matter in the Committee on Appropriations.

So, therefore, I am explaining, albeit tersely, why I will not be offering that amendment.

Mr. SPENCE. Mr. Chairman, I am pleased to yield 1½ minutes to the gentleman from California [Mr. CUNNINGHAM] for a colloquy.

Mr. CUNNINGHAM. I thank the gentleman for yielding this time to me.

Mr. Chairman, I would like to engage the distinguished chairman of the Readiness Subcommittee in a brief colloquy concerning the provision of family advocacy services to military personnel.

Mr. HUTTO. Mr. Chairman, will be gentleman yield to me?

Mr. CUNNINGHAM. I yield to the gentleman from Florida [Mr. HUTTO], the chairman of the subcommittee.

Mr. HUTTO. Mr. Chairman, I would be happy to engage in a colloquy with the gentleman from California on a subject that is of such importance.

Mr. CUNNINGHAM. We are all aware of the tremendous pressures which are placed on military families today, and the need for programs to assist families to cope with such pressures. I want to discuss the value of just such a program which has been successfully implemented throughout the Marine Corps.

In fiscal year 1992, Congress appropriated funds to expand the new Parent Support Program, a 2-year-old pilot program aimed at preventing child and spouse abuse at Camp Pendleton. The Camp Pendleton program operated in direct collaboration with Children's Hospital of San Diego.

Today, the NPSP is fully operational at all 18 major Marine bases, reaching the families where child and spouse abuse are most likely to occur. The Commandant has indicated that the program's services have received high praise from Marine Corps commanders, active duty personnel, and family members. However, shrinking dollars and operating budgets make it difficult for the marines to continue funding this effort. In light of the program's continued demonstrated value and success, I would like to work with you and Mr. DELLUMS to ensure that the fiscal year 1995 authorization bill adequately supports the funding necessary for the program.

Mr. HUTTO. I agree with the gentleman from California about the importance of child abuse prevention programs to the Armed Forces, and I am also aware of the New Parent Support Program's implementation and success throughout the U.S. Marine Corps. However, I must point out that this type of program has applicability to the other branches of the military services. After all, more than 50 percent of the forces are now married. I would be happy to work with the gentleman from California to ensure this program is adequately supported.

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Mr. DELLUMS. Mr. Chairman, I yield 3 minutes to my distinguished colleague, the gentleman from Nebraska [Mr. HOAGLAND].

Mr. HOAGLAND. Mr. Chairman, I do appreciate the gentleman yielding this time to me.

The Rules Committee has allowed an amendment that I requested that would strike section 942 beginning on page 311.

Now, I intend not to offer that amendment today, but let me tell you why the amendment is bad policy and why it is a bad thing.

The amendment provides, and I have a copy of the bill right here, that the U.S. Space Command, which is located in Colorado may not be merged with the U.S. Strategic Command for the rest of this year and for the rest of next year, and further that no element or component of the Space Command located in Colorado can be transferred to the Strategic Command.

Now, let me tell you the reason for that provision in the bill, inserted as I understand it by Members of the Colorado delegation, is in response to Gen. Colin Powell's report, the chairman of the Joint Chiefs of Staff report on "Roles, Missions and Functions in the Armed Forces," which recommends that there could be considerable economies saved by studying the possibility of merging the Space Command with the Strategic Command.

This report recommends that at least a study be made of that because there might be major economies associated with merging those two commands.

Now, the effect of this provision is to take away from the Pentagon the authority to change these command structures.

Now, I think that is bad policy. This response is made by the Colorado delegation in order to try to preserve in Colorado a command that has been there for a long time. It is understandable that the Colorado delegation should try to do that, but command decisions, where they are to be located, whether they are to be merged, what the size of them is to be, have traditionally been made by the Pentagon. They have never been made by this body or by the Senate. It has never been in statute. Command decisions have long been made by the Pentagon and I think they should stay there, because they are best able to evaluate the most economically way of organizing our armed services.

So the effect of this amendment is to yield segments of Congress that have a personal interest in maintaining a command in one place or another and to undermine the basic principles of our base closing strategy and philosophy, which is to vest with an impartial commission decisions of this sort, because they are more likely to be in the best interests of the country.

Now, let me emphasize that if this makes it all the way through into law, and I think it is not going to because of opposition in the Senate, this would create a new standard of congressional competence that all of us will be required to abide by. Each of us that has a command would be expected to put language in law prohibiting movement of that command anywhere else.

The CHAIRMAN pro tempore. (Mr. DURBIN). The time of the gentleman from Nebraska [Mr. HOAGLAND] has expired.

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

The CHAIRMAN pro tempore. The gentleman has the right under the rule to move to strike the last word for an additional 5 minutes of debate time.

Mr. DELLUMS. Mr. Chairman, I yield to the gentleman from Nebraska for the purpose of allowing the gentleman to conclude his remarks.

Mr. HOAGLAND. Mr. Chairman, I thank the gentleman for yielding this additional time to me.

Now, the basic problem with this approach, as I indicated before, is that it erects a new standard of congressional competence. It would require all of us that have commands in our districts to insert language protecting those commands from transfer or shrinkage by the Pentagon.

It also would put all of us with bases in our districts under the standard of putting a moratorium on having any of the bases closed or moved anywhere else in the country. It is not good policy. Decisions of this sort should be left with the appropriate authority.

Now, this issue was dealt within the Senate extensively. Senator EXON and Senator BROWN debated this on the floor of the Senate, negotiated in private, and finally executed a letter signed by Senator BROWN and Senator CAMPBELL on behalf of Colorado and Senator EXON on behalf of Nebraska, a letter to Secretary ASPIN calling on the Pentagon before it makes a decision about the Space Command to consult thoroughly with Canada so that its interest can be represented.

I will insert a copy of this letter immediately following my remarks.

Now, it is my understanding that this is very likely to be deleted in conference. Rather than put this issue to a vote here and consume at least 30 additional minutes of time and with considerable confidence that this bad policy will not be adopted in conference, I thank the gentleman for yielding time to me, and I will not be offering the amendment allowed by the Rules Committee.

Mr. Chairman, I include the letter referred to earlier, as follows:

U.S. SENATE,
Washington, DC, September 14, 1993.

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

DEAR SECRETARY ASPIN: As the Defense Department formulates its final report on a possible move or merger of U.S. Space Command and U.S. Strategic Forces Command, it is especially important that the government of Canada be thoroughly consulted. For thirty-five years, the bilateral agreement establishing the North American Aerospace Defense Command (NORAD) has served as the cornerstone of North American defense. As you know, plans for merger, without consultation, could cause significant disruption in this important relationship.

Consequently, we ask that Canada be consulted specifically on any proposed functional or operational transfers as well as the effect of any proposed merger of the two commands on existing agreements or practices of the two countries in defending the U.S. and Canada.

Furthermore, as you formulate a final report on the study, we ask that you include in it:

(a) all of the costs, including potential environmental costs, that would be incurred through relocation of U.S. Space Command or any of its elements, functions or missions; and

(b) the result of consultations with the government of Canada, and the effect of such a merger on the defense agreements and practices of the two countries.

Thanks in advance for your assistance in this effort.

Sincerely,

HANK BROWN,
U.S. Senator.
BEN NIGHTHORSE CAMPBELL,
U.S. Senator.
JIM EXON,
U.S. Senator.

Mrs. SCHROEDER. Mr. Chairman, will the gentleman yield?

Mr. HOAGLAND. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Mr. Chairman, I just would point out that one of the reasons we put this in is the basic difference between SPACECOM and STRATCOM. Obviously, they do have different functions, and there was some concern about that.

The CHAIRMAN pro tempore. The time of the gentlewoman from Colorado has expired.

Mr. DELLUMS. Mr. Chairman, I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Mr. Chairman. I thank the gentleman for yielding this additional time to me.

This is not in my district and nobody was trying to pull a fast one.

Obviously where this came from was the Joint Chiefs review, as the gentleman pointed out.

But one of the great concerns is SPACECOM provides many benefits, such as Intelligence, navigation, weather communications, and STRATCOM consolidates all the strategic nuclear weapons.

Our real concern was do you want to mix the peaceful part of space with the nuclear part of space? For a very long time we wanted to keep a bright line between those two things that went back to the days when we all hoped that space would be a lot more peaceful and that it would be something we could all work together on as a planet to have eyes and ears there. We are not sure we want to put our eyes and ears in the peaceful part with the strategic nuclear weapons part. That is where the language came from, and we will be more than happy to work this out.

Mr. Chairman, I rise in opposition to the Hoagland amendment, which would strike section 942 of the bill. This section properly places a moratorium on the merger of Space Command with Strategic Command.

I am very troubled by a possible merger of Space Command [Spacecom] with Strategic Command [Stratcom], as suggested in the roles and missions study released earlier this year. Such a merger would raise a number of very basic policy issues which should be fully reviewed by the Congress.

By design, Spacecom and Stratcom have vastly different missions. Spacecom provides the many benefits from space systems, such as intelligence, navigation, weather, and communications, while Stratcom consolidates all strategic nuclear weapons. Should we be mixing these fundamentally different missions? What would be gained by such a merger?

Will a move of Spacecom to Stratcom, lessen the importance of space systems, to the benefit of Stratcom's main mission, strategic offensive nuclear programs? Isn't this like mixing gasoline with fire?

I am also concerned that a merger may turn future space funding into a cash cow for funding strategic offensive nuclear programs. Throughout this debate, speaker after speaker has noted how the world has changed, that the cold war is over. The need for strategic nuclear weapons is vastly diminished, despite the arguments of those still married to cold war thought and rhetoric. By combining these two commands, the strategic nuclear portion may be hidden under a space cloak, yet sucking money away from space programs.

In my mind, one would need a compelling reason to merge the two commands, and frankly, the risks do not appear to outweigh the benefits. In any event, this is an issue of major policy significance that should be fully reviewed and debated by the Congress. Section 942 merely places a moratorium on a possible merger and would allow the Congress to fully review such a proposal.

Finally, it is my understanding that the Chairman of the Joint Chiefs of Staff, Gen. Colin Powell, was quoted in "Defense News" on September 27 saying that this merger would not occur in the near future because of limited cost savings and the need to stimulate space operations. This amendment would not affect that decision.

Mr. Chairman, I urge our colleagues to vote against the Hoagland amendment.

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

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

The CHAIRMAN pro tempore. The gentleman under the rule is entitled to make that request and will be granted an additional 5 minutes of debate time.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado [Mr. HEFLEY].

Mr. HEFLEY. Mr. Chairman, just in discussing the amendment, which I guess is not going to be offered right now, but as the amendment that the gentlewoman from Colorado [Mrs. SCHROEDER] and I put in the bill has been attacked somewhat here, I want you to know that our motivation was not as devious as the Senator from the

gentleman's State seemed to think it was.

Really, I would be opposed to this amendment because it simply calls for a 1-year moratorium on any merger of the Space Command and the Strategic Command, simply because if we were to do this we ought to think about it very, very carefully.

The gentlewoman from Colorado [Mrs. SCHROEDER] talked about some of the reasons not to do it, but we ought to go over it very, very carefully, and we ought to know the cost benefit analysis of any kind of a move such as that.

Chairman Powell in his annual report to Congress suggested that this ought to be studied.

Somehow the Senator from Nebraska seemed to think it was part of base closing. It had nothing to do with base closing. It simply said that it ought to be studied. They have studied it now, and in a letter received by Senator BROWN just a few days ago and recorded in the "Defense News" of September 27, the letter stated that he noted his review of interim results to the year-long study did not convince him that the proposed merger is a good idea, and in fact the headline of this article says, "DOD Nixes the Merger of U.S. Nuclear and Space Commands," and for many of the same reasons that the gentlewoman from Colorado [Mrs. SCHRODEDER] stated.

So I think that the amendment of the gentleman from Nebraska [Mr. HOAGLAND], were it offered, would not be appropriate at this point, and I am pleased.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Chairman, let me just say that another project in the great State of Colorado is $40 million for a breast cancer research facility at the Fitzsimmons Army Hospital, but if you looked at the bill you would not recognize it as being there because they have given six criteria that have to be used in order to place this facility someplace in the United States, but if you add up all six of the criteria, it is only one hospital.

□ 1820

One hospital, and that is the Fitzsimmons Hospital in the State of Colorado very close to the gentlewoman from Colorado's district, $40 million.

Now we had an amendment in the Committee on Rules which would say that we would allow this to go forward if the Defense Department thought it was necessary, and it would allow the Secretary of Defense to decide where it should be placed. But the people on the Committee on Rules, I suspect, under some pressure, would not allow my amendment to come to the floor so that the language in the bill will only allow this $40 million facility which was never approved by the Defense Department, never asked for by the administration, can only go closely to the gentlewoman from Colorado's district.

Now I would just like to say to my colleagues that we talk about pork around here all the time, but this is really ridiculous because she disguised it with six criteria instead of saying, "Let's put it into the Fitzsimmons Army Hospital." This is deviousness of the highest sort.

And I would like to say to my colleagues this is not the sort of thing that we ought to be doing around here, and I would say to the gentlewoman from Colorado, "If you want this facility, go to the Defense Department, get their approval. Ask the administration if they think it's necessary before you stick $40 million in here and disguise it with six criteria that the American people don't understand."

Let us put it someplace in this country, if it is necessary, and let the Defense Department decide where it goes instead of sticking it into her area.

Mrs. SCHROEDER. Mr. Chairman, will the gentleman yield?

Mr. SPENCE. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Mr. Chairman, I thank the gentleman from South Carolina for being a gentleman.

First of all, Mr. Chairman, I want to point out that the criteria in here fit the eight Army hospitals that are there. What the criteria are, are dealing with the building, dealing with the laboratory, to make sure these funds are not ripped off, and it also talks about having someone that is tied into the Indian health, the veterans and DOD health to try and be very efficient. These are not directing it to any hospital.

I assure people I know how to spell Colorado. It is not there, and I say, "If you don't believe it, read on pages 71 and 72; that's where it's laid out," and this is mainly to make sure that this money goes to catching up women's health which has long been neglected.

Mr. Chairman, women have twice the incidence of cancer that were in the military than those who were not. This has been ignored by DOD, by the Veterans' Administration and by Indian health, and this is trying to centralize it and put it in a catch-up. But it allows any of the Army hospitals to come forward, and, if anyone has any question, please come over. I will show it to them in the bill. It is written as generically as possible, and that is what I have always done. I have always been for women's health. It has never been in my district.

I must say I think what the issue is that nobody wants to say that they are against women's health. They are trying to make it another issue, and that saddens me. But I thank the gentleman from South Carolina [Mr. SPENCE] for being a gentleman and letting me answer.

Mr. SPENCE. Mr. Chairman, I yield to the gentleman from California [Mr. HORN].

Mr. HORN. Mr. Chairman, I am going to insert in the RECORD material concerning the national defense authorization bill. In doing this I want to thank the chairman of the Committee on Armed Services, the gentleman from California [Mr. DELLUMS], thank the gentlewoman from Colorado [Mrs. SCHROEDER], the chairman of the relevant subcommittee, for including in this legislation the law enforcement proposal whereby involuntarily retired members of the services would have an opportunity to work for local police and sheriffs' offices, especially in high crime areas.

Mr. Chairman, this is a defense conversion proposal. We have dedicated men and women of all races and ethnicities, and it is very important that this go through.

FEDERAL HELP TO FIGHT CRIME ON THE STREETS

Mr. HORN. Mr. Chairman, I rise today in strong support of H.R. 2401, the National Defense Authorization Act for Fiscal Year 1994. Section 1332 of this legislation expands on the Troops to Teachers Program contained in Fiscal Year 1993 National Defense Authorization Act to include support for the recruitment and hiring of law enforcement and health care workers. This language incorporates provisions from two bills, H.R. 1245 by the gentleman from Maryland [Mr. WYNN] and, my legislation, H.R. 2474, the Community Security Act in which I was joined in a bipartisan coalition by Mr. TOWNS, Mr. GILMAN, Mr. HOBSON, Mrs. JOHNSON of Connecticut, Mr. MCDADE, Mr. MCKEON, Mr. MOORHEAD, Mr. PASTOR, Mr. RANGEL, Mr. SHAYS, Mr. TORRES, Mr. TRAFICANT, Mr. UPTON, and Mr. WAXMAN.

We believe this section will expand on an already successful program to channel members of the Armed Forces who are being separated into areas that directly benefit our communities—namely law enforcement and health care. President Clinton's recently announced crime initiative contains a section to provide for the retraining of up to 1,500 veterans who are leaving the military for jobs with State and local police departments. Section 1332 begins this process.

I wish to thank the gentlewoman from Colorado [Mrs. SCHROEDER] the chairman of the Research and Technology Subcommittee and Mr. DELLUMS, the chairman of the House Committee on Armed Services, and the committee for including this needed program in this year's authorization bill.

Mr. Chairman, I ask consent to insert in the RECORD, the report language on the bill, a column from the Los Angeles Times on H.R. 2474, and various resolutions of endorsement from mayors and representatives of retired military personnel, veterans, and national and local police and sheriffs organizations.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1994

(Report of the Committee on Armed Services, House of Representatives on H.R. 2401)

SECTION 1332—PROGRAMS TO PLACE SEPARATED MEMBERS OF THE ARMED FORCES IN EMPLOYMENT POSITIONS WITH LAW ENFORCEMENT AGENCIES AND HEALTH CARE PROVIDERS

This section would incorporate statutory language, based on H.R. 1245 and H.R. 2474, to expand the "troops to teachers" program to also include support for the recruitment and hiring of law enforcement and health care workers.

The committee directs the department to coordinate implementation of this program with the Justice Department and the President's Domestic Policy Council and recommends that emphasis be placed on placement of law enforcement officers recruited under this program in high-crime areas where a shortage of police officers exists.

[From the Los Angeles Times, Sept. 19, 1993]

TROOPS TO COPS: IMAGINATIVE PROPOSAL

The story is the same, be it set in the inner city or a suburb. Kids can't walk to school without fear. Their parents dare not use a bank ATM at night or drive a nice automobile that might tempt carjackers. Where are the police?

Most Americans want more cops, but few municipalities can afford to expand their police departments because of budget deficits, state funding cuts and a national economy that refuses to rebound strongly. Meanwhile, crime takes no vacation.

Congress can put more officers on patrol, and reduce unemployment, by encouraging military police officers who become casualties of defense cuts to go into civilian law enforcement. This novel "troops-to-cops" proposal, by Rep. Steve Horn (R-Long Beach), is now a part of the House defense authorization bill. The details—including the major hurdle, the cost—have yet to be worked out. But, in theory, the measure could remedy a couple of problems.

Thousands of dedicated men and women expect to be forced out of the armed services because the Clinton Administration has proposed drastic cuts in the 1994 military budget. They will need jobs at a time when cutbacks prevail in both the public and private sectors.

The troops-to-cops proposal would encourage military police officers and others with military law enforcement experience to work for state and local police departments. The feds wouldn't pay for training in local police academies (that training is an important element that would still be required), but Washington would subsidize the salaries of the new officers for five years. Clearly, those subsidies would help hard-pressed cities like Los Angeles.

The federal government would pay 50% of the new officers' salaries in the first year, 40% the second year, 30% the third, 20% the fourth and 10% the fifth. That's a bargain for the scared folks back home.

The program would also help military personnel who have health care experience. They could qualify for local public service jobs such as emergency medical technicians', and the federal government would subsidize their salaries.

The troops-to-cops program isn't the only worthy police proposal in Washington. The Clinton Administration's National Service Act will encourage young Americans to sign up for four-year stints at their local police departments in exchange for federal scholarships. Current funding will allow the hiring of several thousand police officers during the next four years.

Neither of these measures will provide enough cops to make a colossal difference; and officers by themselves cannot solve the manifold problem of crime in America. But as emblems of Washington's concern and of national priorities, these proposals are useful and imaginative tools that absolutely deserve support.

CITY OF LOS ANGELES,
July 29, 1993.

Hon. STEVE HORN,
House of Representatives, Washington, DC.

DEAR MR. HORN: I would like to offer my strong support for the early enactment of the Community Security Act of 1993 (H.R. 2474) which you have introduced in Congress. It addresses both the need to transition military personnel into civilian jobs as well as the public need to get more police officers on the streets of our cities.

As I stated in my campaign for Mayor of Los Angeles, there can be no economic recovery in our city without the promise of physical safety. Businesses will only locate and stay in Los Angeles if they can feel reasonably sure that their employees and customers will be safe. Residents will only live and conduct business in the City so long as they and their families can count on the same level of safety. And without new business activity, our tax base will continue to shrink and our citizens will continue to suffer.

That is why I have set a goal of putting 3,000 additional police officers on the streets of Los Angeles over the next four years. I believe that your legislation would help us accomplish this goal, and therefore I would urge others to support your initiative.

Sincerely,

RICHARD RIORDAN,
Mayor.

CITY OF LONG BEACH,
September 7, 1993.

Hon. STEVE HORN,
House of Representatives, Longworth House Office Building, Washington, DC.

DEAR CONGRESSMAN HORN: The City of Long Beach is in support of your proposal, contained in the Fiscal Year 1994 National Defense Authorization Bill, to assist military personnel laid off due to defense cutbacks to obtain jobs in law enforcement and health care professions by providing financial assistance to local governments to hire these individuals.

It is critical for the Federal government to provide employment assistance to military personnel as they return to civilian life. By funding these opportunities through local government, your proposal will assist both local community and individual needs. In addition to this important proposal, the City of Long Beach also supports legislation to provide direct funding to cities to hire new police officers. We are currently pursuing a portion of the $150 million now available for officers and will actively pursue any additional federal funding made available for police. Providing additional police officers for our residents is a top priority. Any assistance from the Federal government in this effort will allow local resources to be used on other critical local services.

If the City of Long Beach can be of further assistance in this effort, please feel free to contact me at (310) 570-6812.

Sincerely,

JAMES C. HANKLA,
City Manager.

INTERGOVERNMENTAL RELATIONS COMMITTEE

To the Council of the City of Los Angeles:

Your Intergovernmental Relations Committee report as follows:

Your Committee recommends that the City include in its 1993-94 Legislative Program support of H.R. 2474, and seek amendment to H.R. 2401, the Defense Authorization bill section 1332 to reconcile it with H.R. 2474, which would provide a subsidy to communities to assist discharged members of the armed forces to obtain employment as local law enforcement officers, substantially as recommended by Motion (Hernandez-Ferraro).

SUMMARY

Council Motion (Hernandez-Ferraro) urges the City to support the Community Security Act of 1993, H.R. 2474 (Horn), which directs the Secretary of Defense to enter into agreements with local governments who are experiencing high crime, to hire honorably discharged armed forces personnel and train them to be law enforcement officers. The Department of Defense will subsidize the first five years of employment with a incremental reduction of funding. The Mayor also recommends support of H.R. 2474.

Seventy-five percent of program funding is based on a state's total percentage of the national population and a designation of high crime. There is an additional provision that twenty-five percent of funding shall be disbursed to local governments with an "especially high rate of violent crimes." In order to be eligible a community must agree to train and hire a member of the armed forces and offer full employment for a given number of years and treat the member as any other law enforcement officer. The first five years of employment, including training, is subsidized with funding incrementally reduced over that period.

The basic content of this bill has been included in H.R. 1401, the Defense Authorization bill. In all likelihood, the Authorization bill will be passed and approved before the bill proposed by Congressman Horn. There has been some distinct modifications to the original bill in its inclusion to the Authorization bill, that could impact local communities. For purposes of clarity, we would recommend a reconciliation of the two bills.

The first distinction is the amount of the subsidy. The Horn proposal allows a greater level of payment with 100 percent in the first year and a decrease to 80 percent the second year with a final fifth year subsidy of 20 percent. The Authorization bill sets limits of 50 percent or $25,000 for the first year, 40 percent or $10,000 the second year, to 10 percent or $2,500 in the final year.

The next distinction is the time period of participation. In the Horn bill, in order to receive full payment, an individual must serve at least two years. In the Authorization bill this period is set at five years.

The final distinction is the time period for hiring personnel. In the Horn bill, the period for hiring is from one year after the program is implemented with a caveat that any member of the armed forces discharged from October, 1990 to October, 1993 can be hired until October, 1994. The Authorization bill does not allow this stipulation and states that the program eligibility is from a four year period beginning in October, 1993. This would exclude anyone currently discharged.

The only other concern is the technical language used between the two bills. Whereas the Horn bill uses the term "agreement" between local communities and the Secretary of Defense, the Authorization bill uses the term "grant". This may be a difference

in jargon rather than terminology, but we would request that the issues be reconciled.

There has been a concern expressed that this legislation might require local communities will have to modify their existing selection and hiring procedures. Since the bill(s) are silent on this issue and contracts or grant provisions and requirements have not been developed, it is premature to speculate, that the City would be asked to modify its selection criteria.

Respectfully submitted,

INTERGOVERNMENTAL RELATIONS COMMITTEE.

CITY AND COUNTY OF DENVER,
July 23, 1993.

Hon. STEVE HORN,
House of Representatives, Longworth House Office Building, Washington, DC.

DEAR CONGRESSMAN HORN: Thank you for taking time to send materials to me on your bill, H.R. 2474, the Community Security Act of 1993. I am very interested in expanding the community-based policing program here in Denver. I am also committed to helping returning members of the Armed Forces train and find jobs in our post-Cold-War community. I believe our people are our "peace dividend."

Denver's own Congresswoman Pat Schroeder has been pursuing, in the House Armed Services Committee, an increase in a program turning troops into teachers, police and health care workers. It is a program I am supporting very enthusiastically. Some of the details differ from your bill, especially in the length of the support commitment to local governments by the Department of Defense, but I am hopeful that her work, your bill and others will be considered and a program forged from all of these ideas which benefit Denver and other cities.

Yours truly,

WELLINGTON E. WEBB,
Mayor.

CITY OF MIAMI, FLORIDA
July 23, 1993.

Congressman STEPHEN HORN,
Longworth House Office Building, Washington, DC.

Re Community Security Act of 1993.

DEAR CONGRESSMAN HORN: This letter is written is support of your efforts in bringing about the Community Security Act of 1993.

The proposed legislation would provide a great benefit to major cities throughout the United States and would put many qualified people who have served this country back to work.

I would certainly support any agreement between the Department of Defense and our local law enforcement agencies to train these individuals and hire them in order to create a safer environment for our citizens and visitors.

Please keep my office informed as to the implementation of this legislation.

Very truly yours,

XAVIER L. SUAREZ.

CITY OF VIRGINIA BEACH,
Virginia Beach, VA, August 12, 1993.

Hon. STEVE HORN,
U.S. Congress, Longworth House Office Building, Washington, DC.

DEAR CONGRESSMAN HORN: Thank you for your letter concerning HR2474, the Community Security Act of 1993. After discussions with our Chief of Police, Charles Wall, I enthusiastically support this measure.

Virginia Beach, and all of Hampton Roads, has a large number of military personnel many of whom retire here. If the cities were able to receive some federal assistance in hiring these personnel as police officers, it would be a great benefit. Although Virginia Beach has an enviable low crime rate, our neighboring jurisdictions are not as fortunate. Furthermore, because of budget constraints the City has been unable to hire as many police officers as we would like in recent years.

By copy of this letter, I am informing our two Congressional representatives Owen B. Pickett and Norman Sisisky of my support of this measure. Please keep me informed on the progress of this measure, and I wish you success in having it enacted into law.

Sincerely,

MEYERA E. OBERNDORF,
Mayor.

NON COMMISSIONED OFFICERS ASSOCIATION OF THE UNITED STATES OF AMERICA,
Alexandria, VA, July 22, 1993.

Hon. STEPHEN HORN,
House of Representatives, Longworth House Office Building, Washington, DC.

DEAR MR. HORN: The Non Commissioned Officers Association of the USA (NCOA) appreciates your introduction of H.R. 2474, The Community Security Act, that would permit members of the armed forces who are discharged or released from active duty to obtain employment with law enforcement agencies.

NCOA fully supports H.R. 2474. The bill will extend employment opportunities to former members of the military services while at the same time providing a valuable contribution to the communities of this country. The high level of professionalism and ethical work habits of military members provide the best source of police manpower and promises the best results for the money spent.

Thank you for your efforts on behalf of military personnel. If the Association can be of any further assistance, do not hesitate to ask.

Sincerely,

RICHARD W. JOHNSON,
Executive Director of Government Affairs.

THE AMERICAN LEGION,
Washington, DC, June 24, 1993.

Hon. STEPHEN HORN,
House of Representatives, House Longworth Office Building, Washington, DC.

DEAR REPRESENTATIVE HORN: After a staff review of your draft bill to convert former military personnel into law enforcement officers, I am pleased to inform you that The American Legion agrees with the major provisions of this measure. As a "transitional benefit" for recently separated veterans, this measure would meet the "community service" needs for additional law enforcement personnel.

The only potential problem the Legion has with your proposal is the financial mandates levied against the Department of Defense. This program, like many other new initiatives, uses DoD dollars as a "cash cow." The Legion has a formal legislative mandate to maintain a strong national defense posture. If funding continues to be drawn from the defense budget to finance domestic programs, that mandate will become increasingly more difficult to achieve.

The Legion welcomes the opportunity to work with you and your staff to make this bill a reality.

Sincerely,

STEVE ROBERTSON,
Director, National Legislative Commission.

LOS ANGELES POLICE PROTECTIVE LEAGUE,
Los Angeles, CA, July 16, 1993.

For Immediate Release:

The Board of Directors of the Los Angeles Police Protective League has enthusiastically endorsed House Resolution Bill Number 2474 and referred to as The Community Security Act of 1993. This legislation was authored by Representative Steve Horn from Lakewood, California, and co-authored by 14 other Congressmen, seven from each party, making this a bi-partisan bill. The 14 cosponsors represent a combination of law-and-order Republicans and big city Democrats who usually are at odds.

The League supports this legislation because it will provide a source for recruiting quality individuals and also provide an initial source of monetary support.

Under this legislation, the Department of Defense would subsidize the salaries of involuntarily separated service members hired by local law enforcement agencies.

The first year a veteran is hired, their salary is paid by the Defense Department. The subsidy would then drop 20 percentage points per year so by the sixth year, the local jurisdiction would be responsible for their entire salary.

Since 1988, 530,000 active duty and civilian personnel have been cut from the rolls of the armed services, and that is an untapped resource for recruiting that most major police departments, including L.A.P.D., have failed to take advantage of.

The League supports HR #2474 and encourages all legislators to support its passage and all citizens to contact their Congressional representatives to ensure its approval.

CITY OF LONG BEACH
Long Beach, CA, September 7, 1993.

Hon. STEVEN HORN,
House of Representatives, Longworth House Office Building, Washington DC.

DEAR CONGRESSMAN HORN: The Long Beach Police Department is in support of your proposal, contained in the Fiscal Year 1994 National Defense Authorization Bill, to assist military personnel laid off due to defense cutbacks to obtain jobs in law enforcement and health care professions by providing financial assistance to local governments to hire these individuals.

It is critical for the Federal government to provide employment assistance to military personnel as they return to civilian life.

By funding these opportunities through local government, your Bill will assist both local community and individual needs. Allowing these skilled individuals to become law enforcement and health care providers will assist local government in meeting two of the most increasing demands on its limited resources.

If the Long Beach Police Department can be of further assistance in this effort, please contact this office at (310) 570-7301.

Sincerely,

WILLIAM C. ELLIS,
Chief of Police.

NATIONAL SHERIFFS' ASSOCIATION,
Alexandria, VA, September 8, 1993.

Hon. STEPHEN HORN,
House of Representatives, Longworth House Office Building, Washington, DC.

DEAR CONGRESSMAN HORN: The National Sheriffs' Association, representing over 22,000 law enforcement professionals nationwide, would like to express our support and thanks for your introduction of H.R. 2474, the Community Security Act. Our legislative

committee has read your proposal and the majority were pleased with your recommendation to help integrate former military personnel to law enforcement jobs.

As always, NSA stands ready to support legislation in the best interest of law enforcement and the public. In the meantime, I would be grateful if you would keep me informed of any progress regarding this proposal.

Sincerely,

CHARLES B. MEEKS,
Executive Director.

LOS ANGELES COUNTY
PROFESSIONAL PEACE OFFICERS ASSOCIATION,
Monterey Park, CA, August 13, 1993.

Hon. STEVE HORN,
House of Representatives, Longworth House Office Building, Washington, DC.

DEAR CONGRESSMAN HORN: The Los Angeles County Professional Peace Officers Association, representing over 4,600 members of the Sheriff's Department, Marshal's Department and District Office, wishes to go on record in support of your House Resolution bill 2474, referred to as the Community Security act of 1933.

We, in Los Angeles County, have for the past two years faced serious financial problems that have resulted in a hiring freeze of much needed Deputy Sheriffs and other law enforcement officers. This bill would go a long way in filling President Clinton's pledge to put more police officers on the streets of America's cities.

Please feel free to contact me if we can help you in any way. We wish you great success.

Sincerely,

ARTHUR J. REDDY,
President.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Chairman, I thank the gentleman from South Carolina [Mr. SPENCE] for yielding this time to me.

Mr. Chairman, I would like to urge my colleagues to support this en bloc amendment including my Lyme disease amendment to H.R. 2401 requiring the armed services to do more to protect and aggressively screen soldiers in the field.

As my colleagues may know, Mr. Chairman, Lyme disease is a chronic infectious disease primarily spread by the bite of an infected arthropod, usually the deer tick. It is the No. 1 tick-borne disease and the second fastest growing infectious disease in the United States. Despite what the CDC considers underreporting due to widespread misdiagnosis and an elusive trail of symptoms, over 50,000 cases have been reported in 49 States since 1982.

Mr. Chairman, the U.S. Army Environmental Hygiene Agency [EHA] reports that military personnel risk exposure to the disease during field training exercises, contingency operations, and other military-related activities in woody and high-grassy areas. Furthermore, these men and women—who are on orders—do not have the option of avoiding high risk areas.

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Mr. Chairman, with only minimal surveillance in the last few years, the Army has discovered more than 700 cases of Lyme disease among its troops—a 300-percent increase over the last 2 years alone. Several of these affected soldiers have received medical discharges for problems associated with Lyme.

It would be unforgivable it seems to me, Mr. Chairman, to allow Lyme disease exposure. We cannot and must not allow this to happen. We can do more. I have contacted the Army. I asked them what it would take to construct a Lyme disease program, and they said very simply, Colonel Wiles, the commanding officer at the Environmental Hygiene Agency: a $500,000 start up cost and a $500,000 annual appropriation to do the job.

Mr. Chairman, it is a very modest amount of money that can help protect our soldiers. Hopefully this legislation will go forward and be approved in conference.

Mr. STARK. Mr. Chairman, I urge support for the en bloc amendment, which contains the McCloskey-Stark-McCurdy amendment on nuclear nonproliferation. If this amendment passes, it will be the strongest and most comprehensive policy statement ever made by the U.S. Government on stopping the spread of nuclear weapons.

The McCloskey-Stark-McCurdy amendment sets the following policy goals:

A comprehensive nuclear test ban,

A global ban on the production of weapons-usable fissile material for any purpose, military or civilian, with all stockpiles of material put under bilateral or international controls,

Strategic nuclear reductions below START II for the United States and Russia, with additional reductions by France, China, and Britain,

Stronger nuclear export controls and International Atomic Energy Agency [IAEA] safeguards,

A ban on the production of new nuclear warheads,

Reports on the possibility of eliminating all tactical nuclear weapons and adopting a policy of no-first-use.

Together these policies will close loopholes in the Nuclear Non-Proliferation Treaty [NPT], while helping build international support for a lengthy extension of the NPT when the treaty comes up for review and extension in 1995.

While many of these agreements have been elusive individually, they are easier to negotiate as part of a package in which all nations take on some additional restraints. By accepting restraints on nuclear testing and fissile material production, further reducing strategic arms, eliminating tactical nuclear weapons, and adopting a policy of nuclear no-first-use, the United States and the other nuclear weapon States—Russia, France, Britain, and China—can build support for a long-term and possible indefinite extension of the NPT, for a bolder and more aggressive IAEA—which could catch potential nuclear cheats like Iraq or North Korea, and for more stringent nuclear export controls to hinder would-be proliferators like Iran.

President Clinton's speech at the United Nations yesterday included many of these proposals. By passing the McCloskey-Stark-McCurdy amendment Congress will build on the President's foundation and create a truly comprehensive strategy to stop the spread of the bomb.

I wish to thank my distinguished colleagues and co-authors of this amendment, the gentleman from Indiana [Mr. MCCLOSKEY] and the gentleman from Oklahoma [Mr. MCCURDY]. In addition, I wish to express my great appreciation to the distinguished chairmen of the House Foreign Affairs and Armed Services Committees, Mr. HAMILTON and Mr. DELLUMS for their support of this legislation and for their outstanding and long time leadership in fighting proliferation.

I urge support for the amendment.

Mr. HALL of Ohio. Mr. Chairman, I rise in support of the en bloc amendment to H.R. 2401, the Defense Authorization Act for fiscal 1994. The en bloc amendment contains an amendment I have offered which will make it easier for the Department of Energy to transfer or lease property and equipment no longer needed for national defense to local communities for technology preservation and economic development.

With the end of the cold war and the diminished need for expensive defense facilities, our Nation is now in the process of reducing the vast network of military bases, equipment, and buildings that were established when a war between the superpowers was a possibility. However, if we are not careful, the dismantling of this network could result in the loss of critical defense-related technologies that we may need again. Moreover, many of these critical technologies have non-defense commercial applications, and these too could be lost in the scramble for immediate defense savings by closing defense facilities. Finally, we also have to consider the needs of the defense workers, many of whom are highly skilled, and all who have served their country. It is the Government's responsibility to make sure that they are given every opportunity to remain employed with as little disruption as possible in their lives.

While most public attention has been focused on the reductions in military bases of the Department of Defense, the Department of Energy also maintains a sizable network of facilities which employs thousands of workers involved in the research, development, testing, production, and surveillance of our Nation's nuclear weapons. With the end of the cold war and a significantly reduced need for nuclear weapons, there is no longer a justification for all of these expensive facilities.

Earlier this year, the Secretary of Energy announced that all plants involved with the production of non-nuclear components for nuclear weapons would be consolidated into one site. That action will result in the closing of the defense missions of the Mound plant, in Miamisburg, OH, which is in my district. It will also result in the closings of the Pinellas plant in Florida and the Rocky Flats plant in Colorado. More plant closings and reconfigurations are inevitable throughout the Nation when the Department of Energy faces the task of consolidating the plants which manufacture nuclear components and materials for nuclear weapons.

With each closing and reconfiguration, unique and valuable equipment will become surplus to the Government's needs. The closings will result in laying off some of our most highly skilled defense workers, including scientists, engineers, and technicians. In some cases, the value of the equipment depends on maintaining the workers who are trained in the equipment's special application. It is within the combination of both the equipment and the workers that our technology resides.

The solution to our problem of maintaining technologies and preserving jobs is complex and will involve considerably more study on a site by site basis. However, it has become clear that any solution will involve the quick transfer of facilities from defense to commercial applications. Speed is necessary because highly trained, skilled workers whose jobs are slated for elimination will not wait for the day when they are notified of their last pay check. At the Mound plant, in my district, workers are already looking for new jobs which could result in the loss of the specialized technology in which they are trained.

Speed is also necessary for the communities which face an uncertain future with the loss of a major employer in the Department of Energy. Also, some of the weapons production facilities are located in the center of urban areas and take up valuable real estate—real estate which could be turned into income-producing showplaces of defense conversion. Or, if left fallow, real estate that could become eye sores and monuments to Government inaction. Our communities must make plans now so they can prepare for the day when the Government will finally turn over the keys and walk away.

Unfortunately, laws and regulations governing the transfer and lease of buildings, equipment, and land create a maze of complicated technicalities that can grind at a frustratingly slow pace. Moreover, there are no statutes which establish economic development as a justification for transferring or leasing property. Thus, the Department of Energy is stymied in its effort to maintain jobs, preserve technologies, and assist with economic development in the communities which have supported the department for so many years.

My amendment contains a series of findings that will give the Department of Energy a strong push to reutilize existing facilities in communities that experience adverse economic circumstances as the result of the closure or reconfiguration of those facilities. The findings also recognize the need to avoid delays in reutilization.

The amendment establishes specific statutory authority to the Secretary of Energy to transfer or lease property to mitigate the adverse economic consequences that might otherwise arise from the closure or reconfiguration of a Department of Energy facility. Such property may be transferred or leased to a public agency at 50 percent of fair market value under some circumstances.

The amendment requires a report, due February 1, 1994, on the Energy Department's future plans for reutilizing existing department property and equipment. The amendment also prohibits the Department of Energy from moving equipment from one site to another unless moving the equipment would be substantially less expensive or would cause substantial delays. This is important to give existing communities the benefit of the doubt when the Department of Energy decides what to do with equipment at sites in those communities.

The amendment does not override existing Federal environmental laws or property transfer policies.

There are already commercial uses for the buildings, equipment, and real estate at the Department of Energy facilities which are scheduled to be closed. Reutilization is not a theoretical goal but a practical reality if we can move quickly.

At the Mound plant, in my district, specific businesses have already been identified which have shown a strong interest in reutilizing the facilities. Seven buildings or parts of buildings, and the equipment contained within, have a high potential for reutilization based on discussions with interested businesses:

Building 105—parts machining building; Central operational support building—tape processing facility;

Building 28—ceramics production building;

Building 43—thermite machining facility;

Building 85—powder blending and processing facility;

Building 49—high explosive assembly facility;

Development and standards building—laser-fired detonator only.

In addition, a parcel of land of 102 acres on the south side of the complex has been identified as having high potential for development. This parcel was purchased as a buffer between the complex and the community and is expected to be certified soon as a clean parcel free of environmental problems.

With the appropriate statutory authority, the Department of Energy can move quickly on these sites at the Mound plant and other facilities scheduled to phase out defense production work. Defense conversion can work by preserving technologies, jobs, and communities associated with Department of Energy facilities that are no longer needed because of the end of the cold war.

Mr. SLATTERY. Mr. Chairman, I rise today in support of the amendment offered by Representatives LEVY and PALLONE which directs the Department of Defense inspector general to reinvestigate the deaths of servicemembers who allegedly died from self-inflicted injury. I am confident that passage of this amendment will open a new door for the families of those servicemembers. For example, the Air Force determined that Allen Shults died of a self-inflicted injury in July 1992, at Keesler AFB in Biloxi, MS. His parents, Linda and Royal Shults of Atchison, KS, have gone to great expense to conduct their own limited personal investigation into Allen's death. The results of their efforts to get some answers to their questions have raised even more questions regarding the circumstances of Allen's death. Linda and Royal have convinced me that the Air Force's investigation may have been designed to fit the conclusion the service desired. After reviewing some of the elements of this case as presented to me by Linda and Royal, I believe this case should be reviewed by some entity other than the Air Force. Linda and Royal Shults are proud of their son's service to our Nation and they deserve answers instead of denials. Mr. Chairman, I urge passage of this amendment.

Ms. FURSE. Mr. Chairman, I rise in support of the Furse-Spratt amendment to clarify the language in this authorization bill regarding banning further R&D on low-yield nuclear weapons, or mininukes. First, I want to thank the gentleman from South Carolina who chairs the DOE panel I serve on. He is extremely knowledgeable about these issues and I consider it a great honor that he agreed to cosponsor this amendment.

I want to emphasize that nothing we are doing here will interfere with maintenance of our existing nuclear weapons stockpile. Nor do we intend to impede the design of testing devices—we are only addressing the issue of weapons with deployable yields of 5 kilotons or less.

Mr. Chairman, we know work on mininukes is going on. The Department of Energy is spending $2 million this year on this R&D and they intend to spend the same amount next year. I realize this is only a minute portion of the $264 billion defense budget, but it is only in Washington, DC, that $2 million is considered insignificant.

More important than the money being expended is the symbolism of letting the nuclear genie out of the bottle again. As Less Aspin said when he was still chairman of the House Armed Services Committee, we have no higher national security goal than to do everything possible to discourage the spread of nuclear weapons and to delegitimize their role.

The new threat comes not from ICBM's searing across the ocean at us, but from small weapons such as these.

The reality is that we cannot contemplate ever using such weapons. Mininukes would be a new generation of tactical nuclear weapons. The President has continued the testing moratorium passed by the Congress last year so we cannot deploy new weapons. Simply put, we are out of the business of developing tactical nuclear weapons in this country.

So why are we wasting the taxpayers' money on studies of weapons we would never use? There are plenty of worthy projects for the nuclear weapons labs to work on: They provide valuable assistance to the International Atomic Energy Agency, their expertise is sorely needed in counterproliferation, and their continued maintenance of our nuclear weapons stockpile is extremely important.

Mr. Chairman, weapons such as these would blur the lines between nuclear and nonnuclear weapons. We have sufficient conventional weapons capability. Work on mininukes sends the wrong message to a world we are trying to convince not to develop nuclear weapons. And finally, if we had weapons such as these, it is conceivable we may consider using them.

The United States cannot break the taboo against nuclear weapons which has been in place since 1945. I urge your support for an effective ban on the development of mininukes. Please support the Furse-Spratt amendment to clarify their definition.

Mr. SPRATT. Mr. Chairman, I rise in strong support of the amendment offered by Ms. FURSE. For those of you not familiar with this issue, let me recap the committee's actions.

About the time the military application of nuclear energy panel, on which Ms. FURSE

serves and I chair, was completing its mark up of the Department of Energy Defense Budget, press reports surfaced that DOE labs had spent some $2 million in fiscal year 1993 on Phase I studies—conceptual, paper studies—for low-yield nuclear weapons, so-called mini-nukes. During the Acquisition Subcommittee mark up of the panel's work, Mr. DELLUMS offered an amendment on behalf of Ms. FURSE to prohibit future spending on the design of low-yield nuclear weapons. The amendment defined a low-yield weapon as one with a yield lower than the lowest existing yield weapon in the current stockpile. After full committee mark up, staff discovered that this yield was far lower than anyone on the committee anticipated because of a technical oversight. You see, many of our nuclear weapons have variable yields, and the low end of the spectrum of these dial-a-yield weapons is very, very low.

This amendment simply clarifies the definition of a low-yield nuclear weapon to realize the committee's intent. The amendment prohibits the design of a weapon with a yield of less than 5-kilotons. A 5-kiloton yield nuclear weapon is a very small nuclear weapon that is surely tactical; it has virtually no strategic value. The United States has wisely decided to retire our tactical nuclear weapons—this amendment is consistent with the policy.

Let me stress that this amendment will in no way interfere with maintaining any weapon currently in our inventory—even those with yields that can be set below 5-kilotons. If a problem develops with one of these weapons, our weapons designers can work to fix it. The amendment will also not prohibit the design of strategic weapons, and it will not impede the design of nuclear testing devices with a yield of less than 5-kilotons.

I urge my colleagues to support this amendment.

Mr. COPPERSMITH. Mr. Chairman, I rise in support of the en bloc group of amendments to H.R. 2401 now under consideration. In particular, I wish to express my strong support for the amendment I have offered together with my colleagues, PHIL SHARP and DICK ZIMMER, and to thank the Armed Services Committee for its support on this issue.

The amendment we offer is simple. It bars use of national security program funds of the Department of Energy to support a civilian program, the advanced liquid metal reactor [ALMR]. On June 24, the House voted decisively, by a bipartisan vote of 272–146, to eliminate funding for this program from the energy and water development appropriations bill.

The advanced liquid metal reactor [ALMR] program and associated work on actinide recycling raise numerous economic, environmental, and proliferation concerns. Development of ALMR technology will continue to require substantial Government funding for many years. However, ALMR's will continue to be less economical than new light water reactors for the foreseeable future. In addition, independent scientists believe that ALMR's and associated actinide recycling will not substantially decrease the environmental risks from a high-level radioactive waste repository and in fact will create large amounts of new hazardous waste. ALMR's also pose substantial proliferation risks because they both produce plutonium through reprocessing and can breed it from a reactor blanket. The proliferation risks, noted by the Office of Management and Budget in correspondence concerning the administration' initial decision to terminate the ALMR program, are critical national defense considerations. The House already has approved an amendment to H.R. 2401 condemning plutonium reprocessing by other countries as a potential national security threat.

Because the civilian funding for the program is threatened, ALMR proponents now seek new funding for their technology as a national defense program, especially for plutonium disposition. In the past, Congress has authorized the evaluation of two other kinds of nuclear reactors—advanced light water and modular high-temperature gas-cooled—as potential designs for a new military production reactor. Last year, because of concerns about plutonium stockpiles, Congress also authorized and funded a review of the potential use of these two reactor types for plutonium disposition. Congress has not authorized any funding for the ALMR for either of these missions, though, and no economic or national security incentive exists to do so now. The use of defense funds to support the ALMR is particularly unjustifiable given the Department of Energy's recent conclusion, in its own "Plutonium Disposition Study" dated July 2, that the ALMR is neither the least expensive nor the most practical technology for achieving the congressionally mandated objectives for plutonium disposition: plutonium burning, tritium production, and electricity generation. Furthermore, an Office of Technology Assessment report on dismantlement and disposition of nuclear weapons which was released just last week is critical of the concept of using ALMR's for plutonium disposition. The report notes that the necessary development process would be uncertain, expensive, and time-consuming and that more direct disposition is possible using existing technologies such as vitrification. OTA also notes that the plutonium reprocessing required for the ALMR system "could multiply the total volume of radioactive waste by 10, thereby driving up costs."

Despite the overwhelming rejection of the ALMR program by the House 3 months ago, and despite the fact that Congress has not authorized defense funding for the program, the House must now express more firmly its continued opposition to this program to prevent unjustified use of national defense funds. The amendment accomplishes several purposes. First, the amendment clarifies that language in the Armed Services Committee report accompanying H.R. 2401 does not include the ALMR. Second, the amendment directs the Department of Energy, which in fiscal year 1993 reprogrammed $1 million from prior year balances for the study of the ALMR without explicit authorization from Congress, that taxpayer dollars should not be used to support this program. Third, the amendment sends a clear signal to the other body, which has added $25 million in unrequested funds for the ALMR in its defense authorization bill for fiscal year 1994—(S. 1298)—that the House vigorously opposes attempts to continue this program no matter which side the DOE sends taxpayers the bill.

Given the previously expressed will of the House to terminate the ALMR program, the potential unwarranted use of national defense funds for the ALMR, and the clear support for the amendment from the majority and minority leadership of the committee of jurisdiction, the House should certainly seize this opportunity to reject again this expensive, unnecessary, and dangerous technology. I encourage my colleagues to support the en bloc group containing this amendment.

Mr. GOODLING. Mr. Chairman, this past February, I participated in a planning and strategy meeting in my district sponsored by the Northeast-Midwest Institute. This planning session brought community and business leaders together not only to discuss our communities' future with less defense spending, but also to offer suggestions on how to improve current Federal programs for defense conversion. The main focus of our conversation was community planning and the need for more information about Federal programs for defense conversion.

In that regard, my amendment to the National Defense Authorization Act would simply ask the Secretary of Defense to work to provide for the dissemination of services already available to communities, businesses, and workers. I believe this amendment would help communities, businesses, and workers by making clear concise information available so that they could understand all of the programs offered by the Federal Government.

Mr. Chairman, 2 months ago, I introduced the Defense Diversification and Community Adjustment Act of 1993 to help facilitate the diversification of defense dependent communities, businesses, and workers. The changes in the former Soviet Union, Eastern Europe, and throughout the world, have forced Members of Congress and President Clinton to reevaluate where the lines on defense spending will be drawn. There are Members of Congress who believe that all of the defense moneys that we save should be spent on domestic needs. They call this the peace dividend. Frankly, I believe there is no peace dividend for a worker who is handed a pink slip because of a base closure, canceled contract, or a closed plant.

Mr. Chairman, I understand the need to utilize some of the projected defense savings to offset the hardships that communities, businesses, and workers directly affected by reductions in defense spending will experience. This money should be utilized on these communities, businesses, and workers now, not later. If we continue to wait and address the need when these workers are unemployed, the economic and social costs will be extensive. The Congress should listen to what the communities and businesses are saying in regard to moving toward conversion.

Mr. Chairman, I believe the House conversion package has moved into the emphasizing community planning, however, we have much further to go. We have to act responsibly and constructively for our communities, our businesses, and our workers to provide appropriate diversification and adjustment assistance.

Mr. SHARP. Mr. Chairman, I rise in support of the en bloc amendment, especially the portion based on the Coppersmith-Sharp-Zimmer

amendment that would bar funding for the advanced liquid metal reactor [ALMR] from the national security programs of the Department of Energy [DOE]. The Coppersmith-Sharp-Zimmer amendment has been endorsed by taxpayer organizations, environmentalists, and arms control groups who contend that the ALMR is uneconomic, lacks environmental benefits, and poses a serious nuclear proliferation threat.

DOE is currently developing six kinds of advanced nuclear reactors for future civilian use—four light water, one gas-cooled, and the ALMR. In the past, DOE also has considered the advanced light water and gas-cooled reactors for potential use as new military production reactors.

The Clinton administration originally proposed termination of the ALMR program because of its lack of commercial applications, but supporters of the program persuaded the administration to partially restore funding. Nevertheless, because of problems with the technology, on June 24 the House voted 272–146 to end the civilian program as part of the fiscal year 1994 energy and water development appropriations bill.

Supporters of ALMR's are now seeking to continue funding for the technology as a DOE national security program for potential future production of trivium and use in the disposition of plutonium. However, ALMR's are not well-suited for either of these purposes, especially plutonium disposition.

First, ALMR's have such a slow plutonium transmutation rate that they could take over 100 years to consume current military stockpiles. In the meanwhile plutonium stockpiles would require dangerous and costly surface storage at some site. Furthermore, use of an ALMR system would cost billions of dollars more than other alternatives such as vitrification. As a result, even DOE's July 1993 plutonium disposition study rated the ALMR much lower than other reactor options.

Furthermore, the ALMR system poses a grave proliferation threat. Instead of being used to destroy plutonium, ALMR's could be used to produce plutonium either by reprocessing it from spent fuel rods or by using the reactor core as a breeder to produce more plutonium that it consumes.

A legislative amendment is necessary for several reasons. First, it would clarify language in the committee report to make clear that support for the ALMR would not be supported by expanded plutonium disposition activities. Second, in fiscal year 1993 DOE reprogrammed $1 million for the ALMR for defense funds without authorization from Congress, indicating the need for such clarifications. Third, the Senate has authorized $25 million as part of its defense authorization bill for fiscal year 1994 and is considering providing the full amount in the fiscal year 1994 energy and water development appropriations bill.

I would like to point out that the actions of the Senate create a new Government program to pay for ALMR development at a time when Congress should be considering cutting spending and ending Government programs instead. Therefore, for all of these reasons I urge my colleagues to support the en bloc amendment offered by the House Armed Services Committee.

Mr. SPENCE. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. DURBIN). The question is on the amendments en bloc, as modified, offered by the gentleman from California [Mr. DELLUMS].

The amendments en bloc, as modified, were agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 3 printed in part 2 of House Report 103–352.

AMENDMENT OFFERED BY MR. FAZIO

Mr. FAZIO. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. FAZIO: At the end of subtitle B of title XXVIII (page 516, after line 6), insert the following new section:

SEC. 2819. BASE DISPOSAL MANAGEMENT COOPERATIVE AGREEMENT.

(a) USE OF INDEPENDENT SITE MANAGER.—(1) In order to fulfill the responsibilities of the Secretary of Defense under a base closure law, the Secretary may enter into not less than one and not more than 10 cooperative agreements described in section 6305 of title 31, United States Code, with independent entities (in this section referred to as a "Site Manager") to assist the Secretary in managing the site planning, approval, preparation, and disposal of excess and surplus real property under the authority delegated to the Secretary for military installations to be closed or realigned under a base closure law. The selection of a Site Manager under this subsection for a military installation shall be made by the Secretary, after suitable public notice, through the good faith exercise of the Secretary's discretion and in consultation with the affected local community in which the military installation is located.

(2) During the term of a cooperative agreement entered under this subsection and the five-year period beginning on the termination date of the cooperative agreement, the Site Manager subject to that cooperative agreement (and its affiliates) shall be barred from bidding for or acquiring any interest in real property or facilities located at any of the military installations to be managed by the Site Manager, unless such acquisition is necessary to execute the terms of the cooperative agreement.

(b) QUALIFICATIONS.—In selecting a Site Manager under subsection (a), the Secretary of Defense shall ensure that the Site Manager, either directly or through its principals, has had prior experience—

(1) in the site planning of properties located at Federal facilities;

(2) in dealing with local land use authorities in the States in which the military installations to be managed are located;

(3) in managing the cleanup of hazardous waste contamination;

(4) in resolving land use issues under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and the National Historic Preservation Act of 1966 (16 U.S.C. 470 et. seq.); and

(5) in meeting such other qualifications as the Secretary considers to be necessary to perform the tasks set forth in this section.

(c) DUTIES GENERALLY.—Under the cooperative agreement entered into under subsection (a), a Site Manager shall—

(1) analyze the land use potential of the military installations to be managed by the Site Manager;

(2) coordinate with the applicable State and local authorities to develop reuse options and obtain necessary zoning and infrastructure approvals with respect to these installations;

(3) manage the remediation of any adverse environmental conditions on these installations in accordance with remediation plans prepared and approved pursuant to applicable laws;

(4) coordinate with State and Federal agencies to complete all reports and analyses required under applicable law with respect to these installations;

(5) initiate and coordinate the notices and consultations with Federal, State, regional, and local agencies contemplated under the authority delegated to the Secretary of Defense under a base closure law and the procedures contemplated under section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411);

(6) manage through the use of community assets the maintenance and interim use of these installations pending final disposition;

(7) prepare real property and facilities at these installations for disposal; and

(8) manage the competitive public sale of sale parcels in accordance with subsection (f).

(d) BUDGET AND SUBCONTRACTS.—(1) A Site Manager and the Secretary of Defense shall jointly develop a detailed budget for each phase of the site preparation and approval process for each military installation to be managed by the Site Manager.

(2) The cooperative agreement entered into under subsection (a) shall authorize the Site Manager, through the sole exercise of its reasonable business judgment and in accordance with the approved budget, to engage contractors and other professionals to complete all aspects of the site preparation and approval process, including environmental remediation. A Site Manager shall enter into such contracts in accordance with such contracting guidelines as the Secretary may reasonably require in the cooperative agreement to promote fair competition, fair labor practices, and good faith commercially reasonable efforts to afford contracting opportunities to small business concerns owned by socially- or economically-disadvantaged persons.

(3) The Secretary shall reimburse the Site Manager for the reasonable overhead costs incurred by the Site Manager and shall make funds available for the timely payment of amounts due under the contracts and subcontracts entered into in accordance with the cooperative agreement and the approved budget.

(e) CONTINUED LIABILITY FOR ENVIRONMENTAL REMEDIATION.—Nothing in this section shall be considered to diminish the liability of the Federal Government with respect to environmental conditions existing on a military installation managed by a Site Manager pursuant to a cooperative agreement entered into under subsection (a).

(f) SALE PROCEDURES.—After a sale parcel managed by a Site Manager has received all necessary approvals and is otherwise ready for competitive public sale, the Site Manager shall sell the parcel, as an agent for the Secretary of Defense, in one or more transactions. Each sale shall be on terms acceptable to the Secretary, determined in consultation with the Site Manager and appropriate local authorities.

(g) DISPOSITION OF PROCEEDS.—The proceeds from each sale under subsection (f) shall be divided among the Department of Defense, the Site Manager involved, and appropriate local authorities as follows:

(1) The Secretary of Defense shall receive an amount equal to—

(A) the costs incurred by the Secretary under the cooperative agreement with the Site Manager and under applicable contracts and subcontracts entered into by the Site Manager pursuant to the cooperative agreement (other than environmental analysis and remediation costs, costs of preparing or conducting reports, analyses, notices, and consultations required under applicable law, property maintenance costs, and all other costs that the Secretary would be required to incur if the cooperative agreement with the Site Manager did not exist) and the reasonable costs of conducting the sale; and

(B) ⅓ of the remainder of the proceeds.

(2) From amounts remaining after operation of paragraph (1), the applicable local authorities, as determined by the Secretary, shall receive ½ of the remainder. If the appropriate local authorities cannot be determined satisfactorily to the Secretary, the State in which the military installation involved is located shall receive the amount that would be distributed pursuant to this paragraph.

(3) From amounts remaining after operation of paragraph (1), the Site Manager involved shall receive ½ of the remainder.

(h) REPORTS.—(1) At such intervals as the Secretary of Defense may prescribe, each Site Manager shall submit to the Secretary reports describing the activities of the Site Manager under a cooperative agreement entered into under subsection (a) and such other information as the Secretary may require.

(2) Not later than May 31, 1994, and May 31, 1995, the Secretary of Defense shall submit to Congress a report regarding all military installations covered by a cooperative agreement under this section and the status of the site preparation and disposal process at the installations.

(i) BASE CLOSURE LAW DEFINED.—For purposes of this section, the term "base closure law" means each of the following:

(1) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

(2) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).

(3) Section 2687 of title 10, United States Code.

(4) Any other similar law enacted after the date of the enactment of this Act.

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from California [Mr. FAZIO] will be recognized for 5 minutes and a Member in opposition, the gentleman from California [Mr. HUNTER], will be recognized for 5 minutes.

The Chair recognizes the gentleman from California [Mr. FAZIO].

Mr. FAZIO. Mr. Chairman, the amendment I am offering in essence provides the Department of Defense with the opportunity to experiment with the privatization of the base reuse process.

It gives the Secretary of Defense the authority to enlist the services of qualified and experienced site management professionals to manage the reuse planning and development at base closure sites.

The site managers will work with local communities to develop reuse plans, work through land zoning and entitlement processes, and manage the environmental remediation on base.

The site managers would be selected in consultation with the affected local communities which will help foster better understanding and communication on reuse alternatives and community priorities.

Today, at site after site, differing objectives, bureaucratic decisionmaking processes, and poor understanding of community needs prevent the Defense Department and affected communities from reaching consensus on reuse options.

It is well known that the private sector cleans up and develops large tracts of land all the time. The private sector has the expertise and the ability to do the same for closing military bases. My amendment will demonstrate how the private sector, using market techniques and reasonable business practices, can expedite the reuse of military facilities.

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To help assign motivations, the amendment includes an economic incentive for all parties to maximize economic value of base property. The sale proceeds from these parcels of land that are sold at public sale would be divided equally between the Defense Department, the local community, and the site manager.

This amendment does not change the existing land disposal process. Rather, it gives the Secretary of Defense another tool to use in helping communities recover the economic loss associated with base closures.

So I urge my colleagues to give this their support. I believe the chairman of the subcommittee of jurisdiction and the ranking Republican have reviewed the matter and understand that we are flexible, in hopes that we can attain the support of the administration before the conclusion of the conference.

Mr. Chairman, since 1988, we have closed 56 major military installations and over 60 minor facilities. Under the 1993 round of base closures, we will close another 35 major installations and 95 smaller facilities nationwide.

We all know that base closures cause significant economic hardship for affected communities. We owe it to these communities to ensure they have an opportunity to recover the economic losses associated with a base closure. Unfortunately, the current base closure reuse process is just not getting the job done. Bureaucratic delays, differing objectives and poor understanding of community needs are severely restricting the ability of local communities to reuse the military sites. As a result, not one base has been successfully closed and redeveloped since 1988.

To help alleviate these problems, I am offering an amendment to establish a model program which seeks to create a partnership between the three key participants in base reuse activities—DOD, local communities and the private sector. This amendment gives the Secretary of Defense the authority to enlist the services of qualified and experienced site management professionals to manage the reuse planning and development at 10 base closure sites. Further, the amendment provides economic incentives to DOD, the affected community and the site manager to maximize the economic value Of base property.

Mr. Chairman, my amendment does not create a new base disposal program. Rather, it creates opportunities and incentives for predisposal cooperation and planning that do not currently exist. It streamlines the pre-disposal planning process and applies free-market techniques to land disposal preparation. It is well known that the private sector cleans up and develops large tracts of land all the time. The private sector has the expertise and the ability to do the same for closing military bases. My amendment will demonstrate how the private sector, using market techniques and reasonable business practices, can expedite the reuse of military facilities.

Closing bases is not an easy task. However, we all recognize that it is a necessary task. But, as we tell communities that have supported the military for decades that we no longer need their support, we should not at the same time condemn them to economic stagnation because the Federal bureaucracy impedes their ability to reuse base property.

My amendment attempts to eliminate the bureaucratic delays by using a more streamlined, private sector approach to land use development. it will give communities a chance to quickly reuse military bases and revitalize their local economies. The incentives contained in the bill will help ensure that the Government gets the best deal. And, finally, by keeping costs down and maximizing land values, the Defense Department, local communities and the site manager will all realize higher returns.

Mr. Chairman, I urge my colleagues to join me in supporting this important economic development initiative.

Mr. Chairman, I reserve the balance of my time.

Mr. HUNTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me just say on our side, we too want to see streamlining. We want to see if there are more efficient alternatives to the presently very slow base closing process and base disposing process. We want to see those given a chance to work.

Mr. Chairman, we do have a number of questions. The gentleman has made it clear that he is going to be working with DOD, and is working with them right now. We will get a chance to analyze this and work with it before we go to conference. Because of that, we are not going to oppose this amendment at this time.

Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Oklahoma [Mr. MCCURDY], the chairman of the Subcommittee on Military Construction.

Mr. McCURDY. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I too want to commend the gentleman from California [Mr. FAZIO] for his effort. I think it is important for Members to note that in this bill there is a bipartisan consensus that we need to accelerate the process of turning this land over to communities and to the private sector, that there has been too much bureaucratic redtape, that there has been confusion among agencies, and just the sheer time alone has been far in excess of what was ever anticipated.

Mr. Chairman, we have bases that were scheduled for closure that we cannot bring to that final stage. We seek maximum flexibility. The administration would like to have maximum flexibility.

Mr. Chairman, we were able to resolve a couple of amendments earlier in the day regarding the transfer of properties. The other body has included in their bill language which gives the discretion to the Secretary of Defense on a sliding scale to move from either transfer without consideration, all the way up to market value.

The gentleman from California [Mr. FAZIO], in addition to that, is trying to look at pilot programs wherein the private sector's talents and expertise might be brought to bear. I think we should consider all of these.

Mr. Chairman, based upon that, I am willing to work with the gentleman as we go through conference to see if we can come up with an agreement. For that reason, I would be inclined to support and accept the amendment offered by the gentleman from California [Mr. FAZIO].

Mr. HUNTER. Mr. Chairman, let me just say one thing that we are concerned about, is we want to see less bureaucracy. We want to see more speed and do not want this to turn into a bird's nest or wasp's nest of conflicting bureaucracies, where there are many, many players and a lot of confusion. If the gentleman can shape something that is efficient and does draw down government participation, we are interested in that.

Mr. Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. ARMEY].

Mr. ARMEY. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, as many of us will recall from the debate in 1987 and 1988, the object of the whole base closing procedure was to enable the Defense Department to close bases, and to do so in such a way as to not inflict on the Members of Congress and the communities they represent partisan political benefits or harm, and, at the same time, to save costs, primarily in the operating revenues of the Defense Department.

Now, to a large extent, base closing has worked to achieve those objectives. We have kept politics out of the process.

My concern with this amendment is the possibility of interjecting politics again into the process, so that we would have a flexibility on the part of the administration, or even the Defense Department, to do favors or to decline from doing favors on a partisan basis, interjecting politics, once again, into the process of disposing of the properties.

Mr. Chairman, I must say I have a serious hesitation about this amendment. I am listening to this discussion very intently. If I can feel confident that there will be a cordial working out of this in conference, with full attention to the need to maintain the political aloofness of this process, I will refrain from calling a vote. But if I, at the point that that happens, have a fear that this is an avenue for the interjection of partisan politics in this disposal process, I will call for the vote.

Mr. HUNTER. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. FAZIO], the author of the amendment.

Mr. FAZIO. Mr. Chairman, I am not sure why the gentleman thinks we are about to inject partisan politics into this. I know I have the gentleman from California [Mr. PACKARD] about to speak in favor of this. The gentleman and I come from different places on the political scale.

What we are trying to do is put an experimental program into place so it could use the private sector, people who understand land use and how to develop it for higher and better purposes, put them in the position to make the transaction.

Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. DELLUMS], the chairman of the Committee on Armed Services.

Mr. DELLUMS. Mr. Chairman, as chairman of the committee that will assist in guiding this process in conference with the other body, I can assure my colleagues that this is not a partisan matter here. In fact, I just visited Members on your side of the aisle who are members of my committee, including the gentleman from South Carolina [Mr. SPENCE], who serves honorably as the ranking Republican member.

What we seek here simply is maximum flexibility. Give us an opportunity to work these matters out in conference.

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

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

Mr. ARMEY. Mr. Chairman, with all due respect, and I hope you all take this in good humor, I feel much more reassured by the chairman of the committee than the chairman of the DCCC.

Mr. DELLUMS. Mr. Chairman, I think I can thank the gentleman.

Mr. FAZIO. Mr. Chairman, reclaiming my time, I think I can understand how the gentleman feels. I think the fears of the gentleman from Texas [Mr. ARMEY] are misplaced. I think we have a bipartisan agreement here to do something the gentleman is in favor of, and that is to empower the private sector.

Mr. PACKARD. Mr. Chairman, I rise in support of the Fazio amendment. As the founding cochair of a California task force on defense conversion, I have spent a great deal of time dealing with this issue. One of the biggest problems I have seen is the need to streamline the base closure process.

Community and business leaders in my State have expressed their frustration over and over again as they try to deal with a base closure. Once a base is slated for closure, it's taking more than a decade for the base to finally close down. Local communities simply cannot afford to lose out on the potential economic windfall while they wait for a base to shut down.

This amendment seeks to help solve that problem. The amendment would not change current base closure laws. It would simply set up the framework to streamline the process.

By allowing the Secretary of Defense to contract with the private sector to manage a base closure, we can put the know-how and the experience of business leaders to good use. I encourage my colleagues to vote for the Fazio amendment. Let's help our communities turn a base closure into an economic success.

Mr. FAZIO. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. DURBIN). The question is on the amendment offered by the gentleman from California [Mr. FAZIO].

The amendment was agreed to.

Mr. DELLUMS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. REYNOLDS) having assumed the chair, Mr. DURBIN, Chairman pro tempore 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. 2401) to authorize appropriations for fiscal year 1994 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1994, and for other purposes, had come to no resolution thereon.

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APPOINTMENT OF CONFEREES ON H.R. 1268, INDIAN TRIBAL JUSTICE SYSTEMS ACT

Mr. RICHARDSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1268) to assist the development of tribal judicial systems, and for other purposes,

with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore (Mr. REYNOLDS). Is there objection to the request of the gentleman from New Mexico?

Mr. YOUNG of Alaska. Mr. Speaker, reserving the right to object, I probably will not object. Will the gentleman explain what we are doing here. This is unexpected.

Mr. RICHARDSON. Mr. Speaker, will the gentlemen yield?

Mr. YOUNG of Alaska. I yield to the gentleman from New Mexico.

Mr. RICHARDSON. Mr. Speaker, what we are doing here, I believe, first of all, has been cleared with the minority ranking member of the Subcommittee on Native American Affairs, the gentleman from Wyoming [Mr. THOMAS].

What we are simply doing is going to conference on the Indian Tribal Justice Act.

Mr. YOUNG of Alaska. Mr. Speaker, we are not agreeing to anything on the Senate side at this time?

Mr. RICHARDSON. Mr. Speaker, if the gentleman will continue to yield, that is correct.

Mr. YOUNG of Alaska. This is just so the Speaker can appoint conferees to this legislation?

Mr. RICHARDSON. Mr. Speaker, the gentleman is correct.

Mr. YOUNG of Alaska. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs. MILLER of California, RICHARDSON, and THOMAS of Wyoming.

There was no objection.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2295, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1994; AND SUPPLEMENTAL APPROPRIATIONS FOR THE NEW INDEPENDENT STATES OF THE FORMER SOVIET UNION ACT, 1993

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103-259) on the resolution (H. Res. 259) waiving points of order against the conference report on the bill (H.R. 2295) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1994, and making supplemental appropriations for such programs for the fiscal year ending September 30, 1993, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION RELATING TO CONSIDERATION OF SENATE AMENDMENTS TO HOUSE AMENDMENTS TO SENATE AMENDMENTS TO H.R. 2493, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1994

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103-260) on the resolution (H.Res. 260) relating to the consideration of Senate amendments to House amendments to Senate amendments to the bill (H.R. 2493) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1994, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2403, TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1994

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103-261) on the resolution (H.Res. 261) waiving points of order against the conference report on the bill (H.R. 2403) making appropriations for the Treasury Department the U.S. Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1994, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1845, NATIONAL BIOLOGICAL SURVEY ACT OF 1993

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103-262) on the resolution (H.Res. 262) providing for consideration of the bill (H.R. 1845) to establish the Biological Survey in the Department of the Interior, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING CERTAIN POINTS OF ORDER AGAINST H.R. 3116, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT FOR FISCAL YEAR 1994

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103-263) on the resolution (H.Res. 263) waiving certain points of order against the bill (H.R. 3116) making appropriations for the Department of Defense for the fiscal year ending September 30, 1994, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2351, ARTS, HUMANITIES AND MUSEUMS AMENDMENTS OF 1993

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (H. Rept. 103-264) on the resolution (H. Res. 264) providing for consideration of the bill (H.R. 2351) to authorize appropriations for fiscal years 1994 and 1995 to carry out the National Foundation on the Arts and Humanities Act of 1965, and the Museum Services Act, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed on Monday, September 27, 1993, in the order in which that motion was entertained.

Votes will be taken in the following order:

S. Concurrent Resolution 4, de novo;

S. Concurrent Resolution 5, de novo; and

S. Concurrent Resolution 6, de novo.

PRINTING OF "SENATORS OF THE UNITED STATES: A HISTORICAL BIBLIOGRAPHY"

The SPEAKER pro tempore. The unfinished business is the question de novo of suspending the rules and concurring in the Senate concurrent resolution, Senate Concurrent Resolution 4, as amended.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. MANTON] that the House suspend the rules and concur in the Senate concurrent resolution, Senate Concurrent Resolution 4, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate concurrent resolution, as amended, was concurred in.

The title of the Senate concurrent resolution was amended so as to read: "Concurrent resolution providing for the printing of the book entitled 'Senators of the United States: A Historical Bibliography' as a Senate document.".

A motion to reconsider was laid on the table.

PRINTING OF "GUIDE TO RESEARCH COLLECTIONS OF FORMER UNITED STATES SENATORS"

The SPEAKER pro tempore. The unfinished business is the question de novo of suspending the rules and concurring in the Senate concurrent resolution, Senate Concurrent Resolution 5, as amended.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. MANTON] that the House suspend the rules and concur in the Senate concurrent resolution, Senate Concurrent Resolution 5, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate concurrent resolution, as amended, was concurred in.

The title of the Senate concurrent resolution was amended so as to read: "Concurrent resolution providing for the printing of the book entitled 'Guide to Research Collections of Former United States Senators' as a Senate document.".

A motion to reconsider was laid on the table.

PRINTING OF "SENATE ELECTION, EXPULSION, AND CENSURE CASES"

The SPEAKER pro tempore. The unfinished business is the question de novo of suspending the rules and concurring in the Senate concurrent resolution, Senate Concurrent Resolution 6, as amended.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. MANTON] that the House suspend the rules and concur in the Senate concurrent resolution, Senate Concurrent Resolution 6, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate concurrent resolution, as amended, was concurred in.

The title of the Senate concurrent resolution was amended so as to read: "Concurrent resolution providing for the printing of the book entitled 'Senate Election, Expulsion, and Censure Cases' as a Senate document.".

A motion to reconsider was laid on the table.

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ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. REYNOLDS). Pursuant to the provisions of clause 5 of rule I the Chair announces that he will postpone further proceedings today on both motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken on Wednesday, September 29, 1993.

RURAL ELECTRIFICATION LOAN RESTRUCTURING ACT OF 1993

Mr. DE LA GARZA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3123) to increase the interest rates electric and telephone borrowers pay under the lending programs administered by the Rural Electrification Administration and otherwise restructure the lending programs carried out by that Administration, as amended.

The Clerk read as follows:

H.R. 3123

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 "Rural Electrification Loan Restructuring Act of 1993".

SEC. 2. ELECTRIC AND TELEPHONE LOAN PROGRAMS.

(a) INSURED ELECTRIC AND TELEPHONE LOANS.—

(1) IN GENERAL.—Section 305 of the Rural Electrification Act of 1936 (7 U.S.C. 935) is amended—

(A) by striking subsections (b) and (d);

(B) by redesignating subsection (c) as subsection (b); and

(C) by inserting after subsection (b) (as so redesignated) the following new subsections:

"(c) INSURED ELECTRIC LOANS.—

"(1) HARDSHIP LOANS.—

"(A) IN GENERAL.—The Administrator shall make insured electric loans, to the extent of qualifying applications for the loans, at an interest rate of 5 percent per year to any applicant for a loan who meets each of the following requirements:

"(i) The average revenue per kilowatt-hour sold by the applicant is not less than 120 percent of the average revenue per kilowatt-hour sold by all utilities in the State in which the applicant provides service.

"(ii) The average residential revenue per kilowatt-hour sold by the applicant is not less than 120 percent of the average residential revenue per kilowatt-hour sold by all utilities in the State in which the applicant provides service.

"(iii) The average per capita income of the residents receiving electric service from the applicant is less than the average per capita income of the residents of the State in which the applicant provides service, or the median household income of the households receiving electric service from the applicant is less than the median household income of the households in the State.

"(B) SEVERE HARDSHIP LOANS.—In addition to hardship loans that are made under subparagraph (A), the Administrator may make an insured electric loan at an interest rate of 5 percent per year to an applicant for a loan if, in the sole discretion of the Administrator, the applicant has experienced a severe hardship.

"(C) LIMITATION.—Except as provided in subparagaph (D), the Administrator may not make a loan under this paragraph to an applicant for the purpose of furnishing or improving electric service to a consumer located in an urban area (as defined by the Bureau of the Census) if the average number of consumers per mile of line of the total electric system of the applicant exceeds 17.

"(D) EXTREMELY HIGH RATES.—In addition to hardship loans that are made under subparagraph (A) and (B), the Administrator shall make insured electric loans, to the extent of qualifying applications for the loans, at an interest rate of 5 percent per year to any applicant for a loan whose residential revenue exceeds 15.0 cents per kilowatt-hour sold. A qualifying application from such an applicant for the purpose of furnishing or improving electric service to a consumer located outside of an urban area shall not be subject to the conditions or limitation of subparagraph (A) or (C).".

"(2) MUNICIPAL RATE LOANS.—

"(A) IN GENERAL.—The Administrator shall make insured electric loans, to the extent of qualifying applications for the loans, at the interest rate described in subparagraph (B) for the term or terms selected by the applicant pursuant to subparagraph (C).

"(B) INTEREST RATE.—

"(i) IN GENERAL.—Subject to clause (ii), the interest rate described in this subparagraph on a loan to a qualifying applicant shall be—

"(I) the interest rate determined by the Administrator to be equal to the current market yield on outstanding municipal obligations with remaining periods to maturity similar to the term selected by the applicant pursuant to subparagraph (C), but not greater than the rate determined under section 307(a)(3)(A) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1927(a)(3)(A)) that is based on the current market yield on outstanding municipal obligations; plus

"(II) if the applicant for the loan makes an election pursuant to subparagraph (D) to include in the loan agreement the right of the applicant to prepay the loan, a rate equal to the amount by which—

"(aa) the interest rate on commercial loans for a similar period that afford the borrower such a right; exceeds

"(bb) the interest rate on commercial loans for the period that do not afford the borrower such a right.

"(ii) MAXIMUM RATE.—The interest rate described in this subparagraph on a loan to an applicant for the loan shall not exceed 7 percent if—

"(I) the average number of consumers per mile of line of the total electric system of the applicant is less than 5.50; or

"(II)(aa) the average revenue per kilowatt-hour sold by the applicant is more than the average revenue per kilowatt-hour sold by all utilities in the State in which the applicant provides service; and

"(bb) the average per capita income of the residents receiving electric service from the applicant is less than the average per capita income of the residents of the State in which the applicant provides service, or the median household income of the households receiving electric service from the applicant is less than the median household income of the households in the State.

"(iii) EXCEPTION.—Clause (ii) shall not apply to a loan to be made to an applicant for the purpose of furnishing or improving electric service to consumers located in an urban area (as defined by the Bureau of the Census) if the average number of consumers per mile of line of the total electric system of the applicant exceeds 17.

"(C) LOAN TERM.—

"(i) IN GENERAL.—Subject to clause (ii), the applicant for a loan under this paragraph may select the term for which an interest rate shall be determined pursuant to subparagraph (B), and, at the end of the term (and any succeeding term selected by the applicant under this subparagraph), may renew the loan for another term selected by the applicant.

"(ii) MAXIMUM TERM.—

"(I) APPLICANT.—The applicant may not select a term that ends more than 35 years after the beginning of the first term the applicant selects under clause (i).

"(II) ADMINISTRATOR.—The Administrator may prohibit an applicant from selecting a term that would result in the total term of the loan being greater than the expected useful life of the assets being financed.

"(D) CALL PROVISION.—The Administrator shall offer any applicant for a loan under this paragraph the option to include in the loan agreement the right of the applicant to prepay the loan on terms consistent with similar provisions of commercial loans.

"(3) OTHER SOURCE OF CREDIT NOT REQUIRED IN CERTAIN CASES.—The Administrator may not require any applicant for a loan made under this subsection who is eligible for a loan under paragraph (1) to obtain a loan from another source as a condition of approving the application for the loan or advancing any amount under the loan.

"(d) INSURED TELEPHONE LOANS.—

"(1) HARDSHIP LOANS.—

"(A) IN GENERAL.—The Administrator shall make insured telephone loans, to the extent of qualifying applications for the loans, at an interest rate of 5 percent per year, to any applicant who meets each of the following requirements:

"(i) The average number of subscribers per mile of line in the service area of the applicant is not more than 4.

"(ii) The applicant is capable of producing net income or margins before interest of not less than 100 percent (but not more than 300 percent) of the interest requirements on all of the outstanding and proposed loans of the applicant.

"(iii) The Administrator has approved a telecommunications modernization plan for the State under paragraph (3) and, if the plan was developed by telephone borrowers under this title, the applicant is a participant in the plan.

"(iv) The average number of subscribers per mile of line in the area included in the proposed loan is not more than 17.

"(B) AUTHORITY TO WAIVE TIER REQUIREMENT.—The Administrator may waive the requirement of subparagraph (A)(ii) in any case in which the Administrator determines (and sets forth the reasons for the waiver in writing) that the requirement would prevent emergency restoration of the telephone system of the applicant or result in severe hardship to the applicant.

"(C) EFFECT OF LACK OF FUNDS.—On request of any applicant who is eligible for a loan under this paragraph for which funds are not available, the applicant shall be considered to have applied for a loan under title IV.

"(2) COST-OF-MONEY LOANS.—

"(A) IN GENERAL.—The Administrator may make insured telephone loans for the acquisition, purchase, and installation of telephone lines, systems, and facilities (other than buildings used primarily for administrative purposes, vehicles not used primarily in construction, and customer premise equipment) related to the furnishing, improvement, or extension of rural telecommunications service, at an interest rate equal to the then current cost of money to the Government of the United States for loans of similar maturity, but not more than 7 percent per year, to any applicant for a loan who meets the following requirements:

"(i) The average number of subscribers per mile of line in the service area of the applicant is not more than 15, or the applicant is capable of producing net income or margins before interest of not less than 100 percent (but not more than 500 percent) of the interest requirements on all of the outstanding and proposed loans of the applicant.

"(ii) The Administrator has approved a telecommunications modernization plan for the State under paragraph (3) and, if the plan was developed by telephone borrowers under this title, the applicant is a participant in the plan.

"(B) CONCURRENT LOAN AUTHORITY.—On request of any applicant for a loan under this paragraph during any fiscal year, the Administrator shall—

"(i) consider the application to be for a loan under this paragraph and a loan under section 408; and

"(ii) if the applicant is eligible for a loan, make a loan to the applicant under this paragraph in an amount equal to the amount that bears the same ratio to the total amount of loans for which the applicant is eligible under this paragraph and under section 408, as the amount made available for loans under this paragraph for the fiscal year bears to the total amount made available for loans under this paragraph and under section 408 for the fiscal year.

"(C) EFFECT OF LACK OF FUNDS.—On request of any applicant who is eligible for a loan under this paragraph for which funds are not available, the applicant shall be considered to have applied for a loan guarantee under section 306.

"(3) STATE TELECOMMUNICATIONS MODERNIZATION PLANS.—

"(A) APPROVAL.—If, not later than 1 year after final regulations are promulgated to carry out this paragraph, any State, either by statute or through the public utility commission of the State, develops a telecommunications modernization plan that meets the requirements of subparagraph (B), the Administrator shall approve the plan for the State. If a State does not develop a plan in accordance with the requirements of the preceding sentence, the Administrator shall approve any telecommunications modernization plan for the State that meets the requirements that is developed by a majority of the borrowers of telephone loans made under this title who are located in the State.

"(B) REQUIREMENTS.—For purposes of subparagraph (A), a telecommunications modernization plan must, at a minimum, meet the following objectives:

"(i) The plan must provide for the elimination of party line service.

"(ii) The plan must provide for the availability of telecommunications services for improved business, educational, and medical services.

"(iii) The plan must encourage and improve computer networks and information highways for subscribers in rural areas.

"(iv) The plan must provide for—

"(I) subscribers in rural areas to be able to receive through telephone lines—

"(aa) conference calling;

"(bb) video images; and

"(cc) data at a rate of at least 1,000,000 bits of information per second; and

"(II) the proper routing of information to subscribers.

"(v) The plan must provide for uniform deployment schedules to ensure that advanced services are deployed at the same time in rural and nonrural areas.

"(vi) The plan must provide for such additional requirements for service standards as may be required by the Administrator.

"(C) FINALITY OF APPROVAL.—A telecommunications modernization plan approved under subparagraph (A) may not subsequently be disapproved. Notwithstanding paragraphs (1)(A)(iii) and (2)(A)(iii), and section 408(b)(4)(C), the Administrator and the Governor of the telephone bank may make a loan to a borrower serving a State that does not have a telecommunication modernization plan approved by the Administrator if the loan is made less than 1 year after the Administrator has adopted final regulations implementing this paragraph.".

(2) RURAL TELEPHONE BANK LOAN PROGRAM.—Section 408 of such Act (7 U.S.C. 948) is amended—

(A) in subsection (a), by striking ", (2)" and all that follows through "408 of this Act," and inserting ", (2) for the acquisition, purchase, and installation of telephone lines, systems, and facilities (other than buildings used primarily for administrative purposes, vehicles not used primarily in construction, and customer premise equipment) related to the furnishing, improvement, or extension of rural telecommunications service,";

(B) in subsection (b)—

(i) by striking paragraph (4) and inserting the following new paragraph:

"(4) The Governor of the telephone bank may make a loan under this section only to an applicant for the loan who meets the following requirements:

"(A) The average number of subscribers per mile of line in the service area of the applicant is not more than 15, or the applicant is capable of producing net income or margins before interest of not less than 100 percent (but not more than 500 percent) of the interest requirements on all of the outstanding and proposed loans of the applicant.

"(B) The Administrator has approved, under section 305(d)(3), a telecommunications modernization plan for the State in which the applicant is located and, if the plan was developed by telephone borrowers under title III, the applicant is a participant in the plan.";

(ii) in paragraph (8)—

(I) by inserting "(A)" after "(8)";

(II) by striking "if such prepayment is not made later than September 30, 1988" and inserting "except for any prepayment penalty provided for in a loan agreement entered into before the date of enactment of the Rural Electrifration Loan Restructuring Act of 1993"; and

(III) by adding at the end the following new subparagraph:

"(B) If a borrower prepays part or all of a loan made under this section, then, notwithstanding section 407(b), the Governor of the telephone bank shall—

"(i) use the full amount of the prepayment to repay obligations of the telephone bank issued pursuant to section 407(b) before October 1, 1991, to the extent any such obligations are outstanding; and

"(ii) in repaying the obligations, first repay the advances bearing the greatest rate of interest."; and

(iii) by adding at the end the following new paragraphs:

"(9) On request of any applicant for a loan under this section during any fiscal year, the Governor of the telephone bank shall—

"(A) consider the application to be for a loan under this section and a loan under section 305(d)(2); and

"(B) if the applicant is eligible for a loan, make a loan to the applicant under this section in an amount equal to the amount that bears the same ratio to the total amount of loans for which the applicant is eligible under this section and under section 305(d)(2), as the amount made available for loans under this section for the fiscal year bears to the total amount made available for loans under this section and under section 305(d)(2) for the fiscal year.

"(10) On request of any applicant who is eligible for a loan under this section for which funds are not available, the applicant shall be considered to have applied for a loan under section 305(d)(2).''; and

(C) by adding at the end the following new subsection:

"(e) Loans and advances made under this section on or after November 5, 1990, shall bear interest at a rate determined under this section, taking into account all assets and liabilities of the telephone bank. This subsection shall not apply to loans obligated before the date of enactment of this subsection. Funds are not authorized to be appropriated to carry out this subsection until the funds are appropriated in advance to carry out this subsection.''.

(b) FUNDING.—

(1) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—Section 314 of such Act (7 U.S.C. 940d) is amended to read as follows:

"SEC. 314. LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.

"(a) DEFINITION OF ADJUSTMENT PERCENTAGE.—As used in this section, the term 'adjustment percentage' means, with respect to a fiscal year, the percentage (if any) by which—

"(1) the average of the Consumer Price Index (as defined in section 1(f)(5) of the Internal Revenue Code of 1986) for the 1-year period ending on July 31 of the immediately preceding fiscal year; exceeds

"(2) the average of the Consumer Price Index (as so defined) for the 1-year period ending on July 31, 1993.

"(b) FISCAL YEARS 1994 THROUGH 1998.—In the case of each of fiscal years 1994 through 1998, there are authorized to be appropriated to the Administrator such sums as may be necessary for the cost of loans in the following amounts, for the following purposes:

"(1) ELECTRIC HARDSHIP LOANS.—For loans under section 305(c)(1)—

"(A) for fiscal year 1994, $125,000,000; and

"(B) for each of fiscal years 1995 through 1998, $125,000,000, increased by the adjustment percentage for the fiscal year.

"(2) ELECTRIC MUNICIPAL RATE LOANS.—For loans under section 305(c)(2)—

"(A) for fiscal year 1994, $600,000,000; and

"(B) for each of fiscal years 1995 through 1998, $600,000,000, increased by the adjustment percentage for the fiscal year.

"(3) TELEPHONE HARDSHIP LOANS.—For loans under section 305(d)(1)—

"(A) for fiscal year 1994, $125,000,000; and

"(B) for each of fiscal years 1995 through 1998, $125,000,000, increased by the adjustment percentage for the fiscal year.

"(4) TELEPHONE COST-OF-MONEY LOANS.—For loans under section 305(d)(2)—

"(A) for fiscal year 1994, $198,000,000; and

"(B) for each of fiscal years 1995 through 1998, $198,000,000, increased by the adjustment percentage for the fiscal year.

"(c) FUNDING LEVELS.—The Administrator shall make insured loans under this title for the purposes, in the amounts, and for the periods of time specified in subsection (b), as provided in advance in appropriations Acts.

"(d) AVAILABILITY OF FUNDS FOR INSURED LOANS.—Amounts made available for loans under section 305 are authorized to remain available until expended.''.

(2) RULE OF INTERPRETATION.—Section 309(a) of such Act (7 U.S.C. 939(a)) is amended by adding at the end the following new sentence: "The preceding sentence shall not be construed to make section 408(b)(2) or 412 applicable to this title.''.

(c) MISCELLANEOUS AMENDMENTS.—

(1) LOANS FOR RURAL ELECTRIFICATION.—Section 2 of such Act (7 U.S.C. 902) is amended—

(A) by inserting "(a)" before "The Administrator";

(B) by striking "telephone service in rural areas, as hereinafter provided;" and inserting "electric and telephone service in rural areas, as provided in this Act, and for the purpose of assisting electric borrowers to implement demand side management, energy conservation programs, and on-grid and off-grid renewable energy systems;"; and

(C) by adding at the end the following new subsection:

"(b) By January 1, 1994, the Administrator shall issue interim regulations to implement the authority contained in subsection (a) to make loans for the purpose of assisting electric borrowers to implement demand side management, energy conservation programs, and on-grid and off-grid renewable energy systems. If the regulations are not issued by January 1, 1994, the Administrator shall consider any demand side management, energy conservation, or renewable energy program, system, or activity that is approved by a State agency to be eligible for the loans.''.

(2) LOANS FOR ELECTRICAL PLANTS AND TRANSMISSION LINES.—Section 4 of such Act (7 U.S.C. 904) is amended by inserting after "central station service" the following: "and for the furnishing and improving of electric service to persons in rural areas, including by assisting electric borrowers to implement demand side management, energy conservation programs, and on-grid and off-grid renewable energy systems''.

(3) DEFINITIONS.—Section 13 of such Act (7 U.S.C. 913) is amended—

(A) by inserting ", except as provided in section 203(b)," before "shall be deemed to mean any area"; and

(B) by striking "city, village, or borough having a population in excess of fifteen hundred inhabitants" and inserting "urban area, as defined by the Bureau of the Census''.

(4) GENERAL PROHIBITIONS.—Section 18 of such Act (7 U.S.C. 918) is amended—

(A) by inserting "(a) NO CONSIDERATION OF BORROWER'S LEVEL OF GENERAL FUNDS.—" before "The Administrator"; and

(B) by adding at the end the following new subsections:

"(b) LOAN ORIGINATION FEES.—The Administrator and the Governor of the telephone bank may not charge any fee or charge not expressly provided in this Act in connection with any loan made or guaranteed under this Act.

"(c) CONSULTANTS.—

"(1) IN GENERAL.—To facilitate timely action on applications by borrowers for financial assistance under this Act and for approvals required of the Rural Electrification Administration pursuant to the terms of outstanding loan or security instruments or otherwise, the Administrator may use consultants funded by the borrower, paid for out of the general funds of the borrower, for financial, legal, engineering, and other technical advice and services in connection with the review of the application by the Rural Electrification Administration.

"(2) CONFLICTS OF INTEREST.—The Administrator shall establish procedures for the selection and the provision of technical services by consultants to ensure that the consultants have no financial or other conflicts of interest in the outcome of the application of the borrower.

"(3) PAYMENT OF COSTS.—The Administrator may not, without the consent of the borrower, require, as a condition of processing an application for approval, that the borrower agree to pay the costs, fees, and expenses of consultants hired to provide technical or advisory services to the Administrator.

"(4) CONTRACTS, GRANTS, AND AGREEMENTS.—The Administrator may enter into such contracts, grants, or cooperative agreements as are necessary to carry out this section.

"(5) USE OF CONSULTANTS.—Nothing in this subsection shall limit the authority of the Administrator to retain the services of consultants from funds made available to the Administrator or otherwise.''.

(5) DEFINITION OF RURAL AREA.—Section 203(b) of such Act (7 U.S.C. 924(b)) is amended by striking "one thousand five hundred" and inserting "5,000".

(6) INSURED LOANS.—Section 305 of such Act (7 U.S.C. 935) (as amended by subsection (a)(1)) is further amended—

(A) by striking "SEC. 305. INSURED LOANS; INTEREST RATES AND LENDING LEVELS.—(a) The" and inserting the following:

"SEC. 305. INSURED LOANS; INTEREST RATES AND LENDING LEVELS.

"(a) IN GENERAL.—The"; and

(B) in subsection (b), by striking "(b) Loans" and inserting "(b) INSURED LOANS.—Loans".

(7) ELIGIBILITY OF DISTRIBUTION BORROWERS; ADMINISTRATIVE PROHIBITIONS.—Title III of such Act is amended by inserting after section 306B (7 U.S.C. 936b) the following new sections:

"SEC. 306D. ELIGIBILITY OF DISTRIBUTION BORROWERS FOR LOANS, LOAN GUARANTEES, AND LIEN ACCOMMODATIONS.

"For the purpose of determining the eligibility of a distribution borrower not in default on the repayment of a loan made or guaranteed under this Act for a loan, loan guarantee, or lien accommodation under this title, a default by a borrower from which the distribution borrower purchases wholesale power shall not—

"(1) be considered a default by the distribution borrower;

"(2) reduce the eligibility of the distribution borrower for assistance under this Act; or

"(3) be the cause, directly or indirectly, of imposing any requirement or restriction on the borrower as a condition of the assistance, except such requirements or restrictions as are necessary to implement a debt restructuring agreed on by the power supply borrower and the Government.

"SEC. 306E. ADMINISTRATIVE PROHIBITIONS APPLICABLE TO ELECTRIC BORROWERS.

"The Administrator may not require prior approval of, impose any requirement, restriction, or prohibition with respect to the operations of, or deny or delay the granting of a lien accommodation to, any electric borrower under this Act whose net worth exceeds 110 percent of the outstanding principal balance on all loans made or guaranteed to the borrower by the Administrator.''.

(8) LOANS FROM OTHER CREDIT SOURCES.—Section 307 of such Act (7 U.S.C. 937) is amended by adding at the end the following new sentence: "The Administrator may not request any applicant for an electric loan under this Act to apply for and accept a loan in an amount exceeding 30 percent of the credit needs of the applicant.".

(9) CAPITALIZATION.—Section 406 of such Act (7 U.S.C. 946) is amended by adding at the end the following new subsection:

"(i) The Governor of the telephone bank may invest in obligations of the United States the amounts in the account in the Treasury of the United States number 12X8139 (known as the 'RTB Equity Fund').".

(10) REFINANCING OF FFB LOANS.—Section 306C of such Act is amended by—

(A) inserting before the period at the end of subsection (c)(2) the following: ", except that such rate shall not be greater than 7 percent per year, subject to subsection (d)"; and

(B) adding at the end the following new subsection:

"(d) MAXIMUM RATE OPTION.—

"(1) IN GENERAL.—Except as provided in paragraphs (2), (3), and (4), a borrower of a loan or loan advance, or any portion of the loan or advance, that is refinanced under this section shall have the option of ensuring that the interest rate on such loan, loan advance, or portion thereof does not exceed 7 percent per year.

"(2) LIMITATION.—A borrower may not exercise the option under paragraph (1) in the case of a loan or loan advance, or portion thereof, if the total amount of such loans for which such option would be exercised exceeds 50 percent of the outstanding principal balance of the loans made to such borrower and guaranteed under section 306.

"(3) FEE.—A borrower that exercises the maximum rate option under paragraph (1) shall, at the time of exercising such option, pay a fee equal to 1 percent of the outstanding principal balance of such loan or loan advance, or portion thereof, for which such option is exercised. Such fee shall be in addition to the penalties and other payments required under subsection (b).

"(4) SUNSET.—The option provided under paragraph (1) shall not be available in the case of any loan or loan advance, or portion thereof, unless a written request to exercise such option is sent to the Administrator not later than 1 year after the effective date of regulations issued to carry out the Rural Electrification Loan Restructuring Act of 1993.".

SEC. 3. EXPANDED ELIGIBILITY FOR LOANS FOR WATER AND WASTE DISPOSAL FACILITIES.

Section 306(a)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(1)) is amended by inserting after the first sentence the following new sentence: "The Secretary may also make loans to any borrower to whom a loan has been made under the Rural Electrification Act of 1936 (7 U.S.C. 901 et seq.), for the conservation, development, use, and control of water, and the installation of drainage or waste disposal facilities, primarily serving farmers, ranchers, farm tenants, farm laborers, rural businesses, and other rural residents.".

SEC. 4. RURAL ECONOMIC DEVELOPMENT.

Section 364 of the Consolidated Farm and Rural Development Act (7 U.S.C. 2006f) is amended by adding at the end the following new subsection:

"(g) RURAL ECONOMIC DEVELOPMENT.—

"(1) IN GENERAL.—A borrower of a loan or loan guarantee under the Rural Electrification Act of 1936 (7 U.S.C. 901 et seq.) shall be eligible for assistance under all programs administered by the Rural Development Administration.

"(2) PARTICIPATION.—The Administrator of the Rural Development Administration shall encourage and facilitate the full and equal participation of all entities to participate in programs administered by the Rural Development Administration.".

SEC. 5. PROHIBITION UNDER RURAL DEVELOPMENT PROGRAMS.

The Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) is amended by adding at the end thereof the following new section:

"SEC. 370. PROHIBITION UNDER RURAL DEVELOPMENT PROGRAMS.

"(a) PROHIBITION.—Assistance under any rural development program administered by the Rural Development Administration, the Farmers Home Administration, the Rural Electrification Administration, or any other agency of the Department of Agriculture shall not be conditioned on any requirement that the recipient of such assistance accept or receive electric service from any particular utility, supplier, or cooperative.

"(b) ENSURING COMPLIANCE.—The Secretary shall establish, by regulation, adequate safeguards to ensure that assistance under such rural development programs is not subject to such a condition. Such safeguards shall include periodic certifications and audits, and appropriate measures and sanctions against any person violating, or attempting to violate, the prohibition in subsection (a).

"(a) REGULATIONS.—Not later than six months after the enactment of this section, the Secretary shall issue interim final regulations to ensure compliance with subsection (a).".

SEC. 6. REGULATIONS.

Except as provided under section 2(b) of the Rural Electrification Act of 1936 and section 370 of the Consolidated Farm and Rural Development Act, as added by sections 2(c)(1)(C) and 5 of this Act, not later than 45 days after the date of enactment of this Act, interim final regulations shall be issued by—

(1) the Administrator of the Rural Electrification Administration to carry out the amendments made by this Act to programs administered by the Administrator;

(2) the Administrator of the Rural Development Administration to carry out the amendments made by this Act to programs administered by the Administrator; and

(3) the Secretary of Agriculture to carry out the amendments made by this Act to programs administered by the Farmers Home Administration.

The SPEAKER pro tempore (Mr. REYNOLDS). Pursuant to the rule, the gentleman from Texas [Mr. DE LA GARZA] will be recognized for 20 minutes, and the gentleman from Kansas [Mr. ROBERTS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. DE LA GARZA].

Mr. DE LA GARZA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the legislation that we bring to the floor today will restructure the loan programs and the authorities of the Rural Electrification Administration [REA] to meet today's fiscal realities and tomorrow's technology needs. H.R. 3123 has three basic goals:

First, the bill will eliminate REA's authority to make 2-percent loans. The purpose of the 2-percent Loan Program was to encourage electric and telephone cooperatives to provide service to high cost, less densely populated areas shunned by privately owned utilities. Our Nation's budget problems dictate that we find less costly ways to promote affordable, quality electric and telephone service for rural areas.

Second, the bill will better target the taxpayer-funded assistance that is made available through a restructured lending program. The bill establishes criteria for hardship lending that would make available Government-insured loans at 5 percent. Borrowers not meeting the hardship criteria would be eligible for Government-insured lending at a higher rate tied to the interest rate charged to municipal utilities or the Government's cost of borrowing.

Third, this bill will promote the delivery of modern telecommunications services to rural America. Today, rural residents are seeking access to emerging electronic technologies and the economic opportunities they provide. This legislation requires rural electric and rural telephone borrowers in all States to develop statewide telecommunications modernization plans as a prerequisite to further Government-insured lending through REA. This carrot approach will provide an added incentive to rural electric and telephone borrowers to upgrade their telecommunications systems.

Mr. Speaker, the basic intent of H.R. 3123 was approved by the House earlier this year as part of the House-passed reconciliation bill. The language here in H.R. 3123 is nearly identical to language agreed to by the conferees on the 1993 Budget Reconciliation Act. These REA provisions were stripped from the reconciliation conference report at the last minute because of the possible point of order that could have been raised in the other body under the so-called Byrd rule.

The one major difference between the reconciliation agreement and this bill is that H.R. 3123 does not contain any language shielding the service area of rural electric cooperatives from annexation procedures by a municipally owned utility.

Mr. Speaker, REA has helped bring affordable electric and telephone service to farms, ranches, and rural communities across our Nation since the 1930's. It is no exaggeration to say, quite simply, that REA has been the Federal Government's most successful effort at improving the quality of life in rural America.

If you doubt that statement, just ask any man or woman who lived on, or grew up on, a farm or ranch in the thirties, forties, and fifties what life was like before the electric cooperatives sank poles and strung up lines to their

house and barn. They know the difference the REA programs made in their lives.

Nevertheless, there are people today who say REA has outlived its usefulness. Nothing could be farther from the truth. Mr. Speaker, REA is needed now more than ever.

We hear about the need to build the information highway of the future. This is a part of the infrastructure that will lay the foundation to a high-technology, high-wage future for our economy.

Rural America wants to be a part of that revolution. People in our small towns, and on remote farms and ranches, see a whole host of information sources, educational advantages, and economic opportunities through the use of advanced telecommunications.

To take part in this telecommunications revolution, rural America needs affordable lending to build the necessary infrastructure and modernize its electric and telephone systems. The lack of modern telecommunications capability and reliable electric service puts rural residents and rural businesses at a distinct disadvantage.

With the help of the REA, rural electric cooperatives and rural telephone companies can give rural businesses an opportunity to compete in this new high-technology economy. With the help of the REA, rural electric cooperatives and rural telephone companies can provide people living in our small rural communities and in remote areas with the same level of residential service that urban America has come to take for granted.

This bill provides REA with the authority to promote statewide modernization of telecommunications services for rural areas.

Mr. Speaker, I want to commend Congressman GLENN ENGLISH of Oklahoma, the chairman of our Subcommittee on Environment, Credit and Rural Development, for his yeoman's work on this legislation earlier this year and his help in accommodating concerns from the other side of the aisle during committee consideration last week. I also want to thank our ranking minority members PAT ROBERTS, BOB SMITH of Oregon, and JOHN BOEHNER of Ohio for their help and their willingness to cosponsor this legislation.

Mr. Speaker, this legislation is made even more necessary and urgent by the fact the conferees on the agriculture appropriations bill, anticipating our reforms, have defunded the 2-Percent Loan Program and reallocated funds to the new accounts with the expectation that this authorizing language would be sent to the President.

Mr. Speaker, for all these reasons, I urge my colleagues to support passage of H.R. 3123.

Mr. Speaker, for the RECORD I include correspondence and a cost estimate from the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 28, 1993.

Hon. E DE LA GARZA,
Chairman, Committee on Agriculture, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3123, the Rural Electrification Loan Restructuring Act of 1993.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

ROBERT D. REISCHAUER,
Director.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill Number: H.R. 3123.

2. Bill Title: Rural Electrification Loan Restructuring Act of 1993.

3. Bill Status: As ordered reported by the House Committee on Agriculture on September 23, 1993.

4. Bill purpose: The bill would reauthorize and modify the insured loan program of the Rural Electrification Administration (REA) and would make changes in the direct loan program of the Rural Telephone Bank (RTB). The current insured loan program, consisting primarily of loans made at a statutory interest rate of 5 percent, would be replaced by a new multi-tiered program consisting of some 5 percent loans, some loans made at rate equal to the average rates paid by municipal utilities, and some loans made at a rate equal to the rate of new borrowing by the U.S. Treasury. The bill also would modify several provisions of the RTB loan program and would broaden eligibility requirements for assistance under programs administered by the Rural Development Administration.

5. Estimated cost to the Federal Government:

[By fiscal year, in millions of dollars]

	1994	1995	1996	1997	1998
Estimated authorization of appropriations:					
REA insured loans	116	116	118	122	124
RTB loans	15	15	16	16	17
Total estimated Authorizations	131	132	134	138	141
Estimated outlays	18	51	84	111	127

The costs of this bill fall within budget functions 270 and 450.

Basis of estimate:

REA Insured loans. CBO estimates that the bill would authorize $116 million for fiscal year 1994 and a total of $596 million for the 1994–1998 period of the subsidy costs of REA insured loans. These estimates represent the expected government subsidy required for the loan levels specified in the bill. For electric utilities borrowing from the REA, the bill would authorize 1994 loan levels of $125 million at the 5 percent interest rate and $600 million at the average rate paid by municipal utilities on their debt. For telephone utilities borrowing from REA, the bill would authorize 1994 loan levels of $125 million at the 5 percent rate and $198 million at a rate equal to the rate on new borrowing by the Treasury for debt of comparable maturity.

The bill authorizes REA loans for the 1995–1998 period at the 1994 levels adjusted for inflation. For 1994, CBO estimates that these loan levels would require subsidy appropriations of $91 million for loans to electric utilities and $25 million for loans to telephone utilities. These amounts would increase with inflation to match the increasing nominal loan levels over the following four years.

Relative to the CBO baseline, the REA loan authorizations would reduce the need for appropriations by $50 million in 1994 and by $276 million over the 1994–1998 period. If appropriations are reduced by these amounts, outlay savings from the CBO baseline would total $8 million in 1994 and $162 million over the five-year period.

RTB Direct loans. CBO estimates that it would cost about $15 million in fiscal year 1994 and about $80 million over the 1994–1998 period to cover the increased RTB subsidies, assuming baseline loan levels. H.R. 3123 would change the way interest rates charged to RTB borrowers are calculated. This change would result in a lower interest rate for the borrower, hence requiring additional subsidy budget authority to make the required amount of loans.

The bill also would make several changes to loan terms for REA borrowers, modify certain provisions of REA's Rural Telephone Bank loan program, and broaden the eligibility criteria for the Department of Agriculture's rural development loan program. CBO estimates that these additional provisions would have no budgetary impact.

Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Oklahoma [Mr. ENGLISH], who did yeoman's work on this endeavor.

Mr. ENGLISH of Oklahoma. Mr. Speaker, I thank the gentleman for yielding time to me.

Let me say, as the chairman outlined, this is really a conference report. It was stricken from the reconciliation bill by the so-called Byrd rule in the other body, and it does bring a considerable savings, $123 million over the next 5 years. It also makes some major adjustments to the REA Program, adjustments that I think many have been look forward to for some time.

It eliminates, for instance, the 2-percent loan program that has been in existence for some period of time. It also restricts the so-called 5-percent loan program. It underscores for both telephone companies and electric borrowers that there are hardship eligibility requirements that are set out, these are the criteria for that, and also, it reduces the amount of the 5-percent loan program from the fiscal year 1993 level of $625 million to $125 million.

It also reduces the 5-percent loan program for telephone borrowers from $239 million to $125 million. The adjustments are made to make these loans identical to the tax-free municipal bond rate for other borrowers, and those apply both to electric borrowers as well as borrowers for telephone companies.

Let me also say that there are restrictions in this program for those borrowers who may be in heavily, densely populated areas. For those borrowers in those cases, for a 5-percent loan, there would have to be a density less than 17 consumers per line mile.

As the Members can see, we have before us a major reform in the REA Program, one that makes major improvements in the program, and also, equally important during these times, brings

about $123 million worth of savings. Also, it might be pointed out that this legislation does not have what became a very controversial provision; namely, the question of municipal annexation and hostile condemnation. That is a subject that the committee will have to deal with at a later date, at another time, but it is not in this legislation tonight.

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

Mr. Speaker, I would like to first associate myself with the remarks of the distinguished chairman of the Committee on Agriculture, and my friend and colleague, the distinguished chairman of the subcommittee that has worked so long and hard for this reform effort. I associate myself with their remarks.

Mr. Speaker, this bill has been described as being nearly identical to legislation the House adopted in its reconciliation package this summer, that is correct. This bill is a reform effort that will be followed up later this year with additional legislation that will come before the full committee. I support the adoption of H.R. 3123.

Mr. Speaker, I yield 2 minutes to my friend and distinguished colleague, the gentleman from Wyoming [Mr. THOMAS].

Mr. THOMAS of Wyoming. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in support of this rural electric bill. I think it makes some necessary changes that we have been looking for and seeking to work on for some time, and yet continues the important program. If a person comes from a place like I do in Wyoming, where the average density for rural electric programs is somewhere below five, the necessity to have available capital is very, very important. Of course, if we are going to have a growing economy in the rural areas, and particularly in the West, this rural electric program is part of the element that is necessary to provide for that.

There have been changes. We no longer have the 2-percent program. The 5-percent program is available in certain circumstances, but generally this funding would be equal to that of municipal bonds, municipal paper. I think that is a fair proposition. I think that is the way it ought to be.

Mr. Speaker, I must say that I am pleased that the territorial question is not here. I happen to agree with the rural electric in terms of the territorial issue. I think when a city annexes into a rural area, that there is no reason why that co-op cannot continue to serve, but I really do not think it is a function of the Federal Government to do that.

Therefore, I rise very much in support of this issue. I certainly congratulate the chairman and the ranking Republican for their work that they have done here. The gentleman from Oklahoma [Mr. ENGLISH] has continued to be a very strong supporter of the rural electric program, as I am, and I appreciate the work. I urge support for the bill.

Mr. ROBERTS. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey [Mr. ZIMMER].

Mr. ZIMMER. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I applaud this committee for its work on restructuring the REA loan program and basing it on merit and need, rather than on a first-come, first-served basis. I have got to confess that I believe that this is a program that is being reformed when it should be eliminated; that REA has accomplished its purpose of electrifying America and providing America with telephone service, and the time for the REA I believe is long past.

The President himself recognized the need to wind down this program and urged that the loan authority be reduced. That recommendation is not reflected in this legislation. I regret that. In fact, although the committee did reduce the hardship loan level, it created a brand new municipal rate loan program at $600 million. That means that there is a net result of additional funding, additional taxpayer subsidies, rather than less.

I am not insensitive to the needs of rural communities. I live in one. However, I do believe that this is a time when we have to reevaluate programs that seem to have taken on a life of their own. This is one of them.

There is a saying in Washington that "old government agencies never die. They don't even fade away." Although I commend the members of the Committee for doing a good job of reforming a program that was wildly out of date, the best thing to have done was to eliminate it and to recognize the fact that our taxpayers dollars could be spent much better elsewhere.

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

Mr. Speaker, I thank my friend, the gentleman from New Jersey [Mr. ZIMMER] for his confession. Perhaps if he believes that REA is outdated, perhaps we could have an amendment when we consider further reform to exempt the State of New Jersey from the REA and continue the program in Kansas, Oklahoma, Texas, Wyoming, and other areas.

I think my urban colleagues who really do a lot of complaining about REA having served its purpose need to understand that there are still areas of this country where party lines and analog switching systems, systems many of us would assume were long since gone, are still common.

In large metropolitan areas and in States like New Jersey, we enjoy being able to call numerous telephone exchanges in multi-county areas for all kinds of goods and services. In rural areas, a phone call to the town 15 miles down the road or maybe 30 miles may mean a toll charge.

□ 1900

So, if we want to do something for rural America and for the American economy, we certainly need to upgrade these services.

Mr. Speaker, this bill is nearly identical to legislation the House adopted in its budget reconciliation package this summer with the major exception that the controversial municipal annexation-condemnation provision is not included. I believe this bill is a reform effort that will be followed up later this year when the Committee on Agriculture fully reorganizes the Department of Agriculture. I support the adoption of H.R. 3123.

The legislation eliminates the current two-percent hardship and 5-percent direct electric and telephone loan programs and replaces them with a 5-percent hardship lending program at an authorized program level of $125 million each. Rural electric cooperatives may use a direct lending program with interest rates pegged to tax-exempt municipal bond rates with $600 million authorized; phone cooperatives and companies are eligible for direct loans at cost-of-money rates with a program authorization of $198 million. Both electric and telephone interest rates are capped at 7 percent depending on consumer densities, system revenues and costs, net income margin requirements of borrowers and per capita income of the areas served.

States or coalitions of telephone companies within States also would be required to develop and approve a telecommunications modernization plan that would upgrade services in rural areas, including the elimination of party line service. I believe my urban colleagues who grouse about REA having served its purpose need to understand there still are areas of this country where party lines and analog switching systems, systems many of us would assume were long since gone, are still common. In large metropolitan areas, we enjoy being able to call numerous telephone exchanges in multicounty areas for all kinds of goods and services; in rural areas, a phone call to the town 15 miles down the road may mean a toll charge. If we want to do something for rural Americans—and for the American economy—we need to upgrade rural telecommunications service.

In addition to the telecommunications provisions, the bill also makes important changes in program administration and loan making decisions within REA, including the prohibition of making a loan on assets whose useful life is less than the term of the loan. Electric co-ops with consumer densities in excess of 17 per mile would not be eligible for 5-percent loans or have the availability of a 7-percent interest cap on loans to serve or improve services in an urban area.

Finally, Mr. Speaker, the bill prohibits the packaging or tying of electric power service with some other utility service. For instance, it has been cited that on numerous occasions electric cooperatives have offered low-interest or no-interest loans for water and waste water facilities to businesses agreeing to buy the rural co-op's electric power. This practice

should not occur using low-interest, Government loans.

I would urge my colleagues to support passage of H.R. 3123.

Mr. GUNDERSON. Mr. Speaker, for almost 60 years, the Rural Electrification Administration [REA] has responded to the challenge of, first, providing universal electrical and telecommunication services to rural America and, now, of modernizing those services so that our farmers, ranchers, and rural businesses can remain competitive in the 21st Century.

Meeting this challenge is no small accomplishment given the budgetary climate facing our country as a whole and the desire of the Clinton Administration to make wholesale reductions in REA funding. Much work has gone into H.R. 3123 both during and after the reconciliation process to save Government outlays on the REA program while, at the same time, preserving the electric and telephone programs which are so vital to the future of rural America.

The result is a program providing loans to rural electric borrowers at an interest rate equal to that available on the market to municipal-owned utilities and loans to rural telephone companies at the cost of that money to the Government. While H.R. 3123 provides for a combined $250 million of 5 percent interest hardship loans to rural electric and telephone companies in low-density areas with below-average household incomes, these new terms represent a significant departure from the $864 million of time honored 2 percent hardship loans available currently. As noted, however, these changes are a necessary transition under our current budgetary conditions.

Most importantly, the legislation requires each State to develop a telecommunications modernization plan relating to improved computer and other services to farm operations, rural businesses, and educational and medical institutions.

The only thing missing from this legislation, Mr. Speaker, is language preserving the territorial integrity of the REA service areas. In a time when we are most concerned about the status of the Federal Treasury, it seems to me that we ought to be taking those steps necessary to insure the financial viability of our rural electric cooperatives [REC].

One of the greatest threats to the ability of our RECs to repay their Federal loans is the uncompensated loss of service territory to municipal annexation. How can we expect an REC to maintain its repayment schedule, to invest in the modernization of its facilities and services to its subscribers, or to plan for the future when it can lose some of its biggest and best customers overnight when an adjacent municipality and its utility annexes a portion of the service area of the REC?

Recognizing this inconsistency, we had language in the reconciliation package providing territorial protection for RECs. However, for whatever reason, it has been dropped from this legislation. It is incumbent upon me to warn my colleagues that, unless we address this growing problem of unrestricted municipal annexation in the very near future, we will be back here discussing the rising default rate among REA borrowers and the resulting increased cost of the rural electric program.

Despite this deficiency, Mr. Speaker, this is a good piece of legislation and urge my colleagues to vote for it.

Mr. ROBERTS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. DE LA GARZA. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BARCIA of Michigan). The question is on the motion offered by the gentleman from Texas [Mr. DE LA GARZA] that the House suspend the rules and pass the bill, H.R. 3123, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to improve the electric and telephone loan programs carried out under the Rural Electrification Act of 1936, and for other purposes.".

A motion to reconsider was laid on the table.

UNITED STATES GRAIN STANDARDS ACT AMENDMENTS OF 1993

Mr. DE LA GARZA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2689) to amend Public Law 100–518 and the U.S. Grain Standards Act to extend through September 30, 1998, the authority of the Federal Grain Inspection Service to collect fees to cover administrative and supervisory costs, and for the other purposes, as amended.

The Clerk read as follows:

H.R. 2689

Be it enacted by the Senate and House of Representatives of the United States of American in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "United States Grain Standards Act Amendments of 1993".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.
Sec. 2. Limitation on administrative and supervisory costs.
Sec. 3. Authorization of appropriations.
Sec. 4. Inspection and weighing fees; inspection and weighing in Canadian ports.
Sec. 5. Inspection and weighing pilot program.
Sec. 6. Licensing of inspectors.
Sec. 7. Prohibited acts.
Sec. 8. Criminal penalties.
Sec. 9. Equipment testing and other services
Sec. 10. Violation of subpoena.
Sec. 11. Standardizing commercial inspections.
Sec. 12. Elimination of gender references.
Sec. 13. Repeal of temporary amendment language; technical amendments.
Sec. 14. Authority to collect fees; termination of advisory committee.
Sec. 15. Effective dates.

SEC. 2. LIMITATION ON ADMINISTRATIVE AND SUPERVISORY COSTS.

Section 7D of the United States Grain Standards Act (7 U.S.C. 79d) is amended—

(1) by striking "inspection and weighing" and inserting "services performed"; and

(2) by striking "1993" and inserting "1998".

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

(a) REAUTHORIZATION.—Section 19 of the United States Grain Standards Act (7 U.S.C. 87h) is amended by striking "during the period beginning October 1, 1988, and ending September 30, 1993" and inserting "1988 through 1998".

(b) LIMITATION.—Such section is further amended by striking "and 17A of this Act" and inserting "7B, 16, and 17A".

SEC. 4. INSPECTION AND WEIGHING FEES; INSPECTION AND WEIGHING IN CANADIAN PORTS.

(a) INSPECTION AUTHORITY.—Section 7 of the United States Grain Standards Act (7 U.S.C. 79) is amended—

(1) in subsection (f)(1)(A)(vi), by striking "or other agricultural programs operated by" and inserting "of"; and

(2) in the second sentence of subsection (i), by inserting before the period at the end "or as otherwise provided by agreement with the Canadian Government".

(b) WEIGHING AUTHORITY.—Section 7A of such Act (7 U.S.C. 79a) is amended—

(1) in the second sentence of subsection (c)(2), by inserting after "shall be deemed to refer to" the following: "'official weighing' or";

(2) in the second sentence of subsection (d), by inserting before the period at the end "or as otherwise provided by agreement with the Canadian Government"; and

(3) in the first sentence of subsection (i), by inserting before the period at the end "or as otherwise provided in section 7(i) and subsection (d)".

SEC. 5. INSPECTION AND WEIGHING PILOT PROGRAM.

(a) INSPECTION AUTHORITY.—Section 7(f)(2) of the United States Grain Standards Act (7 U.S.C. 79(f)(2)) is amended by inserting before the period at the end the following: ", except that the Administrator may conduct pilot programs to allow more than one official agency to carry out inspections within a single geographical area without undermining such objectives".

(b) WEIGHING AUTHORITY.—The second sentence of section 7A(i) and of such Act (7 U.S.C. 79a(i)) is amended by inserting before the period at the end the following: ", except that the Administrator may conduct pilot programs to allow more than one official agency to carry out the weighing provisions within a single geographic area without undermining such objectives".

SEC. 6. LICENSING OF INSPECTORS.

Section 8 of the United States Grain Standards Act (7 U.S.C. 84) is amended—

(1) in subsection (a)—

(A) in paragraph (1) of the first sentence, by inserting after "and is employed" the following: "(or is supervised under a contractual arrangement)"; and

(B) in the second sentence, by striking "No person" and inserting "Except as otherwise provided in sections 7(i) and 7A(d), no person";

(2) in the first proviso of subsection (b), by striking "independently under the terms of a contract for the conduct of any functions involved in official inspection" and inserting "under the terms of a contract for the conduct of any functions"; and

(3) in subsection (d)—

(A) by inserting after "Persons employed" the following: "or supervised under a contractual arrangement"; and

(B) by inserting after "including persons employed" the following: "or supervised under a contractual arrangement".

SEC. 7. PROHIBITED ACTS.

Section 13(a)(11) of the United States Grain Standards Act (7 U.S.C. 87b(a)) is amended to read as follows:

"(11) violate section 5, 6, 7, 7A, 7B, 8, 11, 12, 16, or 17A;".

SEC. 8. CRIMINAL PENALTIES.

Section 14(a) of the United States Grain Standards Act (7 U.S.C. 87c(a)) is amended by striking "shall be guilty of a misdemeanor and shall, or conviction thereof, be subject to imprisonment for not more than twelve months, or a fine of not more than $10,000, or both such imprisonment and fine; but, for each subsequent offense subject to this subsection, such person".

SEC. 9. EQUIPMENT TESTING AND OTHER SERVICES.

Section 16 of the United States Grain Standards Act (7 U.S.C. 87e) is amended—

(1) in subsection (b), by striking the third sentence; and

(2) by adding at the end the following new subsections:

"(g) TESTING OF CERTAIN WEIGHING EQUIPMENT.—(1) Subject to paragraph (2), The Administrator may provide for the testing of weighing equipment used for purposes other than weighing grain. The testing shall be performed—

"(A) in accordance with such regulations as the Administrator may prescribe; and

"(B) for a reasonable fee established by regulation or contractual agreement and sufficient to cover, as nearly as practicable, the estimated costs of the testing performed.

"(2) Testing performed under paragraph (1) may not conflict with or impede the objectives specified in section 2.

"(h) TESTING OF GRAIN INSPECTION INSTRUMENTS.—(1) Subject to paragraph (2), the Administrator may provide for the testing of grain inspection instruments used for commercial inspection. The testing shall be performed—

"(A) in accordance with such regulations as the Administrator may prescribe; and

"(B) for a reasonable fee that is established by regulation or contractual agreement and is sufficient to cover, as nearly as practicable, the estimated costs of the testing performed.

"(2) Testing performed under paragraph (1) may not conflict with or impede the objectives specified in section 2.

"(i) ADDITIONAL FOR FEE SERVICES.—(1) In accordance with such regulations as the Administrator may provide, the Administrator may perform such other services as the Administrator considers to be appropriate.

"(2) In addition to the fees authorized by sections 7, 7A, 7B, 17A, and this section, the Administrator shall collect reasonable fees to cover the estimated costs of services performed under paragraph (1) other than standardization, compliance, and foreign monitoring activities.

"(3) To the extent practicable, the fees collected under paragraph (2), together with any proceeds from the sale of any samples, shall cover the costs, including administrative and supervisory costs, of services performed under paragraph (1).

"(j) DEPOSIT OF FEES.—Fees collected under subsections (g), (h), and (i) shall be deposited into the fund created under section 7(j).

"(k) OFFICIAL COURTESIES.—The Administrator may extend appropriate courtesies to official representatives of foreign countries in order to establish and maintain relationships to carry out the policy stated in section 2. No gift offered pursuant to this subsection shall exceed 20 dollars in value.".

SEC. 10. VIOLATION OF SUBPOENA.

Section 17(e) of the United States Grain Standards Act (7 U.S.C. 87f(e)) is amended by striking "the penalties set forth in subsection (a) of section 14 of this Act" and inserting "imprisonment for not more than 1 year or a fine of not more than $10,000 or both the imprisonment and fine".

SEC. 11. STANDARDIZING COMMERCIAL INSPECTIONS.

Section 22(a) of the United States Grain Standards Act (7 U.S.C. 87k(a)) is amended by striking "and the National Conference on Weights and Measures" and inserting ", the National Conference on Weights and Measures, or other appropriate governmental, scientific, or technical organizations".

SEC. 12. ELIMINATION OF GENDER REFERENCES.

(a) REFERENCES TO HIS.—(1) Section 3 of the United States Grain Standards Act (7 U.S.C. 75) is amended—

(A) in subsection (a), by striking "his delegates" and inserting "a delegate of the Secretary"; and

(B) in subsection (z), by striking "his delegates" and inserting "a delegate of the Administrator".

(2) Sections 4(a), 7(b), 7(e)(2), 12(b), and 13(a)(2) of such Act (7 U.S.C. 76(a), 79(b), 79(e)(2), 87a(b), and 87b(a)(2)) are each amended by striking "his" and inserting "the Administrator's".

(3) Section 5(a)(1) of such Act (7 U.S.C. 77(a)(1)) is amended by striking "his agent" and inserting "the shipper's agent".

(4) Section 9 of such Act (7 U.S.C. 85) is amended in the first sentence by striking "his license" and inserting "the license".

(5) Sections 13(a)(7), 15, and 17(e) of such Act (7 U.S.C. 87b(a)(7), 87d, and 87f(e)) are each amended by striking "his" and inserting "the person's".

(6) Section 13(a)(8) of such Act (7 U.S.C. 87b(a)(8)) is amended by striking "his duties" and inserting "the duties of the officer, employee, or inspection personnel".

(b) REFERENCES TO HIM.—(1) Section 8(a) of such Act (7 U.S.C. 84(a)) is amended in the first sentence by striking "him" and inserting "the Administrator".

(2) Section 9 of such Act (7 U.S.C. 85) is amended by striking "him" and inserting "the licensee".

(c) REFERENCES TO HE.—(1) Sections 5(b), 7(a), 7(b), 7(e)(2), 7A(e), 7B(a), 8(c), 8(f), 10(a), 11(a), 11(b)(5), 12(c), and 14(b) of such Act (7 U.S.C. 77(b), 79(a), 79(b), 79(e)(2), 79a(e), 79b(a), 84(c), 84(f), 86(a), 87(a), 87(b)(5), 87a(c), and 87c(b)), are each amended by striking "he" each place it appears and inserting "the Administrator".

(2) Sections 10(b), 13(a)(9), 14(a), and 17A(c) of such Act (7 U.S.C. 86(b), 87b(a)(9), 87c(a), and 87f-1(c)) are each amended by striking "he" and inserting "the person".

(3) Sections 11(B)(1) and 17A(a)(2) of such Act (7 U.S.C. 87(b)(1) and 87f-1(a)(2)) are each amended by striking "he" and inserting "the producer".

SEC. 13. REPEAL OF TEMPORARY AMENDMENT LANGUAGE; TECHNICAL AMENDMENTS.

(a) REPEAL.—Section 2 of the United States Grain Standards Act Amendments of 1988 (Public Law 100-518; 102 Stat. 2584) is amended, in the matter preceding paragraph (1), by striking "Effective for the period October 1, 1988, through September 30, 1993, inclusive, the" and inserting "The".

(b) TECHNICAL AMENDMENTS.—(1) Section 21(a) of the United States Grain Standards Act (7 U.S.C. 87j(a)) is amended—

(A) by striking "(1)" and

(B) by striking paragraph (2).

(2) Section 22(c) of such Act (7 U.S.C. 87k(c), is amended by striking "subsection (a) and (b)" and inserting "subsections (a) and (b)".

SEC. 14. AUTHORITY TO COLLECT FEES; TERMINATION OF ADVISORY COMMITTEE.

(a) INSPECTION AND SUPERVISORY FEES.—Section 7(j) of the United States Grain Standards Act (7 U.S.C. 79(j)) is amended by adding at the end the following new paragraph:

"(4) The duties imposed by paragraph (2) on designated official agencies and State agencies described in such paragraph and the investment authority provided by paragraph (3) shall expire on September 30, 1998. After that date, the fees established by the Administrator pursuant to paragraph (1) shall not cover administrative and supervisory costs related to the official inspection of grain.".

(b) WEIGHING AND SUPERVISORY FEES.—Section 7A(l) of such Act (7 U.S.C. 79a(l)) is amended by adding at the end the following new paragraph:

"(3) The authority provided to the Administrator by paragraph (1) and the duties imposed by paragraph (2) on agencies and other persons described in such paragraph shall expire on September 30, 1998. After that date, the Administrator shall, under such regulations as the Administrator may prescribe, charge and collect reasonable fees to cover the estimated costs of official weighing and supervision of weighing except when the official weighing or supervision of weighing is performed by a designated official agency or by a State under a delegation of authority. The fees authorized by this paragraph shall, as nearly as practicable, cover the costs of the Service incident to its performance of official weighing and supervision of weighing services in the United States and on United States grain in Canadian ports, excluding administrative and supervisory costs. The fees authorized by this paragraph shall be deposited into a fund which shall be available without fiscal year limitation for the expenses of the Service incident to providing services under this Act.".

(c) TERMINATION OF ADVISORY COMMITTEE.—Section 21 of such Act (7 U.S.C. 87j) is amended by adding at the end the following new subsection:

"(e) TERMINATION.—The Advisory committee shall terminate on September 30, 1998.".

SEC. 15. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by this Act shall take effect on the date of the enactment of this Act.

(b) SPECIAL EFFECTIVE DATE FOR CERTAIN PROVISIONS.—The amendments made by sections 2, 3, and 13(a) shall take effect as of the earlier of—

(1) September 30, 1993; and

(2) the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas [Mr. DE LA GARZA] will be recognized for 20 minutes, and the gentleman from Kansas [Mr. ROBERTS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. DE LA GARZA].

Mr. DE LA GARZA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2689, as reported by the Committee on Agriculture, extends the authorization of appropriations for the Federal Grain Inspection Service [FGIS], an agency within the U.S. Department of Agriculture [USDA]. It

also extends the authority of that agency to recover administrative and supervisory costs through the user fees it charges for services.

Under the U.S. Grain Standards Act, the Federal Grain Inspection Service is responsible for setting standards that serve as a common language within the grain industry. FGIS oversees the official weighing and inspection of all grain destined for the export market. The agency also monitors the weighing and inspection system for our Nation's internal domestic markets.

Mr. Speaker, the U.S. grain inspection system serves as the standard and model for the world. An official inspection certificate issued by FGIS facilitates commerce by allowing both buyer and seller to have confidence in the identified quantity and quality of any shipment of American grain that is entered into trade. This legislation will make our current grain inspection system even better.

H.R. 2689, as reported and before the House, authorizes appropriations for the standardization and compliance activities of FGIS through fiscal year 1998. It also provides that user fees—which the agency collects to cover the cost of providing weighing and inspection services—may be calculated to include the recovery of administrative and supervisory costs through fiscal year 1998.

The committee bill also authorizes FGIS to conduct pilot programs that allow for competition among agencies, designated by the Service, to carry out official inspection and weighing services in the domestic market.

Under the current provisions of the Grain Standards Act, each designated agency is authorized to provide these services exclusively for a given geographical area. This exclusivity was mandated by Congress in an effort to prevent market participants from grade shopping at competing inspection agencies. The committee believes that FGIS has sufficient resources and expertise to prevent grade shopping. The purpose of the pilot programs authorized by the bill is to determine whether or not competition will benefit the industry through lower fees for the weighing and inspection services that designated private agencies provide.

This bill also continues our goal of eventually eliminating male-specific references, such as "he" and "his," that appear in many of our agricultural laws. The bill eliminates all gender-specific references from the U.S. Grain Standards Act.

Other provisions of the bill as reported would authorize FGIS to collect fees for the use of its equipment and services by entities not involved in the grain industry; allow FGIS to issue inspector licenses to individuals supervised under a contractual arrangement with official designated State agencies; reduce paperwork by eliminating the current quarterly report to Congress on official complaints; and limit the value of any mementos offered or received by any FGIS employee who meets with an official representative of a foreign government to no more than $20.

The bill increases the criminal penalties for first-time violators who knowingly engage in prohibited acts, such as deceptive loading and manipulation and falsification of weights. The bill makes these violations felonies rather than misdemeanors, and carries with it a sentence of up to 12 months imprisonment or a $10,000 fine, or both.

Mr. Speaker, the Committee on Agriculture considered proposals to regulate or prohibit grain handlers adding water to grain. The practice of adding water is ostensibly done to control accumulations of harmful, explosive grain dust. There are concerns within the industry, however, that some companies which use water as a dust-control method may be intentionally adding weight to the grain and thereby fraudulently misrepresenting its value.

The Committee on Agriculture is very concerned about these allegations and intends to investigate the practice. The issue is currently the subject of new rules being proposed by FGIS. The committee agreed to withhold taking legislative action to allow for the gathering of more information by both FGIS and the committee itself.

Mr. Speaker, it would appear that the simple solution to this controversy is to ban the addition of water. Yet there is ample evidence to suggest that the application of minute amounts of water is an effective method of controlling the accumulation of grain dust. Failure to control dust has led to massive explosions in grain elevators that cost workers their lives.

The committee has been assured that FGIS, through its rulemaking process, will give careful consideration to proposals that safeguard the lives and safety of industry employees while preserving the integrity of our grain marketing system. In the meantime, our committee will continue to conduct oversight and report our findings and any necessary legislation to the House.

Mr. Speaker, this bill is straightforward and necessary. The authority for the agency to collect sufficient user fees to cover weighing and inspection services expires on September 30, 1993, and that is why we bring the bill to the floor today. I urge my colleagues to support the passage of H.R. 2689.

Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from South Dakota [Mr. JOHNSON], chairman of the subcommittee, who has done a tremendous amount of work, and certainly produced an excellent compilation of the legislation in order that we might reauthorize it.

Mr. JOHNSON of South Dakota. Mr. Speaker, I thank the gentleman for yielding the time.

Mr. Speaker, I rise today in support of H.R. 2689, which would extend the authorities of the Federal Grain Inspection Service [FGIS] through September 30, 1998. I am proud to come to the House floor as chairman of the Subcommittee on General Farm Commodities, and bring before my colleagues the first bill reported out of this subcommittee under my tenure.

The Federal Grain Inspection Service was mandated by Congress in 1976 to be the agency responsible for implementing and administering the official U.S. grain standards programs. The FGIS' primary responsibilities include the inspection of most of the grain exported from U.S. export facilities and designating State or private entities to perform inspection and weighing services at interior locations under the supervision of the FGIS.

Mr. Speaker, the FGIS came into existence because of fraud and corruption that overtook the private entities who have been carrying out inspections and weighing at U.S. export facilities. This wrongdoing led to lost sales and wary customers, with much of the impact being borne by U.S. grain farmers.

While the committee has given its consent to allowing pilot projects for competition at interior locations, the FGIS role as the official inspection agency for U.S. exports is maintained.

H.R. 2689, as amended by subcommittee and full committee action, contains several provisions which should help the FGIS continue to cut their operating costs and streamline agency operations. While the agency has undertaken a number of actions to decrease the cost of export inspections and reduce staff, these additional provisions will provide further flexibility to lessen the impact of decreasing export inspections.

It should be noted that the cost of FGIS export inspections has gone from 24 cents per metric ton in 1987 to 22 cents per metric ton in 1992. The FGIS work force has also dropped during that same time from nearly 1,000 employees, down to 600 individuals at the end of calendar year 1992.

The additional authorities given to the FGIS include expansion of FGIS grain licensing authority beyond only employees of official inspection agencies to include contract inspectors. FGIS would be able to take advantage of its unique capabilities and expertise in the weighing of commodities and other items. The agency would also be allowed to test weighing equipment used for purposes other than weighing grain and also to test grain inspection instruments used for commercial inspections on a fee basis. Other similar types of activities would be allowed on a fee basis if the need arises and the Administrator deems it appropriate.

Authority is expanded to allow the FGIS to work with the Canadian Government in carrying out official inspections in Canadian ports. This would

eliminate the need for FGIS personnel to be stationed in Canadian ports on a full-time basis.

H.R. 2689 increases the penalty for violations of the Grain Standards Act, making willful violations of the law, such as deceptive loading and manipulation and falsification of weights, felonies rather than misdemeanors. This could mean a penalty of up to 12 months imprisonment or a $10,000 fine, or both. However, violation of a subpoena would remain a misdemeanor under the Grain Standards Act.

Mr. Speaker, my colleagues will find no mention of the addition of water to grain in this legislation. It is my intention to hold hearings on this issue, and for the timeline in FGIS' proposed rule banning the addition of water to grain to go on as scheduled. I hope that some consensus on this issue can be reached within the grain growing and handling sector as well as among my colleagues, which is in the best interest of maintaining the quality of U.S. grain and workplace safety.

I am also pleased that this legislation makes the U.S. Grain Standards Act gender neutral with the deletion of all gender-specific language.

Mr. Speaker, I would urge my colleagues to join me in supporting this routine reauthorization.

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

Mr. Speaker, I rise in support of H.R. 2689, a bill to authorize the Federal Grain Inspection Service [FGIS] to collect fees to cover administrative and supervisory costs. It is essential that H.R. 2689 be enacted to ensure the integrity of the U.S. grain inspection programs.

H.R. 2689 extends the authority of FGIS to collect fees to cover the costs of administration and supervision of the official inspection system through 1998. This current authority expires on September 30, 1993.

The bill allows FGIS to contract with Canadians and eliminate the cost of FGIS employees stationed in Canada. Pilot projects to allow more than one official agency to perform inspections within the same geographical area are authorized and FGIS is authorized to issue licenses to contract employees.

Penalties are increased by making willful violations of the Act felonies rather than misdemeanors and the quarterly report to Congress on official complaints is eliminated.

FGIS is provided with the authority to test weighing equipment; test grain inspection instruments; and, to undertake other activities on a user fee basis. Additionally, FGIS is authorized to work with technical and scientific organizations to promote greater uniformity in commercial grain inspection.

The United States has the most advanced and reliable grain marketing system in the world and the official grain inspection program operated by USDA is a vital part of that process. I urge my colleagues to support H.R. 2689.

Mr. ALLARD. Mr. Speaker, I rise in support of H.R. 2689, a bill to extend the authority of the Federal Grain Inspection Service [FGIS] to collect fees to cover administrative and supervisory costs and for other purposes. H.R. 2689 was introduced at the request of the administration. It is essential to continue the authority of FGIS because it plays a critical role in the successful marketing of U.S. grain, both here at home and in foreign markets.

FGIS was established by the Congress to establish and maintain official standards for grains; perform weighing and inspecting services for all grain for export and, upon request, for domestic uses; and, supervising the official grain and weighing system.

H.R. 2689 continues several provisions of the U.S. Grain Standards Act, including the collection of inspection and weighing fees to recover administrative and supervisory costs, through 1998. I believe that 5 years is a sufficient length of time to provide this authority to FGIS. As we are all aware, we are in the midst of proposals to reinvent the Federal Government, as proposed by Vice President GORE, and a reorganization proposal for the Department of Agriculture. In fact, it is proposed that FGIS be combined with the Packers and Stockyards Administration to form the Grain Inspection, Packers and Stockyards Administration. Since there are several changes proposed that can affect FIGS, it is appropriate to continue its authority for a specific period of time.

Additionally, since FGIS performs official grain export inspections; supervises State-operated agencies that perform export inspections; and, supervises State and private agencies designated to perform inspection in the domestic market—all for user fees—it is essential to insure proper oversight of the activities and the fees charged. I realize that FGIS has instituted cost-effective operating procedures and will continue to look for new technology to improve the inspection process. Nevertheless, it is our responsibility to make sure that the actions of any agency and the fees charged to the users of its services are appropriate and reflect good management practices.

The Committee on Agriculture plans to continue its oversight of FGIS and to hold hearings on issues raised during consideration of this bill, including those issues related to the addition of water to grain for purposes of dust suppression.

I urge my colleagues to support H.R. 2689.

Mr. ROBERTS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. DE LA GARZA. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. DE LA GARZA] that the House suspend the rules and pass the bill, H.R. 2689, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to amend the United States Grain Standards Act to extend the authority of the Federal Grain Inspection Service to collect fees to cover administrative and supervisory costs, to extend the authorization of appropriations for such Act, and to improve administration of such Act, and for other purposes.".

A motion to reconsider was laid on the table.

NATIONAL FOREST FOUNDATION ACT AMENDMENT ACT OF 1993

Mr. DE LA GARZA. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1381) to improve administrative services and support provided to the National Forest Foundation, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1381

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the National Forest Foundation Act Amendment Act of 1993".

SEC. 2. PURPOSE.

It is the purpose of this Act—

(1) to provide for start-up and matching funds for project expenses to carry out the National Forest Foundation Act; and

(2) to extend the funding authorization for start-up expenses for 1 year.

SEC. 3. ADMINISTRATIVE SERVICES AND SUPPORT.

(a) IN GENERAL.—Section 405 of the National Forest Foundation Act (16 U.S.C. 583j-3) is amended—

(1) in subsection (a)—

(A) by inserting ", project," after "administrative"; and

(B) by striking "following the date of enactment of this title" and inserting "beginning October 1, 1992"; and

(2) in subsection (b)—

(A) by striking "from the enactment of this title" and inserting "beginning October 1, 1992"; and

(B) by inserting "and project" after "administrative".

(b) TECHNICAL AMENDMENT.—Section 410(b) of such Act (16 U.S.C. 583j-8(b)) is amended by striking "following the date of enactment of this title," and inserting "beginning October 1, 1992,".

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DE LA GARZA. Mr. Speaker, I ask unanimous consent that all Members

may have 5 legislative days in which to revise and extend their remarks on the three bills just passed, H.R. 3123, H.R. 2689, and S. 1381.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

GERMAN-AMERICAN DAY

Mr. WYNN. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 121) to designate October 6, 1993 and 1994 as "German-American Day," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

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Mr. GILMAN. Mr. Speaker, reserving the right to object, and I do not object, but I inform the House the minority has no objection to the legislation now being considered. I rise in strong support of Senate Joint Resolution 121.

Mr. Speaker, as a cosponsor of House Joint Resolution 155, I am delighted to speak in support of this resolution and commend my colleague, the distinguished chairman of the Committee on Foreign Affairs, the gentleman from Indiana, [Mr. HAMILTON], for introducing this bill recognizing German-American Day.

The United States has been greatly enriched through the contributions of her citizens of German heritage. From Carl Schurz to Albert Einstein, our history, our science, our art, our politics, and our diplomacy, even our cuisine, have benefited significantly from what German immigrants have brought to us from their homeland across the Atlantic.

Today, our recognition of the many and varied achievements of German-Americans serves as a reminder of the very close ties between this country and Germany. Germany is a pillar of Europe, its economic powerhouse, and a force for peace and stability. We salute the people of Germany for their steadfastness and courage and we commend them for their regained unity.

Further reserving the right to object, I am pleased to yield to one of the senior members of the Committee on Foreign Affairs, the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. I thank the gentleman for yielding to me under his reservation.

Mr. Speaker, as chairman of the Congressional Study Group on Germany, this Member rises in strong support for House Joint Resolution 155.

In October 1683, 13 families from the community of Kerefeld in Central Europe set foot in the New World near Philadelphia, thus becoming the first German-American settlers. In the years that followed, as word of the Germans' prosperity and satisfaction in the New World filtered back home, the emigration flow continued. Looking for farmland and communities in which to sink their roots and ply their skills, German-Americans were among the largest ethnic groups to participate in the westward movement. Indeed, in this Member's home State of Nebraska, German-Americans constitute the largest single ethnic group. Today, almost one in four Americans can claim German heritage. German-American Friendship Day provides this body with an opportunity to celebrate the very positive relationship we today enjoy with the people of Germany and its Government.

Mr. Speaker, as we know, Germany now faces a large but welcomed challenge. From two countries with vastly different political, economic, and cultural environments, a single nation must be forged. Unification may have proven more difficult than anticipated, but the end result will surely be a stronger, more vibrant nation.

We in the United States, of course, support our German friends in this endeavor of unification. House Joint Resolution 155, designating German-American Day, provides this body an opportunity to voice that support.

This Member congratulates the chairman of the Committee on Foreign Affairs, the distinguished gentleman from Indiana [Mr. HAMILTON], for introducing today's resolution. As a former and first chairman of the Congressional Study Group on Germany, he understands well the importance and value of German-American relations. This Member commends him for his initiative, and urges all Members to support House Joint Resolution 155.

Mr. GILMAN. Mr. Speaker, further reserving the right to object, I yield to the gentleman from Texas [Mr. DE LA GARZA].

Mr. DE LA GARZA. I thank the gentleman for yielding to me under his reservation.

Mr. Speaker, I also want to add that in the State of Texas, shortly after the Spaniards, came many middle European peoples, among those were the Germans, who now settled across central Texas and the upper part of my congressional district. They have made a major contribution. They came as farmers, and many of them are still on the land. Throughout central Texas, the music, the food, and other aspects of the Germans still prevail in some of the rural communities, and indeed in San Antonio there is a church that still conducts services in German on Sundays.

Mr. Speaker, I have the great pleasure and pride to inform my colleagues that I married into a German family, the Schunior family. So I share kinship with all of my German constituents in my congressional district.

Mr. Speaker, I commend the gentleman for bringing this resolution from the Committee on Foreign Affairs.

Mr. GILMAN. I thank the gentleman from Texas for his supportive remarks, as well as the gentleman from Nebraska [Mr. BEREUTER] for his supportive remarks.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. BARCIA of Michigan). Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 121

Whereas German Immigrants first arrived in America at Jamestown, Virginia, in October 1608, and the 400th anniversary of the arrival of these first Germans will be celebrated in 2008;

Whereas the first German settlement in America was founded on October 6th, 1683 at Germantown, Pennsylvania, and October 6, 1983, was designated as the German-American Tricentennial Celebration by Congressional Resolution and Presidential Proclamation;

Whereas the number of American citizens of German ancestry has grown to over 50 million since the first German immigrants arrived in this country;

Whereas German-Americans are proud of the existing friendship and cooperation between the Federal Republic of Germany and the United States;

Whereas the German-American Friendship Garden in Washington, D.C., is evidence of this cooperation;

Whereas German-Americans support expansion of the existing friendship between Germany and the United States, and will continue to contribute to the culture of the United States, support its government and democratic principles, and help ensure the freedom of all people;

Whereas German unification stands as a symbol of greater international cooperation and has reemphasized the prominent position of Germany in the European community and between the East and the West;

Whereas Congress unanimously passed joint resolutions designating October 6th of 1987, 1988, 1989, 1990, 1991, and 1992, each as "German-American Day": Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 6, 1993 and 1994, are each designated as "German-American Day", and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe the days with appropriate ceremonies and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL BIOMEDICAL RESEARCH DAY

Mr. WYNN. Mr. Speaker, I ask unanimous consent that the Committee on

Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 111) designating October 21, 1993, as "National Biomedical Research Day," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

Mr. GILMAN. Mr. Speaker, reserving the right to object, I do not object, but would simply like to inform the House that the minority has no objection to the legislation now being considered.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 111

Whereas the biomedical research community in the United States is recognized as the world leader in discovering knowledge that promotes the health and well-being of people throughout the world;

Whereas biomedical research offers the best hope for breakthroughs in the detection and treatment of diseases in the future;

Whereas since 1900 biomedical research has helped increase the lifespan of people in the United States by 25 years through the development of vaccines, antibiotics, and antiinfective drugs;

Whereas biomedical research has contributed to the virtual elimination of epidemic diseases such as cholera, smallpox, yellow fever, and bubonic plague, and in the United States biomedical research has helped to prevent such childhood killers such as polio, diphtheria, tetanus, pertussis, and Sudden Infant Death Syndrome;

Whereas biomedical researchers are working diligently toward cures for diseases such as Acquired Immune Deficiency Syndrome (AIDS), Alzheimer's disease, cancer, arthritis, diabetes, epilepsy, multiple sclerosis, heart and lung diseases, mental illness, and countless other diseases that afflict millions of people in the United States;

Whereas the Congress has consistently demonstrated a financial commitment to maintaining the preeminence of the United States in biomedical research through support of such agencies as the National Institutes of Health, the Alcohol, Drug Abuse and Mental Health Administration, the Centers for Disease Control, and the Veterans Administration;

Whereas the products and byproducts of biomedical research contribute to the health of the United States economy by reducing medical costs through prevention of various diseases and by furthering the success of the United States in international commerce and trade;

Whereas biomedical research has led to drugs and vaccines that safeguard the animals we raise and the food we consume, protecting the health of such animals as cattle, hogs, sheep, and chickens; and

Whereas biomedical research also has contributed to the health and well-being of animals through vaccines for parvovirus, infectious canine hepatitis, rabies, distemper, anthrax, tetanus, and feline leukemia, and has helped the prospects of endangered species by reducing disease and promoting reproduction: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 21, 1993, is designated as "National Biomedical Research Day", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate ceremonies and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MENTAL ILLNESS AWARENESS WEEK

Mr. WYNN. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 61) to designate the week of October 3, 1993, through October 9, 1993, as "Mental Illness Awareness Week," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

Mr. GILMAN. Mr. Speaker, reserving the right to object, I do not object, but would simply like to inform the House the minority has no objection to the legislation now being considered.

Mr. Speaker, I rise in strong support of House Joint Resolution 148, a measure to designate the week of October 3, 1993, through October 9, 1993, as "Mental Illness Awareness Week." I commend the gentleman from Oregon [Mr. WYDEN] for introducing this important measure.

Since 1973, Federal law has prohibited discrimination on the basis of mental illness in federally funded programs. Those provisions, however, have not removed all the barriers that have kept our Nation's mentally disabled people from participating fully on the job and in the activities of daily life.

Unfortunately, many of these remaining barriers result from ignorance and misunderstanding. Mental Illness Awareness Week is intended to help to dispel the basis of much of the discrimination against the mentally disabled by education and by recognition.

Mr. Speaker, I urge my colleagues to join in support of this measure, to provide the mentally disabled with the help and recognition they so richly deserve.

Mr. Speaker, further reserving the right to object, I am pleased to yield to the chief sponsor of this legislation, the gentleman from West Virginia [Mr. WISE].

Mr. WISE. I thank the gentleman for yielding and greatly appreciate his yielding to me.

I want to thank the gentleman from New York [Mr. GILMAN], the gentleman from Maryland [Mr. WYNN], and members of the committee for moving this legislation forward. I would just like to say that I saw some figures that I think illustrate well the importance of this legislation.

One out of five Americans at some time during the next 6 months will suffer from either an emotional disorder or substance abuse problem. Indeed, in our own State of West Virginia, a small State, 42,000 people receive direct assistance from mental health programs and many more, obviously, require it, as is the case across the country.

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Indeed, the very staggering statistic to me and the one that illustrates the need for all this is that at some time during our lives, one-third of us are going to have some sort of significant emotional disorder or abuse problem. So this becomes even more significant, particularly with both parties moving forward on national health legislation and the necessity to recognize that mental illness and illness are indeed one and the same and must be considered as such.

Mr. Speaker, I appreciate the time the gentleman has yielded to me.

Mr. GILMAN. Mr. Speaker, I thank the gentleman from West Virginia [Mr. WISE] for his supporting comments.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. (Mr. BARCIA of Michigan). Is there objection to the request of the gentleman from Maryland [Mr. WYNN]?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 61

Whereas mental illness is a problem of grave concern and consequence in the United States and it is widely, but unnecessarily, feared and misunderstood;

Whereas on an annual basis 40,000,000 adults in the United States suffer from clearly diagnosable mental disorders, including mental illness, alcohol abuse, and drug abuse, which create significant disabilities with respect to employment, school attendance, and independent living;

Whereas more than 11,200,000 United States citizens are diagnosed with schizophrenia, manic depressive disorder, and major depression, and these individuals are often disabled for long periods of time;

Whereas 33 percent of homeless persons suffer serious, chronic forms of mental illness;

Whereas mental illness, alcohol abuse, and drug abuse affect almost 22 percent of adults in the United States in any 1-year period;

Whereas mental illness interferes with the development and maturation of at least 12,000,000 of our children;

Whereas a majority of the 30,000 American citizens who commit suicide each year suffer from a mental or an addictive disorder;

Whereas our growing population of elderly persons faces many obstacles to care for mental disorders;

Whereas 20 to 25 percent of persons with AIDS will develop AIDS-related cognitive dysfunction and as many as two-thirds of

persons with AIDS will show neuropsychiatric symptoms before they die;

Whereas mental illness, alcohol abuse, and drug abuse result in staggering costs to society, estimated to be in excess of $273,000,000 each year in direct treatment and support and indirect costs to society, including lost productivity;

Whereas the Federal research budget committed to the National Institute of Mental Health, the National Institute of Alcoholism and Alcohol Abuse, and the National Institute of Drug Abuse represents only about 1 percent of the direct treatment and support costs of caring for persons with mental disorders, alcohol addiction, and drug addiction;

Whereas mental illnesses are increasingly treatable disorders with excellent prospects for amelioration when properly recognized;

Whereas persons with mental illness and their families have begun to join self-help groups seeking to combat the unfair stigma of mental illness, to support greater national investment in research, and to advocate an adequate continuum of care from hospital to community;

Whereas in recent years there have been unprecedented major research developments bringing new methods and technology to the sophisticated and objective study of the functioning of the brain and its linkages to both normal and abnormal behavior;

Whereas research in recent decades has led to a wide array of new and more effective modalities of treatment (somatic, psychosocial, and service delivery) for some of the most incapacitating forms of mental illness, including schizophrenia, major affective disorders, phobias, and phobic disorders;

Whereas appropriate treatment of mental illness has been demonstrated to be cost-effective in terms of restored productivity, reduced use of other health services, and lessened social dependence; and

Whereas recent and unparalleled growth in scientific knowledge about mental illness has generated the current emergence of a new threshold of opportunity for future research advances and fruitful application to specific clinical problems: Now, therefore, be it.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of October 3, 1993, through October 9, 1993, is designated as "Mental Illness Awareness Week". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate programs, ceremonies, and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. WYNN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material, on Senate Joint Resolution 61, the Senate joint resolution just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

TRANSFER OF SPECIAL ORDER TIME

Mr. HYDE. Mr. Speaker, I ask unanimous consent that today I may be permitted to take the 60-minute special order granted previously to the gentleman from Indiana [Mr. BURTON].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

CLINTON HEALTH CARE PLAN: KILL OR CURE—A EUROPEAN VIEW

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska [Mr. BEREUTER] is recognized for 5 minutes.

Mr. BEREUTER. Mr. Speaker, this Member would like to call to his colleagues' attention a recent editorial and article in the September 25, 1993, issue of the distinguished magazine the Economist, which is published in London, England. Certainly there will be many views on the merits of President Clinton's health care proposals. This Member finds the Economist often has a fresher, less biased perspective to observe political events and issues in the United States. Sometimes they can better describe the American trees than those of us standing in the middle of the American forest. Their perspectives of the deficiencies of the Clinton plan certainly are worthy of consideration during the upcoming hearings and debate on health care reform.

The Economist editorial discusses three basic flaws in the Clinton proposal. These points are supported by an article in the same issue, "Kill or Cure."

The first problem the Economist sees with the Clinton approach is the employer-mandate, which requires employers to provide insurance for all employees and to pay 80 percent of the premium, while the employee pays the remaining 20 percent. According to the Economist, "like any extra tax on labour, this threatens to destroy jobs, especially in small firms that have been unable to afford health coverage in the past—and which have been the source of most of America's recent new jobs." The Economist contends that a "link between employment and health-care coverage has been bad for competitiveness and the mobility of the workers. It should be abandoned" they conclude.

The second concern presented by the Economist is that the plan does not adequately control costs. If there was no tax exemption for health insurance costs and if employers did not pay all or a portion of employee health care premiums, then employees would have more incentive to see that costs are kept down since they would be footing the bill for their own health care. Additionally, the tax exemption for health insurance costs for businesses is not an incentive to decrease costs, it only serves to hide health care costs. According to the Economist: "until the exemption is scrapped, health care will suck in resources that could have been put to better use elsewhere." They conclude that unless employers and employees have a financial stake in decreasing costs, health care costs will only increase.

It seems that the administration doesn't trust that the market will work to keep costs down and therefore has proposed caps on health care costs. The Economist notes that:

> The caps will soon be challenged by rising costs. And since no administration would be willing explicitly to ration care, the caps would soon lack credibility. That might be an incentive for providers to reach for the caps sooner rather than later.

The editorial states that the third problem with the Clinton proposal is "its outrageously dishonest claims concerning costs to taxpayers." It increases the number of people covered and the benefit package offered with only one excise tax increase. They conclude that this is unrealistic. Additionally, they point out that there is an assumption made by the administration of "enormous, but unspecified, savings in Medicare and Medicaid—savings that rely on an immediate slowing of health-care costs; and by assuming extra tax revenues from companies and individuals, on the ground that health-care reform will boost profits and pay."

Additionally, the Economist editorialists conclude that there are several concerns regarding the Medicare Program. While long-term care and prescription drug benefits are to be added to the Medicare Program, the administration has proposed a cap on growth in Medicare spending. Also, the Medicare Program will remain separate from the national health care system created thus keeping the Medicare recipients out of the market system where their presence could work to help keep prices down.

Moreover, according to the Economist, the administration makes assumptions regarding the supposed savings of the Clinton plan. The editorialists state the following: "What is improbable is that the savings reaped in one area can simply be applied to another. Barry Bosworth from the Brookings Institution, once the Director of Jimmy Carter's Council on Wage and Price Stability, says that if the savings come out as predicted, it will be one of the great accidents in history."

The Economist summarizes its concern regarding the costs to taxpayers as follows:

> Finance is often the Achilles heel of American public policy. Nowhere more so than in health care. Middle America now expects health reform, cost control and universal coverage without paying for it either in higher taxes or in reduced benefits. In the longer term, the combination of managed competition with controls on health insurance premiums should indeed mean that

America spends less on health care than it does today. But in the next few years, the Clinton plan is more likely to raise spending than to cut it.

Mr. Speaker, President Clinton has placed health care reform as the top domestic priority, as he should. However, the urgency that surrounds this issue should not preclude a national debate regarding health care priorities and the eventual decisions that must be made in light of limited resources.

The Economist editorial closes with a warning to Congress. If Congress does not carefully examine the financing of the health care plan eventually passed, if Congress takes the savings assumptions of the Clinton administration, and enacts new entitlements or broadens existing entitlements without making hard choices regarding new taxes or spending cuts, they conclude that "the reform may well collapse half-way through. Hard to believe, but America could then end up with a health-care system even sicker than today's."

[From the Economist, Sept. 25, 1993]

KILL OR CURE?

Not since Franklin Roosevelt's War Production Board has it been suggested that so large a part of the American economy should suddenly be brought under government control, nor, ever, has a usurping president so soothingly reassured a nation as did Bill Clinton in his address before Congress on the night of September 22nd. Armed with his plans for reforming health care and waving his "health security card", Mr. Clinton proposed nothing less than that government should seize the levers of an industry that accounts for one-seventh of the American economy.

A largely private market now exists for health care in the United States though one shot-through with reverse incentives. What the administration proposes is a government-directed bureaucracy through which almost all the money that is currently spent on health care will be funneled.

The body overseeing the process is to be called the National Health Board. The board will instruct each state to set up one or more "regional health alliances". Employers and employees will pay "premiums" into the alliance similar to the medical premiums that companies and individuals now pay to insurers. These premiums will allow the alliances to bargain with local health plans for the most competitive care. Consumers can choose from among a number of health plans offered by each alliance.

Each plan must offer at least a basic package of government-stipulated benefits. These are as generous as those currently offered by the biggest corporations, and probably more so. Mr. Clinton's plan includes drug abuse and hospice care; it also refers to a benefit called "pregnancy-related services", which can be taken to include abortion. No plan may refuse anybody enrolled with an alliance.

Every American not already part of a government plan must join a health alliance (companies with over 5,000 people may form their own alliances). The reward is not just the generosity of the benefits. It is the guarantee that everyone will be entitled to health coverage, whether they change their job, lose their job, or fall ill. This guarantee will provide coverage for the 37m who are currently uninsured.

Mr. Clinton is adamant that the uninsured—a largely young and constantly changing group—must be brought quickly into the fold. Only then can pressure be brought to bear upon rampant health costs. The administration's most basic assumption is that the supposed incentives in the new system will drive down costs—and that, where incentives are not relevant, fat will be ripped out by edict.

The administration says it is creating competition through the alliances, which will each offer an array of health plans. Consumers—and not their employers—will choose between the plans. True, employers will pay for at least four-fifths of an average employee's insurance, and employees just one-fifth. But if an employee opts for a cheaper plan, he will pocket the difference.

That is some incentive to see costs kept down, but there would be more if individuals had to pay for all their coverage. And there is an incentive pulling the other way: the tax exemption for employer-provided healthcare. The administration has not dared do away with the tax exemption for fear of angering labour unions, which are skilled at using it to negotiate health deals. Until the exemption is scrapped, health care will suck in resources that could have been put to better use elsewhere.

Actually, the Clinton plan destroys incentives. Hitherto, companies have been the main lobby pushing for lower health-care costs, and they have begun to do so effectively. Under the new proposals, companies will still have all the paperwork of health care, but little say over the plans.

The administration implicity admits these doubts about cost-cutting incentives, for it proposes a set of "hard" budget caps to be imposed if health costs exceed a preordained figure. Ira Magaziner, Mr. Clinton's main health-care adviser, insists that the caps are merely a "backstop" while the market is allowed to work. Paul Ellwood, the leader of the Jackson Hole group of health-care reformers, disagrees. He says that the president's plan "is very anticipatory in its sweep, yet leaves very little to the workings of the market." If that is so, the caps will soon be challenged by rising costs. And since no administration would be willing explicitly to ration care, the caps would soon lack credibility. That might be an incentive for providers to reach for the caps sooner rather than later.

More contentious even than the caps are savings from fat due to be cut out of the system. Five-year savings of $114 billion are said to lurk in the federal/state Medicaid programme for the poor, with another $124 billion in federal Medicare for the old. Some $47 billion of bloat lies in other federal programmes. And $51 billion is textbook Reaganomics: it represents the gain to the Treasury when the success of this plan translates into higher company profits and lower tax breaks.

On September 21st the president's budget director, his chief economist and the head of his National Economic Council were trooped out before the press to promise that all the numbers in the health-care reform were watertight. Since no reform on this scale has ever been undertaken, there is no way to test that. What is improbable is that the savings reaped in one area can simply be applied to another. Barry Bosworth from the Brookings Institution, once the director of Jimmy Carter's Council on Wage and Price Stability, says that if the savings come out as predicted, it will be "one of the great accidents in history."

Yet these savings (forecast to be $441 billion when $104 billion of new tobacco taxes are included) matter. For the Clinton plan mandates new subsidies and spending worth $350 billion. Some $80 billion is to be set aside for long-term care for the old; another $72 billion goes towards a new prescription-drug programme for Medicare. This is the price for buying off the pensioners' lobby. Despite that, Mr. Clinton does not dare bring Medicare into the regional alliances, as he proposes for Medicaid. This prevents the huge Medicare programme from acting as a useful lever upon the rest of the system: for instance, in using market clout to push drug prices down.

The biggest spending of all, however, goes on subsidies to the self-employed ($9 billion) and to small businesses and the working poor ($160 billion) who would be hurt by reforms. Bigger businesses will have to pay for the transfers, and even more if the predicted savings are not reaped. That is a huge economic distortion at the core of the reforms.

In essence, Mr. Clinton's health-care proposals pile a new but unstable superstructure on to an already rickety foundation. There are good parts to the structure. They include a push for a single claims form, and for greater information about the merits and performance of different health plans. More fundamentally, the proposals acknowledge the need for much of America's health care to be delivered through networks of providers with greater emphasis (as in Britian) on general practitioners rather than on specialists.

These good parts will now provide the basis for congressional haggling. Several members have proposed alternative plans. With the Clinton bill so dense that it will probably weigh in at around 1,000 pages, some of these alternatives might provide an easier starting point. That would be ironic, certainly; but the president wants health-care reform at almost any cost. Such haste no doubt has admirable motives. But it has precluded a national discussion about America's priorities in health care, and, notably, about where a finite amount of money and medical resources should be directed: in other words, a debate about who should live and who should die.

A CURE FOR HEALTH CARE

AMERICA'S HEALTH-CARE SYSTEM IS BROKE AND NEEDS FIXING. BILL CLINTON'S PLAN IS DANGEROUSLY FLAWED

The Clintons deserve praise for starting the surgery needed to mend America's health-care system. Since Truman failed to push national health insurance through Congress in 1949, successive presidents have tackled the issue timidly (Johnson, Nixon, Carter) or not at all (Reagan, Bush). Such nervousness is understandable. Health is a subject that alarms and excites; it resists rational analysis. Worthwhile reform will cost jobs. Dozens of congressional committees and hundreds of interest groups stand ready to tear any legislation to pieces.

Yet America's biggest public-policy mess of the past two decades cries out for wholesale reform. Mr. Clinton acknowledged this in a televised address to Congress on September 22nd (see page 31), and staked his political future on the outcome. That was admirably bold. Unfortunately, his planned reforms are not so admirable.

A SUITABLE CASE FOR TREATMENT

Mr. Clinton's starting-point, the result of those years of neglect, is a disgrace. America has a patchwork health-care system that

leaves 37m Americans, a quarter of them children, with no health insurance at all. Yet the system so lacks discipline over costs that, despite this appalling failure, spending on health gobbles up 14% of the country's GDP each year. (Most other rich countries spend 7-9%—a figure that is steady, unlike America's, which is still increasing.) Health spending is the single biggest contributor to federal and state budget deficits. Businesses are squealing too: soaring health-care bills wreck their best efforts to stay competitive.

Mr. Clinton's aims are right. He wants universal access to a standard health-care plan. To make that affordable, he understands that costs must be controlled. He therefore wants to encourage "managed competition", in which groups of hospitals and doctors, including health-maintenance organisations, would compete for flat-rate, prepaid contracts. That would reverse the fee-for-service incentive of health-care providers to spend as much as they can. As buyers of care, Mr. Clinton proposes big regional health alliances, to which most employers would have to belong. This would harness consumers' purchasing strength against the providers. Mr. Clinton would ban insurers from selecting only low-risk individuals. While rightly rejecting detailed price controls, he also proposes a ceiling on health-care contribution rates.

To economic conservatives, this sounds horribly interventionist. But in the 30 years in which America, alone among rich countries, left health care mainly to the market, it saw costs and the number of uninsured mushroom. Much else may be uncertain, but that policy is a proven failure. The task now is not to usurp market forces altogether, but rather the opposite: to make them work more effectively, by arranging the incentives in ways that exert discipline over costs. That is what managed competition, done correctly, can achieve. It would make America's system, more like that of countries which are making national health insurance more competitive, such as Holland. It would not mean government ownership of providers and insurers, still less state control of doctors.

The defects in the Clinton model lie elsewhere. Though its details will remain murky until draft legislation reaches Congress in October, the plan already has three life-threatening flaws. They are there not because Mr. And Mrs. Clinton have been foolish, but because they are trying to avoid upsetting those cosseted Americans (insured, in effect, at others' expense) who believe that the present system works very well indeed.

The first flaw is that the plan requires employers to provide insurance for all their workers, and to pay at least 80 percent of the bills. Like any extra tax on labour, this threatens to destroy jobs, especially in small firms that have been unable to afford health coverage in the past (and which have been the source of most of America's recent new jobs). This might be mitigated, but would not be cured, by Mr. Clinton's proposed small-business subsidies. America's link between employment and health-care coverage has been bad for competitiveness and the mobility of workers. It should be abandoned. Mr. Clinton should make health insurance compulsory for individuals rather than companies, as in most other countries, even if in practice most people continue to buy it through their employers.

The second flaw is that the plan does too litle to control costs. At the heart of America's cost problem is its employer-paid, tax-exempt private insurance that finances inflationary fee-for-service medicine. None of this is touched directly. Employer-paid insurance will continue, as will the tax exemption for it (costing the government nearly $50 billion a year). To please doctors, every health alliance will offer fee-for-service plans alongside managed care, though those who choose fee-for-service will have to pay more. Even this has been watered down: the extra charge will be the difference not over the cost of managed-care plans but over the average of all health plans.

A wiser course would be to scrap the tax exemption immediately. That would reduce the incentive for people to buy insurance through employers and increase their incentive to opt for cheaper health plans.

It would also help with the third big flaw in the Clinton plan—its outrageously dishonest claims concerning the costs to taxpayers. Mr. Clinton would have Congress believe that his proposals will provide universal coverage, subsidies for small employers, generous new commitments to cover prescription drugs, long-term nursing and mental-health care plus a big chunk of deficit reduction with virtually no new taxes (bar a small rise in cigarette duties)—and all by 1997. He hopes to do all that by reaping enormous, but unspecified, savings in Medicare and Medicaid—savings that rely on an immediate slowing of health-care costs; and by assuming extra tax revenues from companies and individuals, on the ground that health-care reform will boost profits and pay.

Finance is often the Achilles heel of American public policy. Nowhere more so than in health care. In 1989 a sensible expansion of Medicare to cover catastrophic illness and drugs fell apart because its elderly beneficiaries balked at paying for it. Middle America now expects health reform, cost control and universal coverage without paying for it either in higher taxes or in reduced benefits. In the longer term, the combination of managed competition with controls on health insurance premiums should indeed mean that America spends less on health care than it does today. But in the next few years, the Clinton plan is more likely to raise spending than to cut it.

The danger does not stop there. Congress may make Mr. Clinton's financing assumptions an excuse to enact new entitlements without the pain of paying for them through taxes or genuine savings. If it does, the reform may well collapse half-way through. Hard to believe, but America could then end up with a health-care system even sicker than today's.

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THE DEVIL WILL CERTAINLY BE IN THESE DETAILS

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, a Washington Post story this morning reports that the House Ways and Means Subcommittee is possibly scheduled to vote on Thursday on implementing legislation for the North American Free-Trade Agreement [NAFTA].

This is very important information, Mr. Speaker, since the agreement itself cannot be altered and must be voted, without amendment, up or down. The only changes that can be possibly made will be in the committee-of-responsibility meetings over various sections of the NAFTA where the details of the enabling legislation will be worked out.

However, according to the Post, the Clinton administration's proposals for a worker retraining program, an environmental development fund, and a way to offset revenues lost from lowering the tariffs with Mexico are not drafted yet.

Now the exercise this week—the Trade Subcommittee of Ways and Means meeting with the White House to walk through the theory of these three sections of the agreement without any written proposals of how to do the funding, without the details to be discussed or hammered out—and the subcommittee planning to vote for this on Thursday is beyond belief.

How can this subcommittee sign off on such an important responsibility when this will be the one chance for the Congress to be heard before the final vote?

The history of these trade agreements has been of too much going on behind closed doors, made deliberately murky and difficult to understand to the point that I have had Members assure me that the dispute panels will have no power to change U.S. law.

I urge each one of you to get the history of the Canadian Free-Trade Agreement Dispute Panel behavior. Upon three occasions—since 1991—decisions of the International Trade Commission [ITC]—the leading U.S. trade court—have been overturned and over two-thirds of the challenges to U.S. law and regulations have been upheld. We have been losing big time. And I am assured, by some Members of this body, that the dispute panels do not "operate in the same manner as the courts which they replace." That quote is from the GAO report on the NAFTA.

The evidence is piling up with the Canadian Free-Trade Agreement—the model for the NAFTA and GATT dispute mechanisms. The dispute panels do indeed replace the courts of the United States in every area that can possibly be disputed as creating a threat to the free flow of goods and services across interstate borders, international boundaries.

Having, hopefully, signed off on this Canadian agreement with no awareness of the power being handed over, I am shocked that there is a consideration now of signing off on even a part of the NAFTA without having the details spelled out. Forewarned should be forearmed.

Additionally, this walk-through by the administration is going to be done behind closed doors. In like manner, the dispute panels meet behind closed doors.

I don't think these secret actions are going to fly with the American people, anymore. Nor do I think it will be sufficient—when the full impact of what we are doing becomes apparent—and

pray to God that never happens—for a Member of the Congress to stand before his or her constituents and say, "Well, I didn't know, or I didn't realize."

Mr. Speaker, we still have time to read every line of these proposed documents. The committees-of-concern are meeting to discuss the details and they should have the details to go over. This historic body has that right, it has been given that responsibility and it should rise to the occasion. The American people expect no less of us.

U.S. GRAIN STANDARDS ACT AMENDMENTS OF 1993

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas [Mr. GLICKMAN] is recognized for 5 minutes.

Mr. GLICKMAN. Mr. Speaker, I rise today in support of H.R. 2689, Grain Standards Act Amendments of 1993. I commend Mr. JOHNSON and Chairman DE LA GARZA for creating this bill, it is a good bill and ask my colleagues to support it.

In preparation for reauthorizing FGIS, the committee held a hearing and several briefings to discuss its performance, responsibilities and authorities with the Administration and users of the agency's services. To me, the most striking discovery was that FGIS had reduced its staff levels from 975 in 1982 to 646 today.

Ironically, these cutbacks happened during a decade marked by dramatic growth in employment at the Department of Agriculture. The same growth we are now trying to eliminate through a USDA reorganization process in which I have been actively involved. Therefore, I commend FGIS for restraining its employment during a time when no other agency had that objective in mind.

The idea of cost cutting still remains a primary objective of FGIS because it heavily relies on user fees. To improve its fee income, FGIS must maintain services at a low cost. It has done so by cutting overhead and implementing good managerial practices. Also, unlike grain for export, grain inspection for internal destinations is completely voluntary. Therefore, FGIS strives to create low-cost services for internally-used grain to generate income.

During the debate on this bill, FGIS asked the committee for new authorities to allow it even more opportunities to cut costs and improve services. Also, users of the agency offered similar suggestions to ensure that FGIS had the means to cut overhead and improve services. The committee responded to these requests by placing a number of provisions in H.R. 2689.

The bill allows the Administrator to hire contractually grain inspectors; to inspect and test, for a fee, weighing equipment other than equipment used to weigh grain; and to test and inspect, for a fee, grain inspection instruments used for commercial inspection.

The bill as reported out of the subcommittee contained an amendment that I had offered. The amendment prohibited the addition of water to grain with a few exceptions. Unfortunately, because Members of the full committee were unaware that a problem existed, they struck this provision at the full committee level. Fortunately, because FGIS recently published a proposed regulation prohibiting the addition of water to grain, there is still hope that adding water will eventually be prohibited. Adding water to soybeans, wheat, or corn, thereby increasing their weight, translates into a half cent, a full cent, or several cents more per bushel. If a grain handler unknowingly pays for added water and it subsequently evaporates, then to recapture the initial cost of the grain, the handler is forced to add more water. Since grain normally changes hands four to five times, this could mean several applications of water before the grain reaches its final destination.

Adding water to grain deteriorates its quality, especially if the grain is subsequently stored in hot, humid places, such as ocean vessels used for exporting grain, or grain elevators. No doubt poor quality affects purchasers' buying decisions. Can U.S. producers, suffering from low exports and low prices, afford being labeled in the world market "a poor quality supplier?"

Several overseas buyers have contacted FGIS to inform it of their concerns about the grain quality problems water creates. Recently, the South African corn importing agency notified FGIS that, because of possible water-related quality problems, it will no longer purchase corn from United States export ports where water is added.

Over the past decade, technology and new management practices in grain elevators have greatly minimized the threat of dust explosions. In addition, other means of controlling dust, such as adding a vegetable oil mixture to grain, especially corn, controls dust better and for a longer period of time than water. In fact, according to FGIS, it takes much less oil than water to control dust and an operator will not have to keep applying oil as it must if it uses solely water.

According to FGIS, adding water to grain could actually increase the chances of dust explosions occurring. Wet grain often cakes enclosures around belts and buckets. This increases the static electricity in these enclosed areas, which can become an ignition source for a dust explosion.

Most major grain companies strongly support the prohibition of adding water to grain and they presently do not add water to grain. However, if the playing field is not leveled, meaning if the prohibition does not take affect, the companies presently not adding water may be forced to begin doing so to remain economically competitive.

I strongly supported my amendment and believe that FGIS should not be hindered in implementing its regulation because of the committee's inaction. I believe the committee's inaction simply was a result of it not knowing the facts—a situation I hope will be resolved once the committee or subcommittee holds a hearing. Again, I thank the chairman and Mr. JOHNSON for creating this bill and strongly urge my colleagues to vote for it.

IN HONOR OF THE LATE JACKSON BETTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. STOKES] is recognized for 5 minutes.

Mr. STOKES. Mr. Speaker, I want to thank my colleague from Ohio, MICHAEL OXLEY, for reserving this special order today to pay tribute to a former member of the Ohio congressional delegation, the late Jackson E. Betts. His recent passing is a loss to our State and the Nation. As dean of the Ohio congressional delegation, I am pleased to join MIKE OXLEY and others today in recognizing his many contributions to the Congress and the State of Ohio.

Jackson Betts was elected to the House of Representatives in 1951 and represented the northern Ohio region until his retirement in 1972. Prior to his election to Congress, from 1937 until 1947, he served in the Ohio House of Representatives, where he chaired the judiciary committee. He was elected speaker of the Ohio House in 1945.

Mr. Speaker, during his tenure in the U.S. Congress, Jackson E. Betts was respected and admired by his colleagues. As a senior Republican, he became his party's second-ranking member on the powerful Ways and Means Committee. In the obituary which appeared recently in the New York Times, Jackson Betts is remembered for his successful efforts to change the questions posed by the U.S. Census Bureau while conducting its surveys. His fight eventually led Congress to eliminate the jail term for failing to answer census questions.

Mr. Speaker, as we gather on the floor today, we pay tribute to Jackson Betts, a dedicated human being and respected legislator. I join my colleagues in expressing my deepest sympathy to his wife, Martha Neeley Betts, his family, and many friends.

REGARDING INTRODUCTION OF RENT-TO-OWN LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 5 minutes.

Mr. GONZALEZ. Mr. Speaker, today I am introducing legislation to regulate the multi-billion-dollar nationwide rent-to-own industry. Under rent-to-own contracts, consumers can acquire goods such as televisions, VCR's, and refrigerators through weekly or monthly payments, but usually at exorbitant cost. For the luxury of purchasing these goods over time, a consumer often pays two or three times their cash price. While the industry does serve the short-term needs of such transient people as military personnel, it also takes advantage of the low-income consumer whose primary objective is to purchase the rent-to-own product. Through rent-to-own, a poor woman pays $1,200 for a $400 television set that a rich man can buy on credit for $450. The industry has said it is providing opportunities to consumers who otherwise have no means to own these goods. But at what price the opportunity?

On March 31, the Committee on Banking, Finance, and Urban Affairs held a hearing in order to answer this question. We heard from rent-to-own customers, State attorneys general, legal aid attorneys, and consumer groups that the cost is much too high. Rent-to-own customers often pay the equivalent of 200 to 300 percent interest on common consumer goods.

The rent-to-own operators point to the services they provide their customers in defense of their stores' high prices. Yet, industry documents reveal that customer service is a major source of complaints. The rent-to-own industry claims that the majority of its customers return goods rather than purchasing them. However, industry documents indicate that the majority of customers intend to purchase the goods at the time they enter into the contract. The incredible weekly or monthly payments that rent-to-own customers must make may, in the end, prevent many of these customers from actual ownership.

Most unfortunate is that rent-to-own is targeted at low income and minority consumers. It is not rare to find rent-to-own stores in the same neighborhoods that check cashers and pawn shops inhabit. It is the very individuals who can least afford to pay the premiums charged by these predatory industries who must often rely on them for goods and credit. The all too common abusive practices of the rent-to-own industry have prompted the Better Business Bureau to issue warnings to consumers about rent-to-own transactions.

Despite the national and growing presence of the rent-to-own industry, it remains unregulated by the Federal Government. The industry has deliberately fashioned its transactions in such a way as to evade such consumer protection laws as the Truth in Lending Act, the Consumer Leasing Act, the Fair Debt Collection Practices Act and the Magnuson-Moss Act. In the absence of controlling Federal law, rent-to-own operators have been battling in courtrooms and State legislatures around the country to ensure their status as lessors, not retailers. They have prevailed in a majority of States, thus guaranteeing that rent-to-own arrangements are free from State usury ceilings.

Yet, attempting to have it both ways, a rent-to-own company is now arguing in a Kansas tax court that it is in the sales business in order to avoid paying State taxes on rental property. Drawing a distinction between the rent-to-rent business and rent-to-own, this dealer claims that when a customer contracts with a rent-to-own company, both parties anticipate that the customer may—and probably will—end up owning the merchandise. In litigation, consumers have also claimed that these arrangements are really sales contracts masquerading as leases to avoid limits on usurious interest. Some courts have agreed.

One thing is clear. The industry cannot have it both ways. Rent-to-own operators cannot be lessors in order to evade State usury ceilings and Federal disclosure laws, and yet be sellers in order to escape State property taxes.

On September 22, 1993, the Wall Street Journal featured an article about Rent-a-Center, the largest operator of rent-to-own stores. That front page article, entitled, "Peddling Dreams, A Marketing Giant Uses Its Sales Prowess To Profit on Poverty," provides a remarkable detailed account of that company's outrageous collection and repossession practices, high pressured sales pitches and outlandish marketing techniques aimed at welfare recipients. Among other accounts, the article describes how a Rent-a-Center employee repossessed the refrigerator of a diabetic customer and proceeded to throw her insulin on the floor. The article describes how a Rent-a-Center customer was intimidated into performing involuntary labor when he pawned a rent-to-own necklace. The horror stories go on and on. I am submitting this article for the RECORD.

It is clear that Congress must determine what measures are necessary to best arm consumers against these unscrupulous business practices. After studying this industry, I have concluded that the most effective way to protect consumers is to subject rent-to-own transactions to the same treatment as credit sales or retail installment sales under State and Federal laws. The bill that I am introducing today does just that, thereby outlawing 300 percent interest rates and mandating disclosures of key contract terms.

Nonetheless, my bill recognizes the unique feature of rent-to-own contracts—the consumer's ability to unilaterally terminate the contract. This bill would permit a rent-to-own operator to charge a reasonable termination fee and in return provide the consumer with this unique right to terminate the contract without penalty.

This bill also recognizes that rent-to-own operators may provide services that some customers find attractive. Under the bill, rent-to-own operators would be permitted to offer such services, but they would be required to disclose those services up front and estimate their value. By requiring such disclosure, the consumer will be able to determine the true cost of renting the product.

In short, my bill will provide rent-to-own consumers with the myriad safeguards extended to consumers of credit sales—limits on interest and other fees, mandated disclosures, warranty protections and prohibitions against abusive collection practices.

The poor pay more—and in rent-to-own, suffer at the hands of a sophisticated business whose practices all too often look more like racketeering than anything else. The legislation I offer today would correct abuses such as those detailed in committee hearings, investigative reports, and numerous court challenges. This business flourishes in the dark recesses between laws that protect more affluent consumers. Clearly, it is time to close the fault lines that today enable rent-to-own operators perfect freedom to prey on those who have little or no choice but to submit to outrageous, unconscionable practices.

PEDDLING DREAMS: A MARKETING GIANT USES ITS SALES PROWESS TO PROFIT ON POVERTY

(By Alix M. Freedman)

Recording stars Tina Turner, Frank Sinatra and the Beatles have made Thorn EMI PLC famous in entertainment circles. But a very different group of people is now making Thorn rich.

Though it doesn't advertise the fact, Thorn's most profitable subsidiary has nothing to do with the Superstars who record under its various music labels. Instead, the largest single contributor to Thorn's operating profit is its most obscure, and by far its least genteel, unit: Rent-A-Center, a chain that thrives by renting refrigerators, furniture, diamond pinkie rings and assorted other merchandise to America's urban and rural poor.

Since buying Rent-A-Center in 1987, London-based Thorn has expanded it briskly, using both acquisitions and aggressive marketing tactics introduced by the unit's top executive, a former Pizza Hut marketing whiz. Thorn now thoroughly dominates the industry, which is known as rent-to-own because renters who make every weekly payment, usually for 78 weeks, become owners. Rent-A-Center USA controls 25% of the $2.8 billion U.S. market; the chain has more outlets than its four biggest competitors combined.

HIGH-PRESSURE SALES

Along the way, through, its high-pressure methods have sometimes turned coercive and abusive, according to accounts by about 50 former store employees and company executives who have left within the past 18

months. Scrambling to meet ambitious sales targets set under Thorn, Rent-A-Center employees routinely encourage unsophisticated customers to rent more goods than they can afford, these people say. Then, when customers fall behind in payments, Rent-A-Center repossesses the goods and re-rents them.

Customers who manage to make every installment may end up paying several times the item's real value—at an effective annual interest rate, if the transaction is viewed as a credit sale, that can top 200%. In the Utah market, for example, Rent-A-Center customers pay a total of $1,003.56 over 18 months for a new Sanyo VCR with a suggested retail price of $289.98—for an effective annual interest rate of a breathtaking 231%.

While the rent-to-own business has always been gritty, Thorn has made it even tougher, many of those interviewed believe. Employees handling repossessions have been known to bring along members of a feared motorcycle gang as well as to vandalize customers' homes, extract sexual favors from strapped customers and even, in one instance, force a late payer to do involuntary labor.

Says Brian Baker, a former store manager in Cambridge, Md., "This is one of those jobs where if you have any kind of conscience you won't sleep well at night."

Now, a federal crackdown may be in the offing. House Banking Committee Chairman Henry Gonzalez, a Democrat from Texas, is expected next week to introduce a bill that would classify rent-to-own transactions as credit sales. Since some 30 states cap credit-sale interest rates at 21% or less, the bill would slash what Rent-A-Center and its rivals can charge. In addition, two class-action suits filed in Minnesota federal courts allege that Rent-A-Center charges usurious interest rates; one suit is pending and Rent-A-Center won the first round of the second suit, which has been appealed.

Rent-A-Center denies that its transactions are credit sales, because most customers don't end up buying the product and they can cancel at any time. Thus, it argues, it doesn't charge interest at all.

Rent-A-Center officials do concede that abuses occur and that the rent-to-own business has, in the past, been sleazier than most. But they say the company sees itself as part of the solution rather than as part of the problem. Rent-A-Center Chief Executive Walter E. "Bud" Gates points to his efforts to improve employee training, to spiff up stores and to enforce a "Respect All Customers" program that is trumpeted on wall posters in outlets. He says he is cracking down on dicey collection and repossession practices.

"The carnival industry was a down-and-dirty, nasty industry and along came Disney who rewrote the standard, and over time the whole industry came up," he says. "We're trying to do the same thing."

But former store manager Randy Richards, like many others interviewed, contends that the cleanup is in name only. "On paper, this company purified itself by introducing the new 'respect' concept," he says. But in reality, nothing changed." He says that in 1991—a full four years after Thorn took over—he himself picked an apartment lock with a credit card in order to retrieve a late payer's living-room furniture.

A number of former employees interviewed were fired, some for allegedly serious wrongdoing. But their accounts of working conditions and customer treatment at Rent-A-Center were remarkably uniform. Their accounts were also consistent with those of employees who quit and those of customers, even though the people interviewed came from many different parts of the country.

THE $5,000 VCR

For low-income customers, Rent-A-Center has tremendous appeal. The chain gives them immediate use of brand-name merchandise, and the weekly payments are usually less than $20. But while in theory customers can eventually own the goods outright, the company says three out of every four are unable to meet all their payments.

Their failure is partially responsible for Thorn's success. The company earns considerably more by renting, repossessing and then re-renting the same goods than it does if the first customer makes all the payments. Derrick Myers, who was fired as manager of the Rent-A-Center store in Victorville, Calif., recalls one particular Philco VCR, for example, that he says retailed for about $119—but that brought in more than $5,000 in a five-year period.

That means the most profitable customer are people like Minneapolis welfare mother Angela Adams, who says Rent-A-Center salespeople cajoled her into renting more than a dozen items as a monthly cost that reached about $325. Though the salespeople knew how little she earned, "they pushed it on me," she says. When she fell behind in her payments in late 1991, Rent-A-Center sued her and repossessed the goods, ranging from a bedroom set to two VCRs. Ms. Adams is now a named plaintiff in one of the two class-action suits, this one pending in Federal court in Minneapolis. Rent-A-Center declines comment.

"Even if a customer can't afford it and you know it and they know it, we'll rent to them any way," says Rod Comeaux, a former store manager from Onley, Va., who was fired a year ago for unrelated reasons. "We can always get it back" and re-rent it to others, he says.

Rent-A-Center's Mr. Gates denies that salespeople put excessive pressure on customers or intentionally overload them with goods. On average, customers rent 2.85 items a month, at a total monthly cost of $99.07, and they are able to cancel rentals at any time without a penalty, he points out. Store managers—who are required to obtain income and other financial information from customers—ideally should act as "financial planners" for customers, he says, adding that the "worst thing" employees can do is to rent to customers whose "eyes are bigger than their stomachs."

Rent-A-Center says its customer base is 25% to 30% black and 10% to 15% Hispanic, and just 15% are on welfare or government subsidies. But former store managers consistently maintain that the total on government assistance is more than 25%, with some claiming up to 70%. Indeed, they unanimously report that sales always spiked on "Mother's Day," as they call the day when welfare mothers get their checks.

How did Thorn come to enter such a harsh business? A predecessor company, Thorn Electronics, planted the seeds when it opened a rental store outside London in 1931 and then expanded the chain throughout Europe. Half a century later, after the 1979 merger that created Thorn EMI, the conglomerate was struggling with poor results from its hodgepodge of disparate businesses, and decided to try its luck in the rental market in the U.S.

To get a foot in the door, Sir Colin Southgate, Thorn's chief executive, contacted Goldman, Sachs & Co. in 1987. As it happened, Tom Devlin, the biggest player in the fragmented U.S. rent-to-own market, was looking for a buyer for Rent-A-Center, the 495-store chain he founded in 1973, and he too had approached Goldman Sachs. A deal was struck almost overnight, with Sir Colin paying a lavish $594 million, or 42 times earnings.

Mr. Devlin stepped aside and Mr. Gates—already at Rent-A-Center—became its new chief executive. He quickly began buying up small competitors. Rentals now account for almost a third of Thorn EMI's total revenue, while music—including Thorn's EMI, Chrysalis and Capitol labels—accounts for just a hair more.

A former senior vice president of marketing at Pizza Hut, Mr. Gates had migrated to Rent-A-Center in 1986, after failing to land the top job at the pizza chain. Despite his rookie status in rent-to-own, Mr. Gates had a marketing man's feel for demographics, psychographics and New Age notions of customer empowerment. Inspired by some company research indicating that his renters craved good treatment even more than low prices, he began to merchandise respect.

Defying industry wisdom that poor customers would be intimidated by snazzy stores, for example, Mr. Gates has spent $40 million to make each Rent-A-Center outlet seem an idealized version of home and hearth. "Happy family" lifestyle posters (in a store's choice of black, Hispanic or Caucasian) adorn the outlets' walls. Prop kits dispatched from the home office in Wichita, Kan., provide cozy touches like plants and print bedspreads.

Employees under Mr. Gates are required to greet customers, preferably by name, within 10 seconds of their entrance and to conduct payment disputes out of earshot of other renters. Stores are also encouraged to keep fresh coffee brewing. "The customer should feel like this is home, a place where I feel comfortable and that cares about me," he explains.

THE HARD SELL

Those soft touches are coupled with hard-core salesmanship. According to a thick training manual, salespeople are supposed to quote the weekly and monthly rental rates. The manual doesn't instruct employees to quote the total cost, and former store managers say they made sure they never did. In fact, in 40 stores, the total isn't even on the price tag. (Ten states require that it be listed on price tags, a rule Rent-A-Center says it will honor in all 50 states by next month.) Instead, the manual instructs employees to focus on "features and benefits," such as Rent-A-Center's free delivery and repair, and most of all, the low weekly price.

But the advertised weekly price is designed to yield each store about 3½ times its cost of purchasing the merchandise from Rent-A-Center headquarters. The total is jacked up further by a one-time processing fee (typically $7.50) and late fees (typically $5). The total price is usually revealed only in the rental agreement that customers sign at the end of the sales process, former store managers say.

To boost Rent-A-Center's profits, employees also push a "customer protection" plan that offers minimal benefits but that 95% of customers end up subscribing to. "It's better than insurance," saleswoman Laura Daupin of the Bloomfield, N.J., store was overheard telling an unemployed welfare mother recently. Yet unlike insurance, it doesn't replace stolen or destroyed items, or reimburse customers for their loss. It offers customers basically one benefit: It prevents Rent-A-Center from suing customers if goods are stolen or destroyed.

For Rent-A-Center, however, the benefit is considerably larger: The protection plan is a $39 million annual revenue booster, much of which drops to the bottom line, as does most of the $27 million racked up from the other fees, according to internal company financial documents.

For Rent-A-Center has long justified its high prices by citing customer defaults and the costs associated with its free repairs. But part of Rent-A-Center's secret of success is that those costs are minimal. Internal documents show its service expenses ran 3.3% of rental revenue in fiscal 1993, though Rent-A-Center says the actual figure is closer to 10%. And its total inventory losses—from junked merchandise and "skips and stolens" (as in customers who skip town)—run a bit over 2% of revenue.

Indeed, says Granville Quinton, Rent-A-Center's former director of budgets, forecasts and financial systems, "they have no higher skip or stolen rate than a conventional retailer." Rent-A-Center concedes that this is "technically true," but says the low rate is "misleading" because each lost item means the far greater loss of future rental income.

In part to beef up sales further, Rent-A-Center urges customers to pay their rental fees in person each week. That gives employees a chance, according to the training manual, to pitch added products. Employers are also supposed to try to "upsell," or trade up, renters to more expensive versions of the same product.

In some markets, employees are expected to hang fliers on hundreds of housing-project doors each week, in a drill known as blanket brochuring. "You would brochure the projects one week before the [welfare] checks came out so you already had that seed planted in their mind," recalls Gerald Defiore, who was fired as the store manager in Spartanburg, S.C. "Then the day the checks came out, you'd go back and knock on doors and fill out the work forms there. Corporate was in on it, the stores were in on it. These people didn't stand a chance." (Rent-A-Center says that blanket brochuring is optional and that targeting a project would be "logical" if it was in a store's territory.)

Complementing those tactics are an array of less savory techniques not sanctioned from above. Mr. Defiore says he scanned the obituary page, for instance, and sent cheap flower arrangements signed "from your friends at Rent-A-Center" to the bereaved. "At a funeral, everybody looks at who the flowers are from," he explains, "and when they drop by the store to thank you, you can hook them."

Rent-A-Center's Wichita headquarters staff backs up those efforts with an $18.5 million direct-mail program so sophisticated that it can tailor brochures to a single block. Much of the blitz focuses on new prospects, primarily the six references that customers must list on an application form. (Former employees say they typically called only two references, using the rest simply for marketing purposes.) A sample letter opens like this: "Wouldn't you rather watch a big screen TV than the one you have now?"

Other targets include former customers who had failed to make all their payments; even those who have had goods forcibly repossessed receive coupons blaring in bold type, "We Want You Back." Additional letters and coupons are aimed at customers who are on the verge of paying off a product they have been renting. Some get plastic gold cards, which look like credit cards and encourage additional rentals with perks like $1 to $2 off weekly rental charges.

If Rent-A-Center salespeople are unusually aggressive, they have good reason: Their jobs depend on it. Mr. Gates has honed a tough sales-quota system known internally simply as "the plan," which calls for every store to meet weekly and monthly targets that rivals say are far more ambitious than their own. The stores' results are monitored daily by zone managers, in charge of roughly 10 stores each.

As with many other companies that use sales targets, if Rent-A-Center managers and employees exceed their quotas, they are eligible for cars, promotions and bonuses. But at Rent-A-Center, if they fail to "make plan," they are fired with extraordinary speed. In Utah's six-outlet market of 28 employees, for example, more than a dozen people were fired, including seven store managers, during the 18 months ended in July, according to two of the former managers. They say falling short of plan was the major reason, though Rent-A-Center says there were numerous factors and that some departures were voluntary.

"Rent-A-Center's employee philosophy is burn and turn," contends former Las Vegas store manager Mr. Richards, who says he quit in May 1992 because his zone manager insisted he work 80 to 100 hours a week, something the zone manager denies. "It's bring them in and work them until they can't take it any more and send them on their way," Mr. Richards says.

Mr. Gates acknowledges that the company's "total turnover should be less than half" its current annual level of 56% company wide (excluding headquarters) and 25% at the store-manager level. The company is now working to retain its people by beefing up its training programs and by evaluating employees based on customer service and other factors rather than simply on numbers, he says.

In any case, Rent-A-Center's sales and marketing strategies have produced a huge payoff. For the fiscal year ended March 31, 1993, the 1,200 store unit racked up operating profit of about $90 million on revenue of $560.3 million—a 16% margin that is eye-popping by retail standards. For the first time, Rent-A-Center was also Thorn's single most profitable subsidiary, contributing 14% of Thorn EMI's operating profit. Where store-level profit margins average 15% to 20% when smaller operators run such stores, Thorn's outlets show profit margins of 20% to 30%. Conventional retailers' store profit margins run at about 2.5%, according to Management Horizons Inc.

No wonder Sir Colin recently told a Las Vegas meeting of store managers that their unit was "the closest company to my heart in Thorn EMI" and that "most businessmen would give an arm, a leg and probably half their body for its performance."

Thorn executives say there is nothing insidious about Rent-A-Center's strategy of courting customers who are of limited means, and of treating them well. Customers receive "fantastic" service, says Sir Colin, who professes to be "always puzzled" why the rent-to-own industry is "badly regarded." Rent-A-Center, he adds, "treats them like kings and queens."

Customers like Carol Baker, a waitress at a resort hotel in Bolton Landing, N.Y., are appreciative. "The prices could be cheaper," says Ms. Baker, whose home is almost completely furnished by Rent-A-Center, "but they treat me like I'm a somebody.

Former employees and other customers see things differently. "The Rent-A-Center philosophy," says Mr. Comeaux, the former store manager in Virginia, "is that if you treat the customer like they're royalty, you can bleed them through the nose.

REPO MAN

In the end, it isn't unusual for flattered customers to sign up for three or more rental agreements at a time. And some rent far more. For instance, Robert Ball, an unemployed Hunt-Wesson factory worker in Toledo, Ohio, says he is currently handing over all of his unemployment checks to pay for 13 different agreements totaling almost $900 a month.

Inevitably, some customers take on more than they can handle. So it is that behind every Rent-A-Center salesman lurks his doppelganger: Repo man.

Repossessions are never pretty, and the pre-Thorn era was no exception. But because of the ambitious targets, people who have worked under both regimes say, employees now push harder than ever. Customers typically make their payments every Saturday and, throughout the morning, store employees work the phones exacting promises from the tardy. In these conversations, former customers say, they have been harassed, intimidated and even threatened with violence. Robert Keeling, a former manager in Gasden, Ala., who was fired in March in part for carrying a gun, says that a favorite ploy is falsely informing customers or their relatives that a warrant for arrest has been issued for the theft of rental property.

The telephonic onslaught resumes on Monday mornings, when 30% of customers are generally past due. If employees haven't reached a customer by Tuesday, they hit the road. Although it is against company rules, they often make a "milk run"—picking up payments from customers personally. Or they leave a message on the door, instructing the customer to contact them. This process is repeated all week long. If they still don't get results, it's repo time.

In the company's vans, employees comb neighborhoods looking for slightly past-due customers and the more elusive "skips." In theory, Rent-A-Center employees hew to the Fair Debt Collection Practices Act, a federal law that doesn't apply to Rent-A-Center (it covers only third-party debt collectors), but that Rent-A-Center says it voluntarily complies with. Under these rules, debt collectors can't harass customers, for example, or engage in violent or criminal acts.

Mr. Gates cites such measures as proof that he is doing his utmost to make Rent-A-Center's collection operation squeaky-clean. The CEO says his quest to transform Rent-A-Center's "profit-driven, entrepreneurial culture into a service-driven, entrepreneurial culture" is "the hardest thing I have ever done. . . . I haven't gotten everyone drinking the Kool-Aid yet."

But former employees contend that Mr. Gates' strict enforcement of payment collections has in some cases actually stymied reform. Before Thorn, Rent-A-Center focused solely on the number of accounts past due, not the amount of "delinquent dollars"—or uncollected revenue. Early on, Mr. Gates decreed that only 5.7% (and currently 5.5%) of a store's total monthly rental payments can go uncollected—and zone managers have tended to set even more ambitious goals. In contrast, smaller rent-to-own businesses generally leave 8% to 10% of bills uncollected each month.

Failure to control delinquent debts "will be your downfall, so you do as much as you conscience permits," says Gary Schiefer, a former store manager in Columbus, Ohio, who was abruptly fired in May 1992 when his

delinquent dollars topped 9%. (His former zone manager says he was fired for other reasons.) Mr. Baker, the former store manager in Maryland, characterizes repossessions as "the dirtiest part of the whole business."

It is unquestionably the most creative. On Halloween night in 1991, three Rent-A-Center employees in Utica, N.Y., dressed up, respectively, as the Cookie Monster, a gorilla and an alien life form and knocked on a customer's door. Once inside, they successfully repossessed a home-entertainment system on which payments hadn't been made in almost three months. Gary Gerhardt, the store manager who blessed this plan, calls the ruse "a last-ditch effort," adding, "it was the only way we could think to get someone in the door."

At the crack of dawn one Sunday, Mr. Myers, the store manager in Victorville, Calif., until March 1992, pulled off a particularly tough repossession by enlisting three burly Hell's Angels. He adds that in other instances he vented his spleen on delinquent customers who wouldn't come to the door by slathering superglue all over their deadbolts and doorknob. (Messrs. Gerhardt and Myers both were fired, but over unrelated matters.)

The grueling routine grates on some Rent-A-Center employees. Mr. Baker, the former Maryland store manager, quite in disgust in 1991 after one of his employees repossessed a refrigerator from a welfare mother with an infant, plunking her meat and milk on the kitchen table.

Yet abuses continue. Anthony Chapman, a Tyson Foods worker in Gasden, Ala., says that when he fell behind paying for a gold herringbone necklace, Rent-A-Center employee John Horton repeatedly showed up on his doorstep, brandishing two guns. The harassment climaxed, Mr. Chapman maintains, after he confessed that he had pawned the necklace. Mr. Horton promptly took Mr. Chapman's company-issue thermal uniform and a gold ring, forced him to the back of his van, and left him there during Mr. Horton's leisurely lunch break, Mr. Chapman says. He says he was then presented, in tears to Mr. Keeling, the Rent-A-Center store manager at the time.

On several occasions after that, Mr. Chapman says, Mr. Horton ordered him to ride in the back of his van to deliver heavy items to customers. Feeling he had "done wrong and didn't want to make a fuss," Mr. Chapman complied. The intimidation stopped after Mr. Chapman managed to pay up, he says, adding: "This was the worst thing that ever happened to me in my life, period." One postscript: His gold ring, he says, was never returned.

Mr. Horton, who was fired from Rent-A-Center in July for unrelated reasons, declines comment. Mr. Keeling, the former store manager, confirms the account and says such harrowing scenarios are commonplace. Around Christmas in 1990, he says, he carted away the refrigerator of a diabetic customer after dumping her insulin on the floor.

"COUCH PAYMENTS"

Yet another tactic in Rent-A-Center's repo repertoire is the "couch payment"—sexual favors exacted by employees in lieu of cash. Of 28 former store managers interviewed, six said the practice had occurred in their areas.

Some store employees have boasted that they "have gone out to the customers' homes, had sex with them, and then repo-ed the merchandise anyway," says Ken Dube, who spent time at a number of outlets as a field auditor. He later became an accountant at headquarters until he was fired in December for reasons Rent-A-Center declines to divulge.

Mr. Gates acknowledges that abuses such as couch payments occurred in the past and "are probably going on today." There are simply "more control problems" in a business where much of the activity takes place out of the store, he says. But the company stresses that such abuses are "few and far between" and not "in any way condoned by Rent-A-Center."

Rent-A-Center says it is doing its best to clean up remaining problems. It set up a customer hot line that in July receive some 2,300 calls, of which only 300 were complaints, the company says. In a given month, 99% of these complaints are resolved in the customer's favor, according to company officials. Some late payers say they have been allowed to skip payments. Rent-A-Center also sometimes rewrites rental agreements. stretching out the payment term to stave off a repossession.

But Rent-A-Center employees are sometimes willing to take the risk of getting caught, since the stakes are so high. In May at the annual meeting held at Bally's in Las Vegas, scores of managers clambered on stage to collect bonus checks at a festive final gala. As the champagne flowed, the store manager of the year was awarded a year's use of a new red Corvette, a trip to the Ritz Carlton in Maui and bonus of $24,200. Rent-A-Center estimates that the average store manager currently earns a salary of $30,000, and more than 80% received bonuses last year.

As for Rent-A-Center's future, chances are it won't be quite so freewheeling. Aside from the lawsuits and the House bill, the Senate is drafting legislation. The Internal Revenue Service is also examining the rent-to-own industry. And Pennsylvania's attorney general has concluded that Rent-A-Center is violating a state law capping annual interest rates at 18%; it is asking the firm to give refunds. The state also is examining reports that Rent-A-Center engages in illegal collection practices, including threatening to break into late payers' homes.

Despite the proliferating challenges, Mr. Gates remains optimistic. He is hard at work on his latest pet project, "Rent-A-Center 2000." This store of the future, being tested in Kansas City, Kan., features a play area for children, a "wall of fame" with photos of star customers and a "troubled times" program that enables renters to skip or defer payments temporarily.

Rent-A-Center is also branching out into new rental areas. One of its most successful has been jewelry; Rent-A-Center is now among the largest customers of Harry Winston Inc., the famed jeweler to such clients as Imelda Marcos and the late Duchess of Windsor, which supplies lower-end baubles to the chain.

It its new ventures, Rent-A-Center will surely be able to count on its current customers, a loyal lot: Most feel they can't get quality goods any other way.

Nancy Thornley, an Ogden, Utah, housewife, for example, was diligently handing over about $261 a month in rental payments to Rent-A-Center in 1991 when she lost a leg to diabetes. Faced with a $1,000 bill for a prosthetic limb, she arranged to defer part of her rental tab, she says. But shortly after she returned home from the hospital, she was shocked when two store employees showed up without notice on a Saturday afternoon, accused her of being three months behind in payments and carted away all the goods, primarily basics such as a refrigerator and a couch.

"It was a total humiliation," she says. "All my neighbors were watching."

A year later, though, Ms. Thornley was back, having been inundated by Rent-A-Center letters and "We Want You Back" coupons. She was reluctant to return, she says. But "I needed the item," a microwave oven, and could not afford to buy it. Says Ms. Thornley: "I felt like there was nowhere else to go."

PITCHING BY THE SCRIPT—EXCERPTS FROM RENT-A-CENTER'S SALES AND SERVICE MANUAL DATED FEBRUARY 1993

Closing: Closing is helping the customer to make up his/her mind. Many customers will be prepared to rent immediately after looking at merchandise. Attempt to close early in the sales track if you sense the customer wants to rent. Make at least 5 attempts to close with every customer. Closing methods include:

Payment Close. "Will you be paying monthly, or is weekly more convenient?"

Assumptive Close. "Let's get the order started."

Delivery Close. "You can have that delivered by 4:00 p.m. today, or will 5:00 be more convenient?"

Choice Close. "This comes in beige or brown. which would you prefer?"

Last Chance Close. "The sale ends tomorrow and I can't guarantee there will be any left if you wait. * * * Shall we start the order?"

Summary Close. "Well * * * you agree it's an excellent price, you like the fabric, and we can deliver by 3:00 p.m. today. Do you want to fill out an order?"

Upselling: While using the sales track, be aware of and take opportunities to upsell the customer. Upselling means becoming aware of a customer need and satisfying it. Many times, a customer might not even be aware of his/her own needs. Opportunities to upsell include: 7 piece suites instead of 5 piece furniture suites; an electronic tune TV instead of a standard tune; a remote control TV instead of one with standard or electronic tuning only; a higher wattage stereo; a larger capacity refrigerator, freezer, or washer/dryer.

Whenever attempting to upsell, explain to the customer why the upscale merchandise is a better value and how it will satisfy their needs.

TRIBUTE TO FORMER PRESIDENT GEORGE BUSH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. HYDE] is recognized for 5 minutes.

Mr. HYDE. Mr. Speaker, we are here on this special order to honor former President George Bush, and there are several Members present that I would like to recognize.

First, Mr. Speaker, I yield to the gentleman from California [Mr. DORNAN] because he told me he had to go accept a sword somewhere.

Mr. DORNAN. I need another sword, I say to the gentleman from Illinois, like I need more red hair.

Come to think of it, Mr. Speaker, I could use more red hair.

Mr. HYDE. I did not want to ask the gentleman where the sword was going to be placed.

Mr. DORNAN. It is from Toledo, Spain, the American Society for the

Preservation of Tradition, Family and Property. It is over at the Mayflower Hotel, but they can wait for this moment and this special order that the gentleman has taken out tonight for a truly wonderful American who has been, not only a great example to his own family, I think, but to all people in public service.

I say to the gentleman, "Mr. HYDE, I'm going to leave to you to discuss the career of your fellow Navy World War II veteran, George Bush, and his outstanding Naval career that began on his 18th birthday when his father drove him to a recruiting station, and he signed up in the tradition of everybody in his family, more than noblesse oblige, but the burning desire to serve and to be part of history. I'm going to leave to you what you said to me when I asked you what's the main thing that you think of when you think of George Bush, and you said to me, 'character.' I'm going to leave that to you because that's certainly a fact."

I just want to announce a special order way ahead of time. I am going to do an hour that I hope my colleagues will join me for on George Bush on his 70th birthday next June 12, God willing that we are here.

But what I would like to talk about briefly tonight is friendship.

□ 1940

In the 12 years that we all got to know George Bush, the man and the public servant, serving as Ronald Reagan's Vice President, and then 4 years as the great leader of this Nation, I never once saw this distinguished American where he was not upbeat, in a good mood, and thinking about ways to help people.

I think you can learn an awful lot about a man or a woman by observing their children. You can certainly observe a lot about Barbara Bush and the kind of wife and mother she has been by looking at their lovely, smart daughter, Dorothy, and those four stalwart sons, who I think we are going to hear a lot from in the politics of this country.

But you can also learn a lot about a father, and about a grandfather, from the clan that he has built around him.

George Bush is, to me, the very essence of the word "friend" and the word "friendship." I have never known in my life, and probably never will know in my life, anybody who can never let a moment go by, if someone did him a kindness or said something to him that he thought was beneficial to this country, where he would not sign, handwrite a note. This involved hours and hours out of every month of his life to thank people for their friendship, to reward people with a personal little note if they were doing something good for their fellow man or for their country.

I think as the years go by, in the next few coming years, I want to say very positively here, we will come as American citizens with each passing day to more and more and more appreciate not only what a fine man George Bush is, that is a given, but what a great President he was.

I would only hope that a World War II veteran like yourself, HENRY, will find time, with your Illinois primaries behind you, to go to the Normandy beaches on June 6 of next year for the 50th anniversary, and that whoever else goes in delegations from the U.S. Government, I would hope that George Bush would find time to go there with a few friends. Because it was in 1944, as one of the youngest aviators in the Navy, that he first entered combat and began his 58 missions and very close brushes with death.

I hope that Americans who did not get to know George Bush personally will observe over the coming years, because I think he is going to be around a long, long time, that they will observe the great dignity with which he will conduct himself and has already conducted himself as a former President. And that as time goes by, they will come to appreciate that it is awfully hard for someone who has spent his life in service and his life respecting the truth, and who put together such an amazing coalition of nations, 28 of them, in Desert Storm, to liberate a small country that had been run over by a thug, Saddam Hussein, that people will come to reevaluate a fine presidency that was shredded during the election campaign last year.

I think that history is not going to be, as some of the newspaper folks say, kind to George Bush. No, it is not that soft. History is going to be excellent to George Bush. And when they look at year after year of his presidency, 1989, you think of that year, you think of the Berlin Wall coming down. 1990, you think of Russian citizens voting for freedom. Going into a ballot box and voting for Yeltsin. And, by sheer coincidence, that took place on his birthday, June 12th. It was Christmas when the bloody hammer and sickle flag came down over the Kremlin and that beautiful light blue, white, and red banner of Russia, the State of Russia, went up.

So many great things happened so fast that it was the very gentlemanness of the man, of George Bush, that kept him from actually celebrating with his fellow citizens the collapse of what John F. Kennedy had called a long twilight struggle, this evil of communism, that killed more human beings than Hitler ever could have murdered in his 12 years, this nightmare ended. And it was the decency of George Bush to not celebrate, but to do what he could to try and help further the process, rather than cause any more consternation in the agony of a nation that had thrown off three quarters of a century of the yoke of tyranny.

So, HENRY, I am so pleased you have taken out this special order. Go for it. Try to let that 1 million audience that is out there, with cameras panning this House, stupidly, as though no one is listening, there are a million, a million and a quarter people out there who want to hear good things about this great American.

I apologize for not being able to spend more time with you. Join me on his 70th birthday next June 12. I am going to look it up. I hope it is a workday.

Mr. HYDE. I certainly want to thank the gentleman from California [Mr. DORNAN], who was a very early and enthusiastic supporter of George Bush.

I now am very pleased to recognize the gentleman from the great State of Kansas [Mr. ROBERTS].

Mr. ROBERTS. Mr. Speaker, I thank the gentleman for yielding.

I am very glad to have a chance to join with our colleagues in paying tribute, a much deserved one, to our President.

I want to especially thank you, HENRY, for taking this time for this special order so a number of us could speak about a man's extraordinary career and his public service.

I was a little nonplussed to really determine in my mind which George Bush to praise here or which career to reflect upon. Our colleague from California [Mr. DORNAN] so eloquently touched on the personal friendship, I guess a tribute that all of us here in the House hold so dear.

I thought about George Bush, the Navy veteran; George Bush, the Congressman; George Bush, the national chairman of the Republican Party during very, very difficult times. I have a special affinity in regard to that position, because my father was national chairman of the Republican Party. I thought about George Bush when he was the Director of the CIA; about George Bush, who was a representative to the People's Republic of China; when he was Ambassador to the United Nations; when he was Vice President; or when he was President. A personal friend, say, to maybe Helen Sewell, who is a lady who is in the Republican cloakroom. When we would have a Republican conference and there would be many leaders of the Republican Party anxious to tell the President their No. 1 issue of the day or to give him some advice, he was right over there talking to Helen, who is a personal friend, and taking time to do that. He never forgot all of his friends, and, more especially, all the employees of the House. So that really tells you a lot about the man.

But I think we are far enough removed from the controversies of the past to see things in perspective, and yet maybe close enough in time to recall very vividly the personal accomplishments that are his real legacy.

Mr. Speaker, I have some comments here by our leader, the Honorable BOB

MICHEL. There is just an excerpt that I would like to read. BOB will be saying this later when we revise and extend our comments and when we continue, which I think is an excellent idea that was raised by our colleague from California, on the President's 70th birthday as of next June.

BOB MICHEL has said this:

I believe history will record that George Bush ably, even at times heroically, led our Nation during a time of great unprecedented transition from one age to another, one of the most difficult periods for leadership in our history. In such a time when so many ideas and events are undergoing rapid change, a leader cannot bring to bear the sharply focused power of his abilities on just one big problem.

Now, there have been more critical times in our history and more desperate times, perhaps. But, to my knowledge, there never has been a time in which suddenly the certainties of decades, even generations, really crumbled before our very eyes. And, if you think about it, we are talking about the Berlin Wall, Soviet communism died, Eastern Europe emerged from the communist dark ages. The economy, and we are talking about the global economy, underwent various convulsions. Great moral upheavals were taking place in our country and around the world. Incredibly, savage ethnic conflicts flared up. A dictator tried to capture the energy sources of the free world, upon which we all depend. And,. ironically, the very benefit of the Cold War's end resulted in new problems by eliminating many of the military bases and the jobs we have in this country.

□ 1950

Each administration has its mixture of successes and failures, and I would guess that the Bush Presidency is no exception to this ironclad rule. But one fact is inescapable. Today Saddam Hussein does not control the oil of Saudi Arabia and Kuwait. He does not stand like a Mideast colossus rallying to his victorious cause the enemies of Western democracy all over the world. And the reason he is not in that position is that George Bush formed and led a world coalition against his attempts to impose one-man rule on the Middle East and to impose a real economic stranglehold on the industrial democracies—not only democracies, but the farmers and ranchers in my district, the citizens of your district and the constituents of everybody's district who has the privilege to serve in the House.

Make no mistake about it, if President Bush had not done this, the Israeli-PLO agreement never would have happened. Israel would now be facing, grave, grave danger. And we might be faced with a war whose nature would be far different than that of Desert Storm. And in our own domestic agenda, we would not be taking on issues like health care, if the entire attention of the Nation and world was still riveted upon what a totalitarian dictator simply would do next.

President Bush's very historic initiative did more than liberate Kuwait. It liberated our Nation and the world from a problem that would have dominated the international politics for a long time to come and, perhaps, in the long view of history, that really inescapable fact which we take so much for granted, as if it had been really inevitable, will be seen for what it is. It was the result of a great leader's magnificent, bold and daring leadership in a time of crisis.

I personally can remember during those times watching on television as every American and going to many of the briefings that we had here in the Congress and watching our President and Jim Baker and Colin Powell and Dick Cheney. What a magnificent team, plus all of our military.

Such leadership does not just happen. It cannot be artificially generated. It cannot be learned from books. It has to be the product of a lifetime's exercise of character and courage. There is no other way.

I hope we never forget that. And if we do not we will certainly remember the legacy of a great man and a great President and a personal friend.

Mr. Speaker, I thank the gentleman from Illinois for yielding to me and for my participation.

Mr. HYDE. Mr. Speaker, I thank the gentleman for a very fine presentation.

Mr. Speaker, it is now a pleasure and an honor to yield to the distinguished whip of the Republican Party, the gentleman from Georgia [Mr. GINGRICH].

Mr. GINGRICH. Mr. Speaker, I thank the gentleman from Illinois for yielding to me.

I thank him for taking the time tonight to give us our first opportunity to look back with a little more perspective on the Presidency of George Bush and on the public service of President Bush.

This is a man who first began serving his country at 19, when he was the youngest carrier pilot in the U.S. Navy in World War II, a man who I first encountered as a college professor watching him on television in the early 1970's when he was the U.N. Ambassador of his country. And then in 1974, when I first ran for Congress. I met him when he was the Republican National Committee chairman, crisscrossing the country trying to help candidates out there trying to represent our values and our beliefs.

As whip, I had the privilege and honor of working with him for over 3½ years in a leadership position. I would simply say that as historians look back on the Bush Presidency, there are three or four things that are going to stand out.

First of all, the transition from the Soviet Empire to the post-Soviet period, the beginning of freedom across Eastern Europe and across the former Soviet States which is a transition which I think people will look at as an extraordinary marvel of diplomacy.

Thirty or forty years from now, when the memoirs have been written, when the secret files are opened, I think people will be astonished at the numerous opportunities for civil war, for the danger of nuclear confrontation, for the danger of genuinely bloody repression again and again and again with the President's leadership and help and with the team he assembled, including Colin Powell, Dick Cheney, and Jim Baker and Brent Scowcroft and Larry Eagleburger, an entire team on foreign policy.

Historians will look back and see that there were literally dozens of occasions where the Bush foreign policy assisted the transition to freedom in a way which minimized human bloodshed and which maximized human freedom. I think that transition will be seen as an extraordinary account of global statesmanship in a manner which ranks, I think, among the best of the 20th century.

Second, the assembly of the 28-nation alliance to protect the rights of the country of Kuwait to survive, to protect the world's oil supply and to contain the aggression and defeat the aggression of Saddam Hussein, bringing together countries as diverse as Syria, Morocco, Saudi Arabia, France, the United States, Britain, all into one coalition, fielding an army that has to be, I guess, the most diverse in history in terms of its various backgrounds, and then working through the United Nations, working with the People's Republic of China and the rapidly changing Soviet State to guarantee that we could, in fact, move with the United Nations' approval in a way that I think 2 or 3 years earlier would have been seen as just impossible, inconceivable. And finally, working with the American people to ensure that the U.S. Congress voted its approval so that at the decisive moment, the President of the United States had arranged world opinion through the United Nations, had arranged a genuine diplomatic alliance and had arranged for the American people, through their elected representatives, to approve what turned out to be a masterful campaign in Desert Storm, one of the most decisive and one-sided military victories in history.

At each of these steps, I think President Bush showed an ability to manage and lead not just his own country but to manage and lead most of the organized world in a way which will truly be seen as remarkable.

Finally, let me say, I think as historians begin to read about the 1992 campaign for new perspectives, I am particularly struck by Larry Sabato's new book, which outlines in some detail what he describes as the war of the news media against the Bush administration, in which he says that the various networks were so totally one-sided that it could have been described as the

National Broadcasting for Clinton, the Clinton Broadcasting System, and the American Broadcasters for Clinton. And Sabato's analysis in item after item after item of the level of one-sided, negative publicity masquerading as news. I think people will look back and see the entire history of the 1992 campaign in a very different light as that kind of information becomes available.

Finally, let me say, after a lifetime of public service, a lifetime of genuinely risking his life, risking his good name, taking a time out that he did not need to, pursuing an office that he did not need in terms of family standing or personal fortune, I think for those of us who have known George and Barbara Bush personally, the thing that is most stunning is the genuine decency, the genuine civility, and the genuine commitment to patriotism of this couple.

I know of no couple I have ever had the opportunity and the privilege to be engaged with at a personal level who are as decent and as kind and as thoughtful, given the total scale of their activity.

As recently as 8 days ago, when Mary Anne and I had a chance to be with President Bush in the process of the Israeli-PLO signing and to realize that it was his courage, it was his determination, it was his willingness, frankly, to risk reelection and to recognize that he was losing some support in some key States in the country. He was losing some potential support for his campaign, but he believed so deeply in the process he was following to attempt to create an opportunity for a genuine peace settlement in the Middle East that he was prepared to stake his reputation in history on doing the right thing, even if it increased the risk of not getting reelected.

I think that night at the White House he had to have some satisfaction in knowing that when history looks back on his contributions to the rise of civilization across the planet that he will have been a very major definer and a very major manager of the process of beginning to bring together the democratic states in a way which has never before been seen.

I think all of us can say of him that he is a man of whom much has been expected, much has been given, and I think in the coming decade we will see even more contributions, as he continues to remain active as an important citizen of his country and as he and Barbara give to their country as I think they have to because it is who they are. As patriots, they could not walk away, because they truly love America. And they will want to serve in many ways.

I thank my good friend for giving us this time.

□ 2000

Mr. HYDE. Mr. Speaker, I thank the gentleman from Georgia for a moving presentation.

Mr. Speaker, it is a pleasure to yield to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I thank the gentleman from Illinois [Mr. HYDE] for arranging this special order and for giving us an opportunity to pay tribute to an outstanding figure in American history, George Bush. I welcome this opportunity to take part in this special order.

Mr. Speaker, George Bush served only 4 years as President, but the historians of future decades will look back on those 4 Bush Presidential years as among the most pivotal in the history of our Nation and of the world.

It was during George Bush's watch that the cold war finally ended in total and complete victory for the forces of democracy and freedom. The hard-nosed pro-defense, pro-human rights policies of the Reagan and Bush administrations were the determining factor in the decision of the Soviet Union to throw in the towel, and were the inspiration for the universal demands from freedom by the captive peoples of Eastern Europe.

It was while George Bush was President that a new world order was formed. In this post-cold-war world, it was George Bush's responsibility to show that aggression would not be tolerated. George Bush's personal diplomacy put together the gulf war coalition—a coalition that experts said was impossible—and led us to the far-reaching victory that discouraged aggression for our generation and future generations to come.

It was the prodding and diligent diplomacy of the Bush administration that paved the way for the recent culmination of the peace negotiations between the Palestinians and the Israelis.

George Bush was historically significant not only for his global leadership, but also he was (one of) the last of our Presidents to serve during World War II. Like so many of us who shared in that experience, George Bush lived with vivid memories of the horrors of war as well as the memory that appeasement invariably leads to war.

A hero of World War II, a survivor of personal tragedy in the untimely death of his little girl from leukemia, a man born to wealth, but who chose to earn his own wealth instead, and a man who compiled one of the most impressive political resumes in American history, George Bush is an inspiration for Americans forever.

A Member of Congress, our Ambassador to the UN, chairman of the Republican National Committee, Director of the C.I.A., Vice President of the United States, a successful businessperson—George Bush brought experience and leadership in all of these significant tasks with him to the White House.

Mr. Speaker, I was pleased and considered it an honor to serve as a Bush delegate to our National Republican Convention, to be able to campaign for our good friend and candidate Bush in the snowy streets of New Hampshire, along with a number of our other colleagues.

Mr. Speaker, I am proud to associate myself with the remarks of our colleagues praising one of the most remarkable countrymen of all time. To President Bush and to his lovely, gracious First Lady, Barbara, I extend my wishes and hopes for many years of good health and happiness in the years ahead, and I thank the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Speaker, I thank the gentleman from New York [Mr. GILMAN] for an excellent presentation.

It is now a pleasure to yield to the distinguished gentleman from Florida [Mr. MCCOLLUM].

Mr. MCCOLLUM. Mr. Speaker, I thank the gentleman for yielding to me, and I want to thank him again, as others have, for taking out this special order time to give some of us the opportunity to pay tribute to a great President, President George Bush.

I think a lot of the American people did not have the opportunity that some of us did to get to know him individually. On the other hand, I think most Americans have had the opportunity to see him in action, understood him well in Desert Storm, but perhaps did not recognize the full dimension of the man.

Today I see bumper stickers that say, "Don't blame me, I voted for George Bush." I suspect if the election were held again today it would be a reelection for President Bush, but that is not the way politics went for him.

History is going to be kind to him for lots of reasons, as has been said before today. I want to comment on just a few of those. Before I do that, though, I cannot help but think of what my good friend, the gentleman from California [Mr. DORNAN], said about him as a man.

George Bush I knew as a very compassionate individual, an individual who took the time to spend with individual Members of Congress, to spend with individuals along the way, who cared deeply about Americans, who cared deeply about people. He was a family man, a man who cared about his family, but he also cared about families of Americans. He still does, of course.

Barbara Bush, it has been said, was one of the great First Ladies who will go down in history as someone who really, really cared, and does to this day, about people, and cares about families.

I remember a very sad occasion in his Presidency not too many months ago when his mother died. I remember

writing him a personal note, because I had had the privilege of meeting his mother on one occasion, and I felt very compassionate about him at the time, because it was a very tough period for President Bush. I did not write a very long note, but I wrote a genuine note to him.

He did not have to respond. I would not have expected the President of the United States to respond, but in his own way he sent me a personal thank-you note for sending him that note of condolence, something that is touching, something that is typical of the President, something that I do not think very many people would expect of their President. That was the way he was during the time I got to know him.

I knew him best during his Presidency. I served in leadership during that time, all 4 years of our Republican leadership. We used to go down to the White House and have meetings. He always inquired about things that were on the agenda, went around the room, paid attention, cared a lot. He will be known in history primarily because he did serve during a time when his great leadership allowed much of what happened to break down the cold war to occur, and to end the situation in the great embattlement between the United States and the Soviet Union.

He will be remembered because of Desert Storm and tremendous leadership. I know of no President in my lifetime, and I doubt that I will see one in my lifetime, who has been more respected and admired by other world leaders than George Bush, for a reason, because George Bush had a sense of presence, a sense of history and understanding of the world, an understanding of the problems of the great nations and the small nations of this world.

For that reason, he really could be a President of peace through strength. Understanding that, he carried us through a very difficult time with a minimum loss of life and casualty to a victory in Desert Storm that I do not think any other figure in the White House at that time could have done. As a result of that, I believe that he will be long remembered in the history books and by the American public for the strength that he conveyed and the representation of our Nation.

Having said that, I think part of George Bush has been neglected so far this evening. That is the part on the domestic side. Domestic issues were often considered to be issues he was weak on. That is really not true. The fact of the matter is that President Bush was very concerned about issues that I spoke with him on. I spent a lot of time working on domestic issues with him.

The biggest problem he had, as opposed to President Reagan, there was no time during his Presidency when we had a Senate that was in control of our party, the Republican Party, this party. He did not have one body that was Democrat, he had both bodies, the House and the Senate, so it became extremely difficult, especially in the later years of his 4-year term, to get his programs through, to get even compromises agreed upon that would have been reasonable and responsible.

One of his great achievements, one that he believed was very great, and I think it will go down in history as being that, was the passage of the Americans With Disabilities Act. Some businessmen today are still grumbling about the paperwork they have to do with that, but I can assure the American public that it would have been a far more difficult course had a different President with a different mindset been there.

George Bush was very aware of two things: One, the difficulty of the disabled and the handicapped in being employed in the work place, and the problems they had and the need for legislation to assure that they had their civil rights.

On the other hand, he was also very concerned about the businessman, particularly the small businessman, and the fact that government can be overburdensome, and already has been in so many ways. He worked long and hard to reconcile those two conflicting important policy issues, and produced a product that is now the law, and one which we will have on the books for many years to come.

In other areas, he was not as fortunate to get compromise through. One area that I worked with him on, and the gentleman from Illinois [Mr. HYDE] had worked with the President so much on, was the crime area. George Bush I do not recall having been more forceful in any speech that I ever heard him give than the one I once heard him give on the subject of crime. I think he realized, and does to this day, that there is an inevitable necessity for us to control violent crime in this country if we are going to put the families back together again, if we are going to be able to do other things domestically and economically that are important in this Nation. We cannot have runaway lawlessness and have a society that has order in it and that can work.

We tried, with his leadership, to produce legislation during his 4 years that really would have ended many of the problems we have today in the law enforcement area, to give police officers more power and influence, to provide an opportunity to really put deterrence and swiftness and certainty back in our punishment system, to end the endless appeals of the death row inmates that the gentleman from Illinois has worked so hard to do, to change the rules of evidence to allow more convictions to occur, to stop some of these folks from getting out of prison as easily as they do today around the country, and to stop the activities of the criminal mind that is so much at work out there by really making our laws work.

We spent a lot of time working on that, but unfortunately, there are those who are in the other party who did not want to see him succeed, and blocked the path, and who had other ideas.

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Consequently, that legislation, like many of his other initiatives on the domestic side, did not get through. And it was unfortunate.

Today, the low interest rates we have, the relatively low inflation rate, very low inflation rate is very much attributable to his economic policies. They have been maligned, but the fact of the matter is, as the gentleman from Illinois knows, the economic policies that make a difference in the long run, which were policies that shape things like inflation and low interest rates, occur over time. The fact that the current President sitting in the White House has done certain things did not do anything relative to this issue. And yet, during the campaign the President did not get credit for that, and George Bush should have.

I could go on listing them, but there were lots of other things that happened on his watch in the domestic agenda that history will be kind to him about, and that we know about personally. It is not my place to take more time up this evening. But I want to thank the gentleman for yielding. I want to again thank him for taking out this time that I might contribute a small portion to this tribute to George Bush, one of our truly great Presidents.

Mr. HYDE. I certainly thank the gentleman from Florida for a very luminating and moving presentation.

It is now a pleasure to yield to the gentleman from Ohio [Mr. KASICH], the ranking member on the House Budget Committee and one of the bright stars of the Republican Party. And as in the wedding feast at Cana, we saved the best to last. We have two gentleman from Ohio who will precede myself. So I am pleased to yield to JOHN KASICH of Ohio.

Mr. KASICH. Mr. Speaker, I want to thank the gentleman for taking this special order. And it is really appropriate that he would take it to talk about a great President, particularly having to do with foreign policy. And I just want to spend a second to say that the Reagan-Bush partnership is what really changed the world. And you cannot exclude HENRY HYDE when you also talk about Republican contributions to foreign policy successes, starting all the way back in 1981 with Ronald Reagan and Peace through Strength which George Bush carried through.

I think it would be fair to say that there has not been an American President who understood world leaders, had

a better relationship with world leaders than George Bush. His work in terms of assembling the coalition on Kuwait, of course, there will never be another time in history where anybody will do better than what George Bush did when it came to our actions in Kuwait.

But, of course, he continued the policies of Ronald Reagan. And we saw so many wonderful changes happen in the world. And I would say to the gentleman from Illinois tonight, a gentleman who fought for many years during the Reagan and Bush years for Peace through Strength, it would be very interesting to have George Bush now involved in terms of commentary in terms of what we are watching at the present moment on CNN, and what his communications would be to Mr. Yeltsin. And I would say that President Clinton would not have anybody better to call in this country than George Bush and to get his advice in terms of U.S. response.

But the changes in terms of his ability to use and work with Jim Baker, the changes that came about through Gorbachev, Shevardnadze, the way in which they operated to bring about a tremendous arms control agreement, and an end of the Soviet empire, his work in Eastern Europe in terms of his vision as to what he thought we would need to do in order to assist Eastern Europe.

And of course, we saw Arafat and Rabin down at the White House in that ceremony along with President Clinton. And if there is anybody who deserved to be there between those two guys along with President Clinton, our current President, it was George Bush. He took a lot of risks when it came to the Middle East, and he took a lot of heat, I say to the gentleman from Illinois, in his policy affecting the Middle East. But I think we can see that those risks have paid off, and that we may actually see us enter a period of some stability in the Middle East and peace for people of all philosophies and beliefs. And George Bush, in my judgment, is the major factor as to why we have seen things improve over there in recent time.

Just one word about economic growth. The fourth quarter. This has got to be one of the most frustrating things for George Bush to sit at home and think about at times. I do not know the exact figures, but as I was saying to my colleague, Mr. PORTMAN, it was 4½-percent growth in that fourth quarter of 1992. You might remember that George Bush kept saying to the media, "Hey, we don't have to do anything up here on Capitol Hill right now. Washington ought to keep its hands off the economy. We are coming out of this; in fact, we are growing." And I would say to the gentleman from Illinois, when we are experiencing now 2-percent growth economically at the current time, which means to Americans across the country no jobs, and if you are unemployed you are not going to be employed because we do not have a job-producing economy, we are going to long for the days of 4½-percent economic growth, because we were providing jobs to unemployed Americans. And George Bush was trying to tell America that, and he could not get his message out. And I will bet you that he is as frustrated, it is probably the most frustrating thing or one of the most frustrating things that happened to him in his career, that the economy was picking up steam, Americans were getting jobs and he knew it, and he tried to tell people, but the message just did not get through.

But when you take a look at that economic growth in that fourth quarter, when you take a look at the gains in the Middle East, in Eastern Europe, in the former Soviet Union, we owe a big debt to George Bush in this country. And HENRY, I am glad you took this special order, because there is no one more appropriate to talk about these successes in this administration than you. And I wish former President Bush and the First Lady the best of health, and Godspeed, and God bless them, and thank you, HENRY, for this special order.

Mr. HYDE. Thank you, JOHN, for a very moving presentation.

Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. WALKER], the deputy whip on the floor, and the heart and soul and spirit of our party on this side of the aisle.

Mr. WALKER. Mr. Speaker, I thank the gentleman very much for yielding. Let me also congratulate him for taking this special order. You were there in the Reagan Revolution from the very beginning. And some of the rest of us got a chance to participate too.

Mr. HYDE. So were you.

Mr. WALKER. But the one thing I do remember in those early days is that as we were choosing a Vice Presidential candidate out in Detroit there in 1980, one of the strong recommendations for putting George Bush on the ticket was that he brought so much to the ticket with his depth of foreign policy experience, something where there was some suspicion that Ronald Reagan would not have the kind of credentials to convince America that he could handle the world at that very critical time. It turned out that Ronald Reagan had some very clear ideas of where he wanted the world to go, but he had a strong and energetic partner in George Bush, who helped formulate those policies throughout the Reagan era, and then brought that depth of experience into his own administration.

I think the changes that we have seen in the world are a tribute, of course, to Ronald Reagan for his vision of what the world could be. But also to George Bush for being the guy who, in many instances, went around the world to talk to the foreign leaders and move the process forward. And then throughout his administration changed the world in such remarkable ways that people, even thinking back on it, cannot imagine all that was accomplished.

What strikes me about that is that he did it so well that by the time we got to the 1992 election, America was ready to forget foreign policy. They thought the world had been made so safe that we could ignore what was going on in the world, turn to someone with a total lack of experience in world affairs for leadership, because now was the time to focus on the domestic side of things, and particularly on the domestic economy. And I think we are now beginning to realize that having someone who understood the world, could pick up the phone and call world leaders by their first names, who had a longstanding relationship with them was, in fact, a major asset to this country, and one that is terribly missed at the present time.

But it also seems to me that we do a disservice not to also mention that George Bush showed tremendous courage in the management of domestic affairs. And I am reminded of that over the last few weeks as I have been reading the stories in the newspaper about how the cable bill, the cable regulation bill is beginning to come apart, that all of the things that were predicted for it here on the House floor when it was passed are not coming true, that in fact cable rates are going up, and that the regulation by the Government has turned out to be at least a mini- disaster.

That was a case where George Bush stood against the current of what he knew was going to happen on Capitol Hill. A lot of us fought with him time after time to maintain his vetoes on Capitol Hill, because we knew the way in which he was working to control the growth of Government, to control deficits, and a lot of these kinds of things was through the power of his veto.

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And time after time with our minimum numbers on Capitol Hill we were able to sustain those vetoes. And President Bush was very proud of that record of vetoes sustained. And when we went to him and told him that on the cable bill he was likely to lose, the easy thing for President Bush to have done at that point would have been to say, "Let's preserve the perfect record of vetoes. I will go ahead. I will hold my nose and I will sign that bill," because the votes simply were not there. We did not have enough votes to do something about the cable bill. But he vetoed it anyway because he did believe that this would come back as something that would not serve the best interests of the American people.

At the time, he was heavily criticized. Consumer groups criticized him,

a lot of other people criticized him. But it turns out he was more right than wrong, and today a lot of people I think would think that that veto was the wise thing to do.

Mr. HYDE. Let me say to the gentleman I regret that we are getting near the end of our time, and I want the gentleman from Ohio [Mr. PORTMAN] to get a word. But the contribution of the gentleman from Pennsylvania [Mr. WALKER] has been immense, as always. The gentleman and I will get to elaborate on the President's 70th birthday that the gentleman from California [Mr. DORNAN] will take a special order on. I thank the gentleman for his comments.

Mr. WALKER. I thank the gentleman for yielding to me.

Mr. HYDE. Mr. Speaker, it is a pleasure to yield to Mr. ROB PORTMAN from the great State of Ohio, who is a dear friend of former President Bush's and one of the rising stars of our party.

Mr. PORTMAN. I thank my colleague and thank him for taking this special order tonight. I had not planned to defend the Reagan-Bush years, but I must add one note. And that is that in fact during those 4 years of the Bush administration we did have a lot of domestic successes from the Republican point of view. Frankly, a lot of them were in sustaining vetoes, as the gentleman from Pennsylvania [Mr. WALKER] so aptly noted. I think there was a record of 32 vetoes having been sustained, with only 176 Republicans rather than 192 in the House that Ronald Reagan was lucky enough to have. That is quite a record, quite an accomplishment.

But let me add a little personal perspective. I would like to say that I really echo all of the heartfelt sentiment I have heard tonight from all of the other speakers. But my perspective is a little different because I do not think I would be standing here right now, in fact I know I would not be, if it were not for George Bush. And it is not because George Bush campaigned for me or raised money for me, although Mrs. Bush did write a beautiful letter on my behalf. It is because George Bush inspired me. He inspired me in a number of ways; he inspired me by his own commitment to public service. Frankly, he inspired me by his ability to have a very healthy and happy family life in conjunction with politics, something some people would think is mutually exclusive. George Bush managed to do it and he is a model for me in that respect.

George Bush was also able to show me how much gratification someone could get from public life. For all the sacrifices and all the negatives, there really is a lot of gratification, and George Bush exemplified that for me. And I hope young people tonight are watching this, and I hope that George Bush will continue to serve as a model for young people who are interested in getting into public service.

I first met George Bush in 1979 in this very complex. He was then running for President. I started to volunteer for him in his campaigns. I helped coordinate his campaign in Cincinnati two times, I was the national delegate for him to the conventions, a couple of national conventions. But I really got to know George Bush the man, serving with him on the White House staff where I spent 2 years, first as associate counsel for President Bush and then as director of his legislative affairs.

There I saw beyond the public image. It was working with the President closely at the White House where I got to know George Bush the man well. There what I found was a man of tremendous character. People tonight have talked about some of those attributes. I just thought I would talk about them briefly.

I think they served him well as a World War II hero, a businessman—some people forget George Bush was a very successful businessman before getting into politics; certainly as a Congressman, as an adviser to three or four Presidents and then as President of the United States.

The first of these I call code of honor, stability, something sorely lacking I think in the political discourse today. George Bush had that code of honor indelibly in his soul. Boundless energy; whether it is on the athletic field or in the field of public policy, George Bush had incredible and has incredible energy.

Empathy for people and their problems: People talked tonight about him knowing many people up here on the Hill today from his days as a Congressman. He is a people person, loves people. And they are the same with him.

Empathy with people is one of the characteristics of George Bush.

Judgment based on experience and, of course, family values, real family values, the sense of loyalty to his family, love for his country, and he has a very strong family life as a result.

I believe in the annals of history that George Bush will be counted as one of America's great public servants and really a gift that America has given to the world.

I think, though, in the near term that George Bush also should be someone who this country and this President, President Clinton, turn to for guidance and advice. Someone said earlier they would hope the President is now picking up the phone and calling George Bush to get his view on world leaders and some of the difficult areas of foreign policy we are now encountering.

I hope the country will, and I hope that this President will, because George Bush's judgment, energy, strength, and commitment to serve is something we sorely need today.

I thank the gentleman again for letting me take the time.

Mr. HYDE. I thank the gentleman from Ohio [Mr. PORTMAN] for a memorable presentation. I am pleased to yield, Mr. Speaker, to the gentleman from Florida [Mr. STEARNS].

Mr. STEARNS. I thank the gentleman from Illinois [Mr. HYDE].

I want to compliment the gentleman on this special order.

My remarks will be brief.

I came in 1988, into Congress with that election. It was a good deal because of the election of President Bush. I want to acknowledge that.

I had the opportunity to see him during the campaign and also had the opportunity to meet him many times either at the White House or perhaps at different functions.

It just became apparent to me that here was a genuine American, not only the patriot, as has been mentioned, but an unpretentious and loyal American.

I just tonight saw, back in my office, what the gentleman from Illinois was doing here, and I thought I would go on record to give my sentiments as to what an outstanding American he is.

I hope special orders like this will continue in the following year or two.

Mr. HYDE. I thank the gentleman from Florida [Mr. STEARNS].

Mr. Speaker, the Quaker poet, John Greenleaf Whittier, once referred to "the safe appeal of Truth to Time." Those of us with a few years on our shoulders know what he meant, for we have seen for ourselves how the passage of time brings the past into clearer focus.

Today, I and several of our colleagues want to participate in that process of clarification. We want to give appropriate credit to a man who served his country in war and in peace, in the ranks and in the Presidency, always with decency, and honor, and courage.

George Bush left the White House less than 1 year ago. But he left behind an example, a standard, a benchmark for those who will come after him.

That was true, not just with regard to the conduct of international affairs or the handling of domestic issues. It was especially true with regard to that essential element of a successful human being, character.

If you worked with George Bush in times of trouble or crisis, you sensed how that character had been forged. You saw something of the teenager who, decades earlier, had gone off to war, fresh out of high school, to become the youngest carrier pilot in the U.S. Navy. You were reminded, by his quiet determination, of the young man who rejoined his squadron on the *San Jacinto* only days after his *Avenger* was shot down over the Pacific.

As President, he was no armchair theorist of national security. When he talked about his country's safety, he spoke as the recipient of the Distinguished Flying Cross and three air

medals. When he faced the need to use force against his country's foes, he led with the cautious strength of a man who had known the loss of buddies against an earlier deadly enemy.

Here was a man who, by training and by taste, did not wear his heart on his sleeve. His opinions were public currency; his emotions were not. And yet, to know him, was to know how deeply he felt about the vital matters he addressed with firmness, forbearance, and restraint.

We're all familiar with the impressive positions he held: Member of this House, Ambassador to the United Nations, chairman of his party, America's representative to the People's Republic of China, Director of the CIA, and Vice President before becoming Commander in Chief.

Those achievements say much about the man's character. But far more eloquent are his informal titles. For example, loving husband, and father of six, one who died in early childhood.

Speaking of attainments, he and Barbara have been married for 48 years. In an era when change is worshipped and impermanence the rule, they have adhered to the ideals that endure. Their example of mutual love and support has been a living lesson in the values that keep families together and make society strong.

Those of us who have been blessed with spouses far better than we deserve know that a career in politics and government is a shared enterprise. This has nothing to do with trendy theories of status or liberation. It has everything to do with "for better or worse." It is the way things are supposed to be when caring is at the heart of living.

That is something George and Barbara reflected with unfailing grace, even when the nastier side of politics intruded. The world will never know how many times advisors of all sorts, including Members of Congress in those closed-door meetings in the Cabinet room, advised President Bush to get down, get mean, get rough with his opponents. He would make clear how much the unfair criticism—sometimes it was outright slander—hurt him. But, he would remind his listeners, he had the responsibility his critics did not have; to keep government working, to maintain the dignity of the Presidency, to open the channels of cooperation and compromise.

That approach, at home and abroad, made it possible for him to assemble the great coalition that, in retrospect, became the turning point for peace in the Middle East. Operation Desert Storm did more than expel Saddam Hussein from Kuwait and secure the petroleum lifeline of the industrial world. It brought Arab and Israeli together in common defense, and uncommon cooperation. It opened the door to what we all hope and pray will be a season of healing in the lands three faiths call holy.

Many of us have special reason to appreciate George Bush's adherence to principle. Throughout his Presidency, he was nothing less than heroic for the right to life of children before birth. He repeatedly vetoed legislation that would have violated that right. He asserted the value of their lives in his policies both domestic and foreign by opposing taxpayer funding for abortion.

Even when a national campaign was launched to pressure him into abandoning those defenseless little ones to barbaric experimentation, he refused to bend. In the interest of humane scientific research, he established, with the cooperation of hospitals and researchers, a fetal tissue bank. He showed that we could have progress and compassion at the same time.

Tragically, that initiative has now withered from neglect, though the responsibility rests with others. And others, too, have sought to reverse the protections President Bush sought to extend to the most helpless, most vulnerable Americans. But that will change in time. And when it does, when our laws again protect the lives of our children waiting to be born, George Bush will be vindicated on that too.

Mr. Speaker, there are many other points to be made about the record of the Bush Presidency. Several of our colleagues are awaiting a chance to do exactly that. For myself, I want to conclude with an expression of both admiration and gratitude.

Admiration for George Bush both as a man and as a leader. And gratitude for the way he has sought the path of justice, and humanity, not for advantage or approval, but because it was the right thing to do for the country he loves.

Mr. MICHEL. Mr. Speaker, I am glad to have the chance to join with our colleagues in paying tribute to President George Bush.

I want to especially thank our good friend and Illinois colleague, HENRY HYDE, for taking this special order, so a number of us could speak about President Bush's extraordinary career in public service.

It is now 8 months since the last days of the Bush Presidency, which is just about the right amount of time to begin placing President Bush in some historic context.

We are far enough removed from the controversies of the past to see things in perspective, yet still close enough in time to recall vividly the great personal accomplishments that are his legacy.

Others will be talking about specific aspects of his illustrious career, but I would like to say a few words about George Bush, the man and the leader.

I believe his life typifies a certain kind of American experience that, sadly, is fast becoming a memory.

I refer to the experience of his generation—my generation—who grew up in the late 1930's, fought in World War II, and then entered government in the 1950's or early 1960's.

This generation of Americans took for granted that serving your country in the Armed Forces and then spending a life in public service was an honorable calling.

To put it mildly, this view is not universally shared today. It is, in fact, quite unfashionable in some quarters. But that was the way many of us felt.

Those who had seen—and somehow survived—war in its most savage and direct forms were not about to forget the lessons they had learned.

There was a sense of mission involved. We could not guarantee that what we went through would never happen again—but we could dedicate ourselves to doing all that was possible to keep America strong and free.

To serve as an elected official, or as an appointed official in positions of high responsibility, was seen by many members of this generation as not only desirable, but almost mandatory.

If we were to fulfill the promises we made to ourselves about building a better world after the war, we knew we had to put ourselves on the political front lines.

We believed we owed this not only to our country, but to posterity.

Saying it like this makes it sound naive or a bit corny in this age of instant skepticism and suspicion about government and those who serve in it.

But if we are to understand the accomplishments of George Bush, they must be seen in this context.

From the moment he proudly donned his country's uniform as a teenager, until the moment he left the Presidency, George Bush never doubted that public service is a serious and responsible calling. And he does not doubt it today.

He never doubted that the United States of America has a leading role to play in world affairs.

He never doubted that when your country calls, you heed that call.

So, as President, in moments of crisis, he always knew he could call upon the spirit of young George Bush, the Navy pilot who risked his life in the Pacific in World War II: brave, eager to carry out the dangerous mission, confident about his country's cause.

This kind of spirit has to come from within, from a proven capacity to sacrifice, from devoted service, from a willingness to die, if necessary, to preserve freedom.

I believe George Bush's ability to call upon these reserves of character and courage was among his greatest gifts as a leader.

When he ordered the American military into action in Operation Desert Shield, and, later, led them in the tremendous sweeping victory of Operation Desert Storm, he did so as someone who had come to that time of crisis magnificently equipped with exactly the right virtues.

I believe history will record that George Bush ably, even at times heroically, led our Nation during a time of great and unprecedented transition from one age to another, one of the most difficult periods for leadership in our history.

When a nation faces one big problem—depression, war, national unity—a leader can focus all his energies on that one urgent problem and count upon the support of his nation.

But what about a time of great transition, when, as they say, one age is dying and another waits to be born?

In such a time, when so many ideas and events are undergoing rapid change, a leader cannot bring to bear the sharply focused power of his abilities on just one big problem.

As President Vaclev Havel of the Czech Republic said a few years ago: "Things are happening so fast we have no time to be astonished."

This is the kind of challenge George Bush faced. Typically, he didn't complain and he didn't lose hope and he accomplished a lot that needed to be done. I think history will give him credit for that.

There have been more critical times in our history, and more desperate times.

But to my knowledge there has never been a time in which, suddenly, the certainties of decades and even generations suddenly crumbled before our very eyes.

Think of it: the Berlin Wall fell, Soviet communism died, Eastern Europe emerged from the Communist dark ages, the global economy underwent various convulsions, great cultural and moral upheavals were taking place in our own country and around the world, incredibly savage ethnic conflicts flared up, a dictator tried to capture the energy sources upon which democracies depend, and, ironically, the very benefits of the cold war's end resulted in new problems by eliminating so many military bases and jobs.

In the midst of this upheaval, when the conventional wisdom of 40 years was being swept away in every area, the United States of America was fortunate enough to be led by a leader of character and courage.

Each administration has its mixture of successes and failures. The Bush Presidency is no exception to this ironclad rule.

But one fact is inescapable:

Today, Saddam Hussein does not control the oil of Saudi Arabia and Kuwait. He does not stand like a Mideast colossus, rallying to his victorious cause the enemies of western democracy all over the world.

And the reason he is not in that position is that George Bush formed and led a world coalition against his attempt to impose one-man rule on the Middle East—and to impose an economic stranglehold on the industrial democracies.

And make no mistake about it: if President Bush had not done this, the Israeli-PLO agreement never would have happened. Israel would now be facing grave danger—and we might be faced with a war whose nature would be far different from that of Desert Storm.

And in our own domestic agenda, we could not be taking on issues like health care if the entire attention of the Nation and the world was riveted upon what Saddam would do next.

President Bush's historic initiative did more than liberate Kuwait—it liberated our Nation and the world from a problem that would have dominated international politics for a long time to come.

And perhaps, in the long view of history, that incontrovertible fact, which we take so much for granted, as if it had been inevitable, will be seen for what it is: the result of a great leader's magnificent, bold, daring leadership in a time of crisis.

Such leadership doesn't just happen. It can't be artificially generated.

It can't be learned from books.

It has to be the product of a lifetime's exercise of character and courage. There is no other way, and I hope we never forget that.

Mr. FISH. Mr. Speaker, I join my colleagues this evening to pay tribute to George Bush, a dedicated man, American, and President. I met George and Barbara Bush as a freshman Congressman. Barbara was paired with my late wife Julia as a mentor through what was known at the time as the Congressional Wives Club. Julia took to Barbara right away; she was wonderful and provided a warm welcoming transition for my family to Washington. And I liked George Bush at first sight.

I understood why. Over the many years I watched him, listened to him, and worked with him during his changes in careers, both official and private.

It was his constant ability to reach out in a very individual way, to so many that caused positive domestic and international changes in our world. I do not know if it was his notorious self-typed letters, with their curious spellings and special syntax or his gracefully determined telephone calls but there can be no doubt George Bush got results that mattered. I remember when he reached out to me when he was Vice President when the fair housing amendments were floundering in the Congress. It is not well known how deeply committed he was to their passage. George Bush wanted them and he encouraged me in a very personal way to work with him to reach a compromise and break a stalemate for their passage. He set us on the track toward fair trade, an amazing departure from our party's legacy of protectionism; presided over the reawakening of democracy in Eastern Europe and the former Soviet Union; and met with determination the onslaught of aggression by the despot of Iraq; to a significant degree because of his broad range of personal relationships with world leaders. George Bush capitalized on these relationships to make better law, to encourage democracy, and mobilize coalitions for freedom.

The country and much of our world is indebted to you, Mr. President.

Mr. GOODLING. Mr. Speaker, I take this opportunity to pay tribute to a truly great American, our Nation's 41st President.

George Bush has dedicated all of his adult life to the service of the United States of America. He distinguished himself as a member of the Armed Forces in World War II and has done nothing less than build upon that foundation and reputation as a caring and dedicated leader.

President Bush has dedicated his adult life to the betterment of the United States as a Nation and as a people. He has promoted the interests of the United States throughout the world in his capacity as Ambassador to the United Nations, Vice-President, and President of the United States. In these endeavors, he has focused on fostering democracy abroad and strengthening the democratic process here at home. Time and time again, George Bush has shown himself to be an outstanding world leader, whether in creating a strong alliance to halt the aggressive atrocities of Sadam Hussein, or in his role in helping to tear down world communism and the iron curtain.

George Bush has tried to improve the life of all Americans by proposing reform of American education, health care, the crime and criminal justice system, as well as tax and budget policy. The goal of making life better for all Americans guided him as a Congressman and also as President of the United States.

George Bush also believes that the Government cannot solve all of our peoples' problems, but many solutions require individual and family solutions. Promoting a strong and caring family unit was the goal of many of George Bush's proposals.

Of course, he did not have to look very far for his inspiration for this. George Bush was blessed with a beautiful wife and family. No one could have been more supportive of his efforts than Barbara. The two of them worked together to help children understand the importance of a good education and of staying away from drugs and alcohol. George and Barbara were blessed with a happy and healthy family and believe all Americans should have the opportunity to receive such blessings. Though the task was monumental, they did their best to help America move closer to that realization.

While many of the challenges faced by George Bush in his public life still face the Nation today, it is through no fault or of lack of trying by George Bush. George Bush firmly believes in the American democratic process and has dedicated his life to the success of this great experiment in democracy.

I am very proud to have known George Bush and to consider him among my friends. I have worked for and worked with George Bush and have always found him to be an extremely caring and dedicated individual, both to his family and his country.

As a nation, we should be proud to have had George Bush as our President and appreciative for his service throughout his career. The citizens of this great Nation were able to go to sleep at night knowing their President had their best interests at heart and was capable of successfully addressing any challenge which may come before him and us. There is no greater tribute than to simply say thank you.

Mr. SOLOMON. Mr. Speaker, our great Nation is now a better place today because George Herbert Walker Bush served it so well and so long.

His distinguished career started when he became the youngest Naval pilot in World War II. Surviving a crash into the Pacific Ocean, he went on to become a Congressman, Director of the CIA, Ambassador to the United Nations, twice Vice President of the United States and then the 41st President of our Nation. No man was better prepared to assume that highest position than George Bush. No man gave more of his life and talent to his country than George Bush.

Despite his enormous contributions to our Government, I believe I will remember George Bush mostly for the quality and the integrity of the man. He is a wonderful, loving family man. When you meet him, no matter how many times, you are always left with an impression of his great personal warmth. He is down to

earth. You feel you have known him all your life. He is honest and straightforward and has lived an exemplary life.

Since his departure from the White House I have missed him very much but more importantly, I think the United States and the world community of nations have also missed him dearly.

Thank you, Mr. President. We will never forget you.

Mr. CASTLE. Mr. Speaker, I believe George Bush is one of the greatest U.S. Presidents and world leaders of the post World War II era. Under his steady, strong stewardship, the cold war ended, communism crumbled, and democracy spread to countries across the globe.

As Governor of Delaware, I had the opportunity to meet and work with President Bush and members of his administration on numerous occasions. He called on the Governors to help draft America 2000, which has provided the spark for States to improve our education system. President Bush also empowered the States with the flexibility to initiate reforms in their health care and welfare systems. He and members of his cabinet sought State input on issues ranging from the environment to social and agricultural programs.

President and Mrs. Bush visited the First State several times to seek the views of Delawareans. He gave a very inspirational speech to graduates of an adult high school and went crabbing in the Delaware River. Everytime I had the privilege of being in his company I found George Bush to be an extremely sincere, friendly, honest person.

George Bush served the United States of America with honor in World War II, and he led the international community in driving the bully from Baghdad out of Kuwait during the Persian Gulf war. I believe the United States and the world are a better, safer place to live, thanks to the leadership of President George Bush.

Mr. CALLAHAN. Mr. Speaker, I thank the gentleman from Illinois for the chance to pay tribute to President George Bush. I can truly say it is an honor for me to have this opportunity to talk about a man I know, respect, and consider not only a personal friend, but one of the 20th century's most outstanding leaders.

In many ways, I regret not having had the privilege of serving in the House of Representatives with George Bush, as many of my colleagues did. However, I have been fortunate enough to know him both as Vice President and President of this great country. His leadership has been and will remain a model in shaping my views here as a Member of the U.S. House of Representatives.

I first met the then-Vice President when he came to Mobile to campaign on my behalf in 1984. What a thrill it was to stand there on the podium at the Mobile Hilton, in a room filled with hundreds of friends and supporters, and have the Vice President of the United States tell everyone why it was so important that they elect Sonny Callahan to a seat in the U.S. Congress.

I'll never forget looking out in the audience and seeing my mother looking up there at us; to say there was pride in her eyes and smile would be one of the world's greatest understatements.

Before the rally began, the Vice President's staff informed us he would go directly from the podium to his suite. There didn't appear to be any time in his schedule for a little personal time together, away from the lights, cameras, and excitement.

But no sooner had he proclaimed the Reagan-Bush appeal for electing another good conservative Republican to Congress, then he turned to me and asked where Karen and I wanted to go to dinner. Five hours later, you would have thought the Bush's and Callahan's had been the best of friends. That's just the kind of people the Bush's are—warm, friendly, and caring, and that was the beginning of a solid friendship which has lasted.

Aside from the personal reflections about our 41st President, and there are enough to write volumes, there is almost an endless list of accomplishments attained by George Bush, both as a private citizen and a public servant.

By now, we all know some of the highlights. A decorated Navy pilot during World War II, a successful businessman, a Member of Congress, Ambassador to the United Nations, Chairman of the Republican National Committee, Director of the Central Intelligence Agency, Vice President of the United States and, of course, President of the United States of America. Certainly a long and distinguished career of public service for which we, as a nation, will remain deeply indebted to him as well as his family.

Leadership is a word which exemplifies the entire life of President George Bush. Historians will look upon the Bush Presidency very kindly for the world leadership he provided during very difficult times. His leadership abilities put together a coalition of 28 nations in Operations Desert Shield and Desert Storm to oust Saddam Hussein from Kuwait. Leadership earned President George Bush the admiration and respect of other world leaders. It was during the Bush Presidency that we witnessed the fall of the Iron Curtain and the end of the cold war. And President Bush set into action the necessary steps which led to the unprecedented Israeli-PLO agreement recently signed on the White House lawn.

And yet, both his political opponents as well as the national press were successful in creating the impression that President Bush, the foreign policy expert, was President Bush, the domestic blunder. While those of us who know him knew better, the images that were cast were just too hard to erase from the voters' minds last November. It's a saying as old as the hills but so very applicable to this point and that is while George Bush might have lost the Presidency, the American people were the real losers. We will feel this loss for a long, long time.

In 1722, Ben Franklin wrote in a letter to Joseph Galloway that:

> We must not in the course of public life expect immediate approbation and immediate grateful acknowledgement of our services. But let us persevere through abuse and even injury. The internal satisfaction of a good conscience is always present, and time will do us justice in the minds of the people, even those at present the most prejudiced against us.

Mr. Speaker, there is no question in my mind that the man we are honoring here today has the internal satisfaction of good conscience in knowing that his was a job well done and time has already underscored that point even to the harshest critic.

Mr. SKEEN. Mr. Speaker, it gives me great pleasure to add my comments to the RECORD regarding the long and distinguished public service career of our former President, George Bush. As a politician, a statesman, and a world leader, George Bush has provided leadership to the United States of America at a transitional time in our world history. Thanks to his leadership—as Vice President, then President, for a combined 12-year total—the United States still stands at the pinnacle of world leadership.

I am delighted to have been able to serve in the Congress during George Bush's 12-year service as Vice President and President of this great Nation. And I am proud of all the accomplishments that the President, with Congress' help, achieved. But I would be remiss if I focused only on George Bush's 12 years at the top of our Government. His long and extensive career, leading up to that service is, perhaps, what makes up the "real" George Bush.

As a Navy veteran, Ambassador to China, Director of the Central Intelligence Agency and chairman of the National Republican Party, George Bush left his indelible mark of professionalism and skill on every assignment he undertook. Many of the successes that we are celebrating in these areas today can be attributed to George Bush's tireless work some years ago.

As for George Bush's service in the White House, I can say that I didn't always agree with every decision the President made or with his priorities. But I can tell you I slept well at night knowing George Bush was in charge. During the Persian Gulf war, I often turned on the television to find George Bush at a news conference or speaking engagement, calmly, rationally explaining the events going on so many miles away. And I knew that our country and our Nation's fighting men were in good hands and that George Bush would lead us out of this conflict in his capable and calm manner.

It is a charming reminder of the respect and admiration that men and women, from around the world, hold for George Bush when young Kuwaiti babies are named after our Commander in Chief. And I understand he received some write-in votes in a recent election there.

I have appreciated the opportunity to know George Bush in many capacities, as a fellow lawmaker, as our Commander in Chief, and as a kind, caring human being. His wife, Barbara and his five children, as well as his grandchildren all know George Bush as a loving father, husband, grandfather, and family man. The entire country is grateful to George Bush for his leadership, his dedication and his professionalism. I join my colleagues in the House in saluting President George Bush.

Mr. CRANE. Mr. Speaker it is a pleasure to have this opportunity to pay a most deserved tribute to a man who served his country so well—President George Bush.

Few can look back upon a career so devoted to his Nation and his fellow citizens as President Bush can.

He fought for his country as a young man as a naval aviator and as a senior citizen as

President of the United States. Those are the two jobs most of the Nation remembers him for.

But there were many other tasks that he performed for the United States. He served as a Member of this Chamber over two decades ago. At that time I had the pleasure to serve with him as a member of the House Banking Committee.

He gave other years of his life for his fellow citizens as this Nation's representative on the mainland of China. And he was entrusted with that most sensitive position as Director of the Central Intelligence Agency.

While almost always we knew him as one who joined us in common efforts, there was a brief period when we stood toe to toe as foes.

That was 1980, when we joined battle with others for the Republican presidential nomination. Even then, we had something in common—we both lost. Although I hasten to add that he did take home the second prize in that 1980 contest.

His 8 years of service as Vice President to President Ronald Reagan were followed, of course, by his own presidency.

What a great 12 years this Nation experienced under the team of Reagan and Bush.

And when it was his time to take over the helm, George Bush displayed the leadership ability we expected of him.

He brought a dictatorship to an end in the Western Hemisphere, and he directed the United Nations to a truly historic victory in the Eastern Hemisphere as our troops destroyed the war machine of another dictator at the loss of the fewest of casualties.

On the domestic front, he was one-half of the team of Reagan and Bush which created some 20 million jobs—an unequalled domestic victory.

The calendar did not treat him well. The Nation was emerging from an economic setback by pursuing his policies. Had the election been held a short time after its November date in 1992, the voters of this country would have seen his policies had successfully brought recovery to our economic machine, and they would have happily kept him at that famous Pennsylvania Avenue address.

He was most ably assisted throughout his distinguished career by his lovely wife, Barbara, and as I am sure he would readily concede, a man's success in life is predicated upon those qualities of loyalty and devotion that Barbara has provided him.

George Bush dedicated his life to his country. He fought well and he served well. We are a better nation for the efforts of George Bush.

Mr. REGULA. Mr. Speaker, history will record President George Bush as a leader with integrity, compassion, and vision.

Whether called upon to defend or to lead our Nation with many assignments in between, he always measured up to the task and deserved the "Well done, thou good and faithful servant . . ." as set forth in Matthew 25:21.

How different the world would be today had not George Bush, as President, been courageous and resolute in the face of challenges throughout the world.

Events in the Middle East would be far more threatening absent the strong leadership President Bush provided for a disparate group of nations to band together in squelching the ruthless ambitions of a modern-day despot.

Had Europe had the leadership with the courage and vision of George Bush in the 1930's, history would have been far different and millions of lives would have been saved.

His role as part of the Reagan-Bush team brought the wall down and changed the face of Europe and Asia for the better—a feat none of us ever dreamed could happen.

Domestically this team brought us 21 million new jobs, throttled inflation and dramatically lowered interest rates. Young people that can afford homes will be indebted to the leadership of George Bush without being aware of their debt to Bush Presidential economic policy.

On a personal note, my wife Mary and I greatly cherish the friendship of President Bush and First Lady Barbara. They are a team that all Americans can respect with pride and affection.

Mr. OXLEY. Mr. Speaker, I extend remarks today to honor President George Bush.

George Bush began his political career as one of our colleagues. This House fondly remembers him when he represented his Texas district and was a young member on the House Ways and Means Committee. Many here followed his remarkable career and stayed in close touch with George Bush during his rise in the Republican Party to the offices of Vice President and President.

I will remember him as a forthright President and a constant friend.

He visited the Fourth District of Ohio frequently, and the people of our area still hold a great affection for George Bush. I believe the first time he came to my hometown of Findlay was as a speaker for my predecessor and mentor, Jackson Betts. He spoke at the Allen County barbecue twice. He came to Findlay in 1988 during his first Presidential campaign to recognize our hometown's distinction as Flag City, U.S.A. During the 1992 campaign, he visited the Tall Timbers industrial park in Findlay, and stopped in the county once again during a whistle-stop campaign swing through the heartland of Ohio.

George Bush worked to keep taxes low, to control the Federal deficit, and to further a growing economy. He led the free world during a critical period and formulated U.S. policy immediately after the cold war. The Berlin Wall fell during George Bush's Presidency. I believe that George Bush will be treated well by history, because he deserves to be.

All of us wish George and Barbara Bush a happy, productive, and well-deserved retirement after a lifetime of service to the Nation.

Mr. RAMSTAD. Mr. Speaker, I rise today to pay strong tribute to a great Republican and a good friend to many of us, former President George Bush.

Many of our colleagues have risen to speak on the distinguished career of George Bush. They've told the stories of his service to his country. From his Naval to his political career, George Bush has given back far more to his country through his long career in public service than anyone I know.

I am particularly honored that Mr. Bush was President when I first came to Congress in 1990. It was helpful and reassuring to have his competent leadership as I assumed my new office representing Minnesota's Third District.

At that time, the country was on the brink of war. My first vote was an affirmation of President Bush's policy toward the international outlaw Saddam Hussein.

With Mr. Bush in the Oval Office, there was never any doubt about our aims and goals in the Middle East and throughout the world.

I heartily applaud George Bush for his tireless dedication to the best interests of the United States, a quality plainly evident throughout his long and distinguished career in public service.

His public service and obvious devotion to his family are excellent examples for all of us to follow.

Mr. CLINGER. Mr. Speaker, I'm with Mary Matalin who was recently quoted as saying that there is a line one does not cross with her. She will not accept attacks on the administration of George Bush which it has become politically chic to do by both right and left wing zealots. I won't accept them, not because George Bush needs people like me or Mary Matalin to defend him but simply because his detractors—diehard reactionaries on the right and oh so politically correct liberals on the left—are smug, didactic, and just plain wrong.

George Bush was a President of intelligence, grace—particularly under pressure—and great ability. History, I am convinced, will recognize that he was a strong and principled leader who commanded the ship of state with great skill through some difficult times despite the sustained and implacable opposition of the Democratically controlled U.S. Congress.

Consider these facts: throughout the 4 years of his Presidency, George Bush never had more than 176 Republicans in the House of Representatives or 45 Republicans in the U.S. Senate. By contrast, the major accomplishments of the Reagan Presidency were achieved during the first 2 years of his first term when there were 192 Republicans in the House and a majority of Republicans in the Senate. With the Bush administration the Democrats were so desperate to regain the White House that they were unwilling to give any quarter to a Republican President. On domestic issues he was thwarted at almost every turn despite a solid series of proposals for deficit reduction, welfare reform, crime control, and others.

In international affairs, however, a politically biased Congress had less control and it was here that President Bush could and did control the agenda with remarkable results. From planting the seeds for the flowering of the peace process between Israel and the PLO to hammering out a free trade agreement in this hemisphere, his was a sure hand on the tiller.

But it was in the confrontation with the tyrant Saddam Hussein that President Bush proved his mettle as a great leader. Despite having to deal with a hostile, politically belligerent Congress and a timorous international community, George Bush, through skill, experience and force of will, fashioned an alliance that brought the tyrant to heel and established an invaluable precedent for the future. It was a magnificent achievement. All the more so because even the Congress had to grudgingly support the effort.

I am, of course, a very biased, far from objective observer of the Bush Presidency. President Bush was of enormous assistance

to me. He even campaigned for me in my district, on two occasions, together with a truly great First Lady, Barbara Bush. The point is that he did this for me but that he did it for so many of us. He was selfless with his time in helping build the Republican Party over the years.

I suppose everyone in public life gripes about his or her treatment by the media but no one has greater cause to complain than George Bush. The media's portrait of the man, is of a bumbling, humorless, somewhat effete technocrat. The reality is a self-confident, funny, loyal, effective leader to whom this country will, in time, be very grateful. I only wish the electorate had known him as well as some of us did. If they had he would still be President.

Mr. COBLE. Mr. Speaker, in 1985, some three years before he would receive the Republican nomination for President, I endorsed George Bush. This was not the most politically expedient thing for me to do at the time. BOB DOLE and Jack Kemp were both viable candidates for the nomination, and I liked and admired both men very much. In fact, BOB DOLE's mother-in-law continues to live just a stone's throw from the Sixth District of North Carolina. So, my best bet would have been to keep my powder dry and wait to see who would emerge as the front-runner. But I couldn't do that.

It is the measure of the admiration and respect I had and continue to have for George Bush that I went out on a limb and endorsed him for President. I can honestly say, to this day, it is a decision I have never regretted. No one in my lifetime was more qualified to be President than George Bush. No on the job training was needed. His eight years as Vice President, his tenure as Ambassador to China, his service in Congress, and even his war-hero military record all combined to make him supremely capable of leading our nation.

Let me cite one example of the respect and admiration George Bush engendered throughout the United States and the world. In 1985, then-Vice President Bush came to High Point, North Carolina, to attend an event for us. As we drove from the airport, we passed a teenaged boy standing along the side of the road. As the Vice President's car passed, the solitary youth came to attention and saluted Mr. Bush. He held that salute until the car had completely left his sight. Both Vice President Bush and I were deeply moved by the action of that young, patriotic American. Mr. Bush told the hundreds gathered in High Point that the vision of that young man would stay with him for a very long time. I can confirm that the respect that the teenager showed George Bush has remained with me to this day.

All Presidents wonder how history will treat them. I think George Bush can rest easy because history will properly cast his 12 years in the executive branch favorably. George Bush can rightfully lay claim to his role in the fall of communism in the former Soviet Union and to the longest sustained period of growth in the domestic economy in our nation's history. While there were stumbles and missteps along the way, George Bush can be truly proud of his dedication and commitment to America.

The last time George Bush and I were together was late in the 1992 campaign. I had the honor of riding a train through North Carolina's Piedmont with him and watching large, adoring crowds appear at every stop. Even though the election results were disappointing, I was proud that North Carolina was in the Bush column again in 1992. I will always remember the time we spent together on that train. I have spoken to him on the phone since then, but that is the last face-to-face meeting we had.

It would be impossible to recognize and salute the public career of George Bush without mentioning Barbara Bush. I like to refer to Mrs. Bush as America's Grandma. I say this not to note her age, but to show the deep affection bestowed upon her by Americans of all walks of life. Once you met Barbara Bush, you felt an instant rapport with her, as if you had known her all of your life. Mrs. Bush was a partner—in the best sense of that word—in everything her husband accomplished. I dare say that George Bush would not have been as great a President as he was without the strong support of Barbara Bush.

As George Bush begins his new life as a private citizen, I hope he will continue to share his wisdom and experience with our future leaders. He has every right to spend his retirement years relaxing with his family and friends, but for the good of our country, I hope George Bush will continue offering his skills and talents in some form of public service. For all that he has done, America owes George Bush a debt of eternal gratitude.

Mr. WELDON. Mr. Speaker, I rise today to pay special tribute to the 41st President of the United States, George Bush.

I first met George Bush when he was Vice President and I was the executive of a large county government in Pennsylvania. Mr. Bush developed strong ties with our region and returned to Delaware County several times, earning the admiration and respect of our residents.

George Bush achieved the most powerful position in the world, yet he remained unchanged as a person. When I was elected to Congress, I recognized him as the same, decent, honorable man that I met years ago in Delaware County—an experienced, steady leader with the confidence and skill to unite the Nation and lead it through challenging times. He is a great American patriot, whose love of country led him to the White House. Despite his greatness and achievements, we still know him as the humble and unpretentious man who, to a fault, balked at self-promotion.

George Bush was born into privilege but throughout his life he took every opportunity to give back to society. He served heroically during World War II, and after going out on his own in the business world, came back to a life of service in the Government. First in Congress, then at the United Nations and the Central Intelligence Agency, then as Ronald Reagan's second in command, he always put America first. He was equally at home among the company of world leaders and our troops in the field. I am sure that all individuals who met President Bush would use the same words to describe him—genuine, loyal, and compassionate. An avid sports fan and outdoorsman, he embodied the American frontier spirit.

Long before it was an issue at the Federal level, President Bush took a keen interest in fire awareness and more important, the significant contributions of our Nation's firefighters. It was his appearance at the first annual dinner recognizing the fire and emergency service providers that put life safety issues on the front burner in Congress. As the original Chairman of the Congressional Fire and Emergency Services Caucus, I will long be indebted to the President for his initiative, and for coming to Delaware County to sign the Firefighters' Bill of Rights into law. This sentiment is shared by firefighters all across America, who knew that they had a friend in the White House.

My respect for this great world leader grew each day I served under him. Even in the rough and tumble of a campaign, I was surprised by the tenacity of the press in tearing down the reputation of this outstanding man. It is still hard for me to understand the media's distortion of President Bush's image and record.

Now, we face another crisis involving American troops across the world. The stark contrast between the handling of this crisis and that which we faced in the Gulf cannot be missed. But the Nation can only reminisce. Perhaps the press will now recognize George Bush for the truly great leader he was and give him his due place in history. With any luck, his successor will take notes.

Mr. SMITH of Texas. Mr. Speaker, I am delighted and honored to have this opportunity to recognize the great contributions that George Bush has made to his country. There is neither the time nor the eloquence available here, to do this as well as it should be done. I will nonetheless try, because I know him as a fellow-Texan, as a fellow-Republican, as a President, and most important to me, as a friend.

He has accomplished so much in his life, any one of which would have formed an entire career for most of us. His service to his country has literally extended throughout his entire adult life. It began when he enlisted in the Army Air Corps. He became the Nation's youngest fighter pilot and a hero.

After the war, he moved to Texas—a highpoint in any life. He was successful in the oil industry. He ran for Congress and won. He was Ambassador to the United Nations. He was Director of the Central Intelligence Agency. He was half of one of the most successful administrations in this Republic's history, as Vice President for Ronald Reagan.

He ran and won his own term as President. As large as his accomplishments as President seem now, they will loom even larger as time goes on: through his direct efforts the most pervasively oppressive political system in the world's history collapsed. He stopped and then defeated a brutal tyrant in the world's most volatile region. He set the stage for an unprecedented flowering of peace between Arab and Jew and unfettered trade between nations.

While he accomplished this and more, he remained an exemplar of personal integrity and of unassuming dignity and decency. Mr. Speaker and my colleagues, it has been an honor to have known George Bush as both President and friend.

Mr. SOLOMON. Mr. Speaker, our great Nation is now a better place today because

George Herbert Walker Bush served it so well and so long.

His distinguished career started when he became the youngest Naval pilot in World War II. Surviving a crash into the Pacific Ocean, he went on to become a Congressman, Director of the CIA, Ambassador to the United Nations, twice Vice President of the United States and then the 41st President of our Nation. No man was better prepared to assume that highest position than George Bush. No man gave more of his life and talent to his country than George Bush.

Despite his enormous contributions to our Government I believe I will remember George Bush mostly for the quality and the integrity of the man. He is a wonderful, loving family man. When you meet him, no matter how many times, you are always left with an impression of his great personal warmth. He is down to earth. You feel you have known him all your life. He is honest and straightforward and has lived an exemplary life.

Since his departure from the White House I have missed him very much, but more importantly, I think the United States and the world community of nations have also missed him dearly.

Thank you, Mr. President. We will never forget you.

Ms. ROS-LEHTINEN. Mr. Speaker, it can be said that George Bush lived the values of America more eloquently than anyone could have spoken them. His life reflects both love of country and love of family.

A half century ago, this country was embroiled in the Second World War and a young George Bush volunteered for the demanding and dangerous job of a naval aviator. George Bush went into combat as the youngest commissioned Navy pilot of that war. As a torpedo bomber pilot, his job was to hold a steady course through withering fire in 58 combat missions, an ability he displayed all the rest of his career.

In 1945, he married Barbara Pierce and, after the war, made the decision to strike out for the oil industry in Texas. With Barbara at his side, he created a successful business and, more importantly, raised a wonderful family.

After providing security for his family, George Bush once again devoted himself to the service of his country. His service in the Congress and the Executive branch showed the same calm steady resolve that marked his military service.

As Director of Central Intelligence, he steadied a damaged organization and restored the Agency's effectiveness. George Bush set into motion a review by outside experts of the Agency's evaluation of the Soviet Union. His "Team B" review of the available intelligence on the Soviet Union will be seen by historians as laying the foundation for the restoration of the military power of the United States and for our ultimate victory in the cold war.

Over the years, as Vice-President and as President, George Bush was a frequent visitor to my congressional district—to see his grandchildren—I had the chance to see the other George Bush, a devoted father and grandfather—and to talk to south Floridians about the issues of crime, foreign affairs and the future for the coming generations.

To see George Bush with his grandchildren is to see the guiding star of his career. His love of country is an extension of his love of family. His career was focused on a better America at home and a strong America abroad. The legacy he has given to his grandchildren, and to all our children, is a world in which the nuclear nightmare has receded and the idea of communism lies on the ash heap of history. His has been a job well done and he deserves the thanks and affection of his country.

Ms. DUNN. Mr. Speaker, it has long been a goal of the United States of America to pursue the goals of peace and global freedom. Perhaps no one has understood that pursuit better than the President responsible for leading us into the post-cold-war era, George Herbert Walker Bush.

The nations of this world owe a debt to our former President for his role in making the world safe for democracy. President Bush is a man of judgment, and a man of character. He provided bold leadership by taking a stand against a totalitarian regime in Iraq, and displayed his understanding of our Nation's humanitarian responsibilities when he sent troops to Somalia to ensure that the hungry could be fed. As one of a myriad of his admirers, let me add that it was an honor to serve under President Bush as the chairman of all State Republican Party Chairmen, and by his request, as a delegate to the U.N. Conference on the Status of Women held in Vienna, Austria.

Our Nation, as it carries out its responsibilities as the world's leader in democracy and in peace, is right to honor George Bush for the legacy of freedom he has left behind.

Mr. SCHIFF. Mr. Speaker, I rise today to honor a great American who has given his adult life to serving our country, former President George Bush.

When recalling the living history that George Bush embodies, we are imbued with fond memories. Remember the fearless young Navy aviator who was shot down during WW II, the brazen young entrepreneur who moved his family from the east coast to Texas. Then there was George Bush the Congressman, the National Republican Party chairman, the Director of the CIA, the Ambassador to both the People's Republic of China and the United Nations, and ultimately Vice President of the United States and Commander in Chief George Bush.

George Bush served in all of these capacities with great distinction, each at a very difficult time in American history. What made him successful in each of his endeavors is his outstanding dedication and character. The character demanded of one who must lead and make the tough choices that have faced our country over the years.

As President, it was this character coupled with his respect for his fellow man that made the world unite to face an aggressor in the Middle East. During this crisis, leaders of other countries, like the citizens of ours, felt secure in knowing that George Bush's friendship and pledges were not just rhetoric. The alliance stood because of this man's character and courage, and because he was held in the highest respect by the world community.

The recent signing of the peace accord between Israel and the Palestine Liberation Organization was a direct result of George Bush's strong leadership in the Middle East. The dismantling of the Berlin Wall, the fall of the Soviet Union and spread of democracy around the world were but a few of the many events that occurred during his distinguished career of service.

George Bush still conducts himself as a gentleman. He does not boast of his accomplishments, rather allowing Americans to benefit as a whole. He is the epitome of a statesman.

President Bush—I want to thank you and Mrs. Bush for all that you have done for our Nation. I know that as time goes on, history is going to record the actions of George Herbert Walker Bush, and all of his service to this country, as remarkable.

Mr. QUINN. Mr. Speaker, I rise to pay a special tribute to our country's 41st President, George Herbert Walker Bush.

I wanted to take a few minutes to express my appreciation for all that President and Mrs. Bush did for our great Nation. It is an honor and a privilege for me to know, in a small way, such accomplished public servants.

I was fortunate to have a very memorable experience on inauguration day 1993, amid all the ceremonies and festivities that occurred. I had the opportunity to witness the actual transfer of power when President Bush left the Capitol and spoke his last words as President. I believe it was a very emotional moment for everyone present. From that experience, I know how great a debt of gratitude and thanks all Americans owe George and Barbara Bush for their service to our country as the President and First Lady. They served our country well and with dedication and distinction.

George Bush is truly a great leader, a great leader who brought to the Presidency outstanding credentials from his days as Director of Central Intelligence, Ambassador to China, and Vice President. It was this experience and these leadership traits which enabled George Bush to assemble an international coalition to liberate Kuwait. George Bush's understanding of the complex and changing world around him are unparalleled. I commend President Bush for his courage and thank him for his dedication to our country. Thank you, Mr. Speaker.

Ms. SNOWE. Mr. Speaker, it is my sincere pleasure to have this opportunity to pay a special tribute to a man who served his country and our allies with honor and distinction as a U.S. Congressman in the 1960's, as an Ambassador in the 1970's, and as Vice President and President in the 1980's and 1990's—George Herbert Walker Bush.

His patriotism and love for his country are reflected not only in his dedication to public service, but in his love for his wonderful family, and in his military service to his country in World War II and as Commander in Chief.

George Bush's commitment to public service, his integrity, his honesty to the American people, his leadership, and his loyalty will forever be an inspiration to me, many of my colleagues in Congress and the American people.

Mr. Speaker, I remember fondly when George and Barbara Bush and the Bush family traveled back home to Maine and brought joy to the State of Maine. George Bush always

brought a new vitality and vigor back to Maine for the summer—and usually sent the fish scrambling for cover upon his arrival. The Bush family summer vacation continues to be a famous and much celebrated tradition in Maine, and I look forward to many more summers of the Bush family summer vacation in Kennebunkport. George and Barbara Bush personify in so many ways our American traditions and values.

So, on this day in Washington, we celebrate a great American patriot, George Bush. We salute the Bush family, and we salute George Bush's many contributions to public service over the past 40 years, both at home and abroad. George and Barbara have on many occasions opened their hearts, opened their home, and brought joy to many Mainers, many Americans across the Nation, and to all those who have met the Bushes at the White House as well. George Bush's overall dedication to Maine and the Nation is a tribute to the kind of American and the kind of leader he is.

During these difficult and uncertain times in Russia, Bosnia and Somalia, we continue to remember George Bush's steadfastness, his steady hand guiding the affairs of state, his reassuring leadership in times of crisis. Whether it was Panama, the Persian Gulf, the coup in Moscow, or our efforts to unite Europe and sow the seeds of peace and freedom, we Americans and those of us in Congress knew we could rely on his steady and experienced judgment to guide us through the storm. On the domestic front, he worked to keep taxes low, build consensus and work with all members of Congress, and recognize the disabled and the efforts of millions of Americans who gave their time and love in the name of volunteerism.

Mr. President, we miss your presence more than you can imagine, but future generations will celebrate the freedoms you helped to secure. And these freedoms and liberties are the best, most everlasting legacies a leader can leave behind. We will never forget George Bush—an American patriot, a visionary leader, a caring family man, and a true friend to Maine.

GENERAL LEAVE

Mr. HYDE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of my special order tonight.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON THE BUDGET REGARDING CURRENT LEVELS OF SPENDING AND REVENUES FOR FISCAL YEAR 1993

(Mr. SABO asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SABO. Mr. Speaker, on behalf of the Committee on the Budget and pursuant to sections 302 and 311 of the Congressional Budget Act, I am submitting for printing in the CONGRESSIONAL RECORD an updated report on the current levels of spending and revenues for fiscal year 1993.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE BUDGET,
Washington, DC, September 28, 1993.

Hon. THOMAS S. FOLEY,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: To facilitate application of sections 302 and 311 of the Congressional Budget Act, I am transmitting an updated status report on the current levels of spending and revenues for FY 1993.

The term "current level" refers to the amounts of spending and revenues estimated for the fiscal year based on laws enacted as of September 21, 1993.

The first table in the report compares the current levels of total budget authority, outlays, and revenues with the overall limits set in H. Con. Res. 287 (102d Congress), the concurrent resolution on the budget for fiscal year 1993. This comparison is needed to implement section 311(a) of the Budget Act, which creates a point of order against measures that would breach the budget resolution's overall limits.

The second table compares the current levels of budget authority, outlays, and new entitlement authority for each direct spending committee with the "section 602(a)" allocations made under H. Con. Res. 287. This comparison is needed to implement section 302(f) of the Budget Act, which creates a point of order against measures that would breach the section 602(a) allocation of new discretionary budget authority or new entitlement authority for the committee that reported the measure. It is also needed to implement section 311(b), which exempts committees that comply with their allocations from the point of order under section 311(a). The 602(a) allocations for FY 1993 were printed in House Report No. 102-529.

The third table compares the current levels of discretionary appropriations for FY 1993 with the "section 602(b)" suballocations of discretionary budget authority and outlays among Appropriations subcommittees. This comparison is also needed to implement section 302(f) of the Budget Act, since the point of order under that section also applies to measures that would breach the applicable section 602(b) suballocation. The current 602(b) suballocations for FY 1993 were filed by the House Appropriations Committee on May 13, 1993 (H. Rept. 103-90).

Sincerely,

MARTIN OLAV SABO,
Chairman.

REPORT TO THE SPEAKER FROM THE COMMITTEE ON THE BUDGET ON THE STATUS OF THE FISCAL YEAR 1993 CONGRESSIONAL BUDGET ADOPTED IN HOUSE CONCURRENT RESOLUTION 287

REFLECTING COMPLETED ACTION AS OF SEPT. 21, 1993

[On-budget amounts, in millions of dollars]

	Fiscal year 1993	Fiscal years 1993–97
Appropriate level (as set by H. Con. Res. 287):		
Budget authority	1,246,400	6,669,200
Outlays	1,238,700	6,472,700
Revenues	845,300	4,812,900
Current level:		
Budget authority	1,248,361	(1)
Outlays	1,242,935	(1)
Revenues	849,333	4,807,168
Current level over(+)/under(−) appropriate level:		
Budget authority	+1,961	(1)
Outlays	+4,235	(1)
Revenues	+4,033	−5,732

[1] Not applicable because annual appropriations acts for fiscal years 1995 through 1997 will not be considered until future sessions of Congress.

BUDGET AUTHORITY

Enactment of any measure providing any new budget authority for Fiscal Year 1993 (if not already included in the current level estimate) would cause Fiscal Year 1993 budget authority to exceed the appropriate level set forth by H. Con. Res. 287.

OUTLAYS

Enactment of any measure providing new budget or entitlement authority with any Fiscal Year 1993 outlay effects (if not already included in the current level estimate) would cause Fiscal Year 1993 outlays to exceed the appropriate level set by H. Con. Res. 287.

REVENUES

Enactment of measures producing a revenue loss of more than $4.033 billion in Fiscal Year 1993 (if not already included in the current level estimate) would cause Fiscal Year 1993 revenues to fall below the appropriate level set by H. Con. Res. 287.

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH COMMITTEE ALLOCATIONS PURSUANT TO BUDGET ACT SECTION 602(a)

[Fiscal years, in million of dollars]

	1993			1993–97		
	Budget authority	Outlays	New entitlement authority	Budget authority	Outlays	New entitlement authority
House Committee:						
Agriculture:						
Allocation	0	0	0	13,656	12,806	15,190
Current level	1	1	0	3	3	0
Difference	1	1	0	−13,653	−12,803	−15,190
Armed Services:						
Allocation	0	0	0	0	0	0
Current level	26	−41	26	313	−330	311

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH COMMITTEE ALLOCATIONS PURSUANT TO BUDGET ACT SECTION 602(a)—Continued

[Fiscal years, in million of dollars]

	1993			1993–97		
	Budget authority	Outlays	New entitlement authority	Budget authority	Outlays	New entitlement authority
Difference	26	−41	26	313	−330	311
Banking, Finance and Urban Affairs:						
Allocation	0	0	0	0	0	0
Current level	−60	−59	0	−118	−45	0
Difference	−60	−59	0	−118	−45	0
District of Columbia:						
Allocation	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Education and Labor:						
Allocation	0	0	1,472	0	0	21,564
Current level	−128	−148	1,347	−132	−177	21,384
Difference	−128	−148	−125	−132	−177	−180
Energy and commerce:						
Allocation	35	35	0	187	187	0
Current level	−166	−166	−25	−601	−601	−51
Difference	−201	−201	−25	−788	−788	−51
Foreign Affairs:						
Allocation	0	0	0	0	0	0
Current level	−8	−8	0	−20	−20	0
Difference	−8	−8	0	−20	−20	0
Government Operations:						
Allocation	0	0	0	0	0	0
Current level	−8	37	−8	−20	−20	−20
Difference	−8	37	−8	−20	−20	−20
House Administration:						
Allocation	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Interior and Insular Affairs:						
Allocation	0	0	0	0	0	0
Current level	−38	−38	0	2	2	0
Difference	−38	−38	0	2	2	0
Judiciary:						
Allocation:	251	251	251	251	139	251
Current level:	210	210	260	244	244	300
Difference:	−41	−41	9	−7	105	49
Merchant Marine and Fisheries:						
Allocation:	0	0	0	0	0	0
Current level:	4	4	0	−366	−366	0
Difference:	4	4	0	−366	−366	0
Post Office and Civil Service:						
Allocation:	0	0	0	0	0	0
Current level:	0	0	0	0	0	0
Difference:	0	0	0	0	0	0
Public Works and Transportation:						
Allocation:	2,000	22	0	10,596	22	0
Current level:	2,050	28	0	2,050	−44	0
Difference:	50	6	0	−8,546	−66	0
Science, Space, and Technology:						
Allocation:	0	0	0	0	0	0
Current level:	0	0	0	0	0	0
Difference:	0	0	0	0	0	0
Small Business:						
Allocation:	0	0	0	0	0	0
Current level:	−12	−12	0	−12	−12	0
Difference:	−12	−12	0	−12	−12	0
Veterans' Affairs:						
Allocation:	0	0	339	0	0	6,566
Current level:	170	170	341	−76	−76	2,239
Difference:	170	170	2	−76	−76	−4,327
Ways and Means:						
Allocation:	0	0	0	352	352	1,213
Current level:	3,590	3,590	3,475	5,719	5,719	5,564
Difference:	3,590	3,590	3,475	5,367	5,367	4,351
Permanent Select Committee on Intelligence:						
Allocation:	0	0	0	0	0	0

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH COMMITTEE ALLOCATIONS PURSUANT TO BUDGET ACT SECTION 602(a)—Continued

[Fiscal years, in million of dollars]

	1993			1993–97		
	Budget authority	Outlays	New entitlement authority	Budget authority	Outlays	New entitlement authority
Current level:	1	1	1	14	14	14
Difference:	1	1	1	14	14	14

DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 1993—COMPARISON OF CURRENT LEVEL WITH SUBALLOCATIONS PURSUANT TO BUDGET ACT SECTION 602(b)

[In million of dollars]

	Revised 602(b) suballocations		Current level		Difference	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
Agriculture, rural development	13,874	13,413	13,876	13,314	2	−99
Commerce, State, Judiciary	22,865	21,972	22,451	22,052	−414	80
Defense	255,677	267,021	253,944	265,874	−1,733	−1,147
District of Columbia	688	698	688	698	0	0
Energy and water development	22,080	21,409	22,080	21,409	0	0
Foreign Operations	14,701	13,301	14,071	13,300	−630	−1
Interior	12,934	12,617	12,516	12,622	−418	5
Labor, Health and Human Services and Education	62,309	62393	62,389	62,358	80	−35
Legislative	2,328	2,274	2,275	2,275	−53	1
Military construction	8,397	9,370	8,396	9,365	−1	−5
Transportation	12,815	33,555	12,606	33,555	−209	0
Treasury-Postal Service	11,288	12,008	11,248	11,986	−40	−22
VA–HUD–Independent agencies	66,172	65,309	66,021	65,298	−151	−11
Grand total	506,128	535,340	502,561	534,106	−3,567	−1,234

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 22, 1993.

Hon. MARTIN O. SABO,
Chairman, Committee on the Budget, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended, this letter and supporting detail provide an up-to-date tabulation of the on-budget current levels of new budget authority, estimated outlays, and estimated revenues for fiscal year 1993 in comparison with the appropriate levels for those items contained in the 1993 Concurrent Resolution on the Budget (H. Con. Res. 287). This report is tabulated as of close of business September 21, 1993. A summary of this tabulation follows:

[In millions of dollars]

	House current level	Budget resolution (H. Con. Res. 287)	Current level +/− resolution
Budget authority	1,248,361	1,246,400	+1,961
Outlays	1,242,935	1,238,700	+4,235
Revenues:			
1993	849,333	845,300	+4,033
1993–97	4,807,168	4,812,900	−5,732

Since my last report, dated July 14, 1993, Congress approved and the President signed an act to transfer naval vessels to foreign countries (P.L. 103–54) and the small Business Guaranteed Credit Enhancement Act (P.L. 103–81). These actions changed the current level of budget authority and outlays. In addition, Congress approved and the President signed the Emergency Supplemental for Flood Assistance (P.L. 103–75). Funds made available in this bill are designated emergencies and have no effect on the current level of budget authority, outlays, or revenues.

Sincerely,

ROBERT D. REISCHAUER,
Director.

PARLIAMENTARIAN STATUS REPORT 103D CONG., 1ST SESS., HOUSE ON-BUDGET SUPPORTING DETAIL FOR FISCAL YEAR 1993 AS OF CLOSE OF BUSINESS SEPT. 21, 1993

[In millions of dollars]

	Budget authority	Outlays	Revenues
ENACTED IN PREVIOUS SESSIONS			
Revenues			849,333
Permanents and other spending legislation	764,101	737,205	
Appropriation legislation	732,061	743,943	
Offsetting receipts	(240,524)	(240,524)	
Total previously enacted	1,255,638	1,240,625	849,333
ENACTED THIS SESSION			
CIA Voluntary Separation Incentive Act (Public Law 103–36)	1	1	
Unclaimed Deposits Amendments Act (Public Law 103–44)		1	
1993 Spring Supplemental (Public Law 103–50)	1,003	1,199	
Transfer naval vessels to foreign countries (Public Law 103–54)	(8)	(8)	
Small Business Guaranteed Credit Enhancement Act (Public Law 103–81)	(12)	(12)	
Total enacted this session	984	1,181	
Entitlements and Mandatories			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted [1]	(8,261)	1,130	
Total current level [2]	1,248,361	1,242,935	849,333
Total budget resolution	1,246,400	1,238,700	845,300
Amount remaining:			
Under budget resolution			
Over budget resolution	1,961	4,235	4,033

[1] Includes changes to the baseline estimate for appropriated mandatories due to the following legislation: Technical Correction to the Food Stamp Act (Public Law 102–265); Higher education amendments (Public Law 103–325); prevent annual food stamp price adjustment (Public Law 102–351); Veterans' Compensation COLA Act (Public Law 102–510); preventive health amendments (Public Law 102–531); Veterans' Benefits Act (Public Law 102–568); Veterans' radiation exposure amendments (Public Law 102–578); and, Veterans' Health Care Act (Public Law 102–585).

[2] In accordance with the Budget Enforcement Act, the total does not include the following in emergency funding.

[In millions of dollars]

	Budget authority	Outlays
Public Law:		
102–229		712
102–266		33
102–302		380
102–368	1,059	5,873
102–381	218	13
103–6	3,322	3,322
103–50		(30)
103–75	4,190	141
Total	8,790	10,444

Note.—Amounts in parentheses are negative. Detail may not add due to rounding.

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON THE BUDGET REGARDING CURRENT LEVELS OF SPENDING AND REVENUES FOR FISCAL YEARS 1994–98

(Mr. SABO asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SABO. Mr. Speaker, on behalf of the Committee on the Budget and pursuant to sections 302 and 311 of the Congressional Budget Act, I am submitting for printing in the CONGRESSIONAL RECORD an updated report on the current levels of spending and revenues for fiscal year 1994 and for the 5-year period fiscal year 1994 through fiscal year 1998.

HOUSE OF REPRESENTATIVES,
Washington, DC, September 28, 1993.

Hon. THOMAS S. FOLEY,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: To facilitate application of sections 302 and 311 of the Congressional Budget Act, I am transmitting an updated status report on the current levels of spending and revenues for FY 1994 and for the five-year period FY 1994 through FY 1998.

The term "current level" refers to the amount of spending and revenues estimated for each fiscal year based on laws enacted as of September 21, 1993.

The first table in the report compares the current levels of total budget authority, outlays, and revenues with the overall limits set in H. Con. Res. 64, the concurrent resolution on the budget for fiscal year 1994. This comparison is needed to implement section 311(a) of the Budget Act, which creates a point of

order against measures that would breach the budget resolution's overall limits. The table does not show budget authority and outlays for years after FY 1994 because appropriations for those years will not be considered until future sessions of Congress.

The second table compares the current levels of budget authority, outlays, and new entitlement authority for each direct spending committee with the "section 602(a)" allocations made under H. Con. Res. 64 for FY 1994 and for FY 1994 through FY 1998. This comparison is needed to implement section 302(f) of the Budget Act, which creates a point of order against measures that would breach the section 602(a) allocation of new discretionary budget authority or new entitlement authority for the committee that reported the measure. It is also needed to implement section 311(b), which exempts committees that comply with their allocations from the point of order under section 311(a). The 602(a) allocations were printed in the Congressional Record for March 31, 1993 on pages H 1784–87.

The third table compares the current levels of discretionary appropriations for FY 1994 with the "section 602(b)" suballocations of discretionary budget authority and outlays among Appropriations subcommittees. This comparison is also needed to implement section 302(f) of the Budget Act, since the point of order under that section also applies to measures that would breach the applicable section 602(b) suballocation. The 602(b) suballocations were filed by the Appropriations Committee on May 27, 1993 (H. Rept. 103–113).

Sincerely,

MARTIN OLAV SABO,
Chairman.

REPORT TO THE SPEAKER FROM THE COMMITTEE ON THE BUDGET ON THE STATUS OF THE FISCAL YEAR 1994 CONGRESSIONAL BUDGET ADOPTED IN HOUSE CONCURRENT RESOLUTION 64

REFLECTING ACTION COMPLETED AS OF SEPT. 21, 1993

[On-budget amounts, in millions of dollars]

	Fiscal year 1994	Fiscal years 1994–98
Appropriate level (as set by H. Con. Res. 64):		
Budget authority	1,223,400	6,744,900
Outlays	1,218,300	6,629,300
Revenues	905,500	5,153,400
Current level:		
Budget authority	725,906	[1]
Outlays	917,099	[1]
Revenues	905,588	5,106,150
Current level over(+)/under(−) appropriate level:		
Budget authority	−497,494	NA
Outlays	−301,201	NA
Revenues	+88	−47,250

[1] Not applicable because annual appropriations acts for fiscal years 1995 through 1998 will not be considered until future sessions of Congress.

BUDGET AUTHORITY

Enactment of measures providing more than $497.494 billion in new budget authority for Fiscal Year 1994 (if not already included in the current level estimate) would cause Fiscal Year 1994 budget authority to exceed the appropriate level set by H. Con. Res. 64.

OUTLAYS

Enactment of measures providing new budget or entitlement authority with Fiscal Year 1994 outlay effects of more than $301.201 billion (if not already included in the current level estimate) would cause Fiscal Year 1994 outlays to exceed the appropriate level set by H. Con. Res. 64.

REVENUES

Enactment of measures producing a revenue loss of more than $88 million in Fiscal Year 1994 (if not already included in the current level estimate) would cause Fiscal Year 1994 revenues to fall below the appropriate level set by H. Con. Res. 64.

Enactment of any measure producing any net revenue loss for the period Fiscal Year 1994 through Fiscal Year 1998 (if not already included in the current level estimate) would cause revenues for that period to fall below the appropriate level set by H. Con. Res. 64.

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH COMMITTEE ALLOCATIONS PURSUANT TO BUDGET ACT SECTION 602(a)

[Fiscal years, in millions of dollars]

	1994			1994–98		
	Budget authority	Outlays	New entitlement authority	Budget authority	Outlays	New entitlement authority
House committee:						
Agriculture:						
Allocation	−65	−66	−60	−2725	−2727	888
Current level	−99	−106	−402	−1880	−1906	−3054
Difference	−34	−40	−342	845	821	−3942
Armed Services:						
Allocation	−128	−128	−128	−2365	−2357	−2357
Current level	−176	−176	−180	−2310	−2310	−2357
Difference	−48	−48	−52	55	47	0
Banking, Finance and Urban Affairs:						
Allocation	0	−338	0	0	−2792	0
Current level	0	−498	0	0	−2831	0
Difference	0	−160	0	0	−39	0
Distric of Columbia:						
Allocation	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Education and Labor:						
Allocation	0	0	118	0	0	−4048
Current level	−150	−158	−795	−150	−150	−5180
Difference	−150	−158	−913	−150	−150	−1132
Energy and Commerce:						
Allocation	0	−1700	−180	−1169	−8369	−7798
Current level	2	−2398	42	−1159	−11359	−7059
Difference	2	−698	222	10	−2990	739
Foreign Affairs:						
Allocation	0	0	0	−5	−5	−5
Current level	−6	−6	−3	−75	−75	−60
Difference	−6	−6	−3	−70	−70	−55
Government Operations:						
Allocation	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
House Administration:						
Allocation	0	0	0	0	0	0
Current level	1	1	0	8	8	0
Difference	1	1	0	8	8	0
Judiciary:						
Allocation	0	0	0	0	−472	0
Current level	0	0	0	0	−345	0

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH COMMITTEE ALLOCATIONS PURSUANT TO BUDGET ACT SECTION 602(a)—Continued

[Fiscal years, in millions of dollars]

	1994			1994–98		
	Budget authority	Outlays	New entitlement authority	Budget authority	Outlays	New entitlement authority
Difference	0	0	0	0	127	0
Marchant Marine and Fisheries:						
Allocation	0	0	0	−205	−205	−4
Current level	0	0	0	−205	−205	0
Difference	0	0	0	0	0	4
Natural Resources:						
Allocation	−117	−112	0	−709	−693	0
Current level	−74	−78	0	−478	−481	0
Difference	43	34	0	231	212	0
Post Office and Civil Service:						
Allocation	−66	−66	−77	−10199	−10547	−9597
Current level	−266	−266	−266	−10258	−10606	−9451
Difference	−200	−200	−189	−59	−59	146
Public Works and Transportation:						
Allocation	2092	−13	0	37458	−85	0
Current level	−13	−13	0	−85	−85	0
Difference	−2105	0	0	−37543	0	0
Science, Space, and Technology						
Allocation	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Small Business:						
Allocation	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Veterans' Affairs:						
Allocation	−11	−11	70	−1356	−1352	3447
Current level	−11	−11	−233	−1356	−1352	−1880
Difference	0	0	−303	0	0	−5327
Ways and Means:						
Allocation	−2876	−2054	−2036	−29669	−24422	−12596
Current level	−2134	−1742	−755	−41279	−38945	−35917
Difference	742	312	1281	−11610	−14523	−23321
Permanent Select Committee on Intelligence:						
Allocation	0	0	0	0	0	0
Current level	7	7	7	15	15	15
Difference	7	7	7	15	15	15

DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 1994—COMPARISON OF CURRENT LEVEL WITH SUBALLOCATIONS PURSUANT TO BUDGET ACT SECTION 602(b)

[In millions of dollars]

	Filed 602(b) suballocations—May 27, 1993		Current level		Difference	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
Agriculture, Rural Development	14,629	14,340	0	3,577	−14,629	−10,763
Commerce, State, Judiciary	22,969	23,156	20	6,369	−22,949	−16,787
Defense	240,746	255,615	10	94,206	−240,736	−161,409
District of Columbia	700	698	0	0	−700	−698
Energy and Water Development	22,017	21,702	0	8,775	−22,017	−12,927
Foreign Operations	13,783	13,918	0	8,302	−13,783	−5,616
Interior	13,736	13,731	400	4,957	−13,336	−8,774
Labor, Health and Human Services, and Education	66,983	68,290	1,716	38,062	−65,267	−30,228
Legislative	2,300	2,289	2,270	2,267	−30	−22
Military Construction	10,337	8,784	0	6,380	−10,337	−2,404
Transportation	13,134	34,739	0	22,784	−13,134	−11,955
Treasury–Postal Service	11,319	11,522	0	2,740	−11,319	−8,782
VA–HUD–Independent Agencies	68,311	69,973	720	40,472	−67,591	−29,501
Grand total	500,946	538,757	5,136	238,891	−495,828	−299,866

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 22, 1993.

Hon. MARTIN O. SABO,
Chairman, Committee on the Budget, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended, this letter and supporting detail provide an up-to-date tabulation of the on-budget current levels of new budget authority, estimated outlays, and estimated revenues for fiscal year 1994 in comparison with the appropriate levels for those items contained in the 1994 Concurrent Resolution on the Budget (H. Con. Res. 64), and is current through September 21, 1993. A summary of this tabulation follows:

[In millions of dollars]

	House current level	Budget resolution (H. Con. Res. 64)	Current level +/− resolution
Budget authority	725,906	1,223,400	−497,494
Outlays	917,099	1,218,300	−301,201
Revenues:			
1994	905,588	905,500	+88
1994–98	5,106,150	5,153,400	−47,250

Since my last report, dated July 14, 1993, Congress approved and the President signed an act to transfer naval vessels to foreign

countries (P.L. 103-54), the Omnibus Budget Reconciliation Act of 1993 (P.L. 103-66), an act extending chapter 12 of the bankruptcy code (P.L. 103-65), and the 1994 Legislative Branch appropriations bill (P.L. 103-69). Congress has also approved the National Service Trust Act (H.R. 2010). These actions changed the current level of budget authority, outlays, and revenues. In addition, Congress approved and the President signed the Emergency Supplemental for Flood Assistance (P.L. 103-75). Funds made available in this bill are designated emergencies and have no effect on the current level of budget authority, outlays, or revenues.

Sincerely,

ROBERT D. REISCHAUER.

PARLIAMENTARIAN STATUS REPORT 103D CONG. 1ST SESS. HOUSE ON-BUDGET SUPPORTING DETAIL FOR FISCAL YEAR 1994 AS OF CLOSE OF BUSINESS SEPT. 21, 1993

[In millions of dollars]

	Budget authority	Outlays	Revenues
ENACTED IN PREVIOUS SESSIONS			
Revenues			878,100
Permanents and other spending legislation	740,893	699,501	
Appropriation legislation		241,770	
Offsetting receipts	(183,477)	(183,477)	
Total previously enacted	557,415	757,794	878,100
Enacted this session—Appropriation legislation			
1993 Spring Supplemental (Public Law 103-50)	10	(292)	
Legislative Branch (Public Law 103-69)	2,270	2,063	
Authorizing Legislation			
Authorize Construction of World War II Memorial (Public Law 103-32)	1	1	
CIA Voluntary Separation Incentive Act (Public Law 103-36)	7	7	
Unclaimed Deposit Amendments Act (Public Law 103-44)		17	
Transfer Naval Vessels to Foreign Countries (Public Law 103-54)	(3)	(3)	
Omnibus Budget Reconciliation Act of 1993 (Public Law 103-66) [1]	(2,944)	(5,478)	27,489
Extending Chapter 12 of Bankruptcy Code (Public Law 103-65)			(1)
Total enacted this session	(659)	(3,685)	27,488
Pending Signature			
National Service Trust Act (H.R. 2010)	20	12	
Entitlements and Mandatories			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted [2]	169,130	162,978	
Total current level [3 4]	725,906	917,099	905,588
Total budget resolution	1,223,400	1,218,300	905,500
Amount remaining:			
Under budget resolution	497,494	301,201	
Over budget resolution			88

[1] Includes budget committee estimate of $2.4 billion in outlay savings for FCC spectrum license fees.

[2] Includes changes to the baseline estimate for appropriated mandatories due to enactment of Public Law 103-66.

[3] In accordance with the budget Enforcement Act, the total does not include the following in emergency funding:

[In millions of dollars]

	Budget authority	Outlays
Public Laws		
102-368		100
103-6	2,340	2,340
103-50	12	7
103-75	900	3,214
Total	3,252	5,661

[4] At the request of Committee staff, current level does not include scoring of section 601 of Public Law 102-391.

Note.—Amounts in parentheses are negative. Detail may not add due to rounding.

CONFERENCE REPORT ON H.R. 2295

Mr. OBEY submitted the following conference report and statement on the bill (H.R. 2295) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1994, and making supplemental appropriations for such programs for the fiscal year ending September 30, 1993, and for other purposes:

CONFERENCE REPORT (H. REPT. 103-267)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2295) "making appropriations for the Foreign Operations, Export Financing, and Related Programs for the fiscal year ending September 30, 1994, and making supplemental appropriations for such programs for the fiscal year ending September 30, 1993, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 4, 6, 8, 9, 10, 11, 16, 19, 22, 23, 26, 27, 28, 30, 44, 48, 59, 60, 62, 65, 70, 72, 78, 80, 81, 84, 86, 88, 95, 103, 107, 108, 109, 110, 113, 114, 116, 117, 118, 119, and 121.

That the House recede from its disagreement to the amendments of the Senate numbered 7, 12, 13, 14, 18, 20, 21, 31, 35, 36, 37, 38, 39, 40, 41, 43, 45, 46, 47, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 61, 64, 66, 69, 71, 74, 75, 76, and agree to the same.

Amendment numbered 2:

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert: *: Provided, That one quarter of such funds may be obligated only after April 1, 1994: Provided further, That one quarter of such funds may be obligated only after September 1, 1994: Provided further, That no more than 21 days prior to the obligation of each such sum, the Secretary shall submit a certification to the Committees on Appropriations that the Bank has not approved any loans to Iran since October 1, 1993, or the President of the United States certifies that withholding of these funds is contrary to the national interest of the United States*; and the Senate agree to the same.

Amendment numbered 3:

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert: *: Provided, That such funds shall be made available to the Facility by the Secretary of the Treasury if the Secretary determines (and so reports to the Committees on Appropriations) that the Facility implementing agencies have: (1) established clear procedures ensuring public availability of documentary information on all Facility projects and associated projects of the Facility implementing agencies; and (2) have developed or are in the process of developing clear procedures ensuring that affected peoples in recipient countries are consulted on all aspects of identification, preparation, and implementation of Facility projects and associated projects of the Facility implementing agencies: Provided further, That in the event the Secretary of the Treasury has not made such determinations by September 30, 1994, funds appropriated under this heading for the GEF shall be transferred to the Agency for International Development and used for activities associated with the GEF and the Global Warming Initiative*; and the Senate agree to the same.

Amendment numbered 5:

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert: *: Provided, That the Secretary of the Treasury shall instruct the United States Executive Director to each of the international financial institutions (IFIs) to use the voice and vote of the United States to urge that each of the IFIs establish an independent entity appointed by and reporting to the executive board, with the authority and functions of an inspector general; Provided further, That on or before March 31, 1994, the Secretary of the Treasury shall submit a report to the Committees on Appropriations on the process being made towards establishing such entities: Provided further, That the Secretary of the Treasury shall consult and work with appropriate international fora to establish and independent commission to review the operations and management structure of the IFIs: Provided further, That the commission, which should be funded from the budgets of the IFIs, would be comprised of members of various nationalities who are familiar with the management and operations of the IFIs: Provided further, That on or before March 31, 1994, the Secretary of the Treasury shall submit a report to the Committees on Appropriations on the progress being made towards establishing the commission*; and the Senate agree to the same.

Amendment numbered 15:

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert: *: Provided further, That of the funds appropriated under this heading that are made available for the United Nations Children's Fund (UNICEF), 75 per centum (less amounts withheld consistent with section 307 of the Foreign Assistance Act of 1961 and section 516 of this Act) shall be obligated and expended no later than thirty days after the date of enactment of this Act and 25 per centum of which shall be expended within thirty days from the start of UNICEF's fourth quarter of operations for 1994*; and the Senate agree to the same.

Amendment numbered 17:

That the House recede from its disagreement to the amendment of the Senate numbered 17, and agreed to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *: Provided further, That none of the funds appropriated under this heading that are made available to the United Nations Population Fund (UNFPA) shall be made available for activities in the People's Republic of China: Provided further, That not more than $40,000,000 of the funds appropriated under this heading may be made available to the UNFPA: Provided further, That not more than one-half of this amount may be provided to UNFPA before March 1, 1994, and that no later than February 15, 1994, the Secretary of State*

shall submit a report to the Committees on Appropriations indicating the amount UNFPA is budgeting for the People's Republic of China in 1994: Provided further, That any amount UNFPA plans to spend in the People's Republic of China in 1994 above $10,000,000, shall be deducted from the amount of funds provided to UNFPA after March 1, 1994: Provided further, That with respect to any funds appropriated under this heading that are made available to UNFPA, UNFPA shall be required to maintain such funds in a separate account and not commingle them with any other funds; and the Senate agree to the same.

Amendment numbered 24:

That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment, as follows:

Retain the matter proposed in said amendment, amended as follows:

In lieu of "$2,000,000" named in said amendment, insert: *$1,000,000*, and

In lieu of $50,000,000" named in said amendment, insert: *$25,000,000*; and the Senate agree to the same.

Amendment numbered 25:

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$501,760,000: Provided, That none of the funds appropriated by title II of this Act may be obligated after March 31, 1994 unless the Administration has acted to implement those recommendations of the Report of the National Performance Review which can be accomplished without legislation and has submitted the necessary package of proposed legislation to accomplish the following remaining recommendations:*

(1) reform of foreign assistance programs and rewriting of the Foreign Assistance Act of 1961,

(2) reform of the personnel systems of the Agency for International Development aimed at integrating the multiple personnel systems and reviewing benefits under each system,

(3) lifting of some current Agency personnel restrictions and giving managers authority to manage staff resources more efficiently and effectively,

(4) reengineering of project and program management processes to emphasize innovation, flexibility, beneficiary participation, pilot and experimental programs, incentive systems linked to project and program performance, processes for continuing critical review and evaluation, and improved coordination systems with other donors, and

(5) a planned reduction of a specific number of Agency missions during the next three years, of which at least twelve shall be terminated during the first year.

For additional expenses only to carry out the provisions of section 667 related to termination or phasing down of overseas missions of the Agency of International Development and related to improving the information and financial management systems and customer service of the Agency for International Development as recommended by the Report of the National Performance Review, $3,000,000 to remain available until expended: Provided, That funds appropriated by this paragraph may be made available notwithstanding any other provision of law, shall not be transferred or utilized for any other purpose, and shall be in addition to amounts otherwise available for such purposes; and the Senate agree to the same.

Amendment numbered 29:

That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert: *: Provided further, That commitments to guarantee loans under this heading may be entered into notwithstanding the second and third sentences of section 222(a) and, with regard to programs for Eastern Europe and programs for the benefit of South Africans disadvantaged by apartheid, section 223(j) of the Foreign Assistance Act of 1961*; and the Senate agree to the same.

Amendment numbered 32:

That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert: *: Provided further, That not less than $15,000,000 of the funds appropriated under this heading shall be made available for Cyprus to be used only for scholarships, bicommunal projects, and measures aimed at the reunification of the island and designed to reduce tensions, and promote peace and cooperation between the two communities on Cyprus*; and the Senate agree to the same

Amendment numbered 33:

That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

In lieu of "$19,600,000," insert: *up to $19,600,000*, ; and the Senate agree to the same.

Amendment numbered 34:

That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$390,000,000*; and the Senate agree to the same.

Amendment numbered 42:

That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$3,149,279,000*; and the Senate agree to the same.

Amendment numbered 63:

That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment, as follows:

Retain the matter proposed in said amendment, amended as follows:

After the words "necessary appropriations" in said amendment, insert: *: Provided further, That pursuant to the tenth replenishment of the resources of the International Development Association, $2,500,000,000 is authorized, to be appropriated*; and the Senate agree to the same.

Amendment numbered 67:

That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert: *and up to $20,000,000 may be made available for stockpiles in Thailand*; and the Senate agree to the same.

Amendment numbered 68:

That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

RESCISSIONS

SEC. 545. (a). Of the unexpended balances of funds (including earmarked funds) made available for fiscal years 1987 through 1993 to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, $203,000,000 are rescinded.

(b) Of the unexpended balances of funds (including earmarked funds) appropriated for fiscal year 1993 and prior fiscal years to carry out the provisions of sections of sections 103 through 106 of the Foreign Assistance Act of 1961, $5,100,000 are rescinded.

And the Senate agree to the same.

Amendment numbered 73:

That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment, as follows:

Retain the matter proposed in said amendment, amended as follows:

In lieu of "$10,000,000" named in said amendment, insert: *$6,000,000*, and

In lieu of "$5,000,000" named in said amendment, insert: *$3,000,000*; and the Senate agree to the same.

Amendment numbered 77:

That the House recede from its disagreement to the amendment of the Senate numbered 77, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

EXCESS DEFENSE ARTICLES

SEC. 555. The authority of section 519 of the Foreign Assistance Act of 1961, as amended, may be used in fiscal year 1994 to provide nonlethal excess defense articles to countries for which United States foreign assistance has been requested and for which receipt of such articles was separately justified for the fiscal year, without regard to the restrictions in subsection (a) of section 519.

And the Senate agree to the same.

Amendment numbered 79:

That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment, as follows:

Retain the matter proposed by said amendment, amended as follows:

In lieu of "SEC. 557." named in said amendment, insert: *SEC. 556.* ; and the Senate agree to the same.

Amendment numbered 82:

That the House recede from its disagreement to the amendment of the Senate numbered 82, and agree to the same with an amendment, as follows:

Retain the matter proposed by said amendment, amended as follows:

In lieu of "SEC. 560." named in said amendment, insert: *SEC. 557.* ; and the Senate agree to the same.

Amendment numbered 83:

That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment, as follows:

Retain the matter proposed by said amendment, amended as follows:

In lieu of "SEC. 561." named in said amendment, insert: *SEC. 558.*; and the Senate agree to the same.

Amendment numbered 85:

That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment, as follows:

Retain the matter proposed by said amendment, amended as follows:

In lieu of "SEC. 563." named in said amendment, insert: *SEC. 559.*; and the Senate agree to the same.

Amendment numbered 87:

That the House recede from its disagreement to the amendment of the Senate numbered 87, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

ASSISTANCE FOR THE NEW INDEPENDENT STATES OF THE FORMER SOVIET UNION

SEC. 560. (a) Funds appropriated by this Act under the heading "Assistance for the New Independent States of the Former Soviet Union", and funds appropriated by the Supplemental Appropriations for the New Independent States of the Former Soviet Union Act, 1993, should be allocated for economic assistance and for related programs as follows:

(1) $893,820,000 for the purpose of private sector development, including through the support of bilateral and multilateral enterprise funds, technical assistance and training, agribusiness programs and agricultural credit, financing and technical assistance for small and medium private enterprises, and privatization efforts.

(2) $125,000,000 for the purpose of a special privatization and restructuring fund: Provided, That the United States' contribution for such fund shall not exceed one-quarter of the aggregate amount being made available for such fund by all countries.

(3) $185,000,000 for the purpose of enhancing trade with and investment in the New Independent States of the former Soviet Union, including through energy and environment commodity import assistance, costs of loans and loan guarantees and the provision of trade and investment technical assistance.

(4) $295,000,000 for the purpose of enhancing democratic initiatives, including through the support of a comprehensive program of exchanges and training, assistance designed to foster the rule of law, and encouragement of independent media.

(5) $190,000,000 for the purpose of supporting troop withdrawal, including through the support of an officer resettlement program, and technical assistance for the housing sector.

(6) $285,000,000 for the purpose of supporting the energy and environment sectors, including such programs as nuclear reactor safety, and technical assistance to foster the efficiency and privatization of the energy sector and making that sector more environmentally responsible.

(7) $239,000,000 for humanitarian assistance purposes, including to provide vaccines and medicines for vulnerable populations, to assist in the establishment of a sustainable pharmaceutical industry, to provide food assistance, and to meet other urgent humanitarian needs.

(b) With respect to funds allocated under subsection (a) of this section, notifications provided under section 515 of this Act shall reflect the categories listed in subsection (a): Provided, That the Committees on Appropriations shall be consulted with respect to the submission of notifications which would cause any category to exceed the allocation reflected in subsection (a).

(c) Funds made available in this Act for assistance to the New Independent States of the former Soviet Union shall be provided to the maximum extent feasible through the private sector, including private voluntary organizations and nongovernmental organizations functioning in the New Independent States.

(d) Of the funds appropriated by this or any other Act, not less than $300,000,000 should be made available for Ukraine.

(e) None of the funds appropriated by this Act shall be transferred to the Government of Russia—

(1) unless that Government is making progress in implementing comprehensive economic reforms based on market principles, private ownership, negotiating repayment of commercial debt, respect for commercial contracts, and equitable treatment of foreign private investment; and

(2) if that Government applies or transfers United States assistance to any entity for the purpose of expropriating or seizing ownership or control of assets, investments, or ventures.

(f) Funds may be furnished without regard to subsection (e) if the President determines that to do so is in the national interest.

And the Senate agree to the same.

Amendment numbered 89:

That the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

(g) None of the funds appropriated by this Act shall be made available to any government of the New Independent States of the former Soviet Union if that government directs any action in violation of the territorial integrity or national sovereignty of any other New Independent State, such as those violations included in Principle Six of the Helsinki Final Act: Provided, That such funds may be made available without regard to the restriction in this subsection if the President determines that to do so is in the national interest of the United States: Provided further, That the restriction of this subsection shall not apply to the use of such funds for the provision of assistance for purposes of humanitarian, disaster and refuge relief: Provided further, That thirty days after the date of enactment of this Act, and then annually thereafter, the Secretary of State shall report to the Committees on Appropriations on steps taken by the governments of the New Independent States concerning violations referred to in this subsection: Provided further, That in preparing this report the Secretary shall consult with the United States Representative to the Conference on Security and Cooperation in Europe.

(h) None of the funds appropriated by this Act for the New Independent States of the former Soviet Union shall be made available for any state to enhance its military capability: Provided, That this restriction does not apply to demilitarization, defense conversion or non-proliferation programs, or programs conducted under subsection (a)(5) of this section.

And the Senate agree to the same.

Amendment numbered 90:

That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment, as follows:

Retain the matter proposed by said amendment, amended as follows:

In lieu of "SEC. 566." named in said amendment, insert: *SEC. 561.*; and the Senate agree to the same.

Amendment numbered 91:

That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with an amendment, as follows:

Retain the matter proposed by said amendment, amended as follows:

In lieu of "SEC. 567." named in said amendment, insert: *SEC. 562.*; and the Senate agree to the same.

Amendment numbered 92:

That the House recede from its disagreement to the amendment of the Senate numbered 92, and agree to the same with an amendment, as follows:

Retain the matter proposed by said amendment, amended as follows:

In lieu of "SEC. 568." named in said amendment, insert: *SEC. 563.*; and the Senate agree to the same.

Amendment numbered 93:

That the House recede from its disagreement to the amendment of the Senate numbered 93, and agree to the same with an amendment, as follows:

Retain the matter proposed by said amendment, amended as follows:

In lieu of "SEC. 569." named in said amendment, insert: *SEC. 564.*, and

In lieu of "$50,000,000 shall" named in said amendment, insert: *up to $50,000,000 should*; and the Senate agree to the same.

Amendment numbered 94:

That the House recede from its disagreement to the amendment of the Senate numbered 94, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

HUMANITARIAN ASSISTANCE FOR ARMENIA

SEC. 565. Of the funds appropriated by titles II and VI of this Act (1) to carry out the provisions of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, and (2) under the headings "Assistance for the New Independent States of the Former Soviet Union" and "Operations and Maintenance, Defense Agencies", $18,000,000 should be made available for urgent humanitarian assistance for Armenia.; and the Senate agree to the same.

Amendment numbered 96:

That the House recede from its disagreement to the amendment of the Senate numbered 96, and agree to the same with an amendment, as follows:

Retain the matter proposed by said amendment, amended as follows:

In lieu of "SEC. 572." named in said amendment, insert: *SEC. 566.*; and the Senate agree to the same.

Amendment numbered 97:

That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same with an amendment, as follows:

Retain the matter proposed by said amendment, amended as follows:

In lieu of "SEC. 573." named in said amendment, insert: *SEC. 567.*; and the Senate agree to the same.

Amendment numbered 98:

That the House recede from its disagreement to the amendment of the Senate numbered 98, and agree to the same with an amendment, as follows:

Retain the matter proposed by said amendment, amended as follows:

In lieu of "SEC. 574." named in said amendment, insert: *SEC. 568.*; and the Senate agree to the same.

Amendment numbered 99:

That the House recede from its disagreement to the amendment of the Senate numbered 99, and agree to the same with an amendment, as follows:

Retain the matter proposed by said amendment, amended as follows:

In lieu of "SEC. 575." named in said amendment, insert: *SEC. 569.*; and the Senate agree to the same.

Amendment numbered 100:

That the House recede from its disagreement to the amendment of the Senate numbered 100, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

SPECIAL DEBT RELIEF FOR THE POOREST

SEC. 570. (a)(1) AUTHORITY TO REDUCE DEBT.—The President may reduce amounts owed to the United States (or any agency of the United States) by an eligible country as a result of—

(A) guarantees issued under sections 221 and 222 of the Foreign Assistance Act of 1961; or

(B) credits extended or guarantees issued under the Arms Export Control Act.

(2) LIMITATIONS.—

(A) The authority provided by paragraph (1) may be exercised only to implement multilateral official debt relief and referendum agreements,

commonly referred to as "Paris Club Agreed Minutes".

(B) The authority provided by paragraph (1) may be exercised only in such amounts or to such extent as is provided in advance by appropriations Acts.

(C) The authority provided by paragraph (1) may be exercised only with respect to countries with heavy debt burdens that are eligible to borrow from the International Development Association, but not from the International Bank for Reconstruction and Development, commonly referred to as "IDA-only" countries.

(3) CONDITIONS.—The authority provided by paragraph (1) may be exercised only with respect to a country whose government—

(A) does not have an excessive level of military expenditures;

(B) has not repeatedly provided support for acts of international terrorism;

(C) is not failing to cooperate on international narcotics control matters; and

(D) (including its military or other security forces) does not engage in a consistent pattern of gross violations of internationally recognized human rights.

(4) AVAILABILITY OF FUNDS.—The authority provided by paragraph (1) may be used only with regard to funds appropriated by this Act under the heading "Debt Restructuring".

(5) CERTAIN PROHIBITIONS INAPPLICABLE.—A reduction of debt pursuant to paragraph (1) shall not be considered assistance for purposes of any provision of law limiting assistance to a country.

(b) SPECIAL DEBT RELIEF FOR THE POOREST, MOST HEAVILY INDEBTED COUNTRIES.—The Export-Import Bank Act of 1945 (12 U.S.C. 635–635i-3) is amended by adding at the end the following:

"SEC. 11. SPECIAL DEBT RELIEF FOR THE POOREST, MOST HEAVILY INDEBTED COUNTRIES.

"(a) DEBT REDUCTION AUTHORITY.—The President may reduce amounts of principle and interest owed by any eligible country to the Bank as a result of loans or guarantees made under this Act.

"(b) LIMITATIONS.—

"(1) TYPES OF DEBT REDUCTION.—The authority provided by subsection (a) may be exercised only to implement multilateral agreements to reduce the burden of official bilateral debt as set forth in the minutes of the so-called 'Paris Club' (also known as 'Paris Club Agreed Minutes').

"(2) ELIGIBLE COUNTRIES.—

"(A) DEFINITION.—As used in subsection (a), the term "eligible country" means any country that—

"(i) has excessively burdensome external debt;

"(ii) is eligible to borrow from the International Development Association; and

"(iii) is not eligible to borrow from the International Bank for Reconstruction and Development.

"(B) DETERMINATIONS.—Subject to subparagraph (A), the President may determine whether a country is an eligible country for purposes of subsection (a).

"(c) CONDITIONS.—The authority provided by this section may be exercised only with respect to a country whose government—

"(1) does not have an excessive level of military expenditures;

"(2) has not repeatedly provided support for acts of international terrorism;

"(3) is not failing to cooperate on international narcotics control matters; and

"(4) (including its military or other security forces) does not engage in a consistent pattern of gross violations of internationally recognized human rights.

"(d) APPROPRIATIONS.—The authority provided by subsection (a) may be exercised only in such amounts or to such extent as is provided in advance in appropriations Acts.".

(c) SENSE OF CONGRESS.—It is the sense of Congress that the President should seriously consider requesting debt reduction funds sufficient to provide debt reduction to eligible countries in accordance with the so-called "Trinidad Terms".

And the Senate agree to the same.

Amendment numbered 101:

That the House recede from its disagreement to the amendment of the Senate numbered 101, and agree to the same with an amendment, as follows:

Retain the matter proposed by said amendment, amended as follows:

In lieu of "SEC. 577." named in said amendment, insert: *SEC. 571.* ; and the Senate agree to the same.

Amendment numbered 102:

That the House recede from its disagreement to the amendment of the Senate numbered 102, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

FOREIGN MILITARY FINANCING DIRECT COMMERCIAL SALES POLICY

SEC. 572. The Secretary of Defense shall not implement changes in longstanding policy allowing use of Foreign Military Financing for direct commercial sales unless and until all parties affected by any such changes have been fully consulted and given opportunity for input into any such policy changes.

In this process the Secretary of Defense shall also consult with the Committees on Appropriations, the House Committee on Foreign Affairs, the Senate Committee on Foreign Relations, the Committees on Armed Services, and the relevant agencies or departments of the Executive Branch.

And the Senate agree to the same.

Amendment numbered 104:

That the House recede from its disagreement to the amendment of the Senate numbered 104, and agree to the same with an amendment, as follows:

Retain the matter proposed in said amendment, amended as follows:

In lieu of "SEC. 580." named in said amendment, insert: *SEC. 573.* and

In lieu of subsection (c) of said amendment, insert:

(c) Whenever the waiver of subsection (b) is exercised, the President shall submit to the appropriate congressional committees a report with respect to the furnishing of such assistance. Any such report shall include a detailed explanation of the assistance to be provided, including the estimated dollar amount of such assistance, and an explanation of how the assistance furthers United States national interests. And the Senate agree to the Same.

Amendment numbered 105:

That the House recede from its disagreement to the amendment of the Senate numbered 105, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

WITHHOLDING OF ASSISTANCE FOR PARKING FINES OWED BY FOREIGN COUNTRIES

SEC. 574. (a) IN GENERAL.—Of the funds made available for a foreign country under part I of the Foreign Assistance Act of 1961, an amount equivalent to 110 percent of the total unpaid fully adjudicated parking fines and penalties owed to the District of Columbia by such country as of the date of enactment of this Act shall be withheld from obligation for such country until the Secretary of State certifies and reports in writing to the appropriate congressional committees that such fines and penalties are fully paid to the government of the District of Columbia.

(b) DEFINITION.—For purposes of this section, the term "appropriate congressional committees" means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives.

And the Senate agree to the same.

Amendment numbered 106:

That the House recede from its disagreement to the amendment of the Senate numbered 106, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

UKRAINE/RUSSIA STABILIZATION PARTNERSHIPS

SEC. 575. Of the funds appropriated by this Act under the headings "Assistance for the New Independent States of the Former Soviet Union" and "Operations and Maintenance, Defense Agencies", and allocated under section 560(a) paragraphs (1) and (6), $35,000,000 should be made available for a program of cooperation between scientific and engineering institutes in the New Independent States of the Former Soviet Union and national laboratories and other qualified academic institutions in the United States designed to stabilize the technology base in the cooperating states as each strives to convert defense industries to civilian applications: Provided, That priority be assigned to programs in support of international agreements that prevent and reduce proliferation of weapons of mass destruction: Provided further, That the President may enter into agreements involving private United States industry that include cost share arrangements where feasible: Provided further, That the President may participate in programs that enhance the safety of power reactors: Provided further, That the intellectual property rights of all parties to a program of cooperation be protected: Provided further, That funds made available by this section may be reallocated in accordance with the authority of section 560(b) of this Act.

And the Senate agree to the same.

Amendment numbered 111:

That the House recede from its disagreement to the amendment of the Senate numbered 111, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

RUSSIAN ASSISTANCE TO CUBA

SEC. 576. Of the funds appropriated by this Act under the headings "Assistance for the New Independent States of the Former Soviet Union" and "Operations and Maintenance, Defense Agencies", $380,000,000 shall not be available for obligation for Russia unless the President certifies on April 1, 1994, that the government of Russia has not provided assistance to Cuba during the preceding 18 months: Provided, That funds may be furnished without regard to the provisions of this section if the President determines that to do so is in the national interest. And the Senate agree to the same.

Amendment numbered 112:

That the House recede from its disagreement to he amendment of the Senate numbered 112, and agree to the same with an amendment, as follows:

Retain the matter proposed by said amendment, amended as follows:

In lieu of "SEC. 588." named in said amendment, insert: *SEC. 577.* ; and the Senate agree to the same.

Amendment numbered 115:

That the House recede from its disagreement to the amendment of the Senate numbered 115, and agree to the same with an amendment, as follows:

Retain the matter proposed in said amendment, amended as follows:

In lieu of "SEC. 591." named in said amendment, insert: *SEC. 578.* , and

In lieu of "January 1, 1994," in subsection (a) of said amendment, insert: *February 15, 1994.* , and

In lieu of January 1, 1994," in subsection (b) of said amendment, insert: *February 15, 1994,* ; and the Senate agree to the same.

Amendment numbered 120:

That the House recede from its disagreement to the amendment of the Senate numbered 120, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

RUSSIAN REFORM

Sec. 579. (a) Findings.—The Congress finds that—

(1) President Yeltsin has consistently tried to push forward economic and political reform:

(2) President Yeltsin was given a mandate by the Russian people to hold elections and continue the process of economic reform:

(3) Boris Yeltsin is the first and only popularly elected president of Russia, and the parliament of Russia is a holdover from the Soviet regime;

(4) the conservative parliament has consistently impeded political and economic progress in Russia;

(5) slow progress on economic reform has prompted the IMF to review its disbursement of Russia's second tranche from the Systemic Transformation Facility;

(6) political and economic reform has been impeded by the actions of the hardline parliament; and

(7) corruption is rampant and is impeding economic and political reform and must be vigorously and effectively combated.

(b) Sense of the Congress.—It is the sense of the Congress that—

(1) the Congress supports President Yeltsin in his effort to continue the reform process in Russia, including his call for new parliamentary elections consistent with the results of the April 25, 1993 referendum; and

(2) further United States Government economic assistance should be provided in accordance with President Yeltsin's call for and holding of free, fair, and democratic parliamentary elections.

And the Senate agree to the same.

DAVID R. OBEY,
SIDNEY R. YATES,
CHARLES WILSON,
JOHN W. OLVER,
NANCY PELOSI,
ESTEBAN TORRES,
NITA M. LOWEY,
JOSÉ E. SERRANO,
WILLIAM H. NATCHER,
BOB LIVINGSTON,
JOHN PORTER,
JIM LIGHTFOOT,
SONNY CALLAHAN,
JOSEPH M. MCDADE,
Managers on the Part of the House.

MITCH MCCONNELL,
ALFONSE M. D'AMATO,
ARLEN SPECTER,
DON NICKLES,
CONNIE MACK,
PHIL GRAMM,
MARK O. HATFIELD,
PATRICK J. LEAHY,
DANIEL K. INOUYE,
DENNIS DECONCINI,
FRANK R. LAUTENBERG,
TOM HARKIN,
BARBARA A. MIKULSKI,
DIANNE FEINSTEIN,
ROBERT C. BYRD,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two House on the amendments of the Senate to the bill (H.R. 2295) making appropriations for Foreign Operations, Export Financing, and Related Programs for the fiscal year ending September 30, 1994, and making supplemental appropriations for such programs for the fiscal year ending September 30, 1993 and for other purposes submit the following joint statement to the House and Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

TITLE I—MULTILATERAL ECONOMIC ASSISTANCE FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTIONS

CONTRIBUTION TO THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

Amendment No. 1: Appropriates $55,821,000 as proposed by the House instead of $27,910,500 as proposed by the Senate.

The conferees' agreement on the reduction in paid-in and callable capital funds for the World Bank directly reflects a reduction of the amount of funds that the World Bank has lent to Iran during 1993. The reduction also reflects the conferees' strong belief that additional progress needs to be made by the World Bank in promulgating and implementing environmental reforms.

Amendment No. 2: Inserts language permitting the Secretary of Treasury to obligate 1) one-half of the funds made available for paid-in capital of the World Bank on October 1, 1993, 2) one-quarter of the funds after April 1, 1994, and 3) one-quarter of the funds after September 1, 1994. Not more than twenty-one days prior to the April and September obligations, the Secretary of the Treasury must submit a certification that the World Bank has approved no loans to Iran since October 1, 1993 or the President must certify that withholding of the funds is contrary to the national interest

Amendment No. 3: Inserts language conditioning funds for the Global Environment Facility. The conferees agree that the Secretary of Treasury is to consult with the appropriate committees of Congress prior to obligation of funds to the Global Environment Facility.

The conferees continue to believe that the GEF must establish procedures ensuring public availability of information on GEF projects and associated projects of the GEF implementing agencies. Without broad, timely access to technical information, the public is unable to have meaningful input regarding GEF activities. The Conferees also believe that the participation of affected peoples in the identification, preparations, and implementation of GEF projects is essential.

The conferees are concerned that the World Bank's new information disclosure policy, as written, does not provide adequate public access to relevant technical documents. The conferees are also concerned that existing procedures do not adequately ensure public participation throughout the project cycle. The conferees recognize that the World Bank is making efforts to address these problems, and that the sufficiency of the Bank's procedures on information disclosure and public participation will depend,in part, on the manner in which they are implemented.

Amendment No. 4: Permits subscription for callable capital portion of the United States share of increases in the capital stock of the International Bank for Reconstruction and Development totalling $1,804,979,000, as proposed by the House instead of $902,439,500 as proposed by the Senate.

Amendment No. 5: The conferees strongly support the international financial institutions and recognize their continuing contribution to world stability and economic and political development. Because of this strong commitment, because these institutions are facing unprecedented challenges, and because growing public criticism has resulted in declining political support for the IFIs in the United States and elsewhere, the conferees believe that it is imperative that IFIs undergo a thorough review of their operations and procedures.

The most public criticisms have focused on containing executive travel, pay and benefit excesses, and office building construction and maintenance costs. These criticisms have created an image of IFI employees enjoying exceptionally generous salaries and prerequisites while in the employ of institutions funded with public monies, even while poverty and misery in the countries they are supposed to be helping worsen. This image is not one that will sustain support for the IFIs in the United States Congress in future years.

Of even greater concern to the conferees is the apparent declining quality of the loan portfolios of at least several of the IFIs. The conferees find the reported institutional emphasis on "moving money" as opposed to quality implementation of projects to be totally inappropriate. The conferees believe that program and project quality, including compliance with loan conditionality, could be enhanced by shifting a significant number of personnel of these institutions into the field to work closely with recipient governments and local peoples. A reverse "brain drain" should have many benefits. The conferees also are concerned about the capacity of the executive boards to provide oversight and direction, and about the ability of the office of the president to run these institutions rather than being captured by entrenched bureaucracies.

Therefore, in order to stop waste, fraud and abuse, identify improvements in economy and efficiency, and thereby prevent further erosion of public support for the IFIs, the conferees believe that each IFI should immediately establish an independent entity with the authority and functions of an inspector general. The conferees are aware that the World Bank currently has an Operations Evaluation Department, and Internal Auditor, and recently announced the creation of an independent inspection panel. However, none of these appears to have the full authority and functions of an inspector general. The conferees believe that the authority and functions of one or more of these entities should be expanded, or a new entity created, to review the performance of the institution in achieving the goals and objectives as set forth in the institution's own policy guidelines; provide recommendations for improving the economy, efficiency, and effectiveness of operational programs; and detect and prevent waste, fraud and abuse in programs and functions. Such an entity should be established for each IFI. The Conferees have instructed the Secretary of the Treasury to pursue this matter within each IFI and to submit a report on progress being made.

Furthermore, if the IFIs are to perform effectively as the engines of economic growth in the developing countries, substantial reforms will be required. In order to develop a

reform agenda, an independent review of IFI operations and management is urgently needed. The conferees have instructed the Secretary of the Treasury to consult and work with appropriate international fora, to establish an independent commission to examine and report on operations and management within the IFIs. The administrative and other costs of the commission, which should be comprised of members of various nationalities supported by staff, would be paid with funds from the budgets of each of the IFIs. At a minimum, the commission should examine and consider, for each IFI, the following:

—Substantial decentralization of IFI personnel and activities to the countries to which loans are made;

—Current administrative policies and cost structures, including those related to salaries, benefits, travel expenses, building and building maintenance costs;

—Changes in structure, terms and procedures that would strengthen the ability of the executive boards to monitor policy and program results and to hold the managers of these institutions accountable for the same, including the addition of secretariats to assist the executive boards;

—Changes in staffing and procedures which would strengthen the office of the presidency of these institutions in setting policy, program and administrative direction and in ensuring proper implementation of such direction.

In conducting this review, the commission should consult with the executive directors and managements of the IFI's, in addition to donor and recipient governments and nongovernmental organizations. The commission should report its findings and recommendations to the executive boards of each IFI. The Conferees have instructed the Secretary of the Treasury to submit a report on progress being made toward establishing the commission.

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

Amendment No. 6: Appropriates $1,024,332,000 for the International Development Association proposed by the House instead of $957,142,857 as proposed by the Senate.

Amendment No. 7: Deletes House language making monies provided for International Development Association subject to authorization.

Amendment No. 8: Deletes Senate language calling for an inspector general in the International Development Association. The inspector general issue is included in Amendment No. 5.

CONTRIBUTION TO THE INTERNATIONAL FINANCE CORPORATION

Amendment No. 9: Appropriates $35,761,500 for the International Finance Corporation proposed by the House instead of $17,880,750 as proposed by the Senate.

CONTRIBUTION TO THE ENTERPRISE FOR THE AMERICAS MULTILATERAL INVESTMENT FUND

Amendment No. 10: Appropriates $75,000,000 for the United States contribution to the Multilateral Investment Fund as proposed by the House instead of $50,000,000 as proposed by the Senate.

CONTRIBUTION TO THE ASIAN DEVELOPMENT BANK

Amendment No. 11: Appropriates $13,026,366 for the paid-in capital of the Asian Development Bank as proposed by the House instead of $2,000,000 as proposed by the Senate.

CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

Amendment No. 12: Deletes House language making the funds for the Fund subject to authorization.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

Amendment No. 13: Appropriates $135,000,000 for the United States contribution to the African Development Fund as proposed by the Senate instead of $132,300,000 as proposed by the House.

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

Amendment No. 14: Appropriates $360,628,000 for the International Organizations and Programs as proposed by the Senate instead of $339,500,000 as proposed by the House.

UNICEF

Amendment No. 15: Deletes Senate language earmarking funds for UNICEF. The conferees recommend and expect that $100,000,000 will be provided for UNICEF in fiscal year 1994. The Conferees believe that the United Nations Children's Fund continues to be one of the highest priorities in the foreign assistance program. Few other programs have such widespread and bipartisan support both in Congress and with the American people.

Given this support, the conferees welcome the Administration's request level of $100,000,000 for UNICEF in fiscal year 1994. As UNICEF'S role expands in addressing crisis situations throughout the world, the conferees urge that future budget requests reflect that reality.

The conferees also include bill language that requires disbursement of UNICEF funds on a specific timetable.

WORLD FOOD PROGRAM

Amendment No. 16: Deletes Senate language earmarking funds for the World Food Program. The conferees urge AID to make every effort to provide $3,000,000 for the World Food Program in fiscal year 1994. The conferees recognize that the World Food Program plays an essential role in providing food and other aid to the neediest people in the world. The World Food Program faces unprecedented demands for food aid and emergency humanitarian assistance in conflict zones, particularly in the former Yugoslavia and sub-Saharan Africa.

UNFPA

Amendment No. 17: Insert language requiring that no funds made available for a U.S. contribution to the United Nations Population Fund (UNFPA) may be used for activities in China. The conferees also recommend that no more than $40,000,000 be made available to the UNFPA in fiscal year 1994. This represents a $10,000,000 reduction from the $50,000,000 requested by the President and recommended in the Senate report, and is equal to the amount the conferees believe UNFPA plans to spend in the People's Republic of China in 1994.

The conferees have further required that not more than one-half of these funds may be provided to UNFPA before March 1, 1994, and that no later than February 15, 1994, the Secretary of State is to provide to the Appropriations Committees a report indicating the amount UNFPA is budgeting for China in 1994. Any amount UNFPA plans to spend in China above $10,000,000 shall be deducted from the amount of funds provided to UNFPA after March 1, 1994.

In addition, none of the funds made available to UNFPA may be used in China, and any funds made available to UNFPA must be maintained in a separate account and not commingled with any other funds.

TITLE II—BILATERAL ECONOMIC ASSISTANCE FUNDS APPROPRIATED TO THE PRESIDENT

AGENCY FOR INTERNATIONAL DEVELOPMENT DEVELOPMENT ASSISTANCE FUND

Amendment No. 18: Inserts language proposed by the Senate which permits funds provided under the Development Assistance Fund to be available for obligation for two years. The conferees agree that this authority will not be continued in the future if the extended obligation authority results in delays in program implementation.

The conferees urge AID to consider funding requests from the Hadassah Medical Organization. Hadassah uses grants to purchase American medical equipment and technology for use in its programs in areas of the world that are in need.

The conferees agree that programs such as the University Development Linkages Project (UDLP) are a valuable tool to strengthen development cooperation among United States institutions of higher education and those in the Agency for International Development's partner countries. The conferees urge support for this program which would enable continuation of ongoing programs as well as new cooperative agreements to be awarded in fiscal year 1994.

COOPERATIVE DEVELOPMENT PROGRAM

Amendment No. 19: Deletes Senate language earmarking funds for various projects. The Conferees recommend that $10,000,000 be made available for cooperative projects among the United States, Israel, and developing countries. Of these funds $5,000,000 should be used for the Cooperative Development Program, $2,500,000 for cooperative research projects, and $2,500,000 for cooperative projects among the United States and Israel and the countries of Eastern Europe, the Baltic states, and the NIS.

POPULATION, DEVELOPMENT ASSISTANCE

Amendment No. 20: Inserts language proposed by the Senate which permits funds provided under the Population account to be available for two years. The conferees agree that this authority will not be continued in the future if the extended obligation authority results in delays in the program.

DEVELOPMENT FUND FOR AFRICA

Amendment No. 21: Inserts language proposed by the Senate which provides a waiver for activities supported by the Southern Africa Development Community.

WOMEN IN DEVELOPMENT

Amendment No. 22: Deletes Senate language earmarking funds for Women in Development. The conferees recognize that the full participation of women in, and the full contribution of women to, the development process are essential to achieving economic growth, a higher quality of life, and sustainable development in developing countries. The conferees believe that AID should expand its efforts to achieve these goals. The conferees therefore recommend and intend that $11,000,000 of development assistance funds, in addition to funds otherwise made available for such purposes, be used to encourage and promote the participation and integration of women as equal partners in the development process in developing countries. Of these funds, $6,000,000 should be made available as matching funds to support activities of AID's field missions to integrate women into their programs. AID should seek to ensure that country strategies, projects, and programs are designed so the percentage

of women participants will be demonstrably increased.

INTERNATIONAL DISASTER ASSISTANCE

Amendment No. 23: Appropriates $145,985,000 as proposed by the House instead of $48,965,000 as proposed by the Senate. The conferees agree that the House level of funding will be needed to meet disaster related problems in the former Yugoslavia, Somalia and other situations in Africa, and around the world.

MICRO AND SMALL ENTERPRISE DEVELOPMENT PROGRAM ACCOUNT

Amendment No. 24: Appropriates $1,000,000 for the Micro and Small Enterprise Development Program Account, instead of $2,000,000 as proposed by the Senate. The House did not include any language for the Micro and Small Enterprise Development Program.

The Amendment also provides a limitation of $25,000,000 for loan guarantees for this program, instead of $50,000,000 as proposed by the Senate.

The conferees agree that the Administration is to provide notification to the Committees on Appropriations prior to obligation of funds for the Micro and Small Enterprise Development Program.

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT

Amendment No. 25: Appropriates $501,760,000 for Operating Expenses of the Agency for International Development as proposed by the House instead of $494,080.000 as proposed by the Senate.

The conferees insert language prohibiting the obligation of funds in title II of the bill after March 31, 1994 unless the Administration has acted to implement those recommendations of the Report of the National Performance Review which can be accomplished without legislation and has submitted the necessary package of proposed legislation to accomplish the remaining recommendations. These are:

1. Reform of foreign assistance programs and rewriting of the Foreign Assistance Act of 1961.

2. Reform of the personnel systems of the Agency for International Development aimed at integrating the multiple personnel systems and reviewing benefits under each system.

3. Lifting of some current Agency for International Development personnel restrictions and giving managers authority to manage staff resources more efficiently and effectively.

4. Reengineering of project and program management processes to emphasize innovation, flexibility, beneficiary participation, pilot and experimental programs, incentive systems linked to project and program performance, processes for continuing critical review and evaluation, and improved coordination systems with other donors.

5. A planned reduction of a specific number of Agency for International Development missions during the next three years, of which at least twelve are to be terminated during the first year.

The provision also appropriates an additional $3,000,000 to carry out functions related to the termination or phasing down of overseas missions for the Agency for International Development. The funding is also intended to provide resources for improving the information and financial management systems and customer service of the Agency for International Development. The funding has been provided in order to help implement the recommendations in the Report of the National Performance Review.

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF INSPECTOR GENERAL

Amendment No. 26: Appropriates $39,118,000 for Operating Expenses of the Agency for International Development Office of Inspector General as proposed by the House instead of $38,518,940 as proposed by the Senate.

Amendment No. 27: Deletes language proposed by the Senate relating to prohibitions on relocating overseas regional offices and authorized position floors.

HOUSING GUARANTY PROGRAM ACCOUNT

Amendment No. 28: Deletes Senate language which allows funds provided in the bill for the Housing Guaranty Program to be used to subsidize loan principal and interest.

Amendment No. 29: Inserts language extending for one year the authorization for the Housing Guaranty Program. The provision also waives the program ceiling, and median income requirements for housing programs in Eastern Europe, and South Africa.

ECONOMIC SUPPORT FUND

FUNDING LEVEL

Amendment No. 30: Appropriates $2,364,562,000 for the Economic Support Fund as proposed by the House instead of $2,280,500,000 as proposed by the Senate.

WEST BANK/GAZA

The conferees are encouraged by the commitments made on September 9, 1993 as well as the declaration of principles signed on September 13, 1993 regarding Israel and the Palestine Liberation Organization.

The conferees understand that additional levels of assistance for the West Bank and Gaza may be necessary to help implement these undertakings. The conferees note that an international donors conference will be held to discuss assistance for the West Bank and Gaza. It is expected that European countries, Japan, the Gulf states, the World Bank and others will provide most of the financing required.

This year both the House and Senate have indicated strong support for the $25,000,000 in Economic Support Funds requested by the Administration for the West Bank and Gaza. The conferees have provided the higher level of funding in conference for the Economic Support Fund account and expect that this could be used to provide additional funding to assist Palestinians in support of the peace process underway.

JORDAN

The conferees recognize the critical role Jordan plays in the Middle East peace process. At the same time, the Jordanian record of compliance with United Nations sanctions has been of concern in the past, but has improved progressively. The President is requested to continue monitoring Jordan's record in this regard and to continue to consult with the Congress on Jordan's efforts to comply with United Nations sanctions, any activities of concern, and U.S. efforts to ensure improved compliance on the part of Jordan.

ISRAEL AND EGYPT

Amendment No. 31: Inserts Senate language earmarking $1,200,000,000 for Israel and $815,000,000 for Egypt. The conferees also agree to include language requiring early disbursal on a grant basis for Israel, and a requirement that $200,000,000 be provided to Egypt as a Commodity Import Program.

CYPRUS/MIDDLE EAST REGIONAL COOPERATION PROGRAM

Amendment No. 32: Inserts language earmarking $15,000,000 in Economic Support Funds for Cyprus for scholarships, bicommunal projects, and measures aimed at the reunification of the island and designed to reduce tensions and promote peace and cooperation between the two communities in Cyprus. This is the same amount requested by the administration for fiscal year 1994, and the same amount recommended by both the Senate and House.

The conferees recommend that $7,000,000 in Economic Support Funds be provided for the Middle East Regional Cooperation Program. This program complements the ongoing Middle East multilateral peace talks on regional issues such as water, the environment, and economic cooperation. The conferees believe the recent progress towards peace between Israel and its Arab neighbors makes this program particularly relevant. It can help demonstrate that peaceful cooperation can yield tangible benefits for all involved.

INTERNATIONAL FUND FOR IRELAND

Amendment No. 33: Restores language stricken by the Senate and appropriates up to $19,600,000 for the International Fund for Ireland.

ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES

Amendment No. 34: Appropriates $390,000,000 for assistance for Eastern Europe and the Baltic States instead of $400,000,000 as proposed by the House and $380,000,000 as proposed by the Senate.

The conferees recommend that development assistance and SEED Act funds be made available for humanitarian assistance and for technical training in Albania, including activities in agriculture and in health. The conferees, in providing funding for graduate students from the former Soviet Union, also recommend $3,000,000 for the extension of similar activities in the countries of Central and Eastern Europe. In particular, the conferees recommend implementation of a program modelled after the Muskie Fellowship Program, for graduate students from Central and Eastern Europe interested in pursuing programs of study in American universities.

The conferees are aware of a program operated by the Milwaukee County Training Center for Local Democracy which is training Polish local government officials in decentralized management. The conferees urge AID to consider support of this project.

Amendment No. 35: Inserts Senate language allowing expenditure of funds for Eastern Europe and the Baltic States through related programs as well as for direct economic assistance.

ASSISTANCE FOR THE NEW INDEPENDENT STATES OF THE FORMER SOVIET UNION

Amendment No. 36: Appropriates $603,820,000, for assistance for the New Independent States of the former Soviet Union as proposed by the Senate instead of $903,820,000 as proposed by the House. The conferees agree to provide the $300,000,000 originally approved by the House in this account as an increase to the subsidy appropriation of the Export Import Bank of the United States.

INDEPENDENT AGENCIES

AFRICAN DEVELOPMENT FOUNDATION

Amendment No. 37: Inserts Senate language allowing the Board of Directors of the African Development Foundation to waive the project level dollar limitation. A report to the Committees on Appropriations is required each time the waiver is exercised.

INTER-AMERICAN FOUNDATION

Amendment No. 38: Appropriates $30,960,000 for the Inter-American Foundation as proposed by the Senate instead of $30,340,000 as proposed by the House.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL

Amendment No. 39: Inserts Senate language allowing the transfer of excess non-lethal property from an agency of the United States government to a foreign country for use in narcotics control programs. The exercise of this authority is subject to notification.

MIGRATION AND REFUGEE ASSISTANCE

Amendment No. 40: Inserts Senate language earmarking $80,000,000 for Soviet, Eastern European and other refugees resettling in Israel.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

Amendment No. 41: Appropriates $49,261,000 for the United States Emergency Refugee and Migration Assistance Fund as proposed by the Senate instead of $19,261,000 as proposed by the House.

TITLE III—MILITARY ASSISTANCE FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

GRANTS

Amendment No. 42: Appropriates $3,149,279,000 for Foreign Military Financing Program grants instead of $3,175,000,000 as proposed by the House and $3,123,558,000 as proposed by the Senate.

ISRAEL AND EGYPT

Amendment No. 43: Inserts Senate language earmarking $1,800,000,000 for Israel and $1,300,000,000 for Egypt. The conferees also agree to early disbursal of funds for Israel and various provisions related to research and development and procurement.

WITHHOLDING PROVISION

Amendment No. 44: Deletes Senate language relating to Foreign Military Financing for Egypt.

GREECE, PORTUGAL, AND TURKEY

Amendment No. 45: Deletes language proposed by the House. Inserts language proposed by the Senate which stipulates that funds made available under this heading shall be made available for Greece, Turkey, and Portugal only on a loan basis, and not to exceed the following; $283,500,000 only for Greece, $81,000,000 only for Portugal, and $405,000,000 only for Turkey. Authority to extend loans to Greece and Turkey is at a 7 to 10 ratio.

USE OF LOAN SUBSIDY FOR GRANTS

Amendment No. 46: Inserts language allowing use of the subsidy appropriations for Foreign Military Financing Grants, if countries eligible to receive loans decline to utilize such loans.

SPECIAL DEFENSE ACQUISITION FUND

Amendment No. 47: Inserts Senate language limiting the fiscal year 1993 obligational authority of the Special Defense Acquisition Fund to $160,000,000.

PEACEKEEPING OPERATIONS

Amendment No. 48: Appropriates $75,623,000 for Peacekeeping Operations as proposed by the House instead of $62,500,000 as proposed by the Senate.

TITLE IV—EXPORT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES

SUBSIDY APPROPRIATION

Amendment No. 49: Appropriates $1,000,000,000 for the subsidy appropriations for the Export-Import Bank as proposed by the Senate instead of $700,000,000 as proposed by the House.

The conferees encourage the Export-Import Bank to give particular attention to expanding participation by small and mid-sized businesses including women and minority-owned businesses in its programs. The Bank should do so by giving special emphasis to outreach efforts about its programs and services aimed at such firms. Furthermore, Bank policies should be evaluated to determine what modifications are feasible that would facilitate broader utilization by small and mid-sized firms.

The conferees agree to shift $30,000,000 from the New Independent States program funding to the Export-Import Bank to fund their programs in the New Independent States.

Amendment No. 50: Inserts Senate language allowing funds to remain available for two years.

Amendment No. 51: Inserts Senate language clarifying that funds are to remain available for two years.

TITLE V—GENERAL PROVISIONS

AVAILABILITY OF FUNDS

Amendment No. 52: Inserts Senate language which extends the period of availability for funds provided under the International Narcotics Control account.

The Administration is to provide the Committees on Appropriations a notification each time this authority is used.

NOTIFICATION REQUIREMENTS

Amendment No. 53: Deletes House language which strikes the American Schools and Hospitals Abroad account from the accounts listed under the notification provision as proposed by the Senate. No funding has been provided for this account for fiscal year 1994.

Amendment No. 54: Inserts Senate language adding Eastern Europe and the Baltic States and the New Independent States of the Former Soviet Union to the accounts from which the Administration may reprogram funds through the notification process.

LIMITATION ON AVAILABILITY OF FUNDS FOR INTERNATIONAL ORGANIZATIONS AND PROGRAMS

Amendment No. 55: Inserts language proposed by the Senate which adds a new subsection to the limitation of funds to International Organizations and programs. The new subsection allows an exception to the limitation with respect to the Palestine Liberation Organization for fiscal year 1994 if the President determines and notifies Congress that it is in the national interest to do so. The exception will cease to be in effect if the President, or the Congress by joint resolution, determines that the Palestine Liberation Organization has ceased to comply with the commitments made on September 9, 1993.

The conferees have included this language in support of those commitments and the declaration of principles agreement signed between Israel and the Palestine Liberation Organization on September 13, 1993.

SPECIAL NOTIFICATION REQUIREMENTS

Amendment No. 56: Inserts Senate language adding Colombia to the countries requiring special notification procedures.

Amendment No. 57: Inserts Senate language adding Nicaragua to the countries requiring special notification procedures.

Amendment No. 58: Inserts Senate language exempting notifications for development assistance for El Salvador and Nicaragua from the special notification requirements.

PROHIBITION AGAINST INDIRECT FUNDING TO CERTAIN COUNTRIES

Amendment No. 59: Deletes Senate language regarding Syrian emigration.

AUTHORIZATION REQUIREMENTS

Amendment No. 60: Restores House language citing titles I through V into the waiver of authorization.

Amendment No. 61: Inserts language waiving authorization requirement as proposed by the Senate. The House provided funds subject to authorization.

Amendment No. 62: Restores House language waiving authorization for programs under section 15 of the State Department Basic Authorities Act of 1956 for funds in this bill.

The Conferees have waived section 15 of the State Department Basic Authorities Act. Failure to waive this provision would have disastrous consequences for United States refugee assistance programs worldwide, effective October 1, 1993, including:

—precluding payment for salaries and administrative expenses for employees in the Bureau of Refugee programs;

—precluding the Bureau from providing essential funding for humanitarian aid for refugees, displaced persons and conflict victims;

—precluding funding to the UN High Commissioner for Refugees and other relief organizations' operations in the former Yugoslavia and elsewhere; and

—stopping the processing and admission of refugees to the United States.

Amendment No. 63: Inserts language authorizing an appropriation of $2,500,000,000 for the United States participation in the tenth replenishment of the International Development Association (IDA), the fifth replenishment of the Asian Development Fund and the replenishment of the permanent Global Environment Facility, subject to obtaining the necessary appropriations.

The conferees recognize the central role IDA plays in financing development in the poorest countries. However, over the years the conferees have concluded that the World Bank's policies and procedures fail to adequately protect the environment, or to ensure broad and timely public access to information about Bank activities and consultation with affected peoples. Also they do not provide adequate public recourse for violations of Bank loan and credit agreements, and Bank policies, procedures and guidelines. The conferees believe that these deficiencies have reduced the quality of World Bank and IDA lending, and eroded public support for these institutions.

While the conferees recognize that the World Bank has adopted new procedures in these areas and recently issued a resolution on an independent inspection panel, the reforms, as written, do not adequately address the conferees' concerns. Therefore, the conferees have authorized the equivalent of only two-thirds of the United States' three year contribution to IDA-ten. It is the conferees' strong belief that the World Bank needs to progress further in these areas, and that additional funding in support of IDA-ten will depend on the manner in which these new procedures are implemented and, where necessary, broadened. The conferees urge the Secretary of the Treasury to continue to vigorously pursue these goals.

OPPOSITION TO ASSISTANCE TO TERRORIST COUNTRIES BY INTERNATIONAL FINANCIAL INSTITUTIONS

Amendment No. 64: Inserts Senate language instructing the United States Executive Director of the International Fund for Agriculture Development to oppose any loan or use of funds to a country for which the Secretary has made a determination under section 6(j) of the Export Administration Act of 1979.

DEBT-FOR-DEVELOPMENT

Amendment No. 65: Deletes Senate language extending Debt-for-Development authority to subsequent acts.

LOCATION OF STOCKPILES

Amendment No. 66: Inserts Senate language allowing up to $72,000,000 to be made available for stockpiles in the Republic of Korea.

Amendment No. 67: Inserts language allowing up to $20,000,000 to be made available for stockpiles in Thailand. The Senate had provided for $20,000,000 to be made available.

RESCISSIONS

Amendment No. 68: Inserts language rescinding $203,000,000 from unexpended balances of Economic Support Funds made available for fiscal years 1987 through 1993. Also inserts Senate language rescinding $5,100,000 from unexpended development assistance funds appropriated for fiscal year 1993 and prior fiscal years.

The House had included a rescission of $185,000,000 for fiscal years 1993 and prior Economic Support Funds. The Senate had included a rescission of $250,000,000 for fiscal year 1993 and prior Economic Support Funds.

AUTHORITY TO ASSIST BOSNIA-HERCEGOVINA

Amendment No. 69: Inserts Senate language allowing use of up to $25,000,000 of United States commodities and services for the United Nations War Crimes Tribunal regarding genocide or other violations of international law in the former Yugoslavia.

Amendment No. 70: Deletes Senate language earmarking funds for the United Nations War Crimes Tribunal.

The conferees urge that every effort be made to obtain contributions from our allies and other U.N. member countries for this vital effort. The conferees also strongly urge the Administration to provide a one-time voluntary contribution of $3,000,000 to help the war crimes tribunal for the former Yugoslavia to become operational. The conferees understand that the remainder of the funding for the tribunal will be met through assessed contributions from United Nations members.

SPECIAL AUTHORITIES

Amendment No. 71: Inserts Senate language allowing use of up to $50,000,000 in transfer authority of section 451 of the Foreign Assistance Act of 1961. The current limitation is $25,000,000.

Amendment No. 72: Deletes Senate language requiring that of the funds provided to Afghanistan and Lebanon not more than fifty percent come from development assistance funds.

ANTI-NARCOTICS ACTIVITIES

Amendment No. 73: Inserts language allowing for the continuation of Administration of Justice programs in Latin America and the Caribbean. It also allows up to $6,000,000 for police training in Panama of which not more than $3,000,000 may be used for procurement of non-lethal law enforcement equipment. It also provides for continuation of various Administration of Justice programs for Bolivia, Colombia and Peru.

ELIGIBILITY FOR ASSISTANCE

Amendment No. 74: Inserts Senate language allowing development assistance and development funds for Africa to be provided through non-governmental organizations notwithstanding aid restrictions in this or any other Act. The provision also allows aid restrictions to be waived for Titles I and II of Public Law 480. Use of the authority for Title I is subject to notification. Before using this authority the President must notify the appropriate committees of Congress. The authority of this section may not be used for countries that support international terrorism and countries that violate internationally recognized human rights. This authority shall not be construed to alter any existing statutory prohibitions against abortion or involuntary sterilization contained in this or any other Act.

EARMARKS

Amendment No. 75: Inserts Senate language on earmarks. The conferees desire to give maximum flexibility to the Administration to carry out its foreign policy reforms. That is why the conferees have reduced the number of earmarks. But, within that understanding, the conferees expect the Administration, to the greatest extent possible given changing circumstances, to adhere to the recommendations in the Committee Reports accompanying the Bill. To the extent the Administration is not able to follow the recommendations in the Committee Reports, the conferees expect the Administration to consult with the committees.

CEILINGS AND EARMARKS

Amendment No. 76: Inserts Senate language restricting the applicability of ceilings and earmarks.

EXCESS DEFENSE ARTICLES

Amendment No. 77: Inserts language allowing the provision of non-lethal excess defense articles to countries for which United States foreign assistance was justified for the fiscal year. The conferees agree that a separate justification for countries proposed to receive non-lethal excess defense articles is also required. The provision of non-lethal excess defense articles remains subject to notification as in current law.

TERMINATION

Amendment No. 78: Deletes Senate language allowing a special contractual authority for countries whose assistance has been terminated. The conferees agree that this issue should be addressed in future authorizing legislation.

REAL PROPERTY MANAGEMENT

Amendment No. 79: Inserts Senate language allowing transfer of funds remaining in AID's Acquisition of Property Revolving Fund to the Property Management Fund. The provision is amended to include a new section number 556.

UNITED STATES ASSISTANCE FOR THE TRANSITION TO A NON-RACIAL DEMOCRACY IN SOUTH AFRICA

Amendment No. 80: Deletes Senate language revising current law on South Africa. The Conferees agreed not to include a provision on the transition to democracy in South Africa. It is the understanding of the conferees that the Congress will be considering comprehensive authorization legislation on this issue and therefore felt it more appropriate not to address this issue in this bill.

PROHIBITION AGAINST PAY TO FOREIGN ARMED SERVICE MEMBER

Amendment No. 81: Deletes Senate language prohibiting use of funds to pay pensions, annuities or retirement for any person serving in the armed forces of any country receiving foreign assistance. The conferees expect that foreign assistance will not to be used for this purpose.

PROHIBITION ON PUBLICITY OR PROPAGANDA

Amendment No. 82: Inserts Senate language prohibiting the use of funds for publicity or propaganda purposes within the United States. The provision is amended to include a new section number 557.

DISADVANTAGED ENTERPRISES

Amendment No. 83: Inserts Senate language on Agency for International Development policies for disadvantaged enterprises. The provision is amended to include a new section number 558.

HUMAN RIGHTS REPORT

Amendment No. 84: Deletes Senate language on the Human Rights Report. A central goal of United States foreign policy is the promotion of democracy and human rights. The conferees commend the State Department for its efforts to document human rights practices throughout the world in its annual Country Reports on Human Rights Practices. These reports have contributed to the protection of human rights.

The conferees request that in addition to the items currently discussed in the State Department report, the report should contain (1) a review of each country's commitment to children's rights and welfare; (2) a description of the extent to which indigenous people are able to participate in decisions affecting their lands, cultures and natural resources, and assess the extent of protection of their civil and political rights; and (3) an examination of discrimination toward people with disabilities.

The conferees are concerned that military expenditures by some developing countries which receive United States assistance may exceed legitimate security needs. Curbing the proliferation of unnecessary weapons in these countries should be a foreign policy goal. The conferees recommend and intend that a separate report, entitled "Annual Report on Military Expenditures," should be submitted (at the same time as the report required by section 116(d) of the Foreign Assistance Act of 1961) which contains for each country which receives U.S. assistance:

—an updated estimate of current military spending and a description of trends in spending in real terms;

—a description of the size and political role of the armed forces, including an assessment of the ability of civilian authorities to appoint and remove military officers;

—an assessment of the feasibility of reducing military spending;

—a description of efforts by the United States to encourage such reductions, including collaborative efforts with other donors and arms suppliers; and

—a description of the country's efforts to make such reductions, including its willingness to provide accurate military spending data to relevant international organizations and to the United Nations Register of Conventional Arms, and to participate in regional talks aimed at reducing military spending.

USE OF AMERICAN RESOURCES

Amendment No. 85: Inserts Senate language on the use of American resources. The provision is amended to include a new section number 559.

INTERNATIONAL FUND FOR IRELAND

Amendment No. 86: Deletes Senate language providing up to $19,600,000 from development assistance funds for the United States Contribution to the International Fund for Ireland. Funds for the United States Contribution have been provided under Amendment No. 33.

ASSISTANCE FOR THE NEW INDEPENDENT STATES OF THE FORMER SOVIET UNION

Amendment No. 87: Inserts language which recommends allocations of all the funds provided to the New Independent States among

seven categories of assistance and describes examples of the activities which may be funded from within each category. The amendment requires consultation with the Appropriations Committees of both Houses of Congress before the amount recommended for allocation to any of the seven categories may be initially exceeded. The language requires that the normal notification process as provided for in Section 515 of this Act apply to these funds, and that each such required notification shall include a statement as to which of the seven fund categories, or how much from mix of the seven categories, is proposed to be used to fund the project or program in the notification. The conferees intend that a further notification is required if the Administration desires to change the category or mix of categories from which a previously notified project or program would be funded.

The conferees urge the Administration to provide $4,000,000 for the purpose of identifying, retrieving, preserving, and analyzing existing scientific environmental data stored in Russia, including data on northern region contamination, key environmental parameters related to contaminant transport processes (ice, wind, water, and biota), North Pacific and Bering Sea fisheries, marine mammals and sea birds, and northern human ecology.

The conferees agree that not less than $300,000,000 should be provided to Ukraine from this or any other Act.

The conferees agree that none of the funds in this Act should be transferred to Russia unless the Government is making progress in private sector and market reforms, in negotiating repayment of commercial debt, and in providing for fair and equitable treatment of foreign private investment, or if the Government transfers assistance for the purpose of expropriating ownership or control of assets, investments, or ventures, unless the President certifies that to provide the funds is in the national interest.

The conferees urge that at least one-third of the funds made available by this Act for the New Independent States be available for States other than Russia.

The conferees strongly encourage the participation of qualified businesses in the United States with expertise in nuclear engineering and nuclear safety to participate in assisting any of the New Independent States in the establishment of designs and procedures to increase the safety of nuclear power plants operating in the NIS countries. While the conferees do not intend to control the manner in which the NIS countries provide for the implementation of programs for improved nuclear safety, they encourage where appropriate awarding of program funds to United States companies qualifying as small business—especially those which are located in areas affected by the decline in defense-related industries in the United States.

The conferees intend that the energy and environment category in the bill includes the use of funds for cooperative efforts involving Department of Energy cooperative agreement participants, such as the National Institute for Environmental Renewal, to assist in the recycling, reuse, and reclamation of industrial sites, including education and training programs.

The conferees recommend $5,000,000 for exchanges involving postdoctoral scholars in the social sciences and humanities. Such a program should be administered through USIA's existing Regional Scholars Exchange, which currently offers such opportunities on a competitive basis to qualified non-profit organizations. This program provides an important component to a balanced program of exchanges at various age and professional levels that is provided by this legislation.

The conferees support the efforts of Project Orbis, a medical charity that teaches doctors in developing countries to perform sight-saving surgery to obtain funding for its work in Eastern Europe, the Baltics, and the republics of the former Soviet Union.

Amendment No. 88: Deletes Senate language earmarking $40,000,000 for a Russian Far East Enterprise Fund. The conferees urge that $40,000,000 be provided for enterprise fund activities in the Russian Far East.

Amendment No. 89: Inserts language conditioning assistance to New independent States on their respecting each others' national sovereignty and territorial integrity. A Presidential national interest waiver and exemptions for humanitarian, refugee and disaster assistance are included. There is a reporting requirement on violations and on efforts to comply with the restriction.

Also, inserts language prohibiting the use of assistance for enhancement of the military capacity of any New Independent State with exemptions for demilitarization, defense conversion, non-proliferation programs, or programs conducted under section 560(a)(5) of this Act.

ANDEAN NARCOTICS INITIATIVE

Amendment No. 90: Inserts Senate language providing that no Economic Support Funds or Foreign Military Financing Program Funds may be made available for the Andean Narcotics Initiative until the Secretary of State consults with, and provides a new Andean counter-narcotics strategy (including budget estimates) to, the Committees on Appropriations. The provision is amended to include a new section number 561.

LIMITATION ON ASSISTANCE FOR NICARAGUA

Amendment No. 91: Inserts Senate language placing conditions on Economic Support Funds for Nicaragua. The conferees urge the Nicaraguan Government to move ahead rapidly with the investigation of the arms cache explosion of last May now being conducted by the Nicaraguan Government with the participation of a number of international investigative agencies, including the FBI. The conferees expect that the Government will prosecute vigorously any violation of Nicaraguan or international law. The provision is amended to include a new section number 562.

LIMITATIONS ON ASSISTANCE FOR HAITI

Amendment No. 92: Inserts Senate language restricting funds to Haiti under certain conditions.

AGRICULTURAL AID TO THE NEW INDEPENDENT STATES OF THE FORMER SOVIET UNION

Amendment No. 93: Inserts language providing that out of the funds made available for the New Independent States up to $50,000,000, inclusive of transportation costs, for agricultural commodities is available for food and nutritional needs of children and women.

HUMANITARIAN ASSISTANCE FOR ARMENIA

Amendment No. 94: Inserts language providing that $18,000,000 should be available for Armenia from funds made available for Development Assistance, Economic Support Funds, and the New Independent States, for winterization needs including winter seeds and home heating oil. The conferees are strongly supportive of substantial levels of humanitarian assistance for the people of Armenia who for several years now have been suffering severely from both natural and man-made disasters. The conferees note that in past years Armenia has received more than $18,000,000 in assistance and believe that that level will be too low to meet Armenian needs in 1994. The conferees support amounts necessary above $18,000,000 to address the Armenian crisis.

HUMANITARIAN AND REFUGEE ASSISTANCE IN CROATIA, SLOVENIA, BOSNIA, AND KOSOVA

Amendment No. 95: Deletes language proposed by the Senate which would have earmarked not less than $35,000,000 in Migration and Refugee Assistance funds for Croatia, Slovenia and Bosnia, and $30,000,000 in humanitarian assistance for Bosnia, Croatia, and Kosova. The Senate amendment also included a sub-earmark of $10,000,000 for Kosova.

The conferees agree that funding in at least the amounts proposed by the Senate will be required in fiscal year 1994 and urge the Administration to take steps to meet the emergency needs in Bosnia, Croatia and Kosova. The conferees also agree that there is an immediate need to fund programs relative to the winter, and urge the Administration to take the lead in participating in the United Nations High Commissioner for Refugee's donor request for a winterization program.

PROHIBITION OF PAYMENTS TO UNITED NATIONS MEMBERS

Amendment No. 96: Inserts Senate language prohibiting the use of foreign assistance funds to pay assessments, arrearages or dues of any member of the United Nations. The provision is amended to include a new section number 566.

CONSULTING SERVICES

Amendment No. 97: Inserts Senate language prohibiting the use of funds for consulting contracts unless contracts are a matter of public record and available for inspection with certain exceptions. The provision is amended to include a new section number 567.

PRIVATE VOLUNTARY ORGANIZATIONS-DOCUMENTATION

Amendment No. 98: Inserts Senate language prohibiting funds for private voluntary organizations which do not provide materials to the Agency for International Development for audit purposes in a timely manner or which are not registered with the Agency for International Development. The provision has been amended to include a new section number 568.

CHEMCIAL WEAPONS PROLIFERATION

Amendment No. 99: Inserts Senate language prohibiting the use of funds to finance procurement of chemicals or chemical agents that are used for chemical weapons production. The provision has been amended to include a new section number 569.

SPECIAL DEBT RELIEF FOR THE POOREST

Amendment No. 100: Inserts language granting authority for debt reduction actions only for poor countries eligible only for lending from the International Development Association. The authority permits, subject to appropriation, Export-Import Bank credits, military loans and guarantees, and housing program loans and guarantees to be reduced in the context of official multilateral debt relief agreements so long as the recipient country does not 1) have excessive military expenditures, 2) repeatedly provide support for acts of international terrorism, 3) fail to cooperate on international narcotics control matters, and does not, 4) engage in a

consistent pattern of gross violations of internationally recognized human rights. Also, inserts a Sense of Congress statement that the President should consider requesting debt reduction funds corresponding to "Trinidad Terms".

GUARANTEES

Amendment No. 101: Inserts Senate Language addressing net guarantee costs for fiscal year 1994. The provision has been amended to include a new section number 571.

FOREIGN MILITARY FINANCING DIRECT COMMERCIAL SALES POLICY

Amendment No. 102: Inserts revised language relating to the policy on Foreign Military Financing of direct commercial sales. The new language requires the Secretary of Defense to not implement changes in the long-standing policy allowing the use of Foreign Military Financing funds for direct commercial sales unless and until all parties affected by any such change have been fully consulted and given opportunity for input into any such policy changes. The language also requires the Secretary of Defense to consult with the Committees on Appropriations, the House Foreign Affairs Committee, the Senate Foreign Relations Committee, the Armed Services Committees and the relevant agencies or departments of the Executive Branch.

The conferees are aware that changes may be needed in the policy concerning direct commercial sales, since the General Accounting Office has raised this as an area potentially subject to abuse. The GAO found that many of the purchasing problems for Foreign Military Sales exist under both the direct and Department of Defense procurement programs, however in a majority of cases direct sales are actually costing recipient countries more to procure directly with defense contractors than through the Department of Defense. The GAO also found that there are cases where direct purchasing is less expensive. The Department of Defense in developing a new policy needs to assure that the program addresses both of these situations.

The conferees are concerned that the Department's original intention to terminate direct commercial contracts effective January 1, 1994 did not afford sufficient time to restructure defense acquisition programs in a way that would not adversely impact ongoing programs. The conferees are particularly concerned that the Department proceeded to change the direct sales policy without consulting the Congress and those affected by the change. The conferees therefore welcome the Department's decision to delay the effective termination date. The language included in the bill is intended to assure that all parties are consulted prior to issuing a final determination.

RESTRICTION ON ASSISTANCE TO PERU

Amendment No. 103: Deletes Senate language restricting assistance to Peru. The conferees expect the Peruvian Government to provide fair, prompt and equitable payment to the widow and children of Master Sergeant Joseph Beard, Jr., United States Air Force, whose plane was shot down by Peruvian military forces on April 24, 1992. Fair and equitable payment should approximate the loss to the family due to Sergeant Beard's death. The parties have sought to resolve this matter but have not yet reached agreement. The conferees request the Secretary of State to use his influence with the Peruvian Government to resolve this tragic and complex matter in a manner he deems fair and equitable. The conferees urge that an appropriate amount of U.S. assistance to Peru be withheld until the Secretary determines that there has been a satisfactory resolution of this matter.

PROHIBITION ON ASSISTANCE TO FOREIGN GOVERNMENTS THAT EXPORT LETHAL MILITARY EQUIPMENT TO COUNTRIES SUPPORTING INTERNATIONAL TERRORISM

Amendment No. 104: Inserts language prohibiting funds in this Act to any country which provides lethal military equipment to a terrorist government as defined in section 40(d) of the Arms Export Control Act. The provision applies to contracts entered into after the date of enactment. The provisions of this section may be waived, if the President determines that furnishing assistance is in the national interest of the United States.

WITHHOLDING OF ASSISTANCE FOR PARKING FINES OWED BY FOREIGN COUNTRIES

Amendment No. 105: Inserts language withholding from obligation foreign assistance in the amount of 110 percent of fully adjudicated parking fines and penalties due the District of Columbia as of enactment of this Act on diplomats from countries receiving foreign assistance until the Secretary of State certifies that the parking tickets have been paid to the District of Columbia in full.

UKRAINE/RUSSIA STABILIZATION PARTNERSHIPS

Amendment No. 106: Inserts language which states that $35,000,000 should be provided for cooperative scientific and engineering programs between institutes in the New Independent States and the United States including the national laboratories and other qualified academic institutions. The program should be in support of programs which prevent and reduce proliferation of weapons of mass destruction.

USED OIL EQUIPMENT

Amendment No. 107: Deletes language proposed by the Senate which would have amended the Foreign Assistance Act concerning the purchase of used oil equipment. The conferees agree that current authority exists within the commodity import program to purchase used oil equipment, including arctic oil equipment, for the former Soviet Union and Eastern Europe countries, and encourage the Agency for International Development to use this authority when appropriate.

FISHING IN THE CENTRAL BERING SEA

Amendment No. 108: Deletes Senate language regarding fishing in the Central Bering Sea. The conferees understand that—

(1) the Central Bering Sea Fisheries Enforcement Act of 1992 (title III of Public Law 102-582) prohibits United States nationals and vessels from conducting fishing operations in the Central Bering Sea, in an area known as "the Doughnut", except when such fishing operations are in accordance with an international fishery agreement to which the United States and the Russian Federation are parties;

(2) the Central Bering Sea Fishery Enforcement Act also prohibits the entry into United States ports of any fishing vessel from a nation whose vessels or nationals conduct fishing operations in the Doughnut in the absence of such an international fishery agreement;

(3) the United States and the Russian Federation have participated in seven multilateral meetings among nations whose vessels or nationals fish in the Doughnut to discuss an international fishery agreement;

(4) a moratorium on fishing in the Doughnut for 1993 and 1994 was agreed to by the United States, the Russian Federation, Japan, Korea, Poland, and the People's Republic of China as part of these discussions, in order to facilitate negotiations on an international fishery agreement;

(5) at the Vancouver Summit on April 4, 1993, Presidents Clinton and Yeltsin committed to developing further bilateral cooperation on fishery matters in the Bering Sea;

(6) an international fishery agreement has not yet been reached despite the best efforts of the United States and the Russian Federation; and

(7) the cooperation of nations which receive aid through monies provided by this Act is needed in order for an international fishery agreement to be reached.

In light of the findings above, the Conferees agreed that the cooperation of nations whose vessels and nationals conduct fishing operations in the Central Bering Sea should be carefully considered in making appropriations for programs from which those nations will receive aid monies in fiscal year 1995.

KENYA

Amendment No. 109: Deletes Senate language restricting assistance to Kenya. The conferees commend Kenya for its constructive role in humanitarian relief operations in Somalia and for assistance to Somali refugees. The conferees also recognize steps taken by Kenya recently toward a more open and democratic political system. However, the conferees remain concerned about continuing human rights abuses, government corruption and economic mismanagement. Therefore, the conferees intend that in determining what levels and types of economic and development assistance to provide Kenya, the President should consider the extent of Kenya's progress towards increasing respect for human rights, freedom of expression, cooperation and dialogue with the democratic political opposition, as well as reducing corruption and improving management of the economy. The conferees intend that no military assistance is to be provided to Kenya unless the President first consults with Congress and determines that such assistance is in the national interest.

The conferees expect the long term framework for United States assistance policy towards Kenya to be addressed in foreign aid reform legislation.

PROHIBITION ON ASSISTANCE TO COUNTRIES EXPROPRIATING UNITED STATES PROPERTY

Amendment No. 110: Deletes language regarding the expropriation of property of United States persons.

RUSSIAN ASSISTANCE TO CUBA

Amendment No. 111: Inserts language withholding $380,000,000 of the funds for Russia unless the President certifies on April 1, 1994, that the government of Russia has not provided assistance to Cuba during the preceding 18 months. The President may waive this requirement, if he determines that it is in the national interest to do so.

RESTRICTION ON ASSISTANCE FOR RUSSIA

Amendment No. 112: Inserts Senate language restricting assistance to Russia regarding making substantial progress toward the withdrawal of Russian armed forces from Latvia and Estonia. The provision has been amended to include a new section number 577.

POLICY WITH RESPECT TO RESTORATION OF DEMOCRACY IN HAITI

Amendment No. 113: Deletes Senate language regarding findings on Haiti.

STATEMENT OF POLICY ON THE UNITED NATIONS

Amendment No. 114: Deletes Senate language regarding the United Nations.

MIDDLE EAST PEACE FACILITATION ACT

Amendment No. 115: Inserts language allowing the President, until February 15, 1994 to waive section 307 of the Foreign Assistance Act with respect to the Palestine Liberation Organization, programs for the PLO, and programs for the benefit of entities associated with it, which accept the commitments made by the PLO on September 9, 1993. The President is to consult with the relevant Committees of Congress prior to exercising this waiver, and to determine that to do so is in the national interest. The waiver shall cease to be in effect if the President notifies Congress that the PLO has ceased to comply with the September 9, 1993 commitments, or if Congress, by joint resolution, makes a similar determination.

POLICY CONCERNING HUMAN RIGHTS AND DEMOCRACY IN VIETNAM

Amendment No. 116: Deletes Senate language regarding human rights and democracy in Vietnam.

SENSE OF THE SENATE REGARDING IMPORTATION OF PRODUCTS MADE WITH CHILD LABOR

Amendment No. 117: Deletes Senate language regarding importation of products made with child labor.

DEFINITION AND APPROPRIATE CONGRESSIONAL COMMITTEES

Amendment No. 118: Deletes Senate language defining appropriate congressional committees.

WORLD BANK GROUP

Amendment No. 119: Deletes Senate language regarding the World Bank Independent Inspection Panel.

RUSSIAN REFORM

Amendment No. 120: Inserts Sense of the Congress language in support of President Yeltsin's efforts to bring about economic and political reform in Russia.

TITLE VI—FISCAL YEAR 1993 SUPPLEMENTAL APPROPRIATIONS

FUNDS APPROPRIATED TO THE PRESIDENT ASSISTANCE FOR THE NEW INDEPENDENT STATES OF THE FORMER SOVIET UNION

Amendment No. 121: Restores House language making available not to exceed $500,000,000 for a special privatization and restructuring fund.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1994 recommended by the Committee of Conference, with comparisons to the fiscal year 1993 amount, the 1994 budget estimates, and the House and Senate bills for 1994 follow:

New budget (obligational) authority, fiscal year 1993	$26,257,377,903
Budget estimates of new (obligational) authority, fiscal year 1994	14,425,993,066
House bill, fiscal year 1994	12,983,038,866
Senate bill, fiscal year 1994	12,526,854,047
Conference agreement, fiscal year 1994	12,982,665,866
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1993	−13,274,712,037
Budget estimates of new (obligational) authority, fiscal year 1994	−1,443,327,200
House bill, fiscal year 1994	−373,000
Senate bill, fiscal year 1994	+455,811,819

DAVID R. OBEY,
SIDNEY R. YATES,
CHARLES WILSON,
JOHN W. OLVER,
NANCY PELOSI,
ESTEBAN TORRES,
NITA M. LOWEY,
JOSÉ E. SERRANO,
WILLIAM H. NATCHER,
BOB LIVINGSTON,
JOHN PORTER,
JIM LIGHTFOOT,
SONNY CALLAHAN,
JOSEPH M. MCDADE,
Managers on the Part of the House.

MITCH MCCONNELL,
ALFONSE M. D'AMATO,
ARLEN SPECTER,
DON NICKLES,
CONNIE MACK,
PHIL GRAMM,
MARK O. HATFIELD,
PATRICK J. LEAHY,
DANIEL K. INOUYE,
DENNIS DECONCINI,
FRANK R. LAUTENBERG,
TOM HARKIN,
BARBARA A. MIKULSKI,
DIANNE FEINSTEIN,
ROBERT C. BYRD,
Managers on the Part of the Senate.

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 illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. HYDE) to revise and extend their remarks and include extraneous material:)

Mr. CRAPO, for 30 minutes, today.

Mr. THOMAS, of California, for 30 minutes, today.

Mr. OXLEY, for 5 minutes, on September 30.

Mr. BEREUTER, for 5 minutes, today.

Mrs. BENTLEY, for 5 minutes today, in lieu of previously approved 60 minutes.

(The following Members (at the request of Mr. WYNN) to revise and extend their remarks and include extraneous material:)

Mr. RICHARDSON, for 5 minutes, today.

Mr. GLICKMAN, for 5 minutes, today.

Mr. STOKES, for 5 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.

Mr. COYNE, , for 5 minutes, today.

Mr. SABO, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. SOLOMON and to include tabular material following his remarks on House Resolution 134.

(The following Members (at the request of Mr. HYDE) and to include extraneous matter:)

Mr. RIDGE.
Mr. ARMEY.
Mr. HUNTER.
Mr. MICHEL.
Mr. GOODLING, in two instances.
Mr. SOLOMON, in three instances.
Mr. CLINGER.
Mrs. VUCANOVICH.
Mr. CRAPO.
Mr. ROTH.
Mr. FISH.
Mr. PACKARD.
Mr. GILMAN, in two instances.
Mr. MCKEON.
Mr. BEREUTER, in three instances.

(The following Members (at the request of Mr. WYNN) and to include extraneous matter:)

Mr. HOLDEN.
Mr. PENNY.
Mr. BERMAN, in two instances.
Mr. HAMILTON, in two instances.
Mrs. MALONEY.
Mr. MAZZOLI.
Mr. LAFALCE.
Mr. ENGEL.
Mr. MANTON.
Mr. STARK.
Mr. DELLUMS.
Mr. BEILENSON.
Mr. BECERRA.
Mr. GONZALEZ.
Mr. WISE.
Mr. WAXMAN.
Mr. SANGMEISTER, in two instances.
Mr. COYNE, in two instances.
Mr. MINETA.
Mr. SLATTERY.
Mr. TORRES.

(The following Members (at the request of Mr. WYNN) and to include extraneous matter:)

Mr. GLICKMAN.
Mr. FILNER.
Mr. LANTOS.
Mr. SKAGGS.
Mr. LEWIS of Georgia.
Mr. WASHINGTON.
Mr. EDWARDS of Texas.
Mr. KOPETSKI.
Ms. BROWN of Florida.
Mr. KENNEDY.
Mr. DEUTSCH.
Mr. DICKS.
Mr. ACKERMAN in four instances.
Mr. EDWARDS of California.
Mr. JACOBS.
Mr. SPRATT.
Mr. NADLER.

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. 2074. An act to authorize appropriations for the American Folklife Center for fiscal years 1994 and 1995.

H.R. 3051. An act to provide that certain property located in the State of Oklahoma

owned by an Indian housing authority for the purpose of providing low-income housing shall be treated as Federal property under the Act of September 30, 1950 (Public Law 874, 81st Congress).

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1130. An act to provide for continuing authorization of Federal employee leave transfer and leave bank programs, and for other purposes.

BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. ROSE, from the Committee on House Administration, reported that that committee did on the following dates present to the President, for his approval, bills, and a joint resolution of the House of the following titles:

On September 21:

H.J. Res. 220. A joint resolution to designate the month of August as "National Scleroderma Awareness Month," and for other purposes.

H.R. 873. An act to provide for the consolidation and protection of the Gallatin Range.

On September 23:

H.R. 168. An act to designate the Federal building to be constructed between Gay and Market Streets and Cumberland and Church Avenues in Knoxville, Tennessee, as the "Howard H. Baker, Jr. United States Courthouse."

On September 24:

H.R. 20. An act to amend title 5, United States Code, to restore to Federal civilian employees their right to participate voluntarily, as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes.

H.R. 1513. An act to designate the United States courthouse located at 10th and Main Street in Richmond, Virginia, as the "Lewis F. Powell, Jr. United States Courthouse."

H.R. 2431. An act to designate the Federal building in Jacksonville, Florida, as the "Charles E. Bennett Federal Building."

H.R. 3019. An act to amend title 5, United States Code, to provide for a temporary extension and the orderly termination of the performance management and recognition system, and for other purposes.

H.R. 3049. An act to extend the current interim exemption under the Marine Mammal Protection Act for commercial fisheries until April 1, 1994.

ADJOURNMENT

Mr. HYDE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 36 minutes p.m.), the House adjourned until tomorrow, Wednesday, September 29, 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:

1952. A letter from the Director, Office of Management and Budget, transmitting OMB's projections of the direct spending targets for fiscal years 1994 through 1997; to the Committee on the Budget.

1953. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the report of political contributions by Theresa Anne Tull, of New Jersey, to be Ambassador to Brunei Darussalam, and members of her family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

1954. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the report of political contributions by Victor L. Tomseth, of Oregon, to be Ambassador to the Lao People's Democratic Republic, and members of his family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

1955. A letter from the Attorney General, Department of Justice, transmitting a report on the awarding of the Young American Medals for Bravery and Service for the calendar years 1990 and 1991, pursuant to 42 U.S.C. 1925; to the Committee on the Judiciary.

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. DINGELL: Committee on Energy and Commerce. H.R. 1919. A bill to establish a program to facilitate development of high-speed rail transportation in the United States, and for other purposes, with an amendment (Rept. 103-258). Referred to the Committee of the Whole House on the State of the Union.

Mr. DERRICK: Committee on Rules. House Resolution 259. Resolution waiving points of order against the conference report to accompany the bill (H.R. 2295) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1994, and making supplemental appropriations for such programs for the fiscal year ending September 30, 1993, and for other purposes (Rept. 103-259). Referred to the House Calendar.

Mr. GORDON: Committee on Rules. House Resolution 260. Resolution relating to the consideration of Senate amendments to House amendments to Senate amendments to the bill (H.R. 2493) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1994, and for other purposes (Rept. 103-260). Referred to the House Calendar.

Mr. BEILENSON: Committee on Rules. House Resolution 261. Resolution waiving points of order against the conference report to accompany the bill (H.R. 2403) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1994, and for other purposes (Rept. 103-261). Referred to the House Calendar.

Mr. HALL of Ohio: Committee on Rules. House Resolution 262. Resolution providing for the consideration of the bill (H.R. 1845) to establish the Biological Survey in the Department of the Interior (Rept. 103-262). Referred to the House Calendar.

Mr. FROST: Committee on Rules. House Resolution 263. Resolution waiving certain points of order against the bill (H.R. 3116) making appropriations for the Department of Defense for the fiscal year ending September 30, 1994, and for other purposes (Rept. 103-263). Referred to the House Calendar.

Mr. BEILENSON: Committee on Rules. House Resolution 264. Resolution providing for the consideration of the bill (H.R. 2351) to authorize appropriations for fiscal years 1994 and 1995 to carry out the National Foundation on the Arts and the Humanities Act of 1965, and the Museum Services Act (Rept. 103-264). Referred to the House Calendar.

Mr. DE LA GARZA: Committee on Agriculture. H.R. 2689. A bill to amend Public Law 100-518 and the United States Grain Standards Act to extend through September 30, 1998, the authority of the Federal Grain Inspection Service to collect fees to cover administrative and supervisory costs, and for other purposes, with an amendment (Rept. 13-265). Referred to the Committee of the Whole House on the State of the Union.

Mr. DE LA GARZA: Committee on Agriculture. H.R. 3085. A bill to improve administrative services and support provided to the National Forest Foundation, and for other purposes (Rept. 103-266). Referred to the Committee of the Whole House on the State of the Union.

Mr. OBEY: Committee of Conference. Conference report on H.R. 2295. A bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1994, and for other purposes (Rept. 103-267). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. COYNE (for himself, Mr. MURPHY, Mr. SANTORUM, and Mr. KLINK):

H.R. 3144. A bill to authorize funding within the Department of the Interior to implement the plan of the Steel Industry Heritage project, and for other purposes; to the Committee on Natural Resources.

By Mr. CRAPO (for himself, Mr. HASTERT, Mr. BOEHNER, Mr. KASICH, Mr. INGLIS of South Carolina, Mr. GRAMS, Mr. INHOFE, Mr. RAMSTAD, Mr. HOKE, Mr. BACHUS of Alabama, Mr. HUFFINGTON, Mr. COX, Mr. BAKER of California, Mr. BUNNING, Mr. BURTON of Indiana, Mr. BUYER, Mr. DELAY, Mr. GOSS, Mr. HANSEN, Mr. HEFLEY, Mr. HUNTER, Mr. HUTCHINSON, Mr. KINGSTON, Mr. MANZULLO, Mr. POMBO, Mr. SOLOMON, Mr. KYL, Mr. GOODLATTE, Mrs. MEYERS of Kansas, Mr. DICKEY, Mr. HANCOCK, Mr. GREENWOOD, Mr. PORTMAN, Mr. BALLENGER, Mr. EWING, Mr. KIM, Mr. ROHRABACHER, Mr. THOMAS of Wyoming, Mr. WALKER, Mr. SMITH of Texas, Mr. ANDREWS of New Jersey, Mr. KLUG, Mr. MCHUGH, Mr. MCINNIS, Mr. CANADY, Mr. BLILEY, Mr. ARMEY, Mr. SAM JOHNSON, Mr. DUNCAN, Mr. CASTLE, Mr. LINDER, Mr. LIVINGSTON, Mr. MCCRERY, Mrs. MORELLA, Mr. RAVENEL, Mr. SHAYS, Mr. CONDIT, Mr. ZIMMER, Mr. COLLINS of Georgia, Mr. HOEKSTRA, Mr. HERGER, Mr. TALENT, Mr. FRANKS of New Jersey, Mr. KNOLLENBERG, Mr. LEVY, Mr. ZELIFF, Mr. SAXTON, Mr. BAKER of Louisiana,

Mr. PARKER, Mr. PENNY, Mr. DOOLITTLE, Mr. STEARNS, Mr. HOBSON, Mr. MICA and Ms. DUNN):

H.R. 3145. A bill to amend the Congressional Budget Act of 1974 to provide for downward adjustments in section 602 and section 302 Appropriations Committees allocations and suballocations, and for other purposes; to the Committee on Rules.

By Mr. DORNAN:

H.R. 3146. A bill to amend the Clean Air Act to provide greater State flexibility in automobile inspection and maintenance programs, and for other purposes; to the Committee on Energy and Commerce.

By Mr. EDWARDS of Texas (for himself, Mr. MCCRERY, Mr. JEFFERSON, Mr. MCCLOSKEY, Mr. FISH, Mr. FROST, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HAYES, Mr. CHAPMAN, Mr. SARPALIUS, Mr. LANCASTER, Mr. BAKER of Louisiana, Mr. FILNER, and Mr. LEVY):

H.R. 3147. A bill to amend the Internal Revenue Code of 1986 to make the targeted jobs credit permanent and to treat as a member of a targeted group every individual who has received a Department of Defense campaign ribbon, liberation ribbon, or national defense service medal; to the Committee on Ways and Means.

By Mr. EMERSON:

H.R. 3148. A bill to extend the duty reduction on certain unwrought lead for a period of 2 years; to the Committee on Ways and Means.

By Mr. FILNER:

H.R. 3149. A bill to amend the Intermodal Surface Transportation Efficiency Act of 1991 to extend the matching fund waiver for projects approved under title 23, United States Code; to the Committee on Public Works and Transportation.

By Mr. HASTINGS (for himself and Mrs. MEEK):

H.R. 3150. A bill to designate the Federal Justice Building in Miami, FL, as the "James Lawrence King Federal Justice Building"; to the Committee on Public Works and Transportation.

By Mr. HOEKSTRA:

H.R. 3151. A bill to revive and extend until January 1, 1997, the suspension of duty on bendiocarb; to the Committee on Ways and Means.

H.R. 3152. A bill to suspend, until January 1, 1997, the duty on N,N-dimethyl-N'-(3-((methylamino)carbonyl)oxy)phenyl) methanimidamide monohydrochloride; to the Committee on Ways and Means.

By Mr. KENNEDY (for himself, Mr. GONZALEZ, Mr. MOAKLEY, Mr. SCHUMER, Mr. FRANK of Massachusetts, Mr. KANJORSKI, Mr. FLAKE, Ms. WATERS, Mr. HINCHEY, Mr. KLEIN, Mr. WATT, Ms. ROYBAL-ALLARD, Mr. RUSH, Mr. WYNN, Ms. BROWN of Florida, Mr. FILNER, Mr. HAMBURG, Ms. WOOLSEY, Mr. NEAL of Massachusetts, Mr. MEEHAN, Mr. COYNE, Mr. LEWIS of Georgia, Mr. CLAY, Mr. LANTOS, and Mr. DEFAZIO):

H.R. 3153. A bill to protect home ownership and equity through enhanced disclosure of the risks associated with certain mortgages, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. PETERSON of Minnesota (for himself and Mr. POMEROY):

H.R. 3154. A bill to require official inspection and testing of all grain imported into the United States; to the Committee on Agriculture.

By Mr. SMITH of New Jersey:

H.R. 3155. A bill to repeal the increase in tax on social security benefits made by the Revenue Reconciliation Act of 1993; to the Committee on Ways and Means.

By Mrs. UNSOELD (for herself, Mr. DICKS, Mr. KREIDLER Mr. MCDERMOTT, and Mr. SWIFT):

H.R. 3156. A bill to authorize the Secretary of Transportation to convey for scrapping by the Virginia V Foundation (a nonprofit organization) a vessel in the National Defense Reserve Fleet that is scheduled to be scrapped; to the Committee on Merchant Marine and Fisheries.

By Mr. BARTON of Texas:

H.R. 3157. A bill to repeal the Cable Television Consumer Protection and Competition Act of 1992; to the Committee on Energy and Commerce.

By Ms. BYRNE:

H.R. 3158. A bill to amend the Export-Import Bank Act of 1945 to authorize the Bank to finance the export of certain defense articles and services to certain countries for a limited period, and to provide funds for the exercise of such authority by amending the Foreign Assistance Act of 1961 to repeal the international military education and training program; jointly, to the Committee on Banking, Finance and Urban Affairs and Foreign Affairs.

By Mr. EVANS (for himself, Mr. KENNEDY, and Mr. FILNER):

H.R. 3159. A bill to amend title 38, United States Code, to codify the addition by the Secretary of Veterans Affairs of certain additional diseases to the list of diseases occurring in veterans that are considered to be service-connected; to the Committee on Veterans' Affairs.

By Mr. MARTINEZ (for himself and Ms. MOLINARI):

H.R. 3160. A bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to make technical corrections necessitated by the enactment of Public Law 102-586; and for other purposes; to the Committee on Education and Labor.

H.R. 3161. A bill to make technical amendments necessitated by the enactment of the Older Americans Act Amendments of 1992; and for other purposes; jointly, to the Committees on Education and Labor and Banking, Finance and Urban Affairs.

By Mr. NADLER (for himself and Mr. BECERRA):

H.R. 3162. A bill to provide for expedited asylum and exclusion procedures for certain aliens and to provide for enhanced penalties for alien smuggling and asylum abuse; to the Committee on the Judiciary.

By Mr. PALLONE (for himself, Mr. GORDON, Mr. DEAL, Mr. CANADY, Mr. HUGHES, and Mr. PORTER):

H.R. 3163. A bill to improve the ability of the United States Government to collect debts owed to it, and for other purposes; jointly, to the Committees on Ways and Means and the Judiciary.

By Mr. TALENT:

H.J. Res. 269. Joint resolution designating October 23, 1993, through October 31, 1993, as "National Red Ribbon Week for a Drug-Free America"; to the Committee on Post Office and Civil Service.

By Mr. BARCA of Wisconsin:

H. Con. Res. 156. Concurrent resolution expressing the sense of Congress regarding the coverage of members of Congress under health care reform legislation; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

245. By the Speaker: Memorial of the Senate of the State of Alaska, relative to the minimum Federal criteria for municipal solid waste landfills; to the Committee on Energy and Commerce.

246. Also, memorial of the House of Representatives of the State of Michigan, relative to the desecration of our Nation's flag; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. OBEY:

H.R. 3164. 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 MV *Viking*; to the Committee on Merchant Marine and Fisheries.

By Mr. TAUZIN:

H.R. 3165. A bill to authorize a foreign-built launch barge to transport an offshore drilling platform jacket in the coastwise trade of the United States; to the Committee on Merchant Marine and Fisheries.

H.R. 3166. A bill to authorize the sale and reregistration of certain vessels; to the Committee on Merchant Marine and Fisheries.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 26: Mr. BROWN of California, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. MINK, Mr. PASTOR, and Mr. WASHINGTON.

H.R. 31: Mrs. LOWEY, Mr. FISH, and Ms. DELAURO.

H.R. 54: Mr. GUNDERSON.

H.R. 55: Mr. SMITH of New Jersey, Mr. SHAYS, Mrs. MORELLA, and Mr. FRANKS of New Jersey.

H.R. 156: Mr. EVANS.

H.R. 166: Mr. PORTMAN.

H.R. 302: Ms. BYRNE, Mr. LIPINSKI, Mr. SKEEN, and Mr. PETE GEREN of Texas.

H.R. 304: Mr. COMBEST.

H.R. 349: Mr. ANDREWS of Texas.

H.R. 551: Mr. LEWIS of Florida and Mr. PALLONE.

H.R. 558: Mr. PALLONE.

H.R. 624: Mr. DELAY, Mr. JOHNSON of Georgia, Ms. LONG, Mr. KOLBE, and Mr. PORTMAN.

H.R. 636: Mr. LIVINGSTON.

H.R. 656: Mr. DELLUMS.

H.R. 739: Mr. LEWIS of Florida, Mr. KNOLLENBERG, and Mr. COX.

H.R. 767: Mr. ROWLAND.

H.R. 786: Mr. KOPETSKI.

H.R. 794: Mr. SHAYS and Mr. BAKER of Louisiana.

H.R. 827: Ms. FURSE, Mr. KINGSTON, Mr. FARR, Mr. CRANE, Mr. CAMP, Mr. INSLEE, Mr. DELLUMS, Mr. BAKER of Louisiana, Mr. DE LA GARZA, Mr. BILBRAY, Mr. GEJDENSON, Mr. BILIRAKIS, and Mr. RUSH.

H.R. 830: Mr. SMITH of Michigan, Mr. BROWDER, Mr. GEKAS, and Mr. MCMILLAN.

H.R. 886: Mr. COX and Mr. COLLINS of Georgia.

H.R. 911: Mr. ZIMMER.

H.R. 937: Mr. JOHNSTON of Florida.

H.R. 1086: Mr. GUNDERSON.

H.R. 1130: Mr. PORTER.

H.R. 1182: Mr. CLYBURN and Mr. DEAL.
H.R. 1276: Mr. KOPETSKI.
H.R. 1408: Mr. SHAYS and Mr. KLINK.
H.R. 1500: Mr. MINETA, Mr. BEILENSON, Mr. SKAGGS, and Mr. SANDERS.
H.R. 1504: Mr. WYDEN and Mr. COOPER.
H.R. 1529: Mr. MCMILLAN.
H.R. 1534: Mrs. ROUKEMA, Mr. JACOBS, Mr. DE LUGO, Mr. MURPHY, and Mr. BERMAN.
H.R. 1552: Mrs. THURMAN, Mr. WALKER, Mr. PORTMAN, and Mrs. LLOYD.
H.R. 1595: Mrs. THURMAN.
H.R. 1697: Mr. BONIOR.
H.R. 1738: Mr. KYL and Mr. REED.
H.R. 1886: Mr. GEJDENSON and Mr. UNDERWOOD.
H.R. 2012: Mr. GEPHARDT, Mr. WYDEN, Ms. VELAZQUEZ, Mr. SERRANO, Mr. HAMILTON, Mr. BOEHLERT, and Mr. BUYER.
H.R. 2159: Mr. SANDERS, Ms. DANNER, and Mr. PARKER.
H.R. 2292: Mr. WYNN and Mr. BARRETT of Wisconsin.
H.R. 2319: Mr. BAESLER and Mr. BARCA of Wisconsin.
H.R. 2443: Mr. ANDREWS of New Jersey, Mr. PACKARD, Ms. PRYCE of Ohio, Mr. CLINGER, Mr. BACHUS of Alabama, Mr. KANJORSKI, Mr. EVANS, Mr. LIVINGSTON, Mr. TALENT, Mr. BRYANT, Mr. DICKS, Mr. BORSKI, Mr. MILLER of California, Mr. BREWSTER, Mrs. COLLINS of Illinois, Mr. WHEAT, Mr. NUSSLE, Mr. BROWN of Ohio, and Mr. SAM JOHNSON.
H.R. 2456: Mr. DELLUMS.
H.R. 2462: Mr. MONTGOMERY.
H.R. 2500: Mr. MINGE.
H.R. 2573: Ms. VELAZQUEZ, Mrs. MALONEY, and Mr. RUSH.
H.R. 2583: Mr. DELLUMS.
H.R. 2599: Mr. COPPERSMITH.
H.R. 2606: Mr. WISE.
H.R. 2612: Mr. FILNER.
H.R. 2623: Mr. DARDEN.
H.R. 2641: Mr. DELLUMS.
H.R. 2662: Mr. CLYBURN, Mr. DARDEN, Mr. DICKS, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. MORELLA, Mr. DICKEY, Mr. WILLIAMS, Mr. TEJEDA, Mr. RAHALL, Mr. CLAY, Mr. KENNEDY, and Ms. NORTON.
H.R. 2720: Mr. SHAYS, Mr. MANZULLO, Mr. HORN, Mr. MANTON, Mr. SMITH of New Jersey, Mr. CALVERT, Mr. EVERETT, Mr. BOEHLERT, Mr. BARTLETT of Maryland, Mr. HOUGHTON, Mr. MCKEON, Mr. BARCA of Wisconsin, Mr. BACHUS of Alabama, and Mr. GREENWOOD.
H.R. 2787: Mr. TOWNS, Mr. HUGHES, and Ms. ROYBAL-ALLARD.
H.R. 2788: Mr. MCDERMOTT and Mr. MILLER of California.
H.R. 2831: Mr. GALLEGLY, Mr. DORNAN, Mr. HORN, Mr. DIXON, Mr. MCHUGH, Mr. LEHMAN, and Mr. FILNER.
H.R. 2863: Mr. FRANK of Massachusetts, Mr. KANJORSKI, Mr. SANDERS, Ms. VELAZQUEZ, Mr. FILNER, Ms. SLAUGHTER, Mrs. ROUKEMA, Mr. CLINGER, Mr. ROHRABACHER, Mr. DORNAN, and Mr. ZIMMER.
H.R. 2873: Mr. HUTTO, Mr. CANADY, Mr. KNOLLENBERG, Mr. LIPINSKI, Mr. EWING, and Mr. DEUTSCH.
H.R. 2884: Mr. MENENDEZ and Mr. SCOTT.
H.R. 2896: Mr. LIGHTFOOT and Mr. BAKER of Louisiana.
H.R. 2921: Mr. COSTELLO.
H.R. 2950: Mr. DEUTSCH and Mr. PASTOR.
H.R. 2971: Ms. DANNER, Mr. DORNAN, Mr. HINCHEY, Mr. LEVY, Mr. TORKILDSEN, Mr. SHAYS, and Ms. NORTON.
H.R. 3005: Mr. HANCOCK, Mr. PETE GEREN of Texas, Mr. KINGSTON, and Mr. DICKEY.
H.R. 3021: Mr. STEARNS.
H.R. 3024: Mr. KINGSTON.
H.R. 3030: Mr. PACKARD.
H.R. 3031: Mr. PACKARD.
H.R. 3032: Mr. DIAZ-BALART.
H.R. 3038: Mr. DORNAN.
H.R. 3066: Mr. FRANK of Massachusetts and Mr. SOLOMON.
H.R. 3077: Mr. BOEHNER.
H.R. 3087: Mr. CAMP, Mr. MCINNIS, Mr. TORRES, Mr. BATEMAN, Mr. BREWSTER, Mr. BROWN of Ohio, and Mr. FINGERHUT.
H.R. 3088: Mr. GORDON, Ms. SHEPHERD, and Mrs. LLOYD.
H.R. 3125: Mr. HOLDEN.
H.J. Res. 38: Mr. SMITH of Texas and Mr. DORNAN.
H.J. Res. 79: Mr. ROMERO-BARCELO, Mr. HINCHEY, and Mr. SHARP.
H.J. Res. 106: Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. APPLEGATE, Mr. BACCHUS of Florida, Mr. BAKER of Louisiana, Mr. BARTON of Texas, Mrs. BENTLEY, Mr. BILBRAY, Mr. BLACKWELL, Mr. BOEHLERT, Mr. BORSKI, Mr. BOUCHER, Mr. BRYANT, Mr. BUNNING, Mr. BURTON of Indiana, Mr. CALLAHAN, Mr. CHAPMAN, Mr. CLAY, Mrs. CLAYTON, Mr. CLINGER, Mr. CLYBURN, Mr. COLEMAN, Miss COLLINS of Michigan, Mrs. COLLINS of Illinois, Mr. CONDIT, Mr. COPPERSMITH, Mr. COSTELLO, Mr. COX, Mr. CRANE, Mr. DARDEN, Mr. DEAL, Mr. DEFAZIO, Ms. DELAURO, Mr. DELAY, Mr. DE LUGO, Mr. DOOLEY, Mr. DURBIN, Mr. EMERSON, Mr. ENGEL, Mr. ENGLISH of Oklahoma, Ms. ESHOO, Mr. EVANS, Mr. GEJDENSON, Mr. PETE GEREN of Texas, Mr. GIBBONS, Mr. GILCHREST, Mr. GLICKMAN, Mr. HALL of Texas, Mr. HANCOCK, Mr. HAYES, Mr. HERGER, Mr. HOAGLAND, Mr. HOCHBRUECKNER, Mr. HORN, Mr. HOYER, Mr. HUTTO, Mr. HYDE, Mr. JOHNSON of Georgia, Mr. JOHNSON of South Dakota, Mr. JOHNSTON of Florida, Mr. KANJORSKI, Ms. KAPTUR, Mr. KENNEDY, Mrs. KENNELLY, Mr. KILDEE, Ms. LAMBERT, Mr. LANTOS, Mr. LAROCCO, Mr. LAUGHLIN, Mr. LEVIN, Mr. LEWIS of California, Mr. LEWIS of Georgia, Mr. LIGHTFOOT, Ms. LOWEY, Mr. MCCOLLUM, Mr. MCDADE, Mr. MCNULTY, Ms. MARGOLIES-MEZVINSKY, Mr. MAZZOLI, Mrs. MEEK, Mr. MFUME, Mr. MILLER of California, Mr. MOLLOHAN, Mr. MORAN, Mr. NADLER, Mr. NATCHER, Ms. NORTON, Mr. OBERSTAR, Mr. OBEY, Mr. ORTIZ, Mr. PALLONE, Mr. PASTOR, Mr. PAYNE of New Jersey, Mr. PAYNE of Virginia, Mr. PETERSON of Florida, Mr. PICKLE, Mr. POSHARD, Mr. PRICE of North Carolina, Mr. RAVENEL, Mr. RICHARDSON, Mr. ROBERTS, Mr. ROEMER, Mr. ROSE, Mr. ROWLAND, Mr. RUSH, Mr. SANDERS, Mr. SANGMEISTER, Mr. SARPALIUS, Mr. SISISKY, Mr. SKELTON, Mr. SLATTERY, Mr. SPRATT, Mr. STARK, Mr. SWETT, Mr. SWIFT, Mr. SYNAR, Mr. TAUZIN, Mr. TAYLOR of Mississippi, Mr. THOMPSON, Mr. THORNTON, Mr. TORRICELLI, Mr. TOWNS, Mr. TRAFICANT, Mr. VALENTINE, Mr. VENTO, Mr. VISCLOSKY, Mr. WALSH, Mr. WASHINGTON, Mr. WAXMAN, Mr. WELDON, Mr. WHEAT, Mr. WILLIAMS, Mr. WILSON, Mr. WISE, and Mr. YOUNG of Alaska.
H.J. Res. 113: Mr. CALLAHAN and Mr. HAMILTON.
H.J. Res. 139: Mr. SLATTERY, Mr. COLLINS of Georgia, and Mr. BLILEY.
H.J. Res. 194: Mr. MAZZOLI, Mr. WISE, Mr. BECERRA, and Mr. WATT.
H.J. Res. 206: Mr. ARMEY, Mr. BARLOW, Mr. BARTON of Texas, Mrs. BENTLEY, Mr. BILIRAKIS, Mr. BLILEY, Mr. BUNNING, Mr. BUYER, Mr. CALLAHAN, Mr. COSTELLO, Mr. DORNAN, Ms. DUNN, Mr. EVERETT, Mr. GIBBONS, Mr. GILCHREST, Mr. GRANDY, Mr. HASTERT, Mr. HEFLEY, Mr. HILLIARD, Mr. HUNTER, Mr. GREENWOOD, Mr. JOHNSTON of Florida, Mr. KENNEDY, Mr. KIM, Mr. KLECZKA, Mr. LEVY, Mr. LIGHTFOOT, Mr. MCCANDLESS, Mr. MCCOLLUM, Mr. MCKEON, Mr. MCMILLAN, Ms. MOLINARI, Mr. MURPHY, Mr. NADLER, Mr. NUSSLE, Mr. PACKARD, Mr. PASTOR, Mr. PAXON, Mr. PICKLE, Mr. PORTMAN, Mr. PRICE of North Carolina, Mr. RAMSTAD, Mr. ROHRABACHER, Mr. SCOTT, Mr. SHUSTER, Mr. SOLOMON, Mr. SMITH of Oregon, Mr. SMITH of New Jersey, Mr. SMITH of Texas, Mr. SPENCE, Mr. STUMP, Mr. THOMAS of Wyoming, Mr. THOMPSON, Mr. TOWNS, Ms. WATERS, Mr. WAXMAN, and Mr. YOUNG of Alaska.
H.J. Res. 234: Mr. BALLENGER, Mr. GONZALEZ, Mr. KREIDLER, Mr. REYNOLDS, Mr. BONIOR, Mr. TOWNS, Mr. WYNN, Mr. GORDON, Mr. DE LA GARZA, Mr. MCDERMOTT, Mr. TRAFICANT, Mr. MONTGOMERY, Mr. MURPHY, Mr. HANSEN, Mr. MURTHA, Ms. BROWN of Florida, Mr. TORRICELLI, Ms. DANNER, Mr. JOHNSON of South Dakota, Mrs. MINK, Mr. ARCHER, Mr. WHEAT, Mr. VOLKMER, Mr. LEACH, Mr. HASTINGS, Mr. HILLIARD, Mr. KANJORSKI, Mr. DEUTSCH, and Mr. MARKEY.
H.J. Res. 237: Mr. FROST, Mr. MCCLOSKEY, and Mr. TALENT.
H.J. Res. 247: Miss. COLLINS of Michigan, Mr. POSHARD, Mr. KIM, Mr. MCKEON, Mr. LAUGHLIN, Mr. HORN, Mr. THOMAS of Wyoming, Mr. MARTINEZ, Mr. SARPALIUS, Mr. HEFNER, Mr. SLATTERY, Mr. BAKER of California, Ms. FURSE, Mr. EWING, Mr. BERMAN, Mr. HUTTO, Mr. DEUTSCH, Mr. SANDERS, Mr. HUGHES, Mr. WAXMAN, Mr. WALSH, Mr. BAESLER, Mr. PETERSON of Florida, Mr. KASICH, Mr. MCDERMOTT, Mr. DE LA GARZA, Mr. DURBIN, Mr. BACHUS of Alabama, Mr. HASTERT, Mrs. MEEK, Mr. WOLF, Mr. GEKAS, Mr. ARCHER, Mr. HOCHBRUECKNER, Mr. SPRATT, Mr. BURTON of Indiana, Mr. REYNOLDS, Mr. FLAKE, Mr. PALLONE, Mr. SKELTON, Mr. RANGEL, Mr. HOBSON, Mr. SKEEN, Ms. PRYCE of Ohio, Mr. PRICE of North Carolina, Mr. BATEMAN, Mr. MANTON, Mrs. MINK, Mr. GREENWOOD, Mr. NADLER, Mr. GENE GREEN of Texas, Mr. PORTER, Mr. MACHTLEY, Mr. PETE GEREN of Texas, Mr. KOPETSKI, Mr. BUNNING, Mr. SAWYER, Mr. CALLAHAN, Mr. ANDREWS of New Jersey, Mr. JEFFERSON, Mr. MURTHA, Mr. MOAKLEY, Mr. BROWDER, Mr. CALVERT, Mr. LEACH, Mr. MCCLOSKEY, Mr. NEAL of North Carolina, Mr. MCCOLLUM, Mr. MEEHAN, Mr. PACKARD, Mr. YATES, Mrs. MALONEY, Mr. OXLEY, Mr. PASTOR, Mr. RAMSTAD, Mr. COLLINS of Georgia, Mr. STOKES, Mr. BILBRAY, Mr. HYDE, and Mr. SYNAR.
H.J. Res. 256: Mr. KINGSTON.
H.J. Res. 262: Mr. BARCA of Wisconsin, Mr. BERMAN, Ms. PELOSI, Mr. ROSE, and Mr. SKEEN.
H.J. Res. 266: Mr. SKEEN, Mr. MCDADE, Mr. HUGHES, and Ms. WOOLSEY.
H. Con. Res. 6: Mr. KINGSTON.
H. Con. Res. 56: Ms. NORTON.
H. Con. Res. 59: Mr. MILLER of California.
H. Con. Res. 95: Mr. HINCHEY, Ms. DANNER, and Mr. GUTIERREZ.
H. Con. Res. 104: Mr. HANCOCK.
H. Con. Res. 110: Mr. PICKETT and Mr. BROWDER.
H. Con. Res. 124: Mr. RICHARDSON and Ms. NORTON.
H. Con. Res. 141: Mr. KOPETSKI, Mr. KLUG, Mr. EVERETT, Mr. BROWDER, Mr. PARKER, and Ms. LOWEY.
H. Con. Res. 147: Mr. BARRETT of Wisconsin, Mr. SWETT, Mr. CLEMENT, Mrs. THURMAN, Mr. HAMBURG, Mr. ROYCE, and Mr. KANJORSKI.
H. Res. 134: Mrs. VUCANOVICH.
H. Res. 165: Mr. HANSEN, Mr. STUMP, Mr. COX, Mr. MILLER of California, Mr. LIPINSKI, Mr. SCHUMER, Mr. MORAN, Mr. REGULA, Mr. LEWIS of Georgia, Mr. RUSH, Mr. YATES, Mr. THORNTON, Mr. DORNAN, Mr. HAMILTON, Mr. CLEMENT, Mr. SKEEN, Mr. FOGLIETTA, Mr. BROWN of Ohio, and Ms. SCHENK.
H. Res. 202: Mr. PARKER.
H. Res. 237: Mr. ALLARD, Mr. BACHUS of Alabama, Mr. BAKER of Louisiana, Mr. BEREUTER, Mr. BLUTE, Mr. BOUCHER, Mr.

GOODLATTE, Mr. CAMP, Mr. CANADY, Mr. COX, Mr. DORNAN, Mr. EWING, Mr. HUTCHINSON, Mr. INSLEE, Mr. KASICH, Mr. KREIDLER, Mr. LINDER, Mr. MCCOLLUM, Mr. MCHUGH, Mr. MCINNIS, Mr. MILLER of Florida, Ms. PRYCE of Ohio, Mr. SHAYS, Mr. SOLOMON, and Mr. TALENT.

H. Res. 239: Mr. BOEHNER, Mr. KIM, and Mr. PARKER.

H. Res. 247: Mr. KINGSTON.

PETTITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

57. By the SPEAKER: Petition of the Legislature of Rockland County, NY, relative to support of S. 965 and H.R. 870, the "Toxic Cleanup Equity Act of 1993"; jointly, to the Committees on Energy and Commerce and Public Works and Transportation.

58. Also, petition of the Legislature of Rockland County, NY, relative to support of proposed funding increases for the Head Start Program and child immunizations; jointly, to the Committees on Energy and Commerce and Education and Labor.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follow:

H.R. 3116

By Mr. KENNEDY:

—Page 8, line 1, strike out "$15,221,091,000" and insert in lieu thereof "15,218,191,000".

By Mrs. MALONEY:

—Page 15, strike line 15 and all that follows through page 16, line 8.

EXTENSIONS OF REMARKS

PROSPECTS FOR A NEW RUSSIAN IMPERIALISM

HON. DUNCAN HUNTER
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. HUNTER. Mr. Speaker, I commend the following article to my colleagues' attention:

PROSPECTS FOR A NEW RUSSIAN IMPERIALISM AND IMPLICATIONS FOR THE UNITED STATES

(By John Lenczowski, Director, The Institute of World Politics)

In the wake of the breakdown of the USSR, Russia is now confronted with the task of developing a new foreign policy based on entirely new geopolitical circumstances. Principal among these is the challenge of conducting relations with 14 new countries on its borders whose independence many Russians view as illegitimate. This situation, combined with a number of disconcerting trends in internal Russian political life, gives cause for concern that the peaceful interlude afforded us by the end of the cold war with communism may be more short-lived than we had hoped.

Now that Russia is more ethnically homogeneous than at any time in the past couple of centuries, it is developing a new conceptual framework for foreign policy based more on exclusively Russian ethnic, cultural and geopolitical interests than in previous eras. The larger Russian population as well as a myriad of new political formations are rejecting communist ways of thinking and are considering Western ideas. But they are coming increasingly to regard historic Russian ideas as taproots for their efforts to define their national purposes.

In the background of this effort to redefine Russia's national mission and foreign policy interests, there are a number of political conflicts whose outcomes are by no means certain. Foremost among these is the conflict between the democratic reformers and a coalition of forces representing the old communist nomenklatura, the KGB, elements of the military-industrial complex and a number of radical nationalist groups.

Meanwhile there is a classic conflict underway between isolationists and those favoring Russian great power intervention in the world. A variant of this is a simultaneous conflict between those who would have Russia represent a special mission in the world versus those who would have it become a conventional state pursuing traditional national interests.

There is also a debate between "Atlanticists" and "Eurasians." Among the Atlanticists, some believe in greater integration with West, and others favor a strategy of a Common European Home which would exclude the United States from Europe and establish Russian hegemony over the entire continent. In contrast, the Europeans see Russia's destiny being fulfilled by greater involvement in Asia.

And finally, there is a conflict between those who would define a Russian as someone who is ethnically and linguistically Russian versus those who would broaden that definition to include neighboring peoples who are not ethnically Russian but who have lived under Russian or Soviet imperial rule. As parliamentarian and National Salvation Front leader, Sergei Baburin, declared: "Russian should not only refer to ethnic Russians but to a great multi-national state preserving the traditions of its component nations."

In this climate, two themes are on the ascendancy. The first is the belief that West has abandoned Russia and wants to see it remain week. Some who share this view harbor intense resentment over the breakup of USSR and the widespread international perception that Russia is no longer a power to be feared and respected. The second is that many Russians do not accept the legitimacy of the independence of their neighboring states.

Given the increased concern about the welfare of 25 million ethnic Russians living outside of the Russian Federation, Russia has developed a claim to a special sphere of influence in those countries of the so-called "Near Abroad," and the right to "protect" Russians living in those countries.

As a rule, this is a legitimate national interest which the United States and the world should respect. What is noteworthy, however, is the large number of Russians expressing this concern who make disingenuously false claims about abuse of those Russian populations. In fact, of those 25 million Russians abroad, the vast majority qualify for full citizenship rights in their host countries and do not suffer from the alleged abuse.

Thus, the concern for Russians in the Near Abroad has provided an argument for a new policy of imperialism that could destabilize the entire area and even threaten Russian democracy. Ironically, support for an imperial role comes from all sides of the political spectrum, including many democrats who seek to avoid mass migrations of Russians or to promote democratic-capitalism in the neighboring states.

It is true that Boris Yeltsin has taken important steps to create increasingly harmonious relations with several neighboring countries, notably, Poland and the Czech Republic. It is also true that of all Russian heads of state in a millennium, Yeltsin may well be the most respectful of the national rights of neighboring nations. Under such leadership Russia has a better chance of forging more peaceful relations with its neighbors than at any time in living memory.

Nevertheless, a number of signs point to a new level of tensions between Russia and its neighbors which could have serious implications for Europe, Asia and ultimately, the U.S.:

The production of several draft foreign policy doctrines written by the Russian Foreign Ministry, the Security Council and the military, which have affirmed the right to use force to protect the rights of minorities in neighboring countries. The Foreign Ministry version states that Russia will oppose the military-political presence of third states in countries contiguous to Russia, while the military version states that the presence of such forces constitutes "an immediate military threat."

The Russian parliament's recent declaring the Ukrainian city of Sevastopol in Crimea as a Russian city. (Although Sevastopol has historically been a Russian city and is currently mostly Russian in composition, it nonetheless is located within the sovereign nation of Ukraine).

The Russian message advising several East-Central European governments that they need not build large embassies in Kiev since they will only need consulates in a year and a half.

Russian rejection of a recent U.S. initiative to have Ukrainian nuclear warheads placed under international supervision before final transfer to Russia.

Moscow's intervention in the Tajik civil war and its installation of a nomenklatura-led pro-Moscow regime there.

Russian military involvement in Moldova and the Trans-Dniester Republic.

Russian involvement in two inter-ethnic conflicts in Georgia.

Official Russian accusations that Estonia practices apartheid against ethnic Russians.

Numerous statements by high-level officials (including Yeltsin himself, Presidential Council member Andranik Migranyan, and others) that Russia has the exclusive right:

To ensure stability and human rights (including the protection of ethnic Russians) in the 14 countries of the former USSR;

To pressure Estonia and other neighboring republics to honor the rights of ethnic Russians; and

To help those Russian populations defend themselves if necessary.

The Russian gas embargo imposed against Estonia.

Russian involvement in installing a pro-Moscow regime headed by former Soviet Politburo member, Geydar Aliyev, in Azerbaijan.

Russian dismissal of recent official American intimations that the United States will become increasingly involved in mediating international disputes inside the former USSR. This dismissal was accompanied by an official Foreign Ministry statement that Russia possesses the principal responsibility for maintaining stability in the region.

Concerns about Russian imperialism extend as well to East-Central Europe. Several Polish parliamentarians who visited Washington recently, for example, consider the future independence of Poland to be an open question. They cite the continued heavy Russian influence in a number of spheres, including large-scale KGB penetration and the control over large parts of the private sector by elements of the Polish nomenklatura who are beholden to Russian influence.

Finally, there has been the recent refusal to complete the troop withdrawal process from Lithuania by the agreed-upon August 31 deadline. This act is a sign that Russia may be moving perilously closer to the imperil tendency to protect interests through the use of force.

These events are taking place in the context of domestic developments that threaten the success of Russia's fragile democracy.

The nomenklatura is still in control of most governmental and commercial operations throughout the country. The economy is still heavily socialized while the private marketplace has been dominated by organized crime syndicates. A monetary policy of rampant inflation and surprise currency substitutions has deprived millions of Russians of their savings, thus causing a systemic "de-privatization" of property when exactly the opposite was promised. Taxes are confiscatory. Corruption is pervasive. The legal framework for a private economy is nonexistent. Entire sets of laws issued by the executive and legislative branches conflict with each other. The communist movement is reuniting and asserting itself more strongly. The KGB is utterly unreformed and still capable of behaving as in the past. Many elements of the armed forces do not seem to be under any civilian control. Major strategic weapons systems with the potential to threaten the United States continue to be produced. And existing missiles remain targeted at the United States. There is the ever-present threat of weapons proliferation through arms sales and further geopolitical divisions. And the various armed conflicts on Russia's periphery show no sign of abatement.

Any number of conflicts in the region could break out and have severe effects on parts of the world which the United States has long considered of vital interest. Such conflicts could disrupt energy supplies to West Europe and harm West European economies to such an extent that U.S. interests would be adversely affected. A Russian-Ukrainian conflict with nuclear weapons as a backdrop could become a nightmare not only for the protagonists, but for the West as well.

Under these circumstances, prudence dictates that the United States should maintain a much greater vigilance than we have in recent years. Indeed, our current isolationist tendency to ignore the rest of the world in hopes that trouble abroad will not affect us is one of the most dangerous policies we could possibly adopt. The corollary of that policy which the current Administration is pursuing—unilateral American disarmament—is equally short-sighted.

It should be our duty instead to be much more engaged—particularly intellectually—in these foreign affairs. For one, we must do everything we can to encourage the development of democracy and a free market system within Russia and the new neighboring states. We must encourage good behavior by all concerned in the region, lest any get the idea that aggressive designs will go unnoticed. We must maintain our defenses and achieve early deployment of ballistic missile defenses. Indeed, under the current conditions of proliferating nuclear arms and long-range delivery systems, the absence of any defense against even a small or accidental missile attack remains a dereliction which must be corrected as soon as possible.

The turmoil in the East also demands that we develop clear policies as to how U.S. interests may be affected and addressed if the anti-democratic and imperial forces in Russian politics prove to be victorious. Are we committed to the independence of the newly independent states? All of them? Only some of them? If so, which ones? And what about the independence of Eastern European countries recently freed from the Soviet yoke? Given that Nazi imperialism in East Europe precipitated Western and American entry into World War II, and that the Soviet takeover of East Europe drew us into the Cold War, can we not conclude that the United States and the West have a major, if not vital, interest in the continued independence of the states of that region? The utter absence of discussion and clear policies on such questions is the height of irresponsibility.

Fortunately, since there is still a fledgling democracy in Russia and Russian foreign policy is being formed today with much greater reference to popular attitudes than ever before, the United States still has a chance to exert a positive influence. This requires much greater emphasis by our government and various non-governmental organizations on the many programs in public diplomacy—i.e., the conduct of relations with foreign publics. These programs include international broadcasting from Radio Free Europe/Radio Liberty and the Voice of America, international educational and cultural exchanges, foreign visitor programs, democracy- and free-market-building programs and many others which have proved to be so strategically effective in the past.

One can scarcely find a more cost-effective way to help maintain peace and stability in that part of the world that is making the long and painful crawl from under the rubble of 70 years of communist rule. But for the United States to succeed in aiding the new Russian experiment, our excessively materialistic foreign policy culture must recognize that information, ideas, values and belief systems are factors of strategic importance. Indeed, they represent the taproots of the fate of nations.

VOLUNTEER FIREMAN GEORGE H. KLINE HONORED FOR 55 YEARS OF SERVICE

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. SOLOMON. Mr. Speaker, this Saturday, October 2, 1993, a true hero will be honored.

And that's what volunteer firemen are to me, Mr. Speaker, true heroes. And the hero I'd like to say a few words about today, George H. Kline of Ballston, NY, has been a volunteer fireman for 55 years with the Neptune Volunteer Fire Company of Burnt Hills.

As a volunteer fireman myself for 20 years in my hometown of Queensbury, I know the sacrifices these volunteers make. They come from all walks of life, all education levels, and all races, religions and creeds. The one thing they have in common is a desire to serve their neighbors, and they do it very well.

Every year, in New York State alone, volunteer firemen save countless lives and billions of dollars' worth of personal property. In many rural areas, like most of the 22d Congressional District, they represent the only available fire protection. Their neighbors owe them a great deal.

That is why I marvel at someone like George Kline, who has been able to contribute 55 years of his life to giving his neighbors better fire protection. That hasn't been the only example of good citizenship he has shown. He served with the famous Eighth Air Force during World War II. He has been a life-long Republican committeeman.

He and his wife Margaret will be honored at a dinner at the fire house Saturday night. But I ask all members to join me in paying our own tribute to this selfless man, who is a hero to every neighbor whose property and well-being he has protected, and a hero to me, as well. Let us all salute George H. Kline, a dedicated firefighter and patriotic American.

IN HONOR OF THE U.S. MERCHANT MARINE ACADEMY'S 50TH ANNIVERSARY

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. ACKERMAN. Mr. Speaker, I rise today to join with my constituents, as well as all the citizens of the United States of America, in honoring the U.S. Merchant Marine Academy as it celebrates its 50th anniversary.

The Academy came into being during the darkest days of World War II when it became necessary to establish an effective supply link to the forces of freedom in Europe. Kings Point, NY, at the tip of northwest Nassau County, became the focal point for establishing a merchant fleet to serve this effort. Those citizens who were involved in this huge and most dangerous undertaking risked their lives to support the war effort. Kings Point lost over 100 midshipmen who were assigned to these fleets as part of their undergraduate training.

After the war, the Academy continued to provide our country with a professional merchant marine. Experience has shown us that the Academy has provided our country with a source of leadership not only on the high seas, but also in the private maritime and transportation area.

Due to its heroic war effort at its inception in WWII and the dedication of its midshipmen and great sacrifice of its students, the U.S. Merchant Marine Academy at Kings Point is the only Federal academy having authorization to carry a battle standard. The same dedication and sacrifice displayed by the midshipmen in WWII was effectively repeated in the Korean War, the Vietnam war, and the Desert Shield-Desert Storm Operation.

I ask you to rise in honoring the Academy as it begins its second half century of service to the United States of America. They have withstood the test of time and the rigors of war. We wish them well as they face the continuing challenges of participation in our emerging global community.

U.S. POLICY ON THE ENFORCEMENT OF SANCTIONS AGAINST SERBIA AND MONTENEGRO

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. HAMILTON. Mr. Speaker, on August 12, 1993 I wrote to Secretary Christopher concerning United States policy with respect to sanctions against Serbia and Montenegro. Specifically, my questions centered on enforcement of sanctions by Macedonia and Bulgaria, and steps by the United States to enhance the effectiveness of those sanctions.

On September 21, 1993 I received a reply from the Department of State. The text of the correspondence follows:

COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, August 12, 1993.

Hon. WARREN CHRISTOPHER,
Secretary of State, Department of State, Washington, DC.

DEAR SECRETARY CHRISTOPHER: I write with respect to the enforcement of UN sanctions against Serbia and Montenegro.

It is my clear understanding that Macedonia today is the chief violator of those sanctions and that there has been some backsliding by Bulgaria on sanctions enforcement.

I would like to know:

What specifically is the United States doing to enhance the enforcement of UN sanctions by these two governments?

What are UNPROFOR forces in Macedonia, including U.S. forces, doing, or will be doing, to enforce UN sanctions? and

What additional pressures or incentives are you considering to shut down rail and road traffic of goods from Macedonia and Bulgaria to Serbia and Montenegro in violation of UN sanctions?

I appreciate your attention to these questions, and I look forward to your early reply.

With best regards.

Sincerely,

LEE H. HAMILTON,
Chairman.

U.S. DEPARTMENT OF STATE,
Washington, DC, September 21, 1993.

Hon. LEE HAMILTON,
Chairman, Committee on Foreign Affairs, House of Representatives.

DEAR MR. CHAIRMAN: I refer to your letter of August 12 concerning Bulgaria's and Macedonia's role in enforcing the UN sanctions against Serbia and Montenegro. We share your concern that Macedonia has been lax in its enforcement of the embargo. Bulgaria has played a more positive enforcement role, although they are now facing growing domestic pressure to relax their enforcement efforts. In spite of these problems the effect of the sanctions on the economy of Serbia/Montenegro has been devastating. Serbia's economy is in shambles, its currency is being steadily devalued on a daily basis, its distribution system is collapsing and serious shortages are appearing in all sectors. I have enclosed additional information on the state of the Serbian economy for your information and use.

To address our concerns about the embargo, we and our CSCE partners are working closely with the Governments of the Former Yugoslav Republic of Macedonia (FYROM) and Bulgaria to improve the effectiveness of their enforcement efforts. This includes the assignment of customs personnel for the US/EC/CSCE Sanctions Assistance Missions (SAM) and technical assistance to support their own border control efforts. The SAM teams monitor sanctions related activities and assist and advise the local border control authorities regarding the implementation of the sanctions. The United States has assigned 17 officers to the SAM team in Macedonia. They join 33 customs officers from 7 other countries for a total of 50. We hope to expand the international commitment to these SAM teams to 70 customs officers.

With regard to the role of UNPROFOR in enforcing sanctions, the United States has supported a Swedish initiative for UNPROFOR to assist Sanctions Assistance Missions in sanctions monitoring within the terms of its current UN mandate. UNPROFOR is now reporting on border movements violating sanctions and will provide general assistance to the SAM teams and help assure their safety.

We have also helped establish a control network along the Macedonia-Greek border to ensure the bona fides of shipments of petroleum products moving into Macedonia. This program is being expanded to the Bulgaria-Macedonia border and will also include control of other key industrial commodities.

These efforts have begun to produce results. The Macedonian Government has halted the flow of petroleum into Serbia since August 25. President Gligorov issued a new order September 3 instructing his government to ensure full compliance with UN sanctions restrictions. The SAM teams confirm that the Gligorov order is being carried out. Customs, police and military units have been deployed at key border crossing points. They are halting and inspecting all commercial traffic to ensure strict compliance with UN restrictions. All commercial traffic is being channelled to the two road and rail crossing points approved by the UN Sanctions Committee. UNPROFOR reports that all other crossing points are virtually closed.

I hope that this information proves useful to you. Please contact us if we can be of further assistance on this or any other matter.

Sincerely,

WENDY R. SHERMAN,
Assistant Secretary, Legislative Affairs.

ATLANTA'S BUCKHEAD: AN EDGE CITY WITH GUTS AND GLORY

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. LEWIS of Georgia. Mr. Speaker, I am submitting for inclusion in the CONGRESSIONAL RECORD, the following excerpt from "The Fourth Wave—Edge Cities with Guts and Glory," an article which appeared in the first edition of The Edge City News.

The Buckhead Coalition is a clear alternative to local government systems * * * It gives flexibility to maneuver through shark-infested downtown waters * * * It's possible because Buckhead—Lenox Square Mall with its 150 vying restaurants, singles joints and businesses—pulls together and puts dollars behind a single set of Coalition ideas * * * This is a shadow government that really governs * * * Buckhead has a long-term plan, has co-opted local police, even has a six-mile shopping-loop people-mover in the works.

IN HONOR OF THE KANE REPUBLICAN, KANE, PA

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. CLINGER. Mr. Speaker, I rise today to congratulate the Kane Republican in Kane, PA, as it prepares to embark on its second century of continuous publication. On January 12, 1994, the Republican will celebrate the presentation of its 100th edition in as many years of operation.

A newspaper which recognizes and accepts its tremendous responsibility contributes to the success of the community which it serves. The only afternoon daily in McKean County, the Republican has performed its role as the "fourth estate" in a timely, responsible manner. Its pages have served as a record of public opinion and a chronicle of popular culture, as it has become a part of the history and heritage of the Borough of Kane.

Even an excellent publication, however, cannot exist on its own. The success of the Republican is not only a testimony to the quality of the paper, but is also a credit to the community which supports it. The citizens of Kane are to be commended for realizing the importance of assuming an active role in their area's activities.

This relationship between newspaper and borough is best exemplified by the widespread excitement that has been generated by the planning of the Republican's special anniversary edition. At the paper's invitation, the office has been flooded with photos, feature stories, biographies and historical accounts. As a result of this enthusiasm, the over 100 pages of the special edition will be full of the cherished memories that are a part of Kane, PA.

Congratulations to the Kane Republican and to its faithful readers.

TRIBUTE TO THOMAS L. GREEN & CO. AND ITS CEO, THOMAS LUGAR

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. JACOBS. Mr. Speaker, the following article about the Thomas L. Green & Co. was published by the Indianapolis Star on September 19, 1993. The CEO is Thomas Lugar, one of our most outstanding citizens.

Hoosiers have a longstanding saying: "Ain't God good to Indiana." One of the good things in Indiana generally and Indianapolis specifically is the Thomas L. Green Co. Its centennial is today, September 28. Things were very different on September 28, 1893 in some ways, but not different at all in some of the most important ways at Thomas L. Green. The spirit of fairness with employees and excellence of design has remained constant for Thomas L. Green's splendid century.

Can you imagine an oven which is 300 feet long? The Thomas L. Green Co. does more than imagine it; they manufacture it. They manufacture the equipment that produces the snacks which brings special joy to lives all around the world. The company is an exporter and, in fact, the only U.S. company which produces the equipment which makes the culinary delights nearly everybody enjoys.

The company makes the equipment well, and it has customers throughout the world who are so satisfied that they send gifts and mementos to the company to demonstrate their appreciation for the equipment produced with such excellence and devotion and their opportunity to buy it at reasonable prices.

The chief executive officer, Tom Lugar, has a brother who is hardly a stranger to these pages of America's CONGRESSIONAL RECORD. He is the senior Senator from Indiana, DICK LUGAR.

Indianapolis is proud of the Lugar family and proud of the family business. They set a standard of educational and entrepreneurial achievement which is an inspiration to all those who take pride in the work ethic and care about excellence.

GREEN & CO. IS THE BAKER'S SECRET

(By Jo Ellen Meyers Sharp)

When the Keebler Co. elves want to work some elfin magic, they're apt to seek out a 100-year-old Indianapolis company.

And Thomas L. Green & Co. is just the kind of place you'd expect elves to call. It's a small, highly specialized enterprise that helps bake some of the best goodies all over the world.

"The elves are happy," said Wayne Mounsey, director of purchasing for the Keebler Co. "T.L. Green is a quality company.

"We're buying some of their equipment as we speak" for replacement parts. Mounsey said from his office at One Hollow Tree Road in Elmhurst, Ill.

On Sept. 28, Thomas L. Green & Co. will celebrate its 100th birthday with a party with more than 500 guests, including family members, employees, customers and local dignitaries.

It's a family that includes Sen. Richard G. Lugar, R-Ind., who was vice president, secretary-treasurer and a director until he was elected mayor of Indianapolis in 1968. He no longer is connected to the company, but his brother and nephew run the business and his mother is a director.

Some of Green's customers also are familiar, including Keebler, Nabisco and General Foods. Green's equipment helps companies make dozens of products munched on every day, all over the world, including crackers, cookies, pizza, pancakes, biscuits and danish.

The Green company designs, manufactures and installs equipment for commercial bakeries. Everything from huge mixing tubs to steel rolling pins to ovens and cooling units is made or assembled at the 60,000-square-foot factory on the Near Westside. About 100 people work at 202 North Miley Avenue, where the plant has been since 1911.

Green's equipment is making and baking in 48 states and 38 countries. The equipment for a single production line could easily fill a two-story building the length of a football field. An average cost for a production line is $1.5 million to $2 million.

The company usually is called in at the beginning of a manufacturer's decision to build a new plant or introduce a new line of baked goods. That way Green can design the technology and equipment needed.

The inside joke is that the company never makes the same piece of equipment twice, said Todd R. Lugar, vice president of operations for the company that was started by his great-grandfather, Thomas L. Green.

Nothing is the same because each line is designed to meet a customer's specific production needs and site requirements.

"Poles in a plant may mean the equipment can't go straight and has to turn 45 degrees," said Thomas R. Lugar, president and chief executive officer.

His grandfather, Thomas L. Green, was a tinkerer.

"He used to make things in the basement of his house when he was 15. He was an inventive man who saw a need for modernization and to make things better," said Tom Lugar.

Green received his first patent—on a device for icing cakes—in 1897 when he was 23 years old. During his lifetime, he was granted more than 20 patents in the area of biscuit and cracker machinery, including a patent for the first rotating cutting machine. Green, who died in 1934, also held patents in Canada, France, Germany, Australia, New Zealand and the United Kingdom.

Green is the only U.S.-owned manufacturer of commercial baking equipment. Competitors are owned by large, mostly European-based companies.

Grandson Tom Lugar, now 60, also likes to tinker and is challenged by making things work. He graduated from Purdue University in 1955 with a degree in mechanical engineering. After about a year engineering jet engines at Allison Division of General Motors Corp., he joined the family firm in 1957. Keebler's Mounsey says Tom Lugar "is very hands-on, very interested in the business."

"I like the entrepreneurial style. It's the right size business I enjoy. It's small enough that I know people personally and we can act quickly. Companies that are bigger sometimes are more impersonal. I'm proud Todd wanted to come into the business." Tom Lugar said.

Todd Lugar, 30, joined the company after he graduated from Purdue in 1984 with a degree in management and finance.

"I wanted to work (for the family company) but when I did I hated it." Todd Lugar said. He left after two years and worked in banking, including mergers and acquisitions. He returned in 1991.

"It's a very complex business even though it is small." Todd Lugar said, "I had a financial degree and I was never exposed to the business as a whole, how it works. I never saw the big picture" when he worked there before.

Todd Lugar retained his board seat during his five-year absence. He and his father agree the hiatus has served the company well.

"He understands sales and strategic planning," Tom Lugar said of his son.

"What I didn't understand before was the entrepreneurial experience. This is a high-level financial and engineering firm, but it's small enough to get your hands in every concept, from drawing to completion," Todd Lugar said.

"NEVER THE SAME PROCESS"

The work is specialized because it bends and shapes the pieces and parts it needs on site. "It requires employees who know how to think and read blueprints," Tom Lugar said.

"You have to be very versatile. This is not a production line. We've been at the forefront" of industry advancements, including a double-decker oven to bake frozen pancakes, he said.

The company has learned to incorporate advanced technology, including electrical and laser controls, in its equipment. Controls are needed to speed up or slow down the line, gauge dough thickness and measure temperatures, for example. And the production of each product has different standards. Some units can chill water and others dry dough with air.

"It's never the same process," Tom Lugar said. "Honey Graham crackers crack if they are not kept warm, and Sara Lee danish have to be kept cool" during their production process.

The company flourished during the 1920s and 1930s, when the biscuit was king. Although an exporter since its beginning, Green made a concerted effort to expand into world markets during that time. It was given an "E" award for exporting in 1963 by President John F. Kennedy, who started the recognition program in 1961.

And the company has continued to grow by seeking accounts around the world. Exports account for 30 percent to 35 percent of the company's $10 million to $20 million annual sales.

It has equipment, some of it decades old, cranking out products all over the world, including a line built in 1912 in Guadalajara, Mexico, that makes crackers every day.

"The majority of our business is in new plants, new production lines and replacement machinery," Tom Lugar said.

The company keeps only a few spare parts on hand. If a replacement part is needed, the company builds it from scratch, referring to the drawings stored in a vault on the second floor of the brick building. The main offices are a throwback to another era with walls of glass and walnut.

"We have 99 percent of every drawing we ever made," Todd Lugar said. Many of them are pen and ink drawings on linen. Designs nowadays are done on computers, but each one is still noted on a 3x5 index card that will join more than 300,000 others in a catalog file.

LOOKING TO THE FUTURE

T.L. Green's success the next 100 years depends on continued use of new technology and expansion of export markets. The factory is landlocked by a railroad track and streets, which means factory expansion may mean a move to a new location in the city.

And the company will need to do that while continuing to do what it does best—provide individual service to its customers.

"Sometimes the technology is not there (in the industry) and has to be developed," said Keebler's Mounsey.

"You may bring equipment into the marketplace only for you exclusively to get a product to market," he said.

Green's edge in the industry is "its overall longevity of equipment. It is very good in a competitive marketplace. Another difference is they always have a sincere willingness to work with you, whether you are purchasing something or if you develop a problem."

Mounsey said Keebler doesn't buy exclusively from Green. It has to submit bids like other vendors.

"And sometimes we go with the other guy. Sometimes dollars dictate reality. You'd like the Cadillac, but all you've got is money for a Chevy."

STEEL INDUSTRY HERITAGE PROJECT: CELEBRATING THE EMERGENCE OF AMERICA'S INDUSTRIAL STRENGTH

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. COYNE. Mr. Speaker, today I am introducing a bill which will enable the steel industry heritage project in southwestern Pennsylvania to continue its work of documenting and conserving the industrial and cultural heritage of southwestern Pennsylvania.

This bill authorizes funding within the Department of the Interior to implement the plan of the steel industry heritage project. It is the goal of this legislation to identify, define and propose those sites or areas of historic significance that should receive Federal designation.

The steel industry heritage task force was first authorized by the Congress, under Public

Law 100–698, to conserve the industrial and cultural resources of the steel industry in southwestern Pennsylvania. Since fiscal 1989, the task force has received Federal funding to develop a plan for conserving the nationally significant historical and cultural resources of the region's industrial heritage. The concept plan produced by the steel industry heritage task force at the direction of the Congress provides a basis for moving ahead with efforts to conserve the industrial and cultural resources of the region.

The National Park Service has been extensively involved in this effort since 1989. The Park Service's Historic American Engineering Record [HAER], for example, has operated a field office in Homestead, PA, since 1989, employing historians, architects, and photographers who have helped to document the region's historically significant industrial resources.

The bill I am introducing authorizes the Secretary of the Interior to work with the steel industry heritage project to act on the recommendations of the concept plan. This bill also authorizes a continued role for the National Park Service in conducting plans and studies necessary to determine the appropriate role of the Federal Government in conserving and interpreting the history of the region. Finally, the proposed legislation authorizes the steel industry task force to receive appropriations through the Department of the Interior for projects and studies consistent with this Act. These projects and studies will be conducted within the geographical areas of Allegheny, Beaver, Fayette, Greene, Washington, and Westmoreland Counties shown on a boundary map based on the project criteria established in the concept plan.

Southwestern Pennsylvania has a proud history of being the cradle of America's second industrial revolution, a period beginning in the late 19th century which resulted in the emergence of the United States as a global industrial leader. The development of new industrial techniques in southwestern Pennsylvania's steel and steel-related industries resulted in Pittsburgh being known around the world as the center of U.S. industrial might. Names like Carnegie and Frick became household names. The region's labor movement played a significant role in the development of the Nation, including the formation of key unions such as the Congress of Industrial Organizations [CIO] and the United Steel Workers of America [USWA]. The western Pennsylvania counties of Allegheny, Beaver, Fayette, Greene, Washington, and Westmoreland served as centers for the growth of industries that would change the economic, social, cultural, and political face of the United States.

The importance of the industrial heritage of southwestern Pennsylvania to America's history has been shown in an excellent article by Edward K. Muller, professor of history at the University of Pittsburgh, and Richard O'Connor, historian with the National Park Service's Historic American Engineering Record. I ask unanimous consent that the article be printed in the RECORD immediately following my comments.

Mr. Speaker, the Federal Government has a role to play in conserving the industrial heritage of southwestern Pennsylvania for future generations to study and enjoy. The history of the rise of steel and steel-related industries in Pittsburgh and the surrounding counties of southwestern Pennsylvania is a vital part of America's past. Understanding this heritage is essential since this legacy continues to shape the U.S. economy and culture. I urge my colleagues to join with me in supporting the work of the steel industry heritage project.

WESTERN PENNSYLVANIA AND THE SECOND INDUSTRIAL REVOLUTION

(By Edward K. Muller and Richard O'Connor)

Late in the 19th century, America rose to world industrial leadership, and the Pittsburgh/Monongahela Valley region was the driving force. Calling attention to the impressive magnitude of this feat, one of America's foremost business historians pointed out that "(i)n 1880, the nation's national income and its population were one and a half times those of Great Britain. By 1900, they were twice the size of Britain's, and by 1920, three times the size."[1] The industries that led the country to world leadership shared important traits: They produced durable goods like steel, plate glass, aluminum and electrical equipment essential to the further development of America's transportation, construction and industrial infrastructure; their industrial processes utilized new sources of energy—coal, coke (a coal derivative) and gas—and reorganized and mechanized production; they were among the country's largest and most highly capitalized; they integrated vertically from natural resources to final distribution; and they developed and instituted new managerial practices, including systematic and scientific management, cost accounting, and full executive responsibility. Collectively, these characteristics constituted a "Second Industrial Revolution" that transformed America's industrial structure and paved the way for mass production consumer goods industries of the later 20th century.

In its contribution to the Gross National Product and the increasing percentage of workers it employed, manufacturing was the leading sector in the Second Industrial Revolution.[2] A unique mix of producer durables drove this trend. Between 1870 and 1930, the annual rate of increase for coke production was 5.4%, 10.4% for steel and a dramatic 24.3% for aluminum.[3] While demand provided the impetus, such large increases were themselves made possible by dramatic changes in the structure of industrial production—the increased burning of fossil fuels—coal, natural gas and oil; the development and widespread use of electricity; new technologies that mechanized production processes; increasingly complex managerial structures; growing capitalization and concentration of industries; and the expansion and ethnic recomposition of the work force. These significant changes transformed older industries like iron and glass, and created new ones like electrical manufacturing and aluminum.

Steel build America's manufacturing supermacy—steel for railroads, equipment, construction, and appliances—and Pittsburgh area steel makers dominated the industry.[4] Home to the works of Carnegie and, later, U.S. Steel, the region also attracted other large primary metal producers, including Jones & Laughlin, Federal, National and Republic; secondary metal processors such as the mammoth Mesta Machine Company at West Homestead and Heppenstall Company and MacIntosh-Hemphill in Pittsburgh; and hundreds of small machine shops and foundries. The region's steel output reflected this concentration of facilities. Between the early 1870s and 1920, Allegheny County registered annual decadal growth rates of 158% in pig iron and ferro-alloy production, more than double the country's average. Moreover, in 1900, Allegheny County produced almost 25% of all pig iron and ferrous-alloys in the United States and fully 40% of the U.S. total of steel ingots and steel for castings.[5]

Adapting practices first associated with the nation's railroads, Pittsburgh steel makers pioneered manufacturing techniques that came to define the Second Industrial Revolution. Andrew Carnegie's tutelage in the late 1860s under Thomas Scott, then head of the Western Division of the Pennsylvania Railroad, provided him with first hand experience organizing and managing a highly integrated, well-financed, tightly controlled, multi-regional enterprise, experience he later transfered to the production of iron and steel.[6] In addition to building "the largest and most energy-consuming" blast furnaces in the world, Carnegie brought to iron and steel making important new "techniques of coordination and control," rigid cost accounting procedures, new conceptions of plant design and layout, "hard-driving" production methods, and the most highly experienced and proven managers in American industry, changes he first successfully put in place at his massive Edgar Thompson Works at North Braddock, on the outskirts of Pittsburgh.[7] The widespread adoption throughout American industry of these recognizably modern organizational and managerial methods set both the direction and pace of the "Second Industrial Revolution.[8]

Rich in coal and natural gas, southwestern Pennsylvania developed other industries that played key roles inthe Second Industrial Revolution. The steel industry's insatiable demand for high-quality coke, its primary fuel, linked Connellsville coke producers to Pittsburgh steel makers in the 1870s, a relationship Carnegie reinforced in 1881 by purchasing control of the Frick Coke Company and solidified in 1889 by placing H.C. Frick in charge of his steel operations.[9] George Westinghouse's work in Pittsburgh with natural gas distribution systems, growing out of the discovery of gas under his East End estate, led to his pioneering development of alternating electrical current and the establishment of Westinghouse Electric. Westinghouse had come to the Pittsburgh region from Schenectady, New York to make railroad equipment, an industry he helped build into one of the region's largest.[10] Rich deposits of coal and natural gas attracted manufacturers from every branch of the glass industry—plate and window, tableware, and bottles and jars. Glass companies such as Pittsburgh Plate Glass, the American Window Glass Company, the United States Glass Company and Hazel-Atlas were not only large, but led in the industry's mechanization. In 1889, Alfred Hunt and others produced commercial aluminum in their plant in downtown Pittsburgh for the first time. Shortly thereafter, they obtained additional financing from Pittsburgh bankers, coal and railroad men, and moved their Pittsburgh Reduction Company, which became the Aluminum Company of America (Alcoa) in 1907, to nearby New Kensington on the Allegheny River, adjacent to the coal and gas deposits necessary to generate the massive amounts of electricity so essential to their electrolytic aluminum smelting process.[11]

Pittsburgh bankers and corporate executives grew wealthy by investing in local industry, trading capital for control of major companies in the "new" industries of the Second Industrial Revolution. The Mellon

interests "were at the center of capital formation in Pittsburgh."[12] and presided over a labyrinthian network of corporate and financial connections among some of the country's most powerful industrial corporations. Railroad executives provided practical experience, management skills, and capital, as in the cases of Carnegie, the Pitcairns, (with interests in both the Pennsylvania Railroad and Pittsburgh Plate Glass), and George Westinghouse, who counted the country's largest railroads as airbrake customers and financial backers.

As much as it reshaped industry, the Second Industrial Revolution also transformed nineteenth century patterns of urban development. Between the end of the Civil War and the beginning of World War I, manufacturing activities in the areas surrounding Pittsburgh increased at a rate even greater than they did in the City of Pittsburgh proper. As they sought to expand and streamline production facilities, local manufacturers confronted insurmountable problems posed by an older manufacturing environment: lack of available space for expansion, rising taxes, too few railroad sidings, unstable supplies of natural gas, and little room for waste disposal. Wanting to remain close to the region's ample supplies of fuel, skilled labor, transportation and capital, manufacturers left the City of Pittsburgh and founded a host of new communities like Monessen, New Kensington, Vandergrift, Jeannette and Aliquippa, a short distance outside the city.[13] It is no coincidence that all celebrate centennials from the late 1980s through the next decade.[14]

Indeed, it was the broad arc of industrial communities surrounding Pittsburgh that accounted for most of the region's growth in value added and manufacturing employment. In 1879, the City of Pittsburgh "accounted for 81% of the value added for the area;" this figure was only 31% by 1919.[15] But the manufacturing mix in these areas differed from that of the old central city. Instead of a plethora of different industries, each with its own developmental cycles, Pittsburgh's industrial suburbs were often single industry communities. These ranged from the steel communities of Monessen (Westmoreland County) and Aliquippa (Beaver County), to the Turtle Creek Valley (Allegheny County) cluster of electrical and railroad equipment facilities built by the Westinghouse Company, to the agglomeration of glass factories in Jeannette (Westmoreland County). Consequently, they were subject to all the vicissitudes of single-industry dominance: rapid growth, high levels of employment during the first half of the 20th century, and dramatic decline after the 1960s as part of an international restructuring of producer goods industries.

The jobs that grew out of the Second Industrial Revolution transformed the racial and ethnic composition of the American working class. Beginning late in the 19th century and accelerating during World War I, thousands of African-Americans left the agricultural regions of the South for the industrial cities of the North. Similarly, between 1890 and 1910, tens of thousands of southern and eastern European immigrants came to the United States, radically altering older, 19th century immigration patterns dominated heavily by workers from northern and western Europe. By the last quarter of the century, many of these earlier immigrants had risen to the ranks of semi-skilled or skilled workmen in southwestern Pennsylvania's older, established industries, such as iron, steel, glass or coal. Recent innovations in production methods in these industries, and the relatively new, systematically organized electrical equipment and aluminum manufacturing industries, created thousands of jobs filled by workers with few industrial skills who migrated to the Pittsburgh region from the economically devastated agricultural areas of southern and eastern Europe, the Middle East, and the American South.[16]

The Second Industrial Revolution also transformed the structure of unionism and industrial relations in American industry. Throughout the period, southwestern Pennsylvania was both a bastion of powerful industrial craft unions as well as a stronghold of anti-unionism. Craft unionism flourished in all the nation's industrial cities between the depressions of the 1870s and the 1890s. The most powerful unions in Pittsburgh and the nation were based in heavy industries like iron and glass that had yet to experience the substantive reorganization that was an integral part of the Second Industrial Revolution. The local union environment was so strong that the Federation of Organized Trades and Labor Unions, precursor to the American Federation of Labor, selected Pittsburgh for its organizational meeting in 1881, Moreover, the National Labor Tribune, a strong supporter of craft unions, was founded in Pittsburgh during a long newspaper strike by Thomas Armstrong, and gained nationwide following among workingmen from the 1870s until well into the 20th century. But the changes brought on by the abandonment of iron puddling and rolling, the advent of the steel industry, and the mechanization of the various branches of the glass industry severely weakened unionism in precisely the industries in which newer immigrants were finding work. Indeed, the struggle at Homestead in 1892 by the Carnegie Steel Corporation to break the hold of the Amalgamated Association, and U.S. Steel's ruthless put down of the 1919 organizing drive were epic battles between labor and capital that singed the national conscience and kept the industry union-free until the late 1930s. Repeated attempts by the United Mine Workers to organize the Connellsville coke fields also failed, as did several organizing drives at the mammoth Westinghouse East Pittsburgh-Turtle Creek Valley works. Thus, if vibrant 19th century craft unionism was emblematic of the persistence of the craft skills of older immigrant groups from western and northern Europe, then early 20th century non-unionism was equally emblematic of the reorganization of production brought by the Second Industrial Revolution and of the newer immigrant groups from southern and eastern Europe. Equally as significant, the changes wrought by the Second Industrial Revolution laid the foundation for the dramatic rise of industrial unionism in the 1930s.

In sum, manufacturers, workers and financiers in the Pittsburgh region provided much of the labor, capital and expertise essential to America's rise to world industrial supremacy. As it changed the nation, so too did the Second Industrial Revolution reshape southwestern Pennsylvania. From a commercial, small scale manufacturing center, the heavy industries of the Second Industrial Revolution made the Pittsburgh region synonymous with dark, hulking factories, smoke-belching stacks, long hours of hard, physical labor, a vibrant industrial union movement, and a diverse population of native- and foreign-born workers and their families. If recent changes in the global economy have diminished the region's stature as a center of heavy industry, southwestern Pennsylvania's robust industrial legacy nonetheless remains intact.

FOOTNOTES

[1] Alfred D. Chandler, The Visible Hand: The Managerial Revolution in American Business (Cambridge: Harvard University Press. 1977), p. 498.

[2] Harold G. Vatter, The Drive to Industrial Maturity (Westport, CT: Greenwood Press. 1975), p. 132.

[3] Arthur F. Burns, Production Trends in the United States Since 1870 (NY: NBER. 1934), pp. 58–60.

[4] Many important interpretative aspects of the Pittsburgh region's industrial development have been covered in Edward K. Muller. "Metropolitan Industrialization: The Pittsburgh Region. 1870–1920 (Unpublished paper presented at the Annual Meeting of the Association of American Geographers, San Diego, 1992).

[5] Calculations are the author's, based on figures taken from Bureau of business Research, University of Pittsburgh, Industrial Databook for the Pittsburgh District (Pittsburgh, PA: Bureau of Business Research, University of Pittsburgh, 1936), p. 29–33.

[6] Livesay & Chandler. Given that the railroads were the largest customers for Bessemer steel during the industry's period of initial expansion—the late 1860s and 1870s, Chandler calls "the transfer of administration techniques from the railroads to iron- and steel-producing plants * * * perfectly natural." (Chandler, Visible Hand, p. 267).

[7] Joel Sabadasz. "Duquesne Works: Overview History," (Unpublished HAER manuscript, 1991), passim.

[8] Chandler, Visible Hand. pp. 258–69.

[9] Joseph Frazier Wall, Andrew Carnegie (Cambridge: Oxford University Press. 1970), pp. 471–536.

[10] "Technological and Industrial Transformations in the Pittsburgh Region. 1850–1990: The Railroad Industry as Transportation Infrastructure and Economic Actor," Unpublished Paper, Carnegie-Mellon University, Seminar in Applied History (Fall, 1992).

[11] Fred Quivik. "The Connellsville Coke Region." Report prepared for the Historic American Engineering Record, 1991), Chapter V: Harold C. Passer, The Electrical Manufacturers, 1875–1900 (Cambridge: Harvard University Press, 1953), pp. 129–150); Ronald W. Schatz, The Electrical Workers: A History of Labor at General Electric and Westinghouse, 1923–1960 (Urbana: University of Illinois Press, 1983), pp. 3–27; George David Smith, From Monopoly to Competition: the Transformations of Alcoa, 1888–1896 (Cambridge: Cambridge University Press, 1988), pp. 1–42.

[12] Smith, From Monopoly to Competition, p. 32.

[13] Muller, "Metropolitan Industrialization."

[14] Glenn E. McLaughlin. The Growth of American Manufacturing Areas (Pittsburgh, PA: Bureau of Business Research. University of Pittsburgh, 1938), pp. 128, 186–8.

[15] McLaughlin. Manufacturing Areas, pp. 186–8.

[16] John Bodnar, et al., Lives of their Own: Blacks, Italians and Poles in Pittsburgh, 1900–1960 (Champagne, IL: University of Illinois Press, 1982), p. 30; Peter Gottlieb, Making Their Own Way (Urbana: University of Illinois Press, 1987), passim.

HEALTH CARE

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. SOLOMON. Mr. Speaker, we all listened intently last week to President Clinton discuss his health care plan with the American public. As usual, what Bill Clinton says sounds good. The problem is, what he says is often very different from what he does. Voters remember how the middle-class tax cut of the 1992 campaign became the largest tax increase in American history and how the announcement that Clinton would cut the White House budget 25 percent was followed by a request for $7.5 million increase in funding for the White House.

Well, we most certainly understand the need for health care reform is critical, but, "It is ironic that just as Vice President GORE is publicly ridiculing the inept Federal bureaucracy and unfathomable regulations, President Clinton wants to entrust the lives of all Americans and the management of one-seventh of the national economy to that same bureaucracy." (Heritage Foundation 9/23/93)

Upon closer inspection of the health care plan discussed by the President on Wednesday, September 22, you find that it is nothing but Federal bureaucracy.

One part of the plan establishes a National Health Board. This Board will be made up of seven people appointed by the President (without any mention of confirmation hearings). These seven people are going to:

Issue regulations and interpretations on what will be in your benefit package, updating it annually.

Establish and enforce a national health care budget.

Approve state implementation plans.

Calculate for each State's health care alliances a per capita budget target.

Enforce every State and alliance health care budget.

Incorporate input from a number of advisory committees.

Manage a new quality monitoring and assessment process.

And, if a State fails to meet the requirements or simply doesn't want to meet the requirements of this plan, the National Health Board becomes responsible for running that State's health care system.

It sounds to me as though these seven people have more to do than they can reasonably handle. It sounds to me as though this plan puts the Government in charge and not the consumer. It sounds to me as though the American public is in for some serious changes in the delivery and quality of health care. And these changes won't be for the better.

HONORING RABBI HERMAN E. GROSSMAN, CHIEF OF CHAPLAINS

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. ACKERMAN. Mr. Speaker, I rise today to pay tribute to Rabbi Herman E. Grossman, chief of chaplains at Veterans Hospital in Northport, NY.

In 1943, Herman Grossman received both his bachelor of arts degree from Harvard University and his bachelor of religious education degree from Hebrew College in Roxbury, MA. After completing his studies at chaplain school in St. Louis, MO, he has served the active and retired men and women of the U.S. armed services for 29 years. For the past 21 years, he has been staff chaplain at the Veterans Hospital in Northport, NY. Eleven months ago, Rabbi Grossman became the chief of chaplains for the Department of Veterans Affairs.

Rabbi Grossman, an Air Force Reserve retiree, is still active at the age of 71, as a member of the Rabbinical Assembly, the Huntington Clergy Association, the Long Island Board of Rabbis, Phi Beta Kappa, and the Harvard Alumni Association.

Rabbi Grossman has given selflessly of himself to countless patients and their families, staff, and volunteers of all faiths. In October 1993, he will retire from the hospital staff and move to Israel with his wife to join two of three sons who currently reside there.

Mr. Speaker, I ask my colleagues in the House of Representatives to join with me now in paying tribute to Rabbi Herman E. Grossman for his hard work and dedication to the patients of the Northport Veterans Hospital, and to commend him for his ongoing devotion and commitment to the veterans of the United States of America.

UNITED STATES POLICY TOWARD IRAN'S MOJAHEDIN

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. HAMILTON. Mr. Speaker, in August, I wrote to the Department of State asking for an explanation of United States policy toward the organization called the National Council of Resistance or the People's Mojahedin of Iran [PMOI], a political and military organization opposing the Government of Iran and an organization active in the United States and promoting a resolution on Iran which has been circulating in the Congress.

Attached is a copy of my letter to the State Department and the resolution being circulated in the Congress as well as the reply of the Department of State dated September 20, 1993. The State Department states its concerns about the PMOI and its use of terrorism and explains why the United States maintains a policy of no contacts with the PMOI.

This correspondence which I would like to bring to the attention of my colleagues follows:

COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, August 3, 1993.

Hon. WARREN CHRISTOPHER,
Secretary of State, Department of State, Washington, DC.

DEAR MR. SECRETARY: Attached is a copy of a resolution which is being circulated by some of my colleagues in the House of Representatives regarding U.S. policy toward Iran. Among other things, this resolution urges the President to consider opening a dialog with the National Council of Resistance of Iran.

I would appreciate receiving the Administration's views on this resolution, in general, and specifically on the desirability of dialogue with the NCR.

I appreciate your prompt consideration of this matter. I look forward to hearing from you.

With best regards,

Sincerely,

LEE H. HAMILTON,
Chairman.

Enclosure.

Whereas, the Human Rights Watch World Report for 1993 reports that "Iran retained its unenviable reputation for having one of the worst human rights records in the region."

Whereas, the Iranian authorities have harshly repressed anti-government protests and demonstrations seeking establishment of democracy and human rights.

Whereas, prisoners of conscience remain in prison and torture of prisoners continues.

Whereas, several government opponents living abroad were murdered in circumstances suggesting that they may have been victims of extrajudicial executions.

Whereas, persecution continues against political opponents and ethnic and religious minorities.

Whereas, Iran remains one of the world's most egregious state sponsors of terrorism, according to the State Department's 1993 Report on Terrorism.

Whereas, Iran has engaged in a major rearmament drive, and is also pursuing the acquisition of non-conventional weapons.

Resolved by the House of Representatives of the United States of America, that the Congress,

1. Supports a U.S. foreign policy which promotes human rights and democracy in Iran.

2. Supports a ban on all arms sales and military assistance to the current regime in Iran.

3. Urges a strong U.S. role in developing an international policy to end the sale of arms and technology to Iran until it ends human and political rights abuses.

4. Urges the President to support the aspirations of the Iranian people for democracy and human rights and to consider opening a dialog with the National Council of Resistance of Iran, which espouses democracy and human rights.

U.S. DEPARTMENT OF STATE,
Washington, DC, September 20, 1993.

Hon. LEE HAMILTON,
Chairman, Committee on Foreign Affairs, House of Representatives.

DEAR MR. CHAIRMAN: I am writing in reply to your letter of August 3, addressed to Secretary Christopher. You asked for the Administration's views on a proposed resolution regarding U.S. policy on Iran. The resolution urges, among other things, that the President consider a dialogue with the National Council of Resistance.

On the general topic of our policy toward Iran, the Administration's position was detailed by Assistant Secretary Djerejian in his testimony of July 27 before the Committee. That statement of policy remains current.

Concerning contacts with Iranian opposition groups, there are numerous such groups in the United States and abroad that do not espouse violence and whose political aims range from supporting a return of the monarchy to establishing a constitutional democracy. Many focus their efforts on Iranian human rights abuses, and work closely with the U.N. Human Rights Committee and private human rights groups. We do meet with representatives of such groups at their request, and believe these contacts are useful as an informational exchange.

However, the National Council of Resistance is closely linked to the People's Mojahedin of Iran (PMOI), also known as the Mojahedin-e Khalq (MEK). Both groups are led by Masud Rajavi. The Administration maintains a policy of no contacts with the PMOI and, by extension, the NCR. This decision is based on our opposition to the PMOI's use of terrorism. Just as we vigorously oppose the Iranian Government's support for terrorism, we do not condone the use of terror and violence in turn by the Mojahedin or any other opposition group. Nor can we forget that U.S. citizens were the victims of PMOI terrorism in the 1970s, or that the

group supported the takeover of our Embassy in 1979 and the holding of U.S. diplomats. The PMOI's claim that the organization is not responsible for actions carried out while its current leaders were in jail is a facile one and, in the case of the Embassy takeover, erroneous. As shown in attached 1981 excerpts from the PMOI's own newspaper—published after current PMOI leader Masud Rajavi was released from jail in February 1979—the group fully supported theEmbassy takeover and opposed releasing our diplomats. Only in recent years has the PMOI sought to distance itself from its past in order to gain Western support.

Other factors support our view that it would be inappropriate to deal with the PMOI/NCR. The National Council of Resistance's claims to be a democratic organization have never been substantiated by its actions. The NCR did, at its inception, include a diverse range of Iranian opposition groups. However, within three years most of the groups that were not controlled by Masud Rajavi had left the organization. According to Ervand Abrahamian's book *The Iranian Mojahedin* (Yale University Press, 1989), these groups left because the NCR was not democratic, but rather manipulated by Rajavi.

In years since, most Iranian opposition groups have continued to refuse cooperation with the NCR. A recent example was a 1992 interview with the late Dr. Sa'id of the Democratic Party of Kurdistan (Iran), who denied any links or connections with the PMOI, and said, "In our opinion, our cooperation with the PMOI right now is impossible." We have no reason to believe the PMOI has become democratic, nor that an Iranian government established by the NCR would be.

In a different area, I would note that the PMOI/NCR reporting often contains questionable statements and assertions which do not stand up to later examination. Our intelligence community judges that their reporting is not reliable without validation from other sources.

Our own analysis does not support PMOI claims to widespread support inside Iran. The PMOI's military wing, the national Liberation Army, continues to be based in Iraq and retains the support and financing of Saddam Hussein's regime. The PMOI joined Iraqi forces in the eight-year war with Iran. These ties to Iraq have discredited the Mojahedin and NCR in the eyes of many Iranians, and the organization does not represent a significant political force among Iranians.

The Office of Management and Budget advises that from the standpoint of the Administration's program there is no objection to the submission of this report.

I hope this information is useful to you. Please do not hesitate to call if we can be of further assistance.

Sincerely,

WENDY R. SHERMAN,
Assistant Secretary, Legislative Affairs.

THE MOJAHEDIN-E KHALQ ON THE IRAN-US HOSTAGE CRISIS

The Mojahedin-e Khalq Organization (MKO), the Iraq-based Iranian opposition organization, was in full support of the takeover of the US embassy and the holding of our hostages during the 1979–81 hostage crisis in Iran. Their own published statements show that their anti-US position at that time was much more hard-line than that of Iran's leaders.

Though the Mojahedin now deny a role in that crisis, they advocated a tough hostage policy in several issues of their own official newspaper, Mojahed, published in Persian in Tehran in 1980–81. The MKO's present leader, Masud Rajavi, was in command of the group at that time.

One commentary in particular (in issue 107, published January 27, 1981—just a few days after the hostages' release), scores the Khomeini government for releasing the hostages too soon and for too little gain. Among its main points:

—The Mojahedin at the Embassy: The commentary reminds its readers that the Mojahedin were the "first forces that fully stood in support of the occupation of the American house of spies. The organization's members and sympathizers stood in front of the embassy 24 hours a day for weeks and months . . . and kept the place as a focal point of anti-imperialism."

—The hostage "card:" The commentary derides those "monopolizing" power in Tehran—i.e., the clerical regime—for misusing the hostage card only to benefit themselves in their own internal power struggles. It argues that the card could have been used better for the struggle against American imperialism.

—Iran's revolutionary leaders: soft on America: The paper mocks the "anti-imperialism" of the leaders as insincere, complaining that their calls for the trial and execution of the hostages turned out to be hollow. It says the Mojahedin had "regularly warned" against giving ground on the hostages, which would only "embolden and encourage the imperialists."

—America the enemy: The commentary declares that the Mojahedin's policy was to use the hostage crisis to spread "anti-imperialistic culture" and to reveal the true face of American imperialism as the "fundamental enemy of our people." It quotes a letter the MKO sent some fourteen months earlier to Iran's Revolutionary Council demanding that all treaties and relations with America be cut off without delay. The commentary declares that the Mojahedin still aim "as much as possible to close the path to reconciliation with America."

HONORING DONALD E. MROSCAK ON HIS RETIREMENT FROM GARFIELD HIGH SCHOOL

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. TORRES. Mr. Speaker, I rise today to recognize a very special individual and dedicated educator, Mr. Donald E. Mroscak, a former counselor and college advisor at James A. Garfield High School in East Los Angeles.

Born in Springfield, IL, the son of Polish immigrants, Mr. Mroscak understands and is sensitive to the diverse cultural values of the predominantly Latino population at Garfield High School. Identifying with the day-to-day struggles faced by first generation Americans, Mr. Mroscak has been able to instill in the students and their parents the value of a college education.

Mr. Mroscak received his Bachelor of Science degree from the University of Notre Dame in 1956. After completing graduate work at the University of California and California Lutheran College, he received his Master of Arts degree in educational administration. In 1960, he joined the Los Angeles Unified School District. Seven years later, Mr. Mroscak began his long and successful tenure at Garfield High School as a drop-out prevention counselor.

As a career counselor, Mr. Mroscak has profoundly influenced the lives of Garfield High School students. His constant encouragement has inspired hope in gang members and has prevented students from dropping out of high school. When I was a student at Garfield it was such an inspiration when a teacher/counselor motivated me to pursue graduation and seek higher education. That was back in 1949. Today's student needs are no less and I applaud Mr. Mroscak's encouragement to them.

Mr. Mroscak's commitment to the future of his students has prompted him to seek funds for air travel, to offer his home as shelter, and to work with parents and the community at large to find ways to facilitate higher educational opportunities for each of the 4,000 students at Garfield High School.

Mr. Mroscak's significant contributions to society have gone well beyond the classroom and into the community. He has served as an active member of various academic and local community organizations which include: College Board Council on Access, the board of the Notre Dame High School, the Advisory Board of California State University in Los Angeles, and the board of the McDonald's HACER Scholarship Fund. He is also a member of numerous associations, including the National Association of College Counselors, Unionized Teachers of Los Angeles, the National Education Association, and the East Los Angeles Rotary Club.

Mr. Speaker, it is with great pride that I rise to recognize a widely-loved and respected educator, Donald Mroscak. I ask my colleagues to join me in saluting him for his outstanding commitment to the education of our leaders of tomorrow and for his long-standing public service record to the residents of the 34th Congressional District.

H.R. 3130, IMPROVING AMERICA'S SCHOOLS ACT

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. GOODLING. Mr. Speaker, Congress is embarking on one of the most important legislative efforts of this session, the reauthorization of the Elementary and Secondary Education Act [ESEA]. This legislation has the potential to revitalize the $400 billion American education system.

As ranking member of the committee, and an educator for over 40 years, I believe that we need to take a fresh look at the 43 separate programs that make up ESEA. The $10 billion sent to State and local school agencies under the authority of this Act must become the driving force for a dramatically improved education system for all students.

In order to move Federal support in this direction, I have already introduced legislation that would: increase the ability of local schools

to use the money as they see fit, to focus programs on improving schools rather than meeting Federal regulations; encourage school districts to work with other service providers in the community so basic needs, such as eyeglasses and after school care, are provided and complement the educational instruction; and, set high academic expectations for students, adding excellence to our drive for access.

Last week, I joined a bipartisan group of Members in cosponsoring the Department of Education's reauthorization bill for ESEA. Even though there are some provisions in this proposal which cause me great concern, I have cosponsored it because the Department has included major provisions that closely track the ideas that I have been pushing for several years. These include: setting high achievement standards as the expected goal of students in Federal programs, providing local educators with a great deal of flexibility in how to design their school activities, and allowing educators to use these funds to reach out to others who should be part of a community-wide effort to make every child a success. It is also important that education not become a partisan issue.

There are two specific areas of the legislation that I will be working very hard to change. The chapter 1 formula which distributes over $6 billion a year to schools across the country is unacceptable in the administration's proposal. While I have supported the targeting of resources in the past, I also know first hand the need for educational assistance in small cities like York, PA, which has a poverty rate of over 30 percent. I have introduced legislation which would expand, not cut, funding to these smaller, high-poverty areas and intend to have it included in the final bill.

In addition, the chapter 2 education block grant currently provides the only funds schools now have that can be used to carry out innovative ideas. I believe I can convince the committee and Congress that the wisest course is to expand the pool of funds available for broad school reform activities, not get rid of them.

As the legislative process continues, I will be making every effort to correct these, and other, problems in the legislation and to write a bill that provides access to a quality education for all students.

ANTIQUATED DELANEY CLAUSE SHOULD BE REPEALED

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. BEREUTER. Mr. Speaker, this Member would like to commend to his colleagues the following editorial from the September 23, 1993, Omaha World-Herald, regarding the need to repeal the Delaney clause. As the editorial indicates, the Delaney clause is an anachronism which is unrealistic in light of the rapid scientific and technological advances made in the years since the original law was passed. Contrary to the rhetoric of the law's supporters, it is possible to repeal the outdated Delaney clause and still maintain a safe food supply for everyone.

[From the Omaha World-Herald, Sept. 23, 1993]

REPEAL ILLOGICAL, ANTI-SCIENCE LAW

Congress has an opportunity to repeal a law that has become a symbol of scientific illogic in the 1990s. The law should go.

It is known as the Delaney clause. Established in 1958, it forbids the sale of food products containing trace elements of any substance known to cause cancer in laboratory animals.

That requirement may have seemed reasonable in 1958, when much less was known about cancer. Furthermore, the best testing equipment in 1958 was capable of identifying a residue equal to one part per thousand—a fairly heavy concentration.

But the standard is reasonable no longer. Scientists have demonstrated that tiny traces of some cancer-causing materials exist in nature. And the equipment they use to measure such things is accurate enough to find traces that border on nothingness.

Sticking with the Delaney clause's zero-tolerance standard would mean that the government must keep a product off the market even if its "contamination" level were so low that no human could possibly be affected. That's the standard that the Ralph Nader people and others are trying to protect. They sued the federal government to keep the law in force. They said they will fight efforts to repeal it.

Defenders of the Delaney clause sometimes paint a picture of a heartless government, putting innocent children at risk by allowing greedy corporations to pump dangerous chemicals into the food supply. Like much of the rhetoric from extremists, that picture is inflammatory and inaccurate.

Respected organizations, including the American Medical Association, have said that the zero-tolerance rule is scientifically invalid. Trace residues of pesticides as small as a part per trillion or quadrillion, detectable only by advanced scientific instruments, often don't pose a risk to human health.

A more reasonable standard would allow the government to ban a substance if it were found in food at a level that posed a significant health risk.

That's the standard the Clinton administration has suggested to Congress as part of a proposed pesticide bill. Congress would do well to consider the new standard's merits.

IMPLEMENTATION OF THE 1992 CABLE ACT

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. MAZZOLI. Mr. Speaker, in response to Americans who protested ever-increasing cable television bills, Congress passed the 1992 Cable Act. The Act directed by the Federal Communications Commission [FCC] to establish benchmarks for both cable prices and customer services which had to be met by all cable operators. The Act also required the FCC to monitor implementation of the law.

What has happened since the Cable Act went into effect? Well, in my community of Louisville and Jefferson County and around the Nation, some cable fees have gone down but lots have gone up. Some cable channels have been added but a lot of popular ones have been dropped. And, many channels have been repositioned on the cable dial.

All in all, the cable customers are even more frustrated, confused and angry than they were before the Act was passed.

Many of us in Congress believe the FCC has fallen short in protecting cable customers as Congress intended by the 1992 Act.

The FCC has been called to Capitol Hill on September 28 to testify before the House Telecommunications Subcommittee concerning actions it has taken since the Cable Act became effective, and what steps the Commission plans to take to remedy the dismaying situation in cable television.

Mr. Speaker, I commend to the attention of our colleagues a New York Times article of September 18, 1993, and a Washington Post article of September 25, which outline succinctly the FCC's actions and inactions under the 1992 Act.

[From the New York Times, Sept. 18, 1993]

F.C.C. REVIEWING CABLE TV RATES AS ROLLBACKS TURN INTO INCREASES

(By Edward L. Andrews)

WASHINGTON, Sept. 17—Six months after the Federal Communications Commission promised cable television customers $1 billion in annual rate rollbacks, the agency confirmed today what many consumers have argued: cable rates actually seem to be rising.

"It's obvious there's a problem, but we'll have to find out the extent of it," said James H. Quello, the acting chairman of the commission. Amid a torrent of complaints from angry consumers and members of Congress, the F.C.C. announced that it would start a detailed survey of the prices charged by the 25 biggest cable companies.

The F.C.C. is giving the companies just two weeks to respond, and Mr. Quello acknowledged that the results might force his agency to rewrite the foot-high stack of rules it just finished painstakingly drawing up.

A TURNABOUT FOR AGENCY

The announcement amounts to a big embarrassment for F.C.C. officials, who until now strongly denied there was any problem. Indeed, in recent weeks Mr. Quello and other officials have issued several blunt statements insisting that any price increases for some customers were more than offset by declines for others.

The new rate regulations, which took effect on Sept. 1, were issued in response to legislation Congress passed last October to rein in price increases and force cable companies to improve their service. Since the cable television industry was deregulated in 1986, cable prices had been climbing at more than twice the rate of inflation—in part because all but a handful of systems enjoy monopoly franchises.

The new rules set up a complicated system of "benchmark" prices, and F.C.C. officials had predicted that they would force rate reductions of more than 10 percent for about two-thirds of all cable systems.

But it has not necessarily worked that way, as consumers have been discovering in the last few weeks. Virtually reversing what the F.C.C. had intended in writing the new rules, prices for basic and expanded services have gone up at many companies, while thecost for options like additional outlets have gone down.

In New York City, for example, Time Warner Cable shaved the price of its most basic

package by 24 cents a month, to $14.71, while increasing the additional charge for its expanded service by 87 cents, to $8.87, according to the city's Department of Telecommunications and Energy. The combined total monthly rate increased to $23.58 from $22.95.

As consumers started to receive the new price list by mail, they started flooding members of Congress with complaints. Aides to Representative Edward J. Markey, the Massachusetts Democrat who led the House fight to reregulate cable, said they had been getting 50 to 75 calls a day from consumers in the last few weeks. Even before today's F.C.C. announcement, Mr. Markey had scheduled a hearing on the matter for Sept. 28.

Mr. Markey and Representative Christopher Shays, a Connecticut Republican, have been circulating a "Dear Colleague" letter in the House demanding that the F.C.C. revisit its rules. Nearly 100 lawmakers have signed the letter so far.

Congressional staff members said the F.C.C.'s new rate survey was, if anything, overdue. "What this survey shows is that the F.C.C. is at least having second thoughts that this is not working out the way they thought it would," said Gerry Waldron, senior counsel to the House Energy and Commerce Committee's Subcommittee on Telecommunications. "The survey itself will tell us the extent of the problem."

Mr. Quello recently got his own taste of consumer anger. As a guest on a call-in radio program in Detroit this month, he faced a barrage of complaints from residents who were mystified by, and upset about, cable prices.

Officials of Time Warner, the nation's second-biggest cable operator, after Tele-Communications Inc., said they would cooperate with the F.C.C.'s inquiry.

"We think it is perfectly appropriate for the F.C.C. to gather information about how we are complying with the statute, and we will pledge our full cooperation," said Tim Boggs, a lobbyist for the company in Washington.

But it may be hard to determine where rates really stand for the nation's customers. For one thing, the regulations play out differently for each of the nation's 11,000 cable franchises, and the customers of one system may get rate cuts while prices go up for those in an adjacent town.

A COMPLICATED APPROACH

The public's anger over cable prices had led Congress to pass the cable bill last year over President George Bush's veto. But the law set out a complicated approach to lowering prices. The F.C.C. was directed to issue and enforce price guidelines that would lead cable operators to charge rates comparable with those in the handful of markets with real competition.

To do this, the F.C.C. came up with a staggering collection of benchmark prices, which varied depending on the number of channels offered and the number of customers for a cable system.

But these benchmarks were total prices for all of the services the companies could offer. As a result, many companies found they could stay within the guidelines by dropping their highest prices for the fanciest level of service while raising the charges for more basic service.

The result has been confusion.

In general, the biggest reductions are going to people who subscribe to the most lavish monthly packages, have more than one cable outlet in the home and rent remote-control devices. Figuring out the net result requires calculating how many customers fall into these rough categories.

Tele-Communications, based in Denver, told Wall Street financial analysts this summer that rate regulation would cost it about $160 million, or 4 percent of its total revenue. Time Warner has said it will give up between $90 million and $100 million.

Regardless of the survey's findings, however, there is a growing consensus that the regulations are having at least one unintended result; they seem to be helping relatively affluent people who buy fancy service while hurting the people who buy bare-bones packages, who are likely to be poorer.

Some Congressional critics say regulators may have misfired in their basic calculations.

"The F.C.C. set the benchmark prices too high," Representative Shays said in an interview. "Its own analysis showed that cable systems that face effective competition have prices that are 30 percent lower than those that don't, but the benchmark prices are only 10 percent lower."

Agency officials have acknowledged this point since the rules were adopted. But they say they had no choice, because the law passed by Congress includes a peculiar definition of "effective competition" that includes cable systems with very low market penetration and systems owned by municipalities.

[From the Washington Post, Sept. 25, 1993]

LAWMAKERS LEAN ON FCC OVER NEW CABLE RULES—RISING RATES SPUR COMPLAINT

Members of Congress are pressuring the Federal Communications Commission to rethink its new cable rules.

In a letter sent yesterday to FCC Chairman James H. Quello, 130 members of Congress, mostly Democrats, told the agency they were "deeply concerned" about cable rate increases that have taken effect in communities across the country since the new federal regulations went into effect on Sept. 1.

"It appears that a number of cable companies are planning to raise, rather than lower, their cable rates. Such a perverse result forces us to question whether these rate increases reflect a flaw or loophole in the commission's regulations," the letter said.

The letter's principal authors were Rep. Edward J. Markey (D-Mass.), chairman of the House subcommittee on telecommunications and finance, and Rep. Christopher Shays (R-Conn.). Twenty-two Republicans and one independent signed the letter.

When the law was adopted a year ago, the FCC said consumers would save $1 billion on their cable bills. A commission promise since then that at least two-thirds of consumers would see savings is not coming to pass, a Markey aide said.

Cable companies put into effect new rates on Sept. 1 based on a complicated FCC formula. For many subscribers, lower costs for remote controls, extra hookup or installation offset higher monthly changes for basic service.

Quello, the chairman of the FCC, said yesterday, "There has been too much of an expectation that all rates will go down." He said he still expects consumers will save about $1 billion from the reregulation of the cable indstury, "or we'll do reregulation or [Congress] will have to do some legislation."

Quello said the FCC is in the process of surveying 25 of the largest cable operators to find out how prices have changed.

"We'll take corrective action, but [Markey] wants immediate action," said Quello, who noted that his own cable bill in Alexandria has decreased. "There will be some churn and fine-tuning."

The idea of the cable act was that rates in areas served by one company should be set at the same levels that systems in competitive markets charged.

A spokeswoman for the National Cable Television Association said "cable companies are continuing to work hard to implement the new law," while the FCC does its own survey of prices.

Since the regulations have gone into effect, members of Congress, state regulators and consumer groups have gotten complaints that price increases are being slapped on some of the most popular programming packages that go out to the most subscribers. Consumers also are reporting that cable companies, to recoup their losses, are taking away discounts for senior citizens or charging more for installation.

"It's clear, at least the way the companies have implemented it, that there are consumers who should be benefiting and are not," said Bill Squadron, president of the National Association of Telecommunications Officers and Advisors, a group of officials who handle local cable rate regulation.

But John Mansell, senior analyst with Paul Kagan Associates, a media research firm, said consumers are saving on such things as multiple outlets and remote controls as a result of the new law.

The FCC "is supposed to be an expert agency. It shouldn't be subject to every whim of Congress," Mansell said. "One can only hope that the FCC's survey results are based on reason rather than politics."

100TH ANNIVERSARY OF DOBBS FERRY COMMUNITY HOSPITAL

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. GILMAN. Mr. Speaker, I rise to call to the attention of our colleagues the impending celebration of the 100th anniversary of the Community Hospital in Dobbs Ferry, NY.

Americans familiar with our beautiful Hudson River Valley are probably aware of the village of Dobbs Ferry, one of the most picturesque of all the communities along the majestic Hudson. The Community Hospital at Dobbs Ferry began its compassionate services to the Dobbs Ferry community on October 13, 1893. In the 100 years which has transpired since then, the hospital has continued to provide the finest health care available, and has remained on the cutting edge of the fast breaking developments in the field of medical science.

In recognition of this milestone, the hospital is planning on Saturday, October 16, an historical retrospective and health fair, and plans to recognize with an appropriate plaque those citizens of their service area who are celebrating a 100th birthday this year.

Mr. Speaker, many persons were brought into life and many persons were healed at the Community Hospital at Dobbs Ferry. Staying in business for a full century is an achievement deserving of our recognition and praise.

Accordingly, I invite my colleagues to join in congratulating the Community Hospital in Dobbs Ferry for its extensive dedicated service.

JAPAN-UNITED STATES FRIENDSHIP ACT

HON. ROBERT E. WISE, JR.

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. WISE. Mr. Speaker, today I introduced legislation that is designed to strengthen the Japan-United States Friendship Commission.

The Japan-United States Friendship Commission was established as an independent Federal agency by the United States Congress in 1975 (Public Law 94–118). The Commission administers a United States Government trust fund that originates from part of the Japanese Government repayments for United States facilities built on Okinawa and returned to Japan, and for postwar American assistance to Japan. Income from the fund is available for the promotion of scholarly, cultural, and public affairs activities between Japan and the United States.

The purpose of the Commission as defined in the Japan-United States Friendship Act is to promote "education and culture at the highest level in order to enhance reciprocal people-to-people understanding and to support the close friendship and mutuality of interest between the United States and Japan." The Commission's mission is critical to the interests of the United States because in the words of the Act, "the continuation of close United States-Japan friendship and cooperation will make a vital contribution to the prospects for peace, prosperity and security in Asia and the world."

Mr. Speaker, the Commission has been extremely successful in meeting its goal of promoting mutual understanding between Japan and the United States. However, its ability to meet this mission has been diminished in recent years due to a deteriorating endowment.

When Congress created the Commission it provided it with an endowment of $18 million and an approximately equivalent amount of Japanese yen. The legislation I introduced today would authorize an additional $50,000,000 to further capitalize the Commission's endowment. This could perhaps be done in increments of $10 million over 5 years. In addition, the legislation would enhance the investment authority of the Commission as well as strengthen criteria for membership on the Commission.

Mr. Speaker, the work of this Commission has never been more important. In view of the increasing interdependence of the United States and Japan and the resulting friction and misunderstanding, I hope this body will look favorably on this proposal.

MARY CLARKE HONORED AS A FINALIST IN VFW VOICE OF DEMOCRACY COMPETITION

HON. GEORGE E. SANGMEISTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. SANGMEISTER. Mr. Speaker, it is a great pleasure for me to congratulate Mary Clarke, a 15-year-old constituent from Joliet, for her outstanding achievement. Mary was honored as a finalist and awarded a $1,500 scholarship for her entry in this year's Voice of Democracy Scriptwriting Competition and Scholarship Program. Sponsored by the Veterans of Foreign Wars of the United States and its ladies auxiliary, the nationwide contest seeks to inspire our future leaders to think about the responsibility to the next generation. More than 136,000 secondary school students competed for 29 national scholarships in this year's contest, by writing a speech entitled "My Voice in America's Future."

I am confident that we will be hearing a great deal more of Mary's voice in the years to come. A future educator, she has the sensitivity, vitality, and conviction to make a difference in her community, and beyond. You will realize this for yourself when you hear Mary's speech:

MY VOICE IN AMERICA'S FUTURE

(By Mary Clarke)

I use my voice everyday. A day in my life has not yet passed where I do not use my voice. As a baby, I used my voice to cry out so my parents would take care of me and give me what I needed. When I was a child I learned how tell people what I needed with my voice. Now I use my voice to ask others what they need. In the future, I will use my voice to try to make America's future brighter.

Just as a word is not a word without each and every one of its letters; a voice is not a voice if it does not have certain basic components. So I have taken the word *VOICE* and broken it down letter by letter to show the importance and strength of each letter and what they stand for. If, I can use these building blocks to create a solid, firm voice—My Voice In America's Future will be heard. The V in voice will stand for volume, the O for optimism, the I for inquisitiveness, the C will stand for certainty, and the E for endurance.

A voice needs volume so it is audible, so it can reach people's ears as well as their hearts. Without volume a voice is not heard and voice that is not heard is no longer a voice but merely athought that cannot touch any lives. So first to give your voice volume—you must speak so you can always be heard.

The O represents optimism. A voice needs optimism so others can find hope and a reason to move forward—so we can see our future in a more positive light. If a voice is not optimistic people have no faith, no energy, no excitement to leap into tomorrow. To give your voice optimism you must stand tall, look forward—never back—and smile.

We all know that to learn we should ask questions. That is why there is an I in voice for inquisitiveness. Problems can be solved, questions can be answered, and new ideas can be found when a voice is inquisitive. We need to be curious about others, their way of life, and their solutions to life's difficulties. We should share our advances as well. To make your voice inquisitive you must ask pertinent useful questions that will help you to arrive at your goal sooner.

The letter C in voice stands for certainty. A voice must have certainty so we can all trust in it and in ourselves. People listen—not to a weak voice—but to a strong, confident voice that has direction and reason. If we are sure of ourselves, our voices in turn will reflect that. To instill certainty in your voice, you must believe in everything it says.

E is the final letter of voice. E is for endurance. For a voice to endure it needs many things—it needs the ability to hold ground when someone tries to silence it, a voice needs the strength to trample down the destructive problems of society, and it must overcome time, hate, sadness, and lies. To accomplish these feats and all others a voice must have volume to be heard, optimism to seek out tomorrow, inquisitiveness to find solutions, certainty so it is believed in—with all these and the power to endure, a voice is then complete.

My voice is my future. My voice and endurance is America's future.

TRIBUTE TO HUNTINGTON BAPTIST CHURCH ON THEIR 125TH ANNIVERSARY

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. ACKERMAN. Mr. Speaker, I rise today to pay tribute to the Huntington Baptist Church, in Suffolk County, NY, on the occasion of its 125th anniversary.

During the past century and a quarter, the Huntington Baptist Church has mirrored the history of the town of Huntington: Beginning with simple plans to provide a parsonage for Huntington; continuing on with the first conversion of a Native American in the community, Mrs. Hannah Jackson; and on to the present day church and Sunday school located at High Street and Oakwood Road.

Mr. Speaker, the church began simply, when 12 members in 1868 withdrew from the Union Baptist Church of Cold Spring Harbor and decided to form their own house of worship. Despite the grave difficulties and many disappointments which beset the little band, they had strong faith and were able to persevere. The early efforts of this dozen resulted in the construction of the church in 1870.

Throughout its history, the Huntington Baptist Church has been an integral part of the community, participating in all facets of life in Huntington, and reaching out to those in need. As it begins its sixth quarter century of ministry, may the church and its congregants celebrate a future filled with the same commitment, energy, and devotion as that first tiny band of 12.

Mr. Speaker, I ask my colleagues in the House of Representatives to join with me now in extending congratulations and best wishes to Pastor Peter Sherwood Sanborn and the Huntington Baptist Church on the celebration of their 125th anniversary.

LACINDA "CINDY" HESS RETIRES AFTER YEARS OF SERVICE TO SCOUTING AND COMMUNITY

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. SOLOMON. Mr. Speaker, having been associated with scouting all my life, I have a special admiration for those people who give

so freely of their time to make scouting the great institution it has been in American life. I'd like to say a few words about one of those people today.

Lacinda "Cindy" Hess is, you might say, the first lady of scouting in my hometown of Glens Falls, NY. She will be retiring in October after 18 years of service as executive director of the Adirondack Girl Scout Council.

Ironically, Cindy Hess never had time to be a girl scout when growing up in the World War II era. Her father was in the military, and that involved too many relocations. But when her daughters Meredith, Karen and Leslie became girl scouts, Cindy Hess became a leader of Brownie Troop No. 31, and her devotion to scouting had begun.

Over the years, Cindy Hess has coordinated hundreds of volunteers, always remaining accessible to them, and to her staff. She moved the council into a corporate system, which was an innovative step at the time, and she is largely responsible for the council's current financial and administrative strength.

She has had an impact on thousands of girls, teaching them the spirit of voluntarism which has made America the greatest Nation on Earth.

Mr. Speaker, Cindy Hess lives and breathes that spirit of voluntarism. After earning bachelor's and master's degrees in history, raising her children, and working in various teaching capacities, she got involved in her community in a big way.

She was elected to a term on the Glens Falls common council, where she chaired the audit and finance committee. She has been an elder and member of the board of trustees of the First Presbyterian Church, and president of the Zonta club and Glens Falls club of college women. She chaired the Warren/Washington interagency council and the Warren County youth board. She is currently a member of the Adirondak regional chambers of commerce leadership advisory board. She is a member of the Chapman Museum historical board and currently chairs its development committee. Cindy Hess has also organized volunteers to help local teachers. She somehow has found time to help in the family business, Hess Ventures.

It is an amazing record of achievement and selfless dedication. She certainly deserves the greater time she will spend with her family, which now includes four grandchildren. I and everyone who knows her are grateful that she still will be quite involved in the community.

Mr. Speaker, I ask you and other members to join me in a salute to a remarkable lady and close personal friend, Lacinda "Cindy" Hess of Glens Falls, NY

FOREIGN ASSISTANCE TO NICARAGUA

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. BECERRA. Mr. Speaker, on Tuesday, September 21, 1993, I voted in support of the Senate-amended version of H.R. 20, the Federal Employees Political Activities Act. Although I am a strong supporter of this legislation, I would like to state my concern over the Senate amendment which expresses the sense of the Senate that United States foreign assistance to Nicaragua should be withheld until an international investigation of the Sandinista Liberation Front with respect to acts of terrorism takes place.

Not only is this issue not germane to the proposed legislation, but there was no opportunity for review or discussion of this amendment through the committee process.

Therefore, while I support both the intent and the action contained in H.R. 20, I am disturbed over the Senate's use of good legislation as a vehicle to convey a totally unrelated concern.

$284 MILLION A YEAR FOR FOREIGNERS WHO LIKE THE CANADIAN HEALTH CARE SYSTEM

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. STARK. Mr. Speaker, lots of conservative commentators and their supporters in Congress love to yak about long lines for health care service in Canada and how Canadian doctors are fleeing to the United States They are wrong on both counts: There are no lines for emergency care and in one recent year, more United States doctors moved to Canada than came here.

But the really embarrassing news is contained in the September 23, 1993 the Globe and Mail of Toronto:

U.S. President Bill Clinton's plan to provide health insurance for all Americans, paid for partly with cigarette taxes, offers two accidental benefits for Canadian Government finances:

Americans would no longer be tempted to slip across the border for free Canadian health care.

Smuggling of cigarettes from the U.S. would become somewhat less lucrative, and perhaps less widespread.

No one knows how many U.S. free riders use Canada's health system, but a leaked report by Ontario Health Insurance Plan investigators earlier this year estimated that use of health cards by ineligible people, some from the United States costs as much as $284 million a year.

There is evidence that Americans cross the border to have babies and get treatment for AIDS, among other things, the investigators said.

This past summer, Ontario officials charged a woman from Rochester, NY, with impersonation and attempted fraud, and an Arkansas man with conspiracy to defraud, in connection with use of health cards.

Once again, I hate to bother the ideologues who bad-mouth Canada, but I hope that an occasional fact or two could slip into their brains. I would hope these facts would help shame them into supporting a true reform of our Nation's health care system.

RAY McKAY, MARITIME LABOR LEADER

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. MANTON. Mr. Speaker, last month, the American labor movement and the U.S. merchant marine lost a distinguished leader with the death of Ray McKay, president of the American Maritime Officers.

Ray began his maritime career on an ammunition ship that departed Pearl Harbor just hours before the Japanese attack. He served on numerous other ships during the war—a time when U.S. merchant vessels were being sunk within sight of the U.S. coast. His service on those ships taught him about the critical role of the merchant marine in time of war and peace. For Ray, the fact that merchant mariners suffered a higher casualty rate than the Army, Navy, and Air Force was more than a statistic, it was a grim testament to the sacrifice of his friends.

In peacetime, Ray fought to improve the lives of seamen. Those who went to sea before, during, and after the war, worked under conditions that are not imaginable today. The lot of these workers was characterized by long hours, low pay, cramped quarters, and next to no fringe benefits. Ray led the fight to assure decent pay and working conditions for those who engaged in this dangerous and lonely profession.

Throughout my time in Congress, a time when the merchant marine has been under unwarranted attack, Ray McKay was a voice of compromise. When the critics of maritime labor called for a reduction in wages and benefits, Ray was willing to call on his followers to sacrifice—if it was a shared sacrifice, with management and others sharing the burden. As carriers sought to abandon the U.S. flag, Ray challenged their actions. He was a man of courage and conviction and we will miss his counsel.

As we seek to reverse the dismal record of the last 12 years, we face a difficult battle—a battle that will be more difficult because we lack the strength and assistance of Ray McKay.

HONORING ARNOLD HYMAN

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. ENGEL. Mr. Speaker, I wish to take this opportunity to honor a community leader and good friend from my district, Mr. Arnold Hyman, on the occasion of his 50th birthday.

Mr. Hyman has worked for the New York Public Library since 1959, and during that time he has worked hard to improve and enhance services to the community. He was recently named regional branch librarian at the Kingsbridge Branch Library, and he has been the coleader and guiding force of the longest-running library book discussion group in the Bronx.

Arnold Hyman is also active in several political and community affiliations. He was one of the founders of the Bronx Pelham Reform Democratic Club and a former president of the Community Center of Israel, where he currently serves on the board of trustees.

Most of all, Arnold Hyman has been truly devoted to his family and friends. He is a native Bronxite who has continued to live in the borough and worked to improve its quality of life. He has been continually supportive of me, my family, and many of his neighbors. On behalf of every person whose life has been touched by Arnold Hyman, I congratulate him on reaching this milestone and wish him many more years of happiness and good health.

INTRODUCTION OF A JOINT RESOLUTION TO DESIGNATE THE WEEK OF OCTOBER 25, 1993, AS "WORLD POPULATION AWARENESS WEEK"

HON. ANTHONY C. BEILENSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. BEILENSON. Mr. Speaker, Mr. PORTER and I, along with 138 cosponsors, are introducing a joint resolution today to designate the week beginning October 25, 1993, as "World Population Awareness Week." The purpose of this observance, which has been introduced in the Senate by Senators PAUL SIMON and JAMES JEFFORDS, is to educate Americans about overpopulation and the increasingly adverse effects that global population growth will have on the world's future.

The Earth's population recently surpassed the 5.5 billion mark, and it is growing by almost 100 million people every year. Twenty-four hours from now, there will be 260,000 more people in the world than there are at this moment. More than 90 percent of this increase will occur in the overburdened poorest nations of the world, which cannot begin to take adequate care of their current populations and for whom there are too few jobs, inadequate schools, inadequate health care, inadequate amounts of food and, usually, very little, if any, individual freedom.

In much of the developing world, high birth rates, caused in great part by the lack of access of women to basic reproductive health services and information, are contributing to intractable poverty, malnutrition, widespread unemployment, urban overcrowding, and the rapid spread of disease. Population growth is outstripping the capacity of many nations to make even modest gains in economic development. In the next 15 years, developing nations will need to create jobs for 700 million new workers, which is more than currently exist in all of the industrialized nations of the world combined.

The impact of overpopulation, combined with unsustainable patterns of consumption, is also evident in mounting signs of stress on the world's environment. Under conditions of rapid population growth, renewable resources are being used faster than they can be replaced. Each year, for example, the world's farmers try to feed 100 million more people on 24 billion fewer tons of topsoil. Moreover, the burgeoning of the world's population is also contributing to tropical deforestation, erosion of arable land and watersheds, extinction of plant life and animal species, and pollution of air, water and land.

Unfortunately, we hear surprisingly little about the population phenomenon. The single greatest obstacle to fully addressing this crisis is a general lack of awareness of how rapidly the world's population is growing, and that what we do this decade, as today's three billion youths in the developing world reach their childbearing years, will significantly determine the kind of world we leave to future generations. For example, even if the average fertility rate is brought down from the current 3.3 children per woman to 2.8 children in the year 2025—quite a significant reduction—world population will still grow to 12.5 billion by 2050. But that will be a vast improvement over what will happen if fertility rates do not significantly decline and the Earth's population triples in the next 50 years.

World Population Awareness Week has been approved by both the House and Senate for the past 3 years, and each year the President has issued a proclamation for its observance. Thirty-seven State Governors have also issued proclamations in recognition of the week, and hundreds of classes, seminars, and other educational events have been held at colleges and universities in each of the 50 States.

This year, in recognition of World Population Awareness Week, events are being planned in every congressional district. Nearly 120 national and local organizations—including the League of Women Voters, the United Methodist Church, and the American Association of University Women—are involved in planning over 3,000 discussion groups, films, and other educational events to raise public awareness of this critical issue. In addition, 33 countries and many international organizations as diverse as the World Muslim Congress and Botswana Family Welfare Association are also observing the week.

Mr. Speaker, we believe World Population Awareness Week provides an important opportunity for Americans to learn about the rapid growth of the world's population and its dire consequences for the environment, for food supplies, for overcrowding, and for political and social stability. We hope that as Americans learn more about the problems associated with overpopulation, they will become more interested in working toward solutions to this very serious problem.

We urge our colleagues to join us in supporting this legislation.

THE FEDERAL COURT SETTLEMENTS SUNSHINE ACT OF 1993

HON. DAVID E. SKAGGS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. SKAGGS. Mr. Speaker, today, at a time when Americans are demanding a more open and accountable Government, I am introducing legislation to move in just that direction in a branch of government that has largely been ignored in this debate—the Federal courts.

Across the country, various agencies of the Federal Government are routinely involved in litigation concerning matters ranging from the cleanup of toxic waste dumps to the safety of consumer products. Frequently, when these cases are settled, the judge considering the case will seal—or block from public disclosure—the terms of the settlement. The reasons for such sealing can range from mere convenience and expediency, to blocking questions about someone's reputation, to protecting legitimate security information.

The Federal Court Settlements Sunshine Act of 1993 would ensure the public's right to know what's happened when Federal agencies settle cases in court. It establishes a tough standard to be met before a Federal court could withhold from the public the terms of settlement of any civil case involving the U.S. Government.

Since we're talking about cases affecting the public's business, and large sums of money or significant policy issues may be at stake, it's only right that we all have a chance to see what kind of settlement deals our Government has entered into. So, in any case involving a Federal agency or official, settlement documents would have to remain public unless the trial judge made a written determination that a compelling public interest required the settlement agreement to be kept secret.

I know that many of my colleagues are aware of the case of Silverado Savings and Loan Association in Colorado. The collapse of this S&L will probably end up costing American taxpayers over $1 billion. But because a Federal court agreed to seal the terms of the settlement reached between Silverado and the Government those same taxpayers will not be able to learn the whole story and why they have to shell out this kind of money.

The Federal Court Settlements Sunshine Act of 1993 is similar to a bill I introduced in the 102d Congress. That bill was cosponsored by 25 of my colleagues and was the subject of a hearing before the Intellectual Property and Judicial Administration Subcommittee of the House Judiciary Committee. During that hearing, U.S. District Court Judge John Kane stated, "The very essence of justice is that it is public."

I couldn't agree with Judge Kane more. Other witnesses also expressed the same sentiment, and the public interest groups that appeared on behalf of the bill strongly urged Congress to prohibit the routine sealing of civil settlements involving Federal agencies.

Based on what I learned from those hearings, I've updated the bill in two ways to make sure that the American people have the openness in their courts that they deserve. First, the bill now requires that a court's decision to seal a settlement be in writing—and itself not be sealed. Second, I added a provision to ensure that once a complaint is filed no dismissal can take place without the court evaluating any settlement agreement that the parties enter into. Closing these two loopholes strengthens the bill and furthers may desire to open up public records to the public.

I'm happy to say that 23 of my colleagues are joining me as original cosponsors of the bill today.

Settlements involving Federal agencies are the public's business, and they should be open to public scrutiny. It's as simple as that.

Mr. Speaker, we're living at a time when many Americans feel alienated from their Government and are demanding a greater accountability. This bill presents one approach that may help restore their trust in certain Government actions.

I hope my colleagues will join me in promoting the public interest by supporting the full disclosure of the public's business in court.

TRIBUTE BY WILLIAM J. CAVANAUGH

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. MARKEY. Mr. Speaker, I would like to share with my colleagues an article which was recently published in one of the newspapers in my district, Middlesex News. This very insightful article was written by Mr. William J. Cavanaugh, a resident of Natick, MA and a retired U.S. Army Reserve officer who served on active duty during the Korean War. Mr. Cavanaugh reminds us of the importance of remembering and honoring those who have served this country in our Armed Forces.

[From the Middlesex News, July 8, 1993]

FAMILY REMEMBERS KOREAN WAR HERO

(By William J. Cavanaugh)

At its annual family picnic at Natick Labs on June 19, the extended Cavanaugh Clan of Natick and surrounding communities decided to donate the proceeds of its "annual picnic charity" event to the Massachusetts Korean War Veterans' Memorial.

The event raised $150.00 which is to be donated to the new memorial Massachusetts veterans of the Korean conflict in memory of Joseph Keenan, a cousin of the Cavanaughs and a U.S. Navy medic who was killed on March 26, 1953, while taking care of wounded Marines during a bloody assault on Reno Hill in Korea. Hospital Corpsman Keenan's bravery under hostile enemy action is memorialized in a 1989 oral history, "The Korean War—Uncertain Victory," by Donald Knox and Alfred Coppel.

The new Massachusetts memorial to veterans of "The Forgotten War" will be dedicated on July 27 at the memorial site near the permanent berth of the USS Constitution in Charlestown, on the occasion of the 40th anniversary of the signing of the armistice that ended the costly 3-year Korean War. Americans, a great many from Massachusetts, paid an enormous price during the first United Nations-sanctioned engagement only 5 years after the close of World War II—54,246 dead and 103,284 wounded, in addition to more than 7,000 still listed as missing in action or otherwise unaccounted for.

A great many Americans, including the Cavanaugh and Keenan families, can never forget the terrible price of that war. Three of my brothers, James Cavanaugh of Hingham (U.S. Navy), the late Francis X. Cavanaugh Jr. of West Roxbury (Air Force), and the late Joseph Cavanaugh of Foxborough (Navy), all served during the Korean war, as did I, but none of us, in answer to someone's prayers, saw duty in Korea.

However, our 19-year-old cousin Joey Keenan enlisted in the Navy in the waning months of the by-then stalemated war in late1952. After medical training in Newport, R.I., brand-new Navy medic Keenan was shipped to Korea. He arrived there in February 1953 and was immediately assigned to a Marine platoon involved in the fateful "Nevada Hills" operations. He was killed in action on March 26, 1953, just four months before the Panmunjon Armistice.

For more than 10 years, Joey Keenan's younger brother Michael Keenan, of Hanover, has been researching the events and circumstances of the Nevada Hills battles. At the Cavanaugh clan picnic each year, he reports on some new discovery of his brother's heroism during those closing months of the war. Combat veterans who served with his brother have written him from as far away as Alaska and Saudi Arabia. A retired U.S. Army Reserve colonel, I have been encouraging Michael in his research, as have all of the rest of the clan members. They hope someday to obtain for cousin Joey Keenan the long overdue official recognition for his heroism and ultimate sacrifice.

Medic Keenan was, according to testimony of his battalion surgeon in Korea, Dr. William E. Beven, actually written up for the Congressional Medal of Honor. The gist of Beven's recommendation from his combat diary of March 26, 1953, states, "One of my corpsman (F-2-5) under heavy enemy fire, despite being severely wounded, refused to be evacuated but remained at his station caring for and evacuating casualties until killed."

Unfortunately, in some postbattle administration snafu, the paperwork was lost and the Keenan family received only Joey's Purple Heart Medal for being wounded in combat and his campaign medals for combat service in Korea.

Whether or not Michael Keenan ultimately succeeds in getting full recognition from the Navy for his brother's sacrifice, one thing is certain: subsequent generations of Cavanaughs from Natick, Hingham, Foxborough, Braintree, Eatham and West Roxbury; Keenans from Hanover, Hingham, Billerica and Nashua, N.H.; Campbells from Framingham, West Roxbury, and Allston; Alves from Ashland; Hoovers from Hopkinton and many others from throughout MetroWest and Greater Boston towns and beyond will never forget their Korean war hero cousin Joey, especially on this upcoming 40th anniversary of the end of that "Forgotten War" and the dedication of its long-awaited permanent memorial on July 27 in Charlestown.

PAYING TRIBUTE TO JULIAN S. JURUS, OUTSTANDING POLISH AMERICAN

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. ACKERMAN. Mr. Speaker, I rise today to pay tribute to Mr. Julian S. Jurus, a man who has served the Polish community for 54 years both overseas and in the United States.

Julian Jurus was an active member of the Polish Armed Forces overseas from 1939–1948. He served in Romania, France, and Great Britain. In May 1948 he was discharged and emigrated to the United States.

Mr. Jurus is a lifetime member of the Polish National Home, which he served as president for 11 years, and where he is now a member of the board of directors and the board of trustees. He also serves as the current treasurer of the Polish American War Veterans Association, and was its commander for four years.

Julian Jurus was the co-organizer of the American Polish Council of Long Island in 1963 and its chairman for four years. In 1966, Mr. Jurus became the cochairman of Poland's Millennium Committee in Nassau and Suffolk Counties. He was the co-organizer of the Nassau County General Pulaski parade committee in 1965 and the first president of that committee. He has been a member of the General Kazimir Pulaski memorial committee in New York since 1965. Mr. Jurus was the co-founder of the Polish American Museum in Port Washington, NY, in 1977, and was president of the museum for 9 years.

Mr. Jurus also serves on the Polish American Congress, the Kosciuszko Foundation, the Polish Numismatic Association in Chicago, the Nassau County Holocaust Commission, the Sovereign Military Order of Saint John of Jerusalem, the Knights of Malta with the rank of Knight Commander of Grace. In addition, Mr. Jurus serves on the pastoral advisory council at Saint Hyacinth Roman Catholic Church in Glen Head, NY.

In 1992, Julian Jurus was honored as a citizen of the year by Polish American World. This year, he was awarded Marshall Honors, and will lead the Nassau County contingent at the General Pulaski parade in October.

Mr. Speaker, I ask my colleagues in the House of Representatives to join with me now in paying tribute to Mr. Julian S. Jurus for his many years of service to the Polish-American community of Long Island, and to commend him for his many efforts and accomplishments.

THE ECONOMIC BENEFIT TO THE UNITED STATES FROM THE ACTIVITIES OF INTERNATIONAL BANKS

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. LAFALCE. Mr. Speaker, over the last several years, foreign banks have become an increasingly visible presence in the U.S. market. What is sometimes less apparent, however, is the substantial and positive economic effect these institutions and their lending and investment activities have on the U.S. economy.

Today I would like to call the attention of my colleagues to an important new study, "Banking in a Global Environment: Economic Benefits to the United States from the Activities of International Banks," released by the Institute of International Bankers. The study concludes that international banks provide an important source of credit and liquidity to the U.S. financial market; bring direct economic benefits to the U.S. economy in terms of job creation, office space utilization and other expenditures; and operate in the United States under the same regulatory restrictions as U.S. banks.

As the study points out, foreign banks directly and indirectly employed over 300,000

people and spent almost $20 billion dollars a year in the United States last year. Moreover, during the serious credit crunch we have experienced, foreign financial institutions have been a key source of business lending. Commercial and industrial loans by foreign bankingfirms amounted to 35 percent of all business loans to U.S. borrowers. In addition, foreign banks contribute to the general health of our economy—they pay substantial taxes and are major contributors to local real estate markets.

The report contains other specific findings of note:

The U.S. operations of international banks held at least $237 billion in loans and unfunded commitments acquired in syndications led by and participations purchased from U.S. banks, thereby freeing up the U.S. banks' capital to make additional loans; in the aggregate, the U.S. operations of international banks lent over $100 billion more to U.S. borrowers than they received in deposits.

The U.S. operations of international banks last year employed approximately 115,000 persons and spent in the aggregate in excess of $14.0 billion on employee, and other operating and capital expenditures; based on the U.S. Department of Commerce multipliers, international bank activities resulted in an additional 190,000 jobs being created with earnings of $5.4 billion.

The U.S. operations of international banks are subject to the same comprehensive system of regulation and supervision by Federal bank regulatory agencies as U.S. banks, including adhering to equivalent standards for global capital.

In the wake of the International banking scandals of recent years, the United States has insisted on enhanced supervision and regulation of foreign banks under the 1991 FDICIA legislation. This is appropriate—and sufficient. While we must properly regulate for purposes of safety and soundness, it is equally critical that we maintain a balanced regulatory system that recognizes the key role foreign banks play in fostering U.S. economic growth, enhancing the availability of credit and creating jobs. The regulation of foreign banks must remain founded on the principle of national treatment which has served the U.S. economy so well.

I commend this report to my colleagues.

TRIBUTE TO FORREST E. ACKER

HON. TIM HOLDEN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. HOLDEN. Mr. Speaker, I rise today to honor Mr. Forrest E. Acker, a distinguished gentleman from Schuylkill County, who has served as Secretary of Pulaski Lodge No. 216, F&AM for over 40 years. Mr. Acker deserves recognition within his own organization, as well as within his community, for his many years of dedicated service.

We may all learn from the example of Mr. Acker, whose devotion to his organization and its ideals has resulted in an unblemished record of service. Schuylkill County is fortunate to count him as a citizen. His past honors include the York Cross of Honor, an award only given to those who have served as head of every branch of the Masonic Order. In addition, his reputation within the community has brought honor to the Masonic organization in general, and has also earned my respect.

I would ask that my colleagues in the House of Representatives join me in recognizing Forrest E. Acker for his unselfish commitment to the Masons, and in wishing him continued happiness and success. His presence as Secretary will be missed, but his legacy of service will live on for many years to come.

TRIBUTE TO REVEREND CECIL WILLIAMS

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. DELLUMS. Mr. Speaker, today I rise to share with you and my colleagues that the Glide family will honor Reverend Cecil Williams' 30 years of activist ministry at Glide Memorial United Methodist Church at tonight's celebration of gospel song and tributary words hosted by Dr. Maya Angelou and Ms. Susie Tompkins. Edwin Hawkins and the Hawkins singers, Janice Mirikitani, Bobby McFerrin and the Glide ensemble, all local Bay Area performers, will add to the festivities.

The Reverend Cecil Williams has managed in these brief three decades to provide a shining beacon as to how the ministry can nurture the body and the soul, to provide shelter and sanctuary. His inspirational teachings and determined public advocacy have made the San Francisco community a better place, less hostile to its poor and dispossessed, more inclusive of all its cultures, communities, and people. Today, under his ministry, Glide Memorial United Methodist Church is, today, the most comprehensive nonprofit provider of human services in San Francisco operating human service programs that not only help meet the needs of the disenfranchised, but also to empower all people to become self-sufficient.

Our paths have often intertwined; our shared vision has made us allies; and our common agenda has bound us in coalition. I am pleased to join with a broad community in honor of his personal dedication and devotion to service and the many, many successes that he has achieved during his ministry at Glide.

TRIBUTE TO JANE BOECKMANN

HON. HOWARD L. BERMAN

OF CALIFORNIA

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

HON. ANTHONY C. BEILENSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. BERMAN. Mr. Speaker, we are honored to pay tribute to Jane Boeckmann, who is second to none in her commitment to the cultural and civic affairs of the San Francisco Valley. Jane's list of accomplishments is startling: Through the years she has been involved with more than 25 separate committees, boards of directors, foundations, and societies. She has been everything from a member of the board of directors of the San Fernando Valley Arts Council to a member of the advisory board of the Olive View Medical Center Foundation.

In addition to her volunteer and charitable activities, Jane is the publisher and editor in chief of Valley magazine. In the 14 years since she developed the magazine, it has become the premier source of life in the San Fernando Valley. Jane recognized correctly that the valley needed its own publication, that there is an infinite number of fascinating stories about the people and institutions in the area. Indeed, Jane is one of the people responsible for creating a distinct identity for the valley.

It's hard to imagine, but Jane has also raised five children and is the devoted wife of Bert Boeckmann, who is quite a philanthropist himself. The Boeckmanns are one of the best-known couples in the entire city of Los Angeles due to their generosity and selflessness. Many, many organizations have been blessed by their help, financial or otherwise.

We ask our colleagues to join us in saluting Jane Boeckmann, who on October 15 will receive the Free Enterprise Award from the San Fernando Valley Business and Professional Association. It is another in a long list of deserving honors.

CONGRATULATIONS TO VICTORIA VAN METER—WORLD RECORD AVIATOR

HON. THOMAS J. RIDGE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. RIDGE. Mr. Speaker, it gives me great pleasure to offer my congratulations to Victoria Van Meter on the occasion of her historic flight across the country.

Vicki has entered the aviation record books and has set three new world records. She is now the youngest female pilot to fly across the country, the youngest pilot to fly a distance of 2,900 miles and the youngest pilot ever to complete an east-to-west cross-country flight.

Vicki, age 11, the daughter of James and Corinne Van Meter, has been a flight student for just under a year and is a sixth grade student at the East End Elementary School in Meadville, PA. Vicki operated a single-engine Cessna 172 on this journey, and her flight instructor, Bob Baumgartner, accompanied her. She began the trip on Saturday, September 18, at 9 o'clock in the morning when she departed for Maine. She was greeted in Harrisburg, PA, on Monday, September 20, where it was officially declared "Vicki Van Meter day." The 2,900-mile trip ended in San Diego, CA, on September 23. The wind and turbulence made Vicki's task very difficult, but she showed great talent and courage by completing her trip. Vicki has received many accolades for her flight, and radio and television stations all around the country have interviewed her. She made stops in Columbus, St.

Louis, Oklahoma City, Albuquerque, Phoenix, and San Diego during her cross-country flight and carried with her a proclamation and gifts that she presented to city officials at each stop. These gifts were given on behalf of the residents of Meadville who named Vicki their goodwill ambassador.

Mr. Speaker, Vicki is a brave, intelligent, motivated young woman and has already accomplished some amazing things for a person of her age.

Mr. Speaker, it gives me great pleasure to extend to Victoria Van Meter my congratulations and best wishes for success in all of her future endeavors.

JAMES MALLON: A BEACON IN BROOKLYN

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mrs. MALONEY. Mr. Speaker, I rise today to bring to the attention of my colleagues an important event which will take place on October 7, 1993, in my district. This event will be the 20th anniversary of Northside Senior Citizens', Inc., an organization which has done so much to serve the elderly of the Williamsburg/Greenpoint/Northside neighborhoods of Brooklyn.

Over the past two decades, the Northside Senior Citizens' Center has provided support to thousands of seniors in our community. These innovative and effective programs include a highly successful seniors employment program and a homebound services program. The Northside Senior Citizens' Center's work has touched many lives.

It is entirely appropriate that the center is taking the opportunity on October 7 to honor its founder and executive director, James F. Mallon. Mr. Mallon has served the Northside Senior Citizens' Center with unstinting dedication since its creation back in 1973. His leadership and vision have made our community a better place.

Therefore, as this auspicious date approaches, I ask my colleagues to join with me in saluting Mr. Mallon's 20 years of tremendous service to the Northside Senior Citizens' Center as well as to the northern neighborhoods of the great borough of Brooklyn.

SUPPORT ECONOMIC AID TO NICARAGUA

HON. TIMOTHY J. PENNY

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. PENNY. Mr. Speaker, I would like to include in the CONGRESSIONAL RECORD a letter to Members of Congress from the ecumenical committee of U.S. Church Personnel In Nicaragua.

This ecumenical group consists of 16 Protestant and Catholic Church groups in Nicaragua working to improve the lives of the Nicaraguan poor. The group strongly urges the United States to continue economic and development assistance to Nicaragua.

The letter follows:

MANAGUA, NICARAGUA,
September 16, 1993.

MEMBERS OF THE UNITED STATES CONGRESS,
Washington, DC.

DEAR SENATORS AND REPRESENTATIVES: We write to urge your continued support of economic aid to Nicaragua. The country is experiencing a deep economic recession characterized by massive unemployment, widespread poverty, and serious cutbacks in public health care and education, which give rise to increased crime, violence, disintegration of family relationships, and general unrest. Withholding or reducing aid funds at this time would plunge the country into further economic crisis and augment the political and social tensions already at the breaking point.

The Nicaraguan people with whom we associate and work on a daily basis are among the 70 percent of the population who live in poverty. They are tired of past wars and the present violence; they want a chance for gainful employment to provide the basic necessities of food, shelter, education, and health care for their families. It is the children who suffer the most, since one-half of the population is under 16 years of age.

We applaud the positive steps taken by the Chamorro government to promote peace and democracy (e.g., reduction of the army from 90,000 to 15,000 and encouraging national dialogue among the various political factions). We feel that Mrs. Chamorro should be encouraged in her efforts to guarantee pluralistic political debate and participation in government, which lie at the heart of the democratic process. Withholding aid to force internal changes favored by one side or the other only serves to undermine this process, thus solidifying the extreme polarization, encouraging new outbreaks of violence, and reinforcing the plight of the poor—the ones who bear the brunt of the nation's political stalemate and economic stagnation.

We concur wholeheartedly with Oscar Arias, ex-president of Costa Rica and Nobel Peace recipient, who recently issued "an urgent call to the international community to redouble its assistance programs to Nicaragua." Arias said that Nicaragua needs help for special programs "to give work to tens of thousands of former military personnel who find themselves today prisoners of desperation and hunger. * * * More aid, not less, is what Nicaraguans need in this crucial hour."

Respectfully yours,

J. GARY CAMPBELL
and JANYCE PIXLEY
Coordinators, Ecumenical Committee of U.S. Church Personnel in Nicaragua.[1]

[1]The Ecumenical Committee of U.S. Church Personnel in Nicaragua is composed of 70 persons—both lay workers and professionals—from 28 states, the District of Columbia, and Puerto Rico, who are members of the following Protestant denominations and Roman Catholic religious orders:

American Baptist Churches USA.
Christian Brothers.
Christian Reformed Church.
Episcopal Church.
Evangelical Lutheran Church of America.
Franciscan Sisters of Little Falls, MN.
Jesuits.
Maryknoll Missioners.
Mennonite Church.
Presbyterian Church (USA).
Religious of the Sacred Heart.
Sisters of Notre Dame de Namur.
Sisters of St. Agnes.
Sisters of St. Joseph.
United Church of Christ.
United Methodist Church.

THE FEDERAL DEFICIT

HON. RICHARD K. ARMEY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. ARMEY. Mr. Speaker, I have received from a thoughtful citizen a modest proposal for eliminating the Federal budget deficit, which I should like to share with my colleagues.

A SIMPLE AND CONVENIENT PLAN TO ELIMINATE THE FEDERAL DEFICIT

(By Ronald T. Amberley)

Like most patriotic Americans, I am concerned with the welfare of our nation, and I have spent no little time thinking about ways to deal with the problem of our budget deficit and national debt, as well as other social difficulties. I make no claim to be a notable thinker, nor would I suggest that my ideas are anything out of the ordinary. Quite the opposite, in fact, is probably the case. But an idea has occurred to me which is so simple, yet would be so effective in cutting costs and painlessly raising revenue for the government, that I am baffled no one has publicly suggested it before. Some of the great minds of our day may have considered this plan previously, but I have never heard it mentioned. If they did think of it, they may have decided not to suggest it because it is so simple. (Some people feel it is beneath them for their fame to rest on anything but the most complex proposals.) Having no reputation to protect, I do not suffer from such a constraint, and I happily offer this simple idea which will promote our country's economic stability and provide many other benefits as well. I merely ask that my countrymen consider all I have to say before deciding on the merits of my plan. If, after due consideration, they deem me worthy of their approbation and thanks, I shall of all men be most humbly gratified.

As background let me reiterate a few facts about bees that most of us learned in elementary school. There are three classes of honey bees: queens, workers, and drones. The queen determines which eggs become workers and which will be drones when she decides which to fertilize. When drones are no longer of value to the colony, they are driven off to die and are replaced as needed by new generations of drones. As a great modern society which is increasingly free of the misguided moral queasiness and ethical restraint of our over-religious forebears, could we not embrace a more enlightened social order patterned in part on that of the bee?

In recent years we have justly become very sensitive about wasting our resources. We are wisely learning to recycle aluminum, paper, glass and plastic so that we do not consume raw materials or pollute the environment unnecessarily. Yet, for the most part, we continue to waste a very valuable resource without the slightest consideration for its economic value. I am referring, of course, to the annual financial loss which stems from the premature abortion of hundreds of thousands of potentially useful human offspring. How much more efficiently could we function if women had the option of bringing forth their offspring as drones, to their own financial gain and to the benefit of society at large?

THE BASIC CONCEPT

In brief, my plan would allow a pregnant woman to choose from three options by the end of her pregnancy.

1. She may elect to give birth, at which time the fetus becomes a human being with

full civil rights. She may then keep the child to raise or put it up for adoption. This option is presently available.

2. She may terminate her pregnancy any time prior to delivery by aborting the fetus. This option is also presently available.

3. At any time prior to physical delivery—the point at which the fetus would ordinarily become a person—she may elect a deferred abortion. In such a case she would give birth to a DAF (deferred-abortion fetus) or, colloquially, a drone. Such a being (the term "person" would be inappropriate and unacceptable in referring to DAFs) would not hold citizenship nor have any protection under law as a person since it would be merely a "post-delivery fetus."

ADVANTAGES AND APPLICATIONS

The advantages of the third option—a real choice for women—are enormous. For example, instead of either aborting a potentially valuable fetus or assuming the financial obligations and emotional burdens of rearing a child, a pregnant women could select dronehood and have a product convertible to immediate cash. Within a single generation the number of Americans living in poverty and on welfare would drop drastically, with an associated reduction in the number of people driven to acts of crime by their circumstances. While this single benefit might justify my proposal, let me proceed to explain some of its other advantages.

Under open-market conditions, a mother could dispose of her DAF in whatever way would benefit her the most. A network of middle-men and brokers would arise to match the supply of drones with those needing them, and the government could impose a drone tax to raise revenue.

However, by giving the government a monopoly in the raw drone trade, it would reap all the profits of a high-volume brokerage business, and it could still levy a tax on drones used in business. (Obviously, a provision would be added to the tax code to allow industry to depreciate drones over their useful life, as may already bedone with many other assets.) Moreover, the government could rely on its existing management expertise to run the program efficiently and equitably. Initial estimates indicate that within twenty to twenty-five years drone-related revenues and cost savings could balance the federal budget and perhaps enable us to begin repaying the national debt. I know of no other plan with equal potential for improving the financial condition of the nation.

The government would establish prices and quality guidelines, guaranteeing itself a tidy return on each transaction. Drones would be sold to the government within twelve weeks of birth. Women who breast-fed their drones would receive a premium price to compensate them for providing a better product than women who did not. To protect the public interest the government would medically screen all drones before paying for them; those falling short of appropriate guidelines would be recycled immediately.

Until a drone reached a point of economic utility, the task of feeding, clothing, sheltering and training it would fall to the government. Drones would become saleable at various ages, depending on their individual attributes, potential use and market conditions. Trainers using behavior modification and other techniques of psychologists like B. F. Skinner would impart to drones a preference for the activities and environments for which they would be marketed. They would be conditioned to be honest, to work hard, and to view themselves as expendable masses of cells.

Local placement centers would be established so that people could view, select, and special-order drones for future delivery. No restrictions would be placed on who could buy or own drones nor on how they could be used, except that they could not be employed in criminal activities. Businesses could use them domestically or overseas; individuals could buy them for use in the home; and they would make an excellent product for export, thus helping eliminate the foreign trade deficit.

The range of potential use for drones is enormous. They would replace people in dangerous employment situations. Among other applications would be the obvious ones of cleaning up toxic waste, asbestos and hazardous chemicals, working in radioactive environments and in mining operations. A drone's owner would not have to concern himself about drone safety beyond his interest in maintaining the value of his property. If the cost of protecting the drone was great, the owner could forego the expense in favor of the less costly option of replacement.

Thanks to their expendability drones would fit perfectly in the military and law enforcement fields for missions deemed too dangerous for people. In international peacekeeping roles, asminesweepers, in the vanguard of an infantry attack or amphibious landing, as well as in operations against Colombian drug lords, in battles with inner city street gangs, and as security guards in public schools they would be far preferable to citizen soldiers. Their cost effectiveness would enable us to police our borders against the influx of illegal aliens. The economic advantages of sending drone military units to third world countries ravaged by famine and conflict would be fantastic. After bringing an end to factional fighting in an area, they could readily be converted to nourishing fare for starving local civilians, saving American taxpayers both the expense of flying them home and the cost of shipping alternative food supplies overseas.

Researchers would test medical products and procedures on drones, eliminating the need for objectionable research using monkeys, mice, doggies, and kitties. With the advent of drones, shortages of blood supplies, vital organs and hair for transplants would vanish. Drug companies would naturally compete with each other to maintain a full-line of quality replacement parts for people.

Wide use of drones in labor-intensive industries would enable us to compete with third-world countries for manufacturing facilities. As businesses relocated here to take advantage of our cheap labor, our balance of trade would improve.

The federal government itself could employ drones quite effectively as rank-and-file bureaucrats. This move alone would save hundreds of millions in tax dollars annually through reduced payroll, not to mention lower benefit and pension costs. A natural market for drones would also exist among state and municipal governments. To make sure there would be no decline in the current high quality of government service, drones targeted for government use would be specially trained to exhibit the same enthusiasm, courtesy and conscientiousness their human counterparts do now.

The government could also improve its cash flows by instituting PID (payment-in-drones) programs similar to its PIK (payment-in-kind) programs of the past. Many who receive government benefits like welfare or Social Security might be delighted to receive an occasional drone in lieu of cash. Such drones could be rented out as day labor, with the revenue going to the owner, and they could function as primary home-based caregivers for benefit recipients who were disabled, sick or elderly.

Another highly desirable application would have raised eyebrows a few years ago. Fortunately our culture has moved beyond its former prudery and puritanism to accept virtually any form of sexual activity and to endorse the universal human right to complete satisfaction of one's sexual drives, no matter how unorthodox. Sadly, however, many less fortunate members of our society encounter difficulty locating an adequate number of acceptable partners to fulfill their sexual desires. These deprived individuals are compelled to seek satisfaction in socially unpopular ways, and as a result, increasing numbers of people (including small children) are becoming involved in sexual acts against their will with people not of their choosing.

The availability of drones should reduce the incidence of child molestation and rape. With drones of every age, appearance, and of both sexes on sale at reasonable prices, anyone could select the model he or she found appealing, purchase it for immediate and subsequent use, and dispose of it when it was no longer deemed desirable. Such an arrangement would reduce several categories of violent crime and cut the spread of AIDS and other social diseases.

Numerous recycling options would exist for drones which had outlived their usefulness. Some would enter the human food supply (in fact, some new drones would be bred and raised specifically for this purpose); those unacceptable for consumption by humans or drones might find their way into premium pet food offerings or food stocks at zoos; and fertilizer companies could process used drones for lawn and garden applications. The organs and body parts of others would provide students a wonderful source of laboratory specimens for dissection, thus enhancing their knowledge of anatomy. And drone skins would be an economical source of leather for belts, shoes, gloves, and steering wheel covers.

TECHNICAL AND LEGAL ISSUES

Having identified many advantages of my plan, I would now like to address some technical and legal issues associated with its implementation. First of all, Congress would have to decide whether or not a drone's father would be entitled to compensation when its mother sold it to the government. This is a difficult issue. On the one hand it seems only fair that the father receive some remuneration since no drone would have existed without his participation. Yet the mother holds a unilateral legal right to decide the fate of her fetus. Perhaps the best solution would be for a man to obtain a prefertilization agreement which spelled out his rights from any woman who might bear a drone in which he had a financial stake. Alternately, he could collect a payment from the woman at the time he provided her with fertilization services. Either approach would protect his interests.

Second, we would need a law to prevent parents or other well-intentioned but old fashioned persons from interfering with a young woman's right to become a drone-producing entrepreneur as soon asher reproductive capacities became operational. On the contrary, such commercial initiative should be encouraged and rewarded. Grade schools would offer drone production classes starting in the third grade, and high schools could compete in drone production much as they do in sports and academics today.

Third, a method of easily identifying drones and distinguishing them from people

must be established. The simplest approach would be to tattoo an identification number or bar code on several body parts when the newborn drone became government property. An alternative would be to implant a scanner-readable microchip in an accessible part of the body.

The government would also surgically install a deferred-abortion device in each drone. Options could include a small explosive in the skull or at another critical location in the body, valves to stop the flow of blood to the brain, or a mechanism to release a lethal chemical into the bloodstream. Any of these could be activated by radio signal from a specially coded transmitter given to the drone's owner at the time of purchase. Such devices would provide for foolproof post-delivery abortion as a control mechanism for renegade or runaway drones.

The issue of drone reproduction is also a matter of grave concern. Random reproduction among drones should be closely controlled lest the supply exceed demand, eroding government revenue. Crossbreeding drones with humans must also be restricted because of the confusion it would create regarding the legal status of their offspring. To enforce these restrictions, the government would sterilize most drones prior to selling them. Exceptions would exist for those used in medical research where the reproductive capacity would need to remain intact and for those used in the government's special drone breeding program.

A breeding program would allow for the development of drones with specially desirable attributes, e.g., physical strength, stamina, beauty, or intelligence. Such models would command premium prices. For example, physically powerful and agile drones would be more cost effective than overpaid humans as athletes, making sports events more affordable to the general public. And the drone's expendability within economic limits could give rise to new sports and forms of entertainment. A reproductive resource branch would provide a sperm bank and artificial insemination services to women wishing to have a child, and female drones would be available to serve as surrogate mothers for women wishing to avoid the inconveniences of pregnancy and childbirth.

OBJECTIONS AND RESPONSES

Amazing as it may seem when one considers all the advantages of my proposal, some will object to it on one of several grounds. Let me, therefore, address the obvious objections and explain the fallacy in each of them, so that we may move ahead rapidly with implementation of this plan.

The first objection is that the drone program requires the government to spend too much before the first models could be delivered. While this objection seems at first to have some merit, it really would not take long to start delivering young drones. After all, there will be a demand for youthful models among pedophiles, while witches, Satanists and some other groups can use infant drones in their ancient religious practices. In addition, as is always the case with something new, some people will want to be the first on their block to own one, and many may wish to try training one themselves for household use from the initial supply. Furthermore, plenty of businesses rely on cheap, unskilled labor to turn a profit, for whom drones five or six years of age would be a boon.

The second objection is that the availability of drones would result in unemployment among humans. Undeniably, people would no longer need to do certain jobs, but generally these would be undesirable vocations in the first place. On the other hand, a large number of new positions would be created by the availability of drones. The government would hire people to buy and sell, care for, train and supervise them, and several new industries would be created, such as reproductive drone management. Moreover, women of childbearing years could supplement their incomes by drone production, and people likely to be replaced at work by drones could transition into another field during the few years before the first working models hit the market.

Furthermore, if the government saw that drones were materially affecting citizen employment, any of several remedies could be applied. Drones in particular industries might be subject to compulsory recycling every few years to keep those industries from becoming entirely dependent on them, or there could be a percentage cap on the number of available positions filled by drones.

It is also highly probable that the human population would decline as drones increased in number. This hypothesis is based on the expectation that many women bearing children would prefer the financial gain of electing drone status for their offspring to the stress and difficulties of child-rearing. This would certainly be true in the case of unwanted pregnancies, and would result in less child abuse and neglect, as well as some other forms of domestic violence and disharmony. Moreover, citizens would increasingly forego marriage or other similar relationships, preferring to have replaceable drones tend to their cooking, housekeeping, errands, and sexual desires without the tension, guilt and other annoyances commonly associated with long-term interpersonal commitments. As the human population decreased there would be fewer people seeking employment. It is very unlikely, therefore, that the availability of drones can be viewed as seriously detrimental to the employment prospects of more than a handful of people.

Finally, some will oppose this plan on the basis of a misinterpretation of our laws or an outdated view of ethics and morality. At the heart of every such objection lies a single issue: Are drones people? If they are, then this plan would unacceptable; if they are not, then nothing is morally, ethically or legally wrong with my plan.

As a starting point, consider that pillar of our democracy, the Declaration of Independence. In this fundamental document of our nation we find these words, penned by that stalwart champion of justice, Thomas Jefferson: "* * * all men are created equal, that they are endowed by their Creator with certain inalienable rights. * * *"

What do these words mean? When Jefferson used the word "men," he did not use it in the literal sense of "adult male human beings"; his use of the word was necessarily figurative since only white land-owners enjoyed full rights in his day. Today we interpret this term more broadly, without regard to race, sex or land ownership.

In the next clause Jefferson elucidates: "men" are those who have been "endowed by their Creator with certain inalienable rights." When Jefferson uses the term "Creator," does he mean a divine supreme being? I hardly think so. Instead it figuratively describes a pregnant women who elects to give birth to her child, imparting to him/her the inalienable rights of personhood, thereby creating a human being. With the availability of abortion on demand, a woman may elect not to grant those inalienable rights to her fetus by aborting it. This same passage implies that the Creator may opt to give birth to offspring to whom she does not impart such rights.

It was the intent of the signers of the Declaration of Independence, as well as the framers of the Constitution, as evidenced by the penumbral emanations of these documents, that a woman would have the right to determine whether or not her fetus became a human being. She may currently exercise this right by choosing a predelivery abortion. My plan merely recognizes her Constitutional right to decline to bestow human status on a fetus to which she gives birth by the irreversible choice of a post-delivery abortion whose timing has yet to be determined.

We already recognize that a fetus is not a person and has no legal rights nor protection prior to birth. Otherwise how could we allow a woman to abort her fetus during pregnancy for any reason (or for no reason) and without limitation? But when and how does a fetus become a human being? Is not the fetus automatically endowed with inalienable rights at birth, without any deliberate action on the part of its mother?

The answer to this question is an unequivocal no; for not a few cases are on record in which the fetus of a woman who elected an abortion has survived the abortion process to be born alive. In such cases the attending medical personnel made no attempt to assist the aborted fetus as they undoubtedly would have if it had obtained constitutional rights automatically upon its emergence from the birth canal. Therefore, it is obvious that the fetus did not obtain any rights at birth, and it is equally obvious that the failure of this fetus to be endowed with such rights occurred strictly because the mother had previously exercised her unilateral right not to confer them on it.

It follows, then, that if a woman chooses to abort her fetus, it will not be endowed with the inalienable rights bestowed on human beings, even if it accidentally survives the abortive process. Why, then, can a mother not deliberately choose, prior to delivery, to have her fetus aborted at an indeterminate date after delivery, allow the fetus to be born, and provide a product useful to society?

Nothing in our laws prevents us from implementing my proposal. All we need to do is clarify a few definitions. After all, whoever defines the words controls the meaning of the laws. To create a legal distinction today between humans with civil rights and deferred-abortion fetuses without them is a step of no greater significance than it was in 1973 to say that human existence begins at birth, that a fetus is not human, and that it has no rights under the law. The past forty years have been marked with countless legal "redefinitions." Consider, for instance, the gradual change in the legal meaning of the terms "marriage," "family," "mother," and "father." This would be but another incremental change in an ongoing social progression.

Those who claim it is unethical or improper to use human offspring in such a way are living in the past. After all, scientists are already doing fetal tissue research, looking for ways medical, cosmetic, and fragrance companies can turn a profit from aborted fetuses. My question is: Why not keep some alive as drones and help a great number of people? And who could claim that drones would be worse off for not having been aborted prior to birth?

CONCLUSION

Consider the substantial advantages to be obtained. The Constitution empowers the

government to "insure domestic tranquility, provide for the common defense, promote the general welfare" of the nation. I have clearly and conclusively shown how my plan would contribute to each of these objectives. Crime and violence would decline; the nation would be economically and militarily more secure; a higher standard of living would prevail; life would be more convenient and comfortable for our citizens.

One final point is that with the institution of this plan we must make it illegal for citizens to oppose the drone program in any way. We must be prepared to prosecute to the fullest extent of the law those who try to protect drones or to claim that they are people, even to the point of imprisonment and removing their children to the care of law-abiding citizens. Only by such strong measures can we make it clear that they and their regressive views will not be tolerated.

It is my great hope that the broad dissemination of this proposal will result in its rapid implementation. There is little question that its effects would be salutary for our government and our people, and no doubt for our reputation internationally as well.

Since 1973 we have lost more than 33,000,000 potential drones through abortion. Over its lifetime the average drone would probably be worth more than $50,000 in direct and indirect benefits to the economy. (While this amount falls far short of the economic value of an average human being, it is nothing to sneeze at.) Based on an assumed economic value of $50,000 per drone, the financial cost to our economy from aborted potential drones from 1973-93 is $1.65 trillion dollars—a cost which will continue to grow every day until this drone proposal is implemented.

We simply cannot afford to continue to throw away drones like so much glass, paper and plastic. We must not waste this precious and valuable natural resource that would mean so much in terms of lower taxes, greater convenience, and a higher standard of living for all American citizens. Now is the time to mobilize in support of this proposal. A new day is dawning as we prepare for the arrival of the twenty-first century. We can seize the opportunity before us, or—letting it slip from our grasp—we can idly watch as our great nation slides further into decline.

MINIMUM WAGE RAISE—NOT NOW

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. BEREUTER. Mr. Speaker, this Member would like to commend the following editorial from the September 23, 1993, South Sioux City Star, concerning proposals to raise the minimum wage. It points out the fallacy of forcing additional costs on small business and the harm those additional costs will do to our Nation's low-income workers. This Member urges his colleagues to heed its message.

[From the South Sioux City Star, Sept. 23, 1993]

THIS NOT THE TIME TO BOOST MINIMUM WAGE

Small-business owners are growing increasingly gloomy about the future, a number of surveys show. Their pessimism doesn't bode well for job growth in the months ahead, but Labor Secretary Robert Reich is doing nothing to cheer them up.

Reich says a hike in the hourly minimum wage, now at $4.25, is needed as well as indexing to provide automatic cost-of-living increases in much the same manner Social Security benefits rise.

During the campaign, Clinton promised organized labor he would increase and index the minimum wage, but White House aides have said since that they would delay seeking these changes from Congress until the economy was better able to absorb them.

With job growth expected to remain weak for some time, and with businesses facing higher taxes and a likely health-benefits mandate, this isn't the time to pile new costs on employers and guarantee these costs future escalation.

Reich may be motivated by a desire to give unions something for their election support but the price would be steep; higher unemployment, especially for unskilled workers.

THE HENRY M. JACKSON AWARD FOR DISTINGUISHED PUBLIC SERVICE

HON. NORMAN D. DICKS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. DICKS. Mr. Speaker, this evening in a special ceremony, Speaker of the House THOMAS S. FOLEY will be presented with the Henry M. Jackson Award for Distinguished Public Service in recognition of his extraordinary service to this country. This ceremony will also mark the 10th anniversary of the Henry M. Jackson Foundation. Helen Hardin Jackson, the chairman of the board of the foundation and wife of the late Senator, Scoop Jackson, will present the award to the Speaker.

The Henry M. Jackson Award for Distinguished Public Service was established by the Jackson Foundation to honor individuals who have made important contributions to the Nation through public service.

Speaker FOLEY has served with honor and distinction throughout his career in public life. He is a proven leader whose strength of character, keen intellect, and integrity have enabled him to succeed in one of the toughest jobs in the Nation. He has worked his way up the House leadership ladder, serving as majority whip and later as majority leader before assuming the office of Speaker in 1989. In this role, he has demonstrated his unique talent for bringing divergent interests together, building consensus, and quietly getting things done. Recognized for his lifelong dedication to public service, the Speaker has been singled out by the Jackson Foundation for his extraordinary service today.

As the foundation celebrates its 10 years service it is also time to reflect on its many accomplishments since the untimely death of our great Senator in 1983. The foundation carries forward Scoop's lifelong commitment to building a better and more secure world for future generations. It conducts an active grantmaking program, supporting work in fields of international affairs, the environment and natural resources, human rights, and public service. In presenting the 1993 award to Speaker FOLEY, the foundation also salutes the many talented men and women in government who adhere to the highest standards of excellence.

CITIES NEED MASS TRANSIT DEADLINE EXTENDED

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. FILNER. Mr. Speaker, recently I introduced legislation which would extend for 2 years the deadline for municipalities to spend Federal matching funds provided under the Intermodal Surface Transportation Efficiency Act for mass transit projects.

Many cities are having great difficulty in meeting the September 30, 1993 deadline. For example, the city of San Diego wishes to use the funds to purchase buses. Yet it takes 10 months for these orders to be completed, and payment is not made until the buses are delivered. Under current law, the city would lose these critically needed and authorized funds because the purchase would not be completed by September 30, 1993. My legislation would give cities like San Diego the time they need to make the upgrades necessary to maintain their mass transit system.

I ask Members representing cities facing similar difficulties to join me in supporting this legislation. The September deadline is at hand!

NAFTA WILL CREATE JOBS AND CUT TAXES

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. MICHEL. Mr. Speaker, NAFTA will create jobs and cut taxes. That is the message that all the naysayers must sooner or later come to understand. Don Fites, the chairman and CEO of Caterpillar, makes a compelling case for supporting NAFTA based on those facts in an article that appeared today in the Chicago Tribune, which I insert for the RECORD. I urge my colleagues to read this article to gain a better understanding of how NAFTA will benefit all Americans.

NAFTA: RIGHT OR WRONG? IT WILL CREATE JOBS AND CUT TAXES

(By Donald V. Fites)

To listen to Ross Perot and some labor leaders, you'd think the North American Free Trade Agreement (NAFTA) will end life as we know it. These folks are arguing that without the protection of tariff and non-tariff barriers, low-wage Mexican labor will victimize millions of high-paid American workers.

At Caterpillar, we can't understand how such hyperbole, coupled with a pocketful of pithy one liners, have created such a fuss about this trade agreement. For us, NAFTA is essentially just a tax cut. Mexico, Canada and the United States will eliminate the taxes (officially called tariffs or duties) charged on each other's products. The big winners will be U.S. manufacturers and their employees.

Of course, we recognize there are some other important parts to the agreement. NAFTA, together with the recently completed side agreements, will provide improved intellectual property protection, regional access to Mexico's financial service

and insurance sectors, a U.S.-Mexico border clean-up and better labor conditions.

But it seems that what really bothers NAFTA critics is the mere notion of "free trade" with Mexico. That perplexes us. For Caterpillar and most other American manufacturers, ending the Mexican tax on American-built products will provide us with an enormous competitive advantage in Mexico.

Here's how it will work. Currently, when Caterpillar ships an East Peoria-built bulldozer south of the border, the Mexican government tacks on a 10 percent duty. Our Mexican customers think of the tariff as a tax that's intended to discourage the purchase of American products. Send a Mossville-built marine diesel engine, and the duty is 15 percent. For an Aurora-built excavator, Mexico charges a 20 percent tax.

NAFTA will change that. On Jan. 1, 1994, NAFTA will obligate Mexico to eliminate its duties on those products. For other Cat products, tariffs will be eliminated over five to 10 years.

Is there a catch? There surely is, and it's a big one. Mexico's tariff reductions will apply only to products made in North America. That means products made by competitors in Japan, Europe and Korea will still be subject to Mexico's high import taxes.

Is that fair? If you ask someone who sells European or Asian products, they'll tell you in no uncertain terms that NAFTA is blatantly unfair. And they're right. The business reality of NAFTA is: If it's not made in North America, it won't be sold in Mexico.

So what is it about NAFTA that creates all the concern? NAFTA opponents will tell you—jobs, jobs and more jobs. But what does that mean? It's easy to see how NAFTA will discourage creation of European and Asian jobs. It's also easy to see how NAFTA will create American jobs. The challenge is to understand how NAFTA will—as NAFTA critics claim—hurt the American worker.

Granted, in exchange for Mexico eliminating its hefty tariffs on U.S. products, the United States agrees to eliminate duties on Mexican products coming into the United States. But this is where rhetoric abandons reality. For most products, U.S. tariffs represent nothing more than nuisance taxes. Take the U.S. duty on construction equipment as an example—it's only 2.5 percent. For agricultural equipment, the U.S. tariff is zero.

That's the real point of NAFTA. The U.S. market is already open. The Mexican market is not. If NAFTA fails to pass Congress, Mexico will still be able to ship its products into the United States with minimal tariffs. Unfortunately, American manufacturers will lose an opportunity to have what would amount to "preferential" access into the growing Mexican market.

The free trade agreement will provide another important benefit. It will reduce pressure on companies to move to Mexico. That's because under today's trading rules, U.S. companies have an incentive to move operations south of the border. By setting up shop in Mexico, companies can avoid those high Mexican import tariffs.

NAFTA would end this incentive to move operations to Mexico. By eliminating all trade barriers in North America, U.S. companies would be better able to serve the Mexican market by exporting, rather than by moving production.

It's no secret in Illinois that Mexico is an important export market. Last year, Mexico was the second largest market for Illinois products. As the state's largest manufacturer, Caterpillar is part of this export boom. Cat exports of nearly $200 million to Mexico in 1992 generated work for 1,300 U.S. Caterpillar workers and 2,700 employees at our U.S. suppliers.

NAFTA will mean even more sales to Mexico. We estimate the free trade agreement will boost our U.S. exports by another $50 million over levels without NAFTA. And that will generate work for another 1,000 employees at Caterpillar and its suppliers.

Rather than trying to kill NAFTA, it would make more sense to think of ways to expand the agreement to include other countries. After all, shouldn't other countries be encouraged to end the taxes they charge on American-made products?

TRIBUTE TO CHRISTINE RIZZUTO

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. FISH. Mr. Speaker, I rise today to pay tribute to my dear friend Christine Rizzuto, a devoted wife, mother and citizen. On October 2, Christine will be honored by the Christopher Columbus Society of Yorktown as their citizen of the year. She is truly a cornerstone of the community.

Christine has a long history of service to others. She taught in the New York City school system. A resident of Yorktown Heights for 26 years, she is involved with her church, St. Patricks in Yorktown, and in her town government. She worked for years registering voters and obtaining bus service for senior citizens to not only vote, but to go to shopping centers as well.

Most recently she organized the 500th Christopher Columbus Celebration for Yorktown. Thanks to her tireless efforts, there was a week long celebration which included theater performances, a parade, a park dedication, rides, and art exhibits.

John Rizzuto, husband of 43 years, and their son, Christopher and all her friends have enjoyed her love and dedication.

Mr. Speaker, the Yorktown community is proud of the commitment of Christine Rizzuto. I ask that my colleagues join me and the Christopher Columbus Society in saluting this outstanding leader. She is a value to the community and a true friend. Our thanks to Christine and our best wishes to her for many years to come.

THE TARGETED JOBS TAX CREDIT BILL OF 1993

HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. EDWARDS of Texas. Mr. Speaker, over the years, the effectiveness of the Targeted Jobs Tax Credit [TJTC] as a hiring tool has been well documented. This program helps economically disadvantaged individuals find meaningful employment by providing a tax credit incentive for employers who hire "targeted" categories of unemployed Americans. One of the specific TJTC categories is Vietnam-era veterans.

This bill would broaden the eligibility requirement, changing "Vietnam-era" veterans, to "conflict-era" veterans. Thus, this legislation would make all veterans who may be experiencing employability problems eligible for participation in the TJTC program. Recent studies indicate that approximately one-third of the nation's homeless are veterans. TJTC could be a useful tool in prevention of long-term unemployment if used effectively with our newest generation of wartime veterans. I firmly believe this is a small, but extremely effective incentive to do this.

I urge you to join me in support of this measure to assist those most deserving men and women who served, and will serve, in our nation's defense.

TRIBUTE TO THELMA NEWORTH

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. BERMAN. Mr. Speaker, I rise today to pay tribute to Thelma Neworth, who is nothing less than my political mentor. Many years ago, when I was first making my way in politics, Thelma hired me as an intern with the California Democratic Council. I learned many valuable lessons at her side.

Watching Thelma crisscross the State organizing Democratic clubs, I recognized the value of grassroots efforts. Thelma was one of the key figures in the resurgence of the California Democratic Party in the 1960's. Her astonishing energy and singlehanded devotion were precious assets to the Democrats. From Thelma, I learned that in politics, hard work has its rewards. It was a lesson that served me well when I first ran for office in 1972.

My association with Thelma continued after I was elected. I have taken numerous opportunities to speak with Thelma about politics, issues, and anything else of interest. I hold her opinion dear.

Of course, Thelma has embraced many causes during her illustrious career. Education, for one. At various times she has been president of the Castle Heights Elementary School PTA; president of Pasteur Junior High School PTA, and president of the Hamilton High School PTA, my alma mater.

She has been closely involved with Temple Isaiah, where she has been a member for more than 40 years. Among the highlights was her work with the social action committee established by Rabbi Albert Lewis—a natural for Thelma. Along with Rabbi Lewis, Thelma established Temple Isaiah as the social justice congregation in southern California.

I am indeed fortunate to have known Thelma as a dear friend and a close advisor for more than three decades. She showed me and so many others that there is a place in politics for people with big hearts and big ideas. Whenever I despair at the pettiness of the political process, I think of Thelma and all she accomplished. My mood immediately brightens.

I ask my colleagues to join me today in saluting Thelma Neworth, a humane and compassionate person who gave so much of herself to others.

THE MAKE OUR CUTS COUNT ACT OF 1993

HON. MICHAEL D. CRAPO

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. CRAPO. Mr. Speaker, I rise today in support of legislation to establish a mechanism that will finally make our cuts count when we pass spending cut amendments to appropriations bills. Over the past few months, we have debated and voted on measures which we thought reduced spending by voting for amendments to cut appropriations bills. Like many of my colleagues in the House of Representatives, I was surprised and outraged to find out that amendments to cut spending do not mandate real spending reductions.

This creative approach lets Congress claim massive cuts while increasing its spending under baseline budgeting. But that is not the only way to claim cutting in the budget in Washington. Under our budget system, even floor votes to cut programs don't reduce budget allocations.

Under our current budget system, total discretionary spending within the appropriations process is effectively controlled by a statutorily imposed spending cap which the Appropriations Committee allocates among its 13 subcommittees. In turn, individual appropriations bills must stay within these parameters. However, when floor amendments reduce spending, the discretionary cap and the various subcommittee allocations remain unchanged.

Therefore, although floor amendments to cut programs provide for lively and good rhetoric, they do not guarantee that overall spending will be reduced. Rather, the amount not spent by virtue of the amendment is still available to be spent on other programs. The amount supposedly saved on the House floor can simply be reallocated by the conference committee for other pet projects.

While amendments to cut programs do provide for lively debate and good rhetoric, they don't require reduced spending. Rather, the amount not spent by virtue of the amendment is simply available to be spent on other programs. The amount that was supposedly saved can simply be reallocated by the conference committee for other pet projects.

Today I rise to begin the process of bringing truth to the voting and budget process. When we vote for cuts they should be just that—cuts. Today, I am joining with over 70 of my colleagues from both sides of the aisle to do just that. This is a necessary reform that will not only provide a way to reinvent government from the inside, but it will work to streamline a budget process that is raging out of control.

In addition to my colleagues who are joining with me today, I have received support from major taxpayer groups, groups that monitor Government's propensity for Government spending and waste, and leading economists. But most important, I rise today on behalf of people from all around the country, private citizens who are often kept in the dark about how Congress spends money and the limitations it has to really save.

Mr. Speaker, earlier today, my colleagues rose in overwhelming favor to end secrecy in Government by passing a resolution to make public the names on discharge petitions. This reform and other reforms are passed by the House in large part because of public outcry to the abuses reflected in some of our actions. I was proud to have spoken out in favor of that and other reforms.

Many of the same citizens are concerned with the apparent lack of congress to control its ingrained spending habits. The legislation I have introduced today would affect a critical change in the way Congress spends and I encourage my colleagues to support this important budget reform.

TRIBUTE TO KEESTON LOWERY

HON. MICHAEL J. KOPETSKI

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. KOPETSKI. Mr. Speaker, Oregon lost a true friend and pioneer on August 29, 1993 with the death of Alan Keeston Lowery. Virtually all Oregonians respected Keeston Lowery for his zeal for life, love for Portland and the State of Oregon, and his unwavering commitment to civil rights.

Keeston Lowery, a longtime aide to Portland City Commissioner Mike Lindberg, was involved in Oregon politics for a number of years. As a member of Commissioner Lindberg's staff, Keeston worked on intergovernmental relations, with the water bureau, and in the formulation of film production policies for the City of Portland. Keeston also developed Portland's civil rights ordinance which bans discrimination based on race, religion, gender, sexual orientation, and several other categories.

A Portland homeless advocate stated of Keeston Lowery, "His years at City Hall were spent fighting to open doors for those without political power." Former Portland Mayor and Oregon Governor Neil Goldschmidt said, "For those of us who labor in this vineyard of city life, no one grew the grapes better than Keeston Lowery * * * You, Keeston, are my city's best friend."

Keeston Lowery was instrumental in the founding of the Right to Privacy PAC, the political organization of Oregon's gay and lesbian community. A longtime voice and tireless representative of the gay and lesbian community, Keeston Lowery challenged stereotypes daily as he worked through his community and in Oregon. Commissioner Lindberg vocalized the feelings of so many Oregonians when he stated, "We loved Keeston Lowery * * * Keeston was an uncompromisingly humane spirit. He devoted himself to securing the human rights of gay and lesbian communities. His death was a great loss to the city of Portland and State of Oregon."

Mr. Speaker, Oregon will miss Keeston Lowery. His life was a wonderful gift to the people of Oregon. The following is a news account from The Oregonian newspaper highlighting the many touching statements from Keeston's friends.

[From the Oregonian, Sept. 3, 1993]

700 OFFER FINAL SALUTE TO FALLEN WARRIOR

(By Dick Bella)

Some fought back tears, though most tried to recall happier times of pride in commitment, principle and progress.

Some of the 700 people at the Portland Rose Garden on Thursday wrung their hands, hurt and angry that death had taken a friend so accomplished and respected.

But all remembered Alan Keeston Lowery as a man whose humor, wit and unswerving dedication fought directly against the dark forces of ignorance, bigotry and hatred.

"For those of us who labor in this vineyard of city life, no one grew the grapes better than Keeston Lowery," said former Gov. Neil Goldschmidt, who met Lowery while serving earlier as Portland mayor. "You, Keeston, are my city's best friend.

"We can keep freedom only by giving it away," Goldschmidt continued. "You made a life of giving freedom away. Eventually, I believe we will be the people you dreamed of, the people you believed in and worked for."

Lowery, an aide to Portland City Commissioner Mike Lindberg, was found dead Sunday in his Northwest Portland home after succumbing to the AIDS-related ailments he had been battling for several months. He was 43.

Lowery was best known as a gay activist who dedicated himself to civil rights issues. But his focus never was narrow, and he lent his energies to underdog causes across the board. Furthermore, his optimism and good cheer allowed him to cross many boundaries and act as a political conscience at-large.

The turnout at the Thursday morning memorial service was a testimony to Lowery's reach. Goldschmidt was joined by Gov. Barbara Roberts, former U.S. Rep. Les AuCoin, Attorney General Ted Kulongoski, Labor and Industries Commissioner Mary Wendy Roberts, Portland Mayor Vera Katz and host of state and local officials. The memorial, which lasted more than an hour and a half, was filled with testimony from friends and admirers.

Many recalled Lowery as a person who recovered quickly from disappointments, resetting his sights on a new cause as soon as possible. They said that his good will was infectious, and that he was an astute political observer who could intuitively plot winning strategies.

"It was Keeston's jaded optimism," said Mark Cloutier, a long-time friend. "It was Keeston's ability to believe something good was going to happen despite all the obstacles working against it."

Mary Volm, who works in the city's Office of Transportation, said that Lowery's self-image was positive and strong. Because he believed deeply in what he was doing, he never let critics dissuade him.

"When I'd stumble over life's roadblocks, he'd say, "Why do you let those people tell you what to think about yourself?" Volm said. "I've never met anyone who had a stronger sense of self. I'm going to miss you, Keeston."

Lindberg said that Lowery sometimes could not understand all the hostility that his homosexuality seemed to trigger.

"He found it annoying and puzzling sometimes that we had to spend so much of our precious time on this planet working for the basic human right to love whom we choose," Lindberg said. "He was not religious, but he was one of the most spiritual people I've ever known.

"In the area of human rights he was the 20th century's gift to the 21st century."

ADDRESS OF DR. LEE TENG-HUI, PRESIDENT, REPUBLIC OF CHINA

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Ms. BROWN of Florida. Mr. Speaker, I was highly honored and privileged to have a chance to visit the Republic of China on Taiwan last month. even though I had heard a great deal about this economic and political dynamo in the Pacific before my trip, I was pleasantly surprised to learn that Taiwan is indeed what I had heard and more.

Taiwan is in the midst of a 6-year national development plan and it will significantly improve its infrastructure and raise the people's standard of living upon the completion of the plan in a few years. Taiwan's vibrant economy is expected to continue to grow strongly and its rapid political democratization will accelerate even faster in the future.

President Lee was especially gracious to have told me of Taiwan's political reforms on the eve of the ruling party's 14th Congress on August 15. As I sat next to President Lee at the dinner table, he spoke of Taiwan's democratization process as well as it's interest in participating in all international organizations and in returning to the United Nations. I was greatly impressed by his remarks that evening. I submit President Lee's dinner remarks for the CONGRESSIONAL RECORD.

WELCOME ADDRESS BY H.E. DR. LEE TENG-HUI, PRESIDENT, REPUBLIC OF CHINA

DINNER PARTY IN HONOUR OF INTERNATIONAL DISTINGUISHED GUESTS, HOSTED BY KUOMINTANG CENTRAL COMMITTEE, AUGUST 15, 1993

Secretary-General Hsu of the KMT, Excellencies, Distinguished Guests, Ladies and Gentlemen:

I have the pleasure of meeting your distinguished guests on the eve of the 14th National Congress of the Chinese Nationalist Party. First of all, I would like to extend to all overseas guests, who have come from four corners of the earth, my sincerest welcome on behalf of the government and people of the Republic of China. I would also like to thank all of you for participating in the 14th National Congress on behalf of the Chinese Nationalist Party.

Next year will be the centennary of our Party. This is a glorious record. Five years ago, we invited overseas guests to observe the proceedings for the first time ever when the 13th National Congress of our Party was held. This time, we are equally honored to have forty eight distinguished guests who have come from seventeen countries throughout the world. Your presence has done this Congress a great honour.

The Government of the Republic of China has been launching various national reconstruction projects since 1949 when it moved to Taiwan. During all these years, we managed to create and establish the most prosperous and the most harmonious community ever in Chinese history here on this island where the natural resources have always been in short supply. In the past five years, based upon the perceptions and ideas of political democratization, social pluralization, the renaissance of Chinese culture, and following the contemporary trends, we have continued to lead this country and we have achieved the goals of constitutional reform and economic development. For the moment, two sides of the Taiwan Strait have entered a phase of peaceful competition and the development of parliamentary democracy based upon a healthy competition of political parties has also marched into a new frontier in my country.

Last year, the Chinese Nationalist Party was admitted to membership of the International Democratic Union, this signified the confirmation by the international community of our efforts in pushing through with the democratization over many years. This was very encouraging to us. From now on, our Party would like to enhance mutual understanding and friendship through continued liaison and cooperation between political parties; and our Government would be willing to share with friendly countries our experiences of success, so that we could repay the international community and play a positive and constructive role. We would like to cement and strengthen bilateral ties with all peace-loving and freedom-loving countries on Earth. We also like to further participate in international activities and international institutions. Consequently, I am sincerely hopeful that all the distinguished visitors from abroad will, upon returning to your respective countries, convey this message to your government agencies and people concerned so that we could cooperate with each other in promoting well-being.

Ladies and Gentlemen, please visit as many places and meet as many people as possible during your visit here in order that you could gain a penetrating and accurate understanding of our national development and appreciate what is going on. Finally, I wish you all a happy and fruitful trip.

Thank you and see you tomorrow.

NUCLEAR TESTING MORATORIUM

HON. JOHN M. SPRATT, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. SPRATT. Mr. Speaker, last year the House passed a one-year moratorium on nuclear testing. The Senate took the test moratorium and added testing restrictions, and an amendment offered by Senator Hatfield was adopted as part of the Energy and Water Appropriation Act.

The Hatfield amendment bars nuclear tests between September 30, 1992, and July 1, 1993, and allows for tests afterward only if the President has submitted a schedule to Congress for resuming "Nuclear Testing Talks with Russia" and a plan for "achieving a multilateral comprehensive ban on testing" by September 30, 1996. The Hatfield amendment limits the number of tests each year to no more than 5 and the number of tests over 4 years (fiscal year 1993 through fiscal year 1996) to no more than 15, as follows: Each year one test may be conducted to prove the reliability of a warhead, provided the President certifies that the test is "vital to national security"; each year a test may be conducted on behalf of the British; the remaining tests are confined to certifying a warhead after safety devices have been retrofitted onto it. Since we have conducted no tests in fiscal year 1993, the Hatfield amendment in effect limits the tests to three for the British, three for reliability, and nine for certifying safety devices.

The emphasis on safety devices stems from the Drell Commission Report, submitted in December 1990. In 1990, the Armed Services Committees asked three eminent physicists (Sidney Drell of Stanford, Charles Townes of Berkeley, and John Foster of TRW) to take a hard, critical look at safety in our nuclear arsenal. We were prompted by classified testimony from the directors of the national labs (Los Alamos, Lawrence Livermore, and Sandia), who told us that warheads were deployed and still being built that did not incorporate all state-of-the-art nuclear safety devices. They implied, in effect, that we were incurring unnecessary nuclear risks. Basically, they had reference to three modern safety devices:

(1) Enhanced Nuclear Detonation Safety (ENDS). A nuclear weapon equipped with ENDS has two separate strong links that must be closed electrically for the weapon to be armed—one by operator-coded input, another by environmental input corresponding to the flight trajectory. In addition to the strong links, one weak link must be closed. By requiring three separate circuits to be closed, ENDS ensures that an aberrant electrical charge, such as lightning, will not accidentally detonate a warhead. Introduced in 1977, ENDS is now used in approximately half (52%) of our nuclear weapons.

(2) Insensitive High Explosive (IHE). The explosion of a thermonuclear weapon is initiated by a conventional explosive layered around a plutonium hull. (Because the plutonium hull is shaped like the pit of a fruit, it is commonly called the "pit.") Since 1980, "insensitive high explosive" or "IHE" has been the chemical explosive preferred for this purpose, because IHE is more difficult to detonate accidentally than its predecessor, which is known simply as "High Explosive" or "HE." Introduced in 1979, IHE is used in approximately 25 percent of our nuclear weapons.

(3) Fire-Resistant Pits (FRP). A fire-resistant pit is designed to contain molten plutonium should it melt in an accidental fire. The FRP reduces the risk of plutonium dispersal into the atmosphere or the risk of molten plutonium going critical. Introduced in the late 1980's, fire-resistant pits are now used in about 10 percent of our nuclear weapons.

The Short Range Attack Missile (SRAM–A) came under especially critical attack by the lab directors because it lacks any modern safety features and, until recently, was loaded on bombers on ready alert. In 1974, an engine on a B–52 caught fire on the landing strip and the fire might have ignited SRAMs aboard the bomber but for a change in direction of the wind. Had the rocket fuel or explosives in the SRAMs ignited, the plutonium pit in its warhead could have been blasted into the atmosphere and aerosolized, leaving radioactive damage miles around the base. Some of us who learned how real this risk was sought to have the SRAM taken off alert bombers and stored in bunkers. Secretary of Defense Dick Cheney asked the Air Force to review the problem. The Air Force did so and decided to take the SRAMs off alert.

The SRAM–A raises the risk of accidental nuclear detonation, but at a very low probability and at a very low yield. It carries a higher risk of plutonium dispersal, with potentially

grave consequences. However, as the Drell Commission noted, safety analysis has focused largely on nuclear yield accidents and too little on plutonium dispersal accidents.

It was this latter risk—plutonium dispersal—that brought the W–88 warhead, the warhead for the D–5 missile, under scrutiny. Although insensitive high explosive (IHE) was developed when the W–88 warhead was designed, its extra weight and volume could have meant slightly less yield for the W–88, or less range for the D–5 missile, or they might have meant deploying 7 rather than 8 warheads on the D–5. Los Alamos and the Navy traded off safety for performance and chose not to use IHE in the W–88 warhead. The additional risk is small, but it is compounded by the design of the D–5 missile.

The D–5 carries 8 warheads contained in reentry bodies. Rather than being mounted on a deck above the rocket motor, the reentry bodies are mounted on a ring, and the upperend of third-stage rocket motor protrudes through the center of the ring. Within the rocket motor itself, another tradeoff was made. The Navy chose a rocket propellant that pushes the missile to greater velocity and longer range, but also detonates more easily than the alternative propellant.

The Navy bristles at the suggestion that it traded safety for performance in designing this missile and its warhead. The Navy stresses its safety record and insists that the tubes on the Trident submarine keep the D–5 missile in a highly protective environment. But on occasion, the D–5 missiles are lifted out of their tubes by an overhead crane. The crane's cable connects to the missile by a bullring in the missile's nose cone, and it is not hard to imagine how an accident could occur. If a missile were dropped, it could conceivably detonate the propellant, which in turn could cause the HE in the warhead to detonate. This could lead to a low-yield nuclear reaction, but more probably it would result in an explosion that pulverized the plutonium pit and dispersed the aerosolized plutonium into the atmosphere.

In summary, four compromises in safety were made in the design of the D–5 missile and the W–88 warhead:

(1) The use of HE instead of IHE.

(2) The use of a detonable propellant in the third-stage motor in lieu of a less detonable propellant.

(3) The placement of the third-stage motor and the reentry bodies in close proximity.

(4) The use of a conventional pit in lieu of a fire-resistant pit, although a fire-resistant pit probably would not withstand the intense heat of a missile propellant explosion or HE detonation either.

Most of the criticism against the W–88 came from Lawrence Livermore Lab. The design for the warhead went to Los Alamos, but scientists at Livermore kept pressing questions about the W–88. Eventually, their concerns leaked out of the labs, and the Drell Commission was established to assess these concerns. W–88's were being built without IHE and deployed on D–5 missiles close to a detonable propellant. Since safer features were available, and the extra range and yield were marginal, and of far less importance with the end of the cold war, the main question presented to the Drell Commission was: Why build the D–5/W–88 in this configuration? Although the D–5/W–88 was the Drell Commission's focal point, their charter was broadened, and before they finished, they looked into the safety of the entire nuclear stockpile.

The Drell Commission recommended that all nuclear weapons in the stockpile be equipped with ENDS and that all nuclear bombs and cruise missiles loaded on aircraft be equipped with IHE and fire-resistant pits. With respect to the D–5/W–88, the Commission recommended that the Navy do a "more credible analysis on how well or whether the D–5/W–88 meets modern safety standards."

The Drell Commission found also that the national labs nurtured a more ambitious agenda for enhancing the safety of nuclear weapons. The labs, particularly Livermore, would like to explore a new design generation of nuclear weapons—weapons in which a hardened plutonium capsule is completely segregated from the high explosive until the weapon is armed. This would call for an undetermined amount of research, testing, time, and money. The Drell Commission reported the concept without recommendation. Whatever the merits may be, it is unrealistic to think that Congress would approve the cost.

In response to the Drell Commission, the Navy ran a new series of probabilistic risk assessments showing that detonation as a result of dropping the D–5 is exceedingly improbable. The Navy agreed to separate the postboost vehicle that carries the reentry bodies from the body of the D–5 whenever the missile is lifted from its tube, but the Navy estimated an overall cost of $4–$5 billion to redesign the W–88 warhead to incorporate IHE and the third stage of the D–5 missile to segregate the rocket motor from the reentry bodies. The $4–$5 billion estimate seemed inordinate, but it was credible enough to chill anyone's ardor for redesigning the W–88 and the D–5's third stage motor.

When the Chairman of the Drell Commission presented his report to Congress, he said that he supported continued testing for safety purposes, but also agreed with Secretary of State James Baker, who said "we cannot approach proliferation in a business-as-usual manner." Drell said: "If, or when, it is judged that agreeing to a comprehensive test ban would be an important aid to non-proliferation, I recommend that the United States agree to such a ban. Meanwhile, I support a testing program designed to advance the possibilities and understanding of enhanced safety, thereby helping us prepare for a comprehensive test ban. * * * I recommend that the United States abandon its official position that we must continue to test as long as we have nuclear weapons. It should be replaced by a policy that limits underground tests to those that are required to insure that all the weapons * * * meet appropriately conservative criteria for nuclear weapons safety."

This advice set the stage for the Hatfield amendment, which limits the number of tests to 15 as discussed previously. As the moratorium imposed by the Hatfield amendment drew closer to its end date of July 1, 1993, an interagency group presented President Clinton with an alternative testing plan composed of 9 specific tests—three for reliability, three for the British, and three for certifying safety devices. But neither reliability nor safety nor national security generally required that any of these tests be conducted within the next twelve months:

1. W–80 Safety Tests. Rather than dealing with the W–88 and its shortcomings, three tests were proposed to recertify the W–80 warhead with a fire-resistant pit. The W–80 is the warhead used in air-launched cruise missiles (ALCMs). To certify the warhead, tests would be needed, but the need to test now is not compelling for two reasons:

(1) Cruise missiles are no longer loaded on bombers but are stored in bunkers. The only safety risk mitigated by fire-resistant pits is the risk of fire when bombers are on ready alert and loaded with ALCMs.

(2) Fire-resistant pits will not remove this risk for 10 years, because the Air Force does not plan to replace existing pits in deployed W–80s with fire-resistant pits until the year 2003.

Clearly, there is no rush to test the new FRP for the W–80.

2. Reliability Tests. It was also proposed that the following warheads be tested for reliability: W–88, the warhead for the D–5, Trident II missile; W–76, the warhead for the C–4, Trident I missile; W–87, the warhead for the MX or Peacekeeper missile.

Each of these warheads was tested in development, and each has been tested at least once since production. To my knowledge, there are no unresolved questions about the capability of any of these warheads. Because they will be deployed for years to come, reliability tests would be useful, but in truth, the tests would be useful at some time well into the future when the effects of aging have taken their toll. In all likelihood, testing now will tell us what development tests have already told us: That in their current condition, these warheads are reliable.

The Hatfield amendment allows one test per year for reliability, but requires the President to certify to Congress that "it is vital to the national security interest of the United States to test the reliability" of the warhead at issue. Had the President opted to resume testing, I doubt that such a certification could have been made in good faith; and under the Hatfield amendment, the President's certification could have been challenged and disapproved by a joint resolution of Congress.

3. British tests.—It was also proposed that three tests be allowed for the British to prove the design of a new gravity bomb and a new warhead for the D–5 missile. We have a commitment to the British, but there are good reasons for overriding it:

First, nuclear gravity bombs have been built for almost 50 years. Experience with previous designs should be enough to give the British adequate confidence without testing.

Second, Britain's nuclear deterrent is not based on gravity bombs but on SLBM's. Britain is building under license as many as four Trident submarines, all to be equipped with D–5's that are vastly more important to the U.K.'s security than gravity bombs. Britain has designed its own warhead for the D–5, which has been certified. The British are planning to put improved safety devices on their D–5 warhead, and would like to test warheads equipped with these devices. This is important, but there is a countervailing consideration. The United States has far more at risk

in provoking Russia, Ukraine, Belorussia, and Kazakhstan by resuming tests, than in disappointing the British by continuing the moratorium. The British ought to understand why we do not want to risk the chance of removing ICBM's from Ukraine, or the chance of gaining accession to the NPT by the nuclear states of the former Soviet Union and ratification of START I and II. All of these objectives are more important to world security than testing Britain's gravity bomb or new D–5 safety devices.

During April, I was in Ukraine and Russia with the Gephardt congressional delegation, and we found the path to START I and II and the NPT littered with obstacles. There is no reason to add another one. No one can tell with certainty what effect testing will have on Russia, Belorussia, Kazakhstan, or Ukraine; but certainly no one can say that testing will help us work out the removal of missiles from Ukraine, or help us gain approval of NPA and START I and II from the nuclear states of the former Soviet Union. Our security interest in getting rid of the missiles in Ukraine and in gaining accession to the NPT and ratification of START I and II is enormous. By comparison, our need for nuclear testing over the next 12 to 24 months is negligible. In fact, in the post-cold-war world, our interests are probably served by an extended moratorium, because it gives us moral high ground as we try to control the spread of nuclear weapons, which is a major security risk.

The President was right, therefore, to extend the moratorium on nuclear testing; but he should not let it become a moratorium on the hard decisions that have to be made before the question of testing is settled for the long run. Energy, Defense, and the NSC have to decide whether limited testing is required in the long run as our arsenal ages, and since their views are not exactly disinterested, outside experts ought to be asked in for advice. The Department of Energy and the labs should take this moratorium as a sign of what the future holds, and start studying in earnest how to remanufacture warhead components when testing is limited or no longer allowed. And before testing is forsworn forever, the experts ought to resolve the merits of low-yield testing, plus testing things other than warheads—like devices to disabled mininukes planted by terrorists. Even more fundamentally, the Department of Energy has to figure out how it will keep the corporate memory on nuclear weapons if testing is not allowed—and how it will attract and retain the talent a nuclear arsenal requires when nuclear warheads are no longer being designed, developed, or tested.

These decisions need to be made now, not left until 1996 when the Nuclear Nonproliferation Treaty comes up for renewal—and overbearing pressure for a comprehensive test ban comes with it.

OVERTIME WITHOUT COMPENSATION

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. LANTOS. Mr. Speaker, I would like to bring to the attention of my colleagues an excellent article which recently appeared in the Houston Chronicle. The article describes injustices faced by workers asked to work overtime without compensation and without recourse.

This is not a new problem. As chairman of the Employment and Housing Subcommittee, I published a report, quoted several times in the article below, which illustrated these very problems.

Under current law, employers have very little incentive to abide by the wage and hour laws provided for in the Fair Labor Standards Act. Indeed, employers find it less costly to continue the violations until the prolonged investigative process is completed, then pay a ridiculously modest fine.

I have introduced legislation. H.R. 2710, the Wage and Hour Reform and Equity Act of 1993, which will reform the investigation process so that it will help and protect those whom it is designed to protect—the worker.

The time has come to be tough on wage and hour law violators and bring prompt justice to the workers who deserve to be protected by their Government. I urge my colleagues to take a moment to carefully consider "Cheated Out of Pay; Labor Department Fails To Enforce Overtime, Minimum Wage Laws" and to support the Wage and Hour Reform and Equity Act of 1993.

CHEATED OUT OF PAY; LABOR DEPARTMENT FAILS TO ENFORCE OVERTIME, MINIMUM WAGE LAWS

(By L.M. Sixel)

For three years, Randy Speer worked 11 hours a day, ate lunch at his desk and spent many a Saturday at the office.

When the salesman for a construction materials supply company complained to the Wage and Hour Division of the Labor Department that he had not been paid overtime wages, an agency investigator quickly calculated he had about $5,000 coming.

But it took the agency so long to investigate Speer's complaint that a lot of the back wages evaporated because of the statute of limitations.

And Speer's former employer was able to convince the Labor Department to reduce the amount further because of vacation and sick leave.

In the end, Speer got only $2,676.

While Speer feels shortchanged, he is luckier than some who complain to the Labor Department. Many people wind up with nothing.

The problem is, short of suing, the Labor Department has no way to force employers to pay up. Employers know it, and some refuse to pay.

A 1991 report by the Inspector General indicated employers refused to pay 41 percent of the back wages the Labor Department found were due. Some employers agreed to pay as little as 5 cents on the dollar, according to a congressional report.

In fact, it's to an employer's advantage to drag out the process for as long as possible.

The two-year limit on collecting back wages continues to run even after a complaint with the Labor Department has been filed. If an employer stalls, the employee will pocket less—perhaps nothing.

It takes the Labor Department an average of 10 months to investigate and resolve a complaint, according to a report by the U.S. House of Representatives' Committee on Government Operations.

Just getting the initial investigation under way takes between four and six months, the committee found.

"This statutory scheme works exclusively to the benefit of employers who fail to comply with wage and hour laws," according to the report.

The Labor Department can ask employers to waive the statute of limitations in back wage claims for the time it takes to resolve the complaint. But the government doesn't use that weapon very often. Wage and hour officials estimate they obtain waivers in less than 10 percent of the cases in 1991, according to the congressional report.

The only recourse employees have left is to hire their own lawyer. But many lawyers aren't interested unless it's a big case involving a lot of money.

After Speer received a letter from the Labor Department telling him about its huge backlog of complaints, he tried to hire an attorney.

One lawyer refused, telling Speer that his claim was just too small.

"But the clock keeps running," Speer said. "What kind of recourse do I have?"

Houston labor lawyer Patrick Flynn questions the agency's priorities. The government focuses on complaints that could involve lots of back wages and doesn't generally pursue smaller cases, he said. But it's those individuals with small claims that need the help the most, Flynn said.

Many of the problems stem from the fact the agency is understaffed, he said. The agency has 800 investigators, 26 percent less than it had in 1979.

At the same time, the agency's mandate has broadened. It now enforces the Migrant and Seasonal Agricultural Worker Protection Act, the Immigration Nursing Relief Act, the Immigration Reform Act, the Employee Polygraph Protection Act and most recently, the Family and Medical Leave Act.

Sixteen wage and hour employees are responsible for enforcing overtime and minimum wage laws in 53 Texas counties. The Houston office has only five phone lines, said Dan Brown, district director. Each day, the Houston office logs 250 phone calls and gets between 30 and 40 walk-in visitors.

A paucity of investigators coupled with lax enforcement of the wage and hour laws means farmworkers in the Rio Grande Valley are regularly cheated out of minimum wages, according to Mike Kirkpatrick, staff attorney for Texas Rural Legal Aid in Weslaco.

The Valley has three wage and hour investigators, and only one is assigned to enforce wage and hour laws for farm workers, Kirkpatrick said.

Minimum wage violations are widespread, he said. Fruit and vegetable pickers are typically paid based on their productivity, and it's often impossible to pick enough to earn the minimum wage of $4.25.

The Labor Department does little about violations it uncovers except to extract a promise of future compliance, Kirkpatrick said. Packing sheds, growers and farm labor contractors that, year after year, get caught for paying less than the minimum wage are not hit with back wages or damages as long as they utter the "magic words" to investigators: "They understand their obligations

and will try to do better in the future," he said.

Rio Fresh, a large packing shed in San Juan, has been investigated by the Labor Department at least nine times for a variety of offenses, including minimum wage violations and inadequate record keeping, Labor Department reports show.

Even though the investigations uncovered violations, including manipulating the number of hours employees worked, the company was not always required to pay back wages, according to the Labor Department reports. Instead, the reports conclude that Rio Fresh will keep better payroll records and that officials promise future compliance.

"An employer can violate the law knowing there's a slim chance of getting caught," Kirkpatrick said. "If he is caught, the fine and back wages are cheaper than the cost of complying with the law in the first place."

Rio Fresh officials did not return telephone calls.

The agency tries to get employers to agree to comply with the law in the future, said Gary Foster, acting director of wage and hour enforcement in Dallas. That way, if the employer continues to violate the law, the Labor Department can seek an injunction from a judge, he said.

But the agency has no systematic way to check whether past violators are complying.

And when it's confronted with evidence that a company continues to flout the law, the agency turns a deaf ear, according to the Committee on Government Operations' report.

For example, when the Labor Department agreed to settle an unpaid overtime case with Food Lion, the grocery store chain, for $300,000 in 1989, the chain promised to comply with the law in all its stores.

Subsequent employee complaints about being forced to "work off the clock" surfaced, and investigators found back wages were owed. But instead of suing the company to enforce the nationwide compliance agreement, the agency told employees they were on their own in trying to collect the money.

In a 1990 case, the agency told an employee that after reconstructing work hours, the agency figured Food Lion owed $19,459 in back wages, according to the letter, which was published by the House Committee on Government Operations. The company disagreed but offered $1,000 to settle the claim.

If the employee decided not to accept the $1,000, the employee's only recourse was to sue privately. The Labor Department had decided "It is not suitable for court action," according to the letter. And the Labor Department didn't mention the nationwide compliance agreement to the Food Lion employee.

"If you're a lawyer, you'd be a lot more enthusiastic if someone came to you with the compliance agreement" because it would be an easier case to win, said Nick Clark, a lawyer with the United Food and Commercial Workers Union in Washington, D.C.

Part of the problem is that the Labor Department doesn't have a way to check on complaints filed in the agency's different U.S. regions.

Dean Speer, director of the division of policy analysis for the Wage and Hour Division in Washington, D.C., said it's the regional solicitor's decision whether to file a lawsuit, not the Wage and Hour Division.

"We can reason, beg, plead, whatever," he said.

As for not telling the Food Lion employee about the nationwide compliance agreement, perhaps it was an oversight, he suggests.

He points to the recent Labor Department settlement with Food Lion as a sign of improved enforcement efforts.

Earlier this month, the grocery chain agreed to $16.2 million, most of which went to workers, to settle child labor and overtime pay allegations. The company admitted no violations in the investigation that covered 85 stores in 12 states.

It's hard to investigate wage and hour complaints if an employer fails to keep records. While federal law requires records, there is no monetary penalty for not doing so.

"Indeed, in many instances, it is to an employer's advantage not to keep adequate records since this may impede the Labor Department's ability to detect violations and collect back pay for workers," according to the Committee on Government Operations' report.

Both the General Accounting Office and the Labor Department's Inspector General have suggested fining employers who fail to keep wage and hour records.

Partly because records are often incomplete and partly to resolve complaints faster, the Labor Department is often willing to reduce the amount of back wages due.

When the Labor Department sued Tillman Fertitta and Pirogue Management Co. in 1990 for failing to pay time and one-half overtime, the agency calculated the restaurant chain owed $375,000 in back wages. The agency also recommended $375,000 in added damages.

But in the end, the chain, which owns five Landry's restaurants and one Willie G's eatery, ended up paying only $166,935.

Landry's vice president and general counsel Steven L. Scheinthal said the government's figures were "a made up number."

The company agreed to the settlement even though it believed it didn't owe any back wages because it would cost too much to fight the charges, Scheinthal said.

The Labor Department won't explain its rationale in lowering the back wage amount or dropping the damage claim. "We don't comment on our cases," said James E. White, regional solicitor.

"The dispositions speak for themselves."

The Labor Department also has come under fire for its policy of not publicizing its findings of overtime violations. The policy is misguided and makes no sense, the Committee on Government Operations said.

Some agreements are even kept secret—which makes it harder for ex-employees to hear about the back wages they have coming.

When Marco's Mexican Restaurants in Houston agreed last year to pay $450,000 in back wages to 1,608 employees, it extracted a promise that Labor would not issue a press release on the settlement.

"It's not an unusual agreement," regional solicitor White said. "We don't make news releases generally. It was something they requested, and we agreed to it."

Ghulam Bombaywala, owner of Marco's, said that while he doesn't remember making the request, he did want to get the case behind him.

"I wanted to take it further, but it was draining the company and draining me," Bombaywala said.

Even if an employer agrees to pay back wages, it doesn't necessarily mean the worker will see the money.

In an unpublished review of the agency's collection procedures, the Inspector General's office found many examples of employees who did not receive their promised back wages. One employee was promised $11,000 in back wages but two years later he had not been paid.

In another case, Ronnie Coats complained to the Labor Department that the auto supply store he worked for in Nacogdoches wasn't paying overtime.

When he went to get his back wages, Coats was more than a bit surprised when the Labor Department investigator in Lufkin pulled a $309 cash payment out of his wallet.

The investigator, Thomas Jones, did something else odd—he subtracted $89.74 for "social security and federal income tax," Coats said. Not knowing any better and being a broke college student, Coats gratefully accepted the money.

Jones was asking employers to make the back wage checks payable to him, said Robert Rawls, assistant U.S. attorney in Beaumont, who prosecuted Jones for embezzlement.

Most employers are unfamiliar with the procedures for resolving back wage claims, and Jones was cashing the checks and keeping some of the money as "withholding tax," Rawls said.

Jones pleaded guilty and was fired. Part of his sentence was to repay 12 victims $1,593. So far, Coats hasn't received a penny.

HONORING JUSTICE THURGOOD MARSHALL

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. TRAFICANT. Mr. Speaker, I am honored to pay tribute today to a great American, the late Supreme Court Justice, Thurgood Marshall. I commend my distinguished colleague from New York, Mr. RANGEL, for organizing this special order.

Thurgood Marshall was a giant in this Nation's civil rights movement. His lifelong commitment to civil rights and his unbending efforts to end discrimination and ensure equal justice for all Americans, has left a lasting impression on our legal system and our society.

Born in Baltimore, the son of an elementary school teacher and yacht-club steward, Thurgood Marshall began his legal career in 1933 after graduating first in his class at Howard University Law School. Almost immediately Thurgood Marshall began chipping away at the barrier's—both legal and social—that prevented African Americans and other minorities from enjoying the full civil rights granted under the Constitution.

In one of his first civil rights cases, Marshall successfully gained admission for a young African American man to the University of Maryland Law School. Three years later, he was hired by the NAACP and in 1939 he founded the NAACP Legal Defense and Educational Fund.

From 1940 to 1961 Thurgood Marshall travelled the country defending the rights of minorities and challenging the status quo. He won dozens of important civil rightsvictories, prevailing in 29 of the 32 cases he argued before the Supreme Court—including the landmark 1954 Brown versus the Board of Education ruling. That ruling ended "separate but equal" school systems and led to the eventual

integration of America's schools. During his tenure at the NAACP, Thurgood Marshall methodically worked to break down the longstanding foundations of segregation and discrimination in American society.

In 1961, President Kennedy appointed Marshall to the U.S. Court of Appeals for the Second Circuit. Several months later his nomination was approved by the Senate, making him the second African American judge to sit on the second circuit. In 1965, President Johnson appointed Thurgood Marshall Solicitor General of the United States. As Solicitor General, Marshall gained several important civil rights victories at the Supreme Court—including High Court approval of the Voting Rights Act of 1965.

In 1967, President Johnson nominated Marshall to the Supreme Court. On August 30, 1967, the Senate confirmed Marshall, making him the first African American Justice in the Court's 178-year history.

Throughout his tenure on the Supreme Court, Thurgood Marshall was a powerful voice and untiring advocate for civil rights and equal justice under the law. His life's work and the legacy he left will have a lasting impact on all Americans.

Thurgood Marshall will be remembered not only as a brilliant civil rights leader, but as an outstanding lawyer and a dedicated and talented jurist.

But what I think is most important is that, at a critical juncture in our history, Thurgood Marshall taught all of us how to fight, and how to win. He was truly a David fighting a host of Goliaths. Despite the great resistance to change, Thurgood Marshall won. His landmark civil rights victories were victories for all Americans—we all owe him a debt of gratitude.

Thurgood Marshall's life will serve as a lasting example of the right way—the American way—to fight to change, improve, and protect our democracy. His life's work and his legacy will long endure.

TRIBUTE TO WILLIAM L. TAYLOR

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. EDWARDS of California. Mr. Speaker, in June of this year, the District of Columbia Bar Association awarded William M. Taylor the Thurgood Marshall Award.

Those of us who are fortunate to have worked with Bill over the years, and who are proud to call Bill our friend, know that the D.C. Bar could not have made a more appropriate choice as the first recipient of this distinguished award.

Like Justice Marshall, Bill Taylor has devoted his life to the pursuit of equal opportunity and social justice for all Americans. As Chairman of the Subcommittee on Civil and Constitutional Rights, I have always been able to turn to Bill for his legal expertise, his sound political judgment and his total dedication to civil rights. Virtually every piece of civil rights legislation that this body has considered during my tenure here has owed its success in some measure to the hard work and commitment of Bill Taylor.

Listen to the remarks made by D.C. Bar president Jamie S. Gorelick in presenting the Thurgood Marshall Award to Bill:

There are few careers as rich in the service of civil rights as Bill Taylor's. A graduate of Brooklyn College and Yale Law School, he wasted no time in using his newly-learned skills in the public interest. His first job as a lawyer was a staff attorney for the NAACP Legal Defense and Education Fund, under the direction of its then Director, Thurgood Marshall. He subsequently served as legislative representative of the Americans for Democratic Action, where he addressed civil rights, civil liberties and social welfare issues before the Congress.

He pursued his commitment to civil rights in the 1960's, becoming General Counsel and then the Staff Director of the United States Commission on Civil Rights where he worked to make sure Federal nondiscrimination policies were enforced. During his tenure, the Commission achieved an impressive record of advancing the rights of all Americans. In 1970, Bill founded the Center for National Policy Review, a civil rights research and advocacy organization. While at the Center, he helped secure major desegregation victories in Wilmington, Indianapolis, St. Louis and Cincinnati.

In the legislative arena, he was a central participant in the 1982 extension and strengthening of the Voting Rights Act of 1965, and he helped lead successful efforts to enact the Civil Rights Restoration Act of 1988, the Civil Rights Act of 1991, and the 1993 National Voter Registration Act.

When the Reagan Administration took steps to dismantle the U.S. Commission on Civil Rights in 1982, Bill helped found the Citizens Commission on Civil Rights, a bipartisan group of former federal officials that monitors federal civil rights policies and enforcement efforts.

To ensure that his knowledge and expertise would be used by the next generation of lawyers, Bill spent 13 years teaching civil rights and public policy law at the Catholic University, where he established the school's clinical program in 1970.

In the private practice of law, Bill has continued his efforts to advance civil rights causes. He represents minority and low-income children in litigation seeking equal educational opportunity. His counsel has been sought by educators, and school administrators as they undertake ways to serve the needs of all students in their systems.

His writings are extensive, adding tremendous knowledge to the national debate on how best to see that all Americans benefit from the laws written to protect their rights.

Bill Taylor has been profiled by the news media numerous times. One writer described him as "relaxed but resolute." We are told that "resolute" may be apt, but the "relaxed" part is a family joke. The late Justice Marshall observed about Bill Taylor, "[H]e won't bend an inch on principle." To Justice Marshall, that was the highest compliment.

Bill's accomplishments in the field of civil rights truly are exceptional. He has sought equality under law throughout his legal career. He has brought associations together to accomplish common goals and has never forgotten his life's purpose of advancing the rights of all Americans.

We are honored to present the Thurgood Marshall Award to William L. Taylor.

I thought my colleagues would be interested in the remarks Bill made upon receiving this award. They offer not only a look at how far we have come in this country, but also a challenge to all of us for the future.

REMARKS OF WILLIAM L. TAYLOR ON RECEIVING THE FIRST THURGOOD MARSHALL AWARD

This is an award I will cherish, not only because it is the Thurgood Marshall award, but because it is given by the District of Columbia Bar.

When I was a law student eons ago, I had no real notion of what kind of guild I was preparing to join. But in my dreams, I'm sure it was something like what the D.C. Bar has turned out to be: a group concerned not mainly about getting and spending, but about the role of law in achieving a just society; a group striving to define and enforce high ethical standards for the profession; a group troubled by the vast inequities in the distribution of legal services, that seeks both to encourage the kind of extraordinary *pro bono* work that has been recognized tonight and that also seeks broader solutions; a group that values and encourages public service.

In addition to all of this, at a time when American society is deeply divided at all levels, the D.C. Bar is a rare example of men and women, blacks and whites and Latinos, and Asians working harmoniously to achieve common objectives.

I cannot tell you what it means to me to receive the first Thurgood Marshall award conferred by the Bar. I have said and I truly believe that my legal education did not really begin until I went to work for Thurgood Marshall and the NAACP Legal Defense Fund in December 1954, six months after I got out of law school. It was an extraordinary experience to sit around a table with Thurgood and Bob Carter, William Hastie and Bill Coleman, Connie Motley and Jim Nabrit, Charles Black and Bob Ming and Spottswood Robinson and so many others as they grappled with the many problems and issues that arose in the wake of the Supreme Court's decision in *Brown v. Board of Education*.

It was extraordinary also to see how Thurgood could cull from those disorganized and sometimes raucous sessions the two or three key points that he would use to good effect in a brief or oral argument. He had the gift of all great advocates of being able to reduce complex legal propositions to direct and simple arguments that appealed to the hearts and minds of those who sat in judgment.

My tenure with the Legal Defense Fund (LDF) was not only the beginning of my legal education, but also the real beginning of my education about life in this country. [There is a book about the Borough of Brooklyn in the 1940s and 50s titled "When Brooklyn Was the World," but I discovered there were some things about the world that were not readily learned in Brooklyn]. Working in one area—even civil rights—for almost 40 years may sound like a narrow experience, but I have found that is not true. For Civil Rights work opens a window on the world. To do it well you must learn about the functioning of the major institutions of American society—about the political process, about public education, about corporations and trade unions and so on. And soI have had the opportunity not only for a very long running continuing legal education course but for a broader course in American government, American culture, economics, psychology and sociology.

That education has continued through the years. When I came to the District of Columbia (D.C.) in 1959, I learned about legislative advocacy from Joe Rauh and Clarence Mitchell, about coalition—building from Roy Wilkins, Arnie Aronson and Bayard Rustin,

about politics from Louis Martin. And I continue to learn.

So, you may ask, if I have had all these wonderful teachers over the years, what is it that I have learned. Allow me to make a couple of points pertinent to the occasion:

(1) I have learned that law is central to the issue of discrimination in this nation. Thurgood Marshall talked in 1987 about the "striking role" the legal principles have played throughout America's history in determining the condition of Negros:

"They were enslaved by law, emancipated by law, disenfranchised and segregated by law; and finally they have begun to win equality by law."

While law may be central, I have also learned that the contribution that lawyers make to social change and progress is a modest one. We may not know it, but we work mainly at the margins and indirectly. It is not we lawyers who empower our clients, but they who empower themselves through the use of the legal and political system in which we are mere agents. Knowing this, we should devote our attention not merely to litigation but to other tools of communication and community action that will assist in this effort.

(2) I have learned that discrimination is perhaps the greatest paradox in American life. Over the past 30 years, we have witnessed some astonishing changes in the status of minorities, women and disabled people changes that I believe are irreversible. New opportunities have been created for millions and old stereotypes have been banished. And yet discrimination lurks just beneath the surface, almost every place—from Denny's restaurant to our favorite neighborhood banker in D.C., from Miami to Los Angeles to Bensonhurst and Crown Heights in Brooklyn.

Perhaps the only constant is struggle. As Frederick Douglass said, "if there is no struggle, there is no progress." It is hard for me to foresee the day when that will not be the case.

(3) I have learned that in tough times—and the tough times of the last 12 years have not completely ended—there is a tendency on the part of constituency groups in the civil rights movement to go their own way, to define their interests narrowly and to pursue them separately.

There is even a tendency among some, fortunately not very many, to rank order types of discrimination—to say, for example, that race discrimination deserves more attention than discrimination based on ethnicity or language, or that sex discrimination is of more concern than discrimination against people with disabilities, or that the time has not yet arrived to confront discrimination against gays and lesbians.

I submit that separatist talk or action does little honor to the memory of Thurgood Marshall. Thurgood knew that discrimination in this society was of a piece and he hated injustice of every kind. And he acted on this knowledge in his votes and opinions in cases involving discrimination against poor people, and discrimination on the basis of ethnicity, age, sex and disability.

Moreover, whatever the stresses and stains that provoke it, I believe that separatism in old forms or new is against our self-interest. The new immigration and increasing diversity confront us with racial and ethnic tensions that threaten the domestic tranquillity of the nation. If we do not find ways to make common cause, everyone will be a loser.

(4) Finally, I have learned that in this country we have a seemingly infinite capacity to rationalize our failures to deal with discrimination. Within a very few years, I expect that one form of tribute to Justice Marshall will be the establishment of Thurgood Marshall elementary or high schools in almost every part of the nation. Unfortunately, it is entirely predictable that these will be segregated schools attended almost exclusively by children who are black and poor. Many of the children will start school without any attention to their health and nutritional problems, without adequate family support, and in environments of violence and despair. The schools themselves will be stripped of the resources, including teaching resources, that we know are needed for children to succeed—because Thurgood's view in *Sen Antonio* v. *Rodriguez* did not prevail. They will be stratified by race and economic status because Thurgood's view in *Milliken* v. *Bradley* did not prevail. Instead of developing the potential of young people, the renamed Thurgood Marshall schools will be what they have always been—dead end streets for children.

Thurgood had a fine sense of irony as well as a great sense of humor—but the irony here would be bitter, as it should be for all of us.

I would say that if there is one test we should devise for the Clinton administration and for ourselves as well, it is whether we can mold the education and civil rights policy of the nation in ways that will make the Thurgood Marshall schools of the future places of opportunity for minority and poor children throughout the country. If it can meet this test, we should count the Administration a success even if it achieves little else. But if the Administration fails to provide a helping hand to children who need it the most, it is hard for me to think what else would redeem it.

My friend Ralph Neas likes to assess what the odds of succeeding are whenever we begin a difficult legislative endeavor and he is usually accurate. Given the economic situation and the divisions that exist in the country, the odds on the proposition I have put to you are very long indeed. But when Thurgood Marshall and his mentor Charles Houston set out to break down the walls of separation created by *Plessy*, they had no model to follow and no objective reason to believe that they had any real prospect of succeeding.

In contrast we have the Marshall-Houston model to follow, and therefore, whatever the odds, we have the obligation to continue the struggle.

GARY KLECK DEBUNKS GUN CONTROL MYTHS

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. ROTH. Mr. Speaker, in the great debate on gun control, both sides like to trot out their latest study that proves beyond a shadow of a doubt, that their's is the right position. Problem is, many of these studies are not as academic as they are political. There are some, however, that bear closer scrutiny. Criminologist and Prof. Gary Kleck has done work of this sort. His most ambitious work is discussed in an interview with Michael Browning for the Knight-Ridder newspapers. I ask that the text of that interview appear in the RECORD, as I encourage my colleagues to read it.

[From the Macon Telegraph, Aug. 19, 1993]

PROFESSOR ON FIRING LINE OVER BOOK ON GUN CONTROL

(By Michael Browning)

TALLAHASSEE, Fla.—Gary Kleck never set out to become the academic darling of the National Rifle Association. That is a wholly unlooked for by-product of his research on guns in America.

"I am treated as hero by people with whom I have absolutely nothing in common," said the slender professor of criminology at Florida State University. "I'm a stereotypical liberal. I belong to the ACLU (American Civil Liberties Union), Common Cause, several environmental groups. I am a paying member of the Democratic party."

But Kleck, 42, is also the author of a controversial book, "Point Blank: Guns and Violence in America," whose conclusions challenge much of the accepted wisdom about gun use and abuse in the United States, as well as undermining many of the strongest arguments for gun control.

Through 512 pages of statistical research, tables and footnotes, Kleck makes the case that guns are twice as likely to be used defensively as aggressively; that they thwart crime far more often than they abet it; that their availability has little or no impact on provoking violence; they are far more likely to be owned by law-abiding citizens than by criminals; that banning certain classes of guns, such as handguns or automatic weapons, is futile; and that guns serve a useful purpose in protecting a large, non-violent majority of "victims" from a violent minority of criminals.

"There is a very simple symmetry to it: If a robber has a gun, he is likely to succeed at robbing you. If a victim has a gun, he is likely to succeed in scaring away a robber," says Kleck.

Kleck favors gun control but says since current schemes for gun control are silly, unrealistic and unworkable, given the fact that there are about 200 million guns in the United States now, and that 45 percent of all American households have one or more of them.

Instead of targeting certain types of guns—handguns, "Saturday Night Specials," assault rifles and so on—and attempting to drive them out of circulation, Kleck says we should target certain types of people—those with criminal records, those who are mentally disturbed, those with a high potential for violence—and deny them all guns, any type of gun, long or short, fast or slow, by means of rigorous background checks and stiff penalties for obtaining weapons illegally.

"I regard the NRA's knee-jerk response to gun-control proposals—get tough on criminals, build more jails—as even dumber than the gun-control lobby's agenda. It is like the NRA is playing poker with the gun control lobby and saying I'll call your stupidity and raise you one.'"

The propounder of these outrageous opinions is a dark-bearded man whose hair is tinged with gray, who lives in a quiet home on Tallahassee's northeast side, with his wife, Diane and his two children, Matthew and Tessa. His manner is cool, reasonable. He cites statistics, his own and those of 13 related surveys, to back up his conclusions.

"I don't want to claim any great originality here. I am just replicating with better research what had already been found with less sophisticated research. Self-defense uses of weapons are far more common than is widely known."

His controversial book costs $60 and scarcely 10,000 copies have been printed for

the scholar and library market, so it isn't likely to reach a mass audience.

He refuses to say whether his research has led him to buy a gun for his own protection.

"That is an ad hominem question," he replies. "My standard response is: 'I don't tell people.'"

But the professor acknowledges: "I did not grow up with guns. In my whole childhood I only knew of one person who had a gun. I grew up in the suburbs of Chicago. I think I may have had a coonskin cap for the Davy Crockett craze. Maybe I had a cap pistol. But I had no experience with real guns as a child."

His book has stirred a lively debate in some academic circles. His opponents say Kleck's research looks impressive, but some of it is based on flimsy foundations and flawed surveys, and that he has therefore leaped to conclusions.

"The evidence he cites tends to be evidence that supports his position. Some of this evidence is very flimsy, in my opinion, and he makes far too much of it," said David McDowall, a professor of criminal justice at the University of Maryland.

In fact Kleck says he was somewhat surprised at the results of his research.

"Before I undertook this study I had all the normal preconceptions. I was a pro-control academic. I believed instinctively that people should not have guns," he says.

"But I learned that those reactions were based on very shallow research. No one really knew much about this question until the mid-1970s.

"Gradually I came to see that the best available evidence did not support the case that is usually made for gun control: that guns automatically lead to violence.

"I learned that the subgroups of the population who owned the most guns—the old and the wealthy—demonstrated the least violence; while the subgroups of the population who were least likely to own guns, the young and the poor, tended to be the most violent."

"In fact the net effect of gun availability on (provoking) violence is zero," Kleck maintains. He means that while guns may incite some aggressive behavior when in the hands of a criminal, they also tend to deter it when in the hands of a victim. So the two tendencies cancel each other out, statistically speaking.

Over and over again in conversation, Kleck uses the word "victim." Victims, by his definition, are innocent, passive targets of violence aimed at their persons or property. Victims don't initiate, provoke or deserve violence. But, Kleck says, they get it anyway.

Most people in America, at least once in their lives, are going to become the victim of a violent act. It may not be a shooting or a stabbing. It may be a fight or a threat. But the fact is, most of us will be a victim.

"On the other hand, most of us will probably never initiate a violent act. The fact is, 5 percent of the population is committing 50 percent of the crimes in America.

"So there is only a tiny segment of the population doing the violence, while there is a huge segment of the population on the receiving end of violence."

Here again, Kleck draws fire from his critics: "He tends to break the whole population down into two neat categories: Victims and aggressors," McDowall said, "I think in many assaults it is very difficult to tell who is the victim and who is the aggressor."

Kleck's most controversial finding, the one that has most endeared him to the NRA, is this: The number of times guns are used defensively is probably twice as great as the number of times they are used criminally.

"All my statistics indicate that there are at least 600,000 cases a year of guns being used criminally, both reported and unreported cases. But: The number of instances in which guns are used defensively is on the order of 1.2 million times a year."

Here again, however, Kleck's critics have attacked his research. "The National Crime Survey, a survey conducted by the government, indicated that guns are used defensively only 60-65,000 times each year," McDowall said. "There is a huge discrepancy between Kleck's figures and these figures."

Kleck defends his research as sound. "We called up 4,977 households scattered throughout the 48 contiguous states. The telephone numbers were randomly generated by a computer. We took all response in confidence, and made sure that the times when a gun was used was against a person, not against a rattlesnake or some animal. We were measuring cases of guns being used against people who were committing criminal acts," he said.

"What I found was that 4.3 percent of U.S. households had definitely used a gun against another person in the past five years.

"Therefore," says Kleck, "I do not share the belief that there is no defensive value whatever to guns. All I am saying is that guns have a defensive value that can be statistically demonstrated.

"Now what you do when you are confronted with these statistics is up to you. Maybe you decide you don't want a gun in the house no matter what, because it is too much worry. Fine. I am not advising anybody to have a gun, or not have a gun.

"I just point out that if you are a victim with a gun you are likely to be successful in defending yourself from a criminal attack. You are less likely to get hurt if you have a gun. That is not my opinion. That is a statistical fact."

HONORING JUSTICE THURGOOD MARSHALL

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. PAYNE of New Jersey. Mr. Speaker, I would like to thank you for giving me the opportunity to make a special tribute to a great leader in our country who is sadly missed. I would also like to thank my colleague, Congressman RANGEL for calling this special order today.

I think this tribute is a day for us all to reflect on the life of a man, who until his death at the age of 84, fought for the rights of people of color, the underprivileged, and many others who could not speak for themselves.

From the very beginning, Justice Marshall emerged as a true leader. After graduation from Howard University School of Law at the head of his class in 1933, Justice Marshall began a long and historic involvement with the National Association for the Advancement of Colored People [NAACP]. In 1940, he became head of the newly formed NAACP Legal Defense and Education Fund, a position he held for over 20 years. The fact that the NAACP Legal Defense Fund is still carrying on the work that Justice Marshall initiated over 50 years ago is a true testament to the man and the organization.

Most of us are aware of Justice Marshall's efforts in the landmark Supreme Court decision, Brown versus Board of Education in 1954. Justice Marshall convincingly argued that segregation in public schools is unconstitutional. His determined efforts served as a springboard to champion severalother causes during that era.

After his appointment to the Supreme Court by President Johnson, Justice Marshall worked harder than ever to uphold the civil rights stance. The Court opinions he wrote while serving on the Supreme Court are still studied and admired by leading jurists and legal scholars worldwide.

The birth of Justice Marshall on July 2, 1908, has a special significance for me. Every year I sponsor a resolution designating July 2 as National Literacy Day. This resolution seeks to bring attention to the plight of well over 30 million adults who cannot read and over 42 million Americans who lack the basic skills necessary to function in this society.

The designation of National Literacy Day recognizes the plight of the many illiterate Americans in this country—the very same people that Justice Marshall spent his entire life fighting for—the voices of those who are unable or cannot speak for themselves.

Justice Thurgood Marshall's legacy will continue to live on in this country. As many of us here realize today that without Justice Marshall, the whole civil rights movement and the legal enfranchisement of African-Americans might not have happened when it did. The pivotal point of Brown versus Board of Education in history and the commencement of the civil rights movement several years later, changed the lives of millions of Americans.

Justice Marshall is someone many of us will never forget. Thank you again, Mr. Speaker, for this opportunity.

INJUSTICE AND DISCRIMINATION ARE ALIVE AND WELL

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. DEUTSCH. Mr. Speaker, I rise today with great disappointment to note the injustice and discrimination that the U.S. House has voted to perpetuate by failing to strike the Senate's codification of the ban on gays and lesbians in the military. I strongly oppose today's action and am proud to have supported the Meehan amendment to the Defense authorization bill striking the codification.

Military personnel decisions, normally and rightfully, originate with the Commander in Chief of the Armed Forces. It is inexcusable that Congress would go beyond its normal parameters to legislate a measure that clearly discriminates against gays and lesbians. In addition, the legislative codification of the don't-ask, don't-tell, don't-pursue policy placed in the Defense authorization bill goes beyond the administration's policy.

By today's failure, Congress has sought to invalidate the faithful and heroic service by thousands of gays and lesbians in the U.S. Armed Forces. The assertion that homosexuality is incompatible with military service

has already been proven to be groundless. A Rand Corp. study commissioned by the Pentagon concluded: "Gays pose no health, behavioral, disciplinary, morale, or other problem that good leadership can't easily handle."

The United States would do better to expend its energy on areas where there are already existing problems in the military, rather than create issues for dissension.

REMARKS MADE BY THE DISTINGUISHED RANKING MEMBER OF THE HOUSE FOREIGN AFFAIRS COMMITTEE, CONGRESSMAN BEN GILMAN

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. GOODLING. Mr. Speaker, last Thursday, September 23, 1993, the distinguished ranking member of the House Foreign Affairs Committee, Congressman BEN GILMAN, addressed the Ukrainian Congress Committee of America and the Ukrainian-American Coordinating Council in commemoration of the second anniversary of the independence of Ukraine.

As senior members of the Foreign Affairs Committee, the Congressman and I share a great interest in ensuring the enhancement of United States-Ukraine relations through a multitude of means. Congressman GILMAN recognizes the importance of this relationship and continues to pursue an intelligent United States foreign policy concerning Ukraine as consistent with United States interests. I submit his prominent remarks for the review of my colleagues.

STATEMENT OF CONGRESSMAN BENJAMIN A. GILMAN

Ladies and gentlemen, I am very pleased to join with you all today in celebrating the second anniversary of the independence of the great nation of Ukraine. For those Americans of Ukrainian extraction—as well as those of us who have long had an interest in the welfare and prosperity of the Ukrainian people—this is truly a great occasion.

Anyone familiar with the long history of Ukraine knows how very important independence is to that nation. It has indeed been the dream of Ukrainians over the many long centuries when that country suffered under the rule of other, neighboring states.

In this century, that suffering took the Ukrainian people to the depths of human existence—when millions died of starvation in Joseph Stalin's artificial famine and countless others suffered and died in prison camps at the hands of the soviet communist government. The Ukrainian people's aspiration for independence could not be extinguished even by the severity and cruelty of such efforts. In fact, that desire only grew stronger, leading finally to the day of August 24, 1991, when the dream of independence became a reality.

Today, Ukraine, like the other newly-liberated states around it, faces a new and daunting task: How to consolidate its independence as it struggles to throw off the vestiges of the old communist political and economic system. As we all know, this is truly a tremendous challenge—one that we here in America have never had to confront. Indeed, it may not be possible to quickly uproot those vestiges of communism or the tentacles of the old soviet economic system, but, despite their presence and the difficulties they present, the struggle against them must be undertaken and the transition to democracy and economic prosperity achieved.

Ladies and gentlemen, it is clear that for Ukraine, as for Belarus, the Baltic States, and the many other newly-independent states of the region, independence must have a strong economic foundation as well as a political one. I believe that the American people are willing to help Ukraine build that foundation with the technical assistance, humanitarian aid, volunteers, and other support that can make a real difference. I also believe that the United States will continue to help Ukraine build a strong political foundation as well, not just by providing such economic aid, but by extending the equally-important diplomatic support that is needed to help Ukraine and its neighbors arrive at peaceful solutions to any disputes they may have.

I hope that these will be but the first steps in a long-lasting and strong relationship of trust, cooperation, and friendship between the American and Ukrainian peoples. Today, as we celebrate the second anniversary of the independence of Ukraine, let us all look forward to the peace and prosperity of a newly-reborn Ukraine and the growth and strengthening of the ties between our two great countries.

Thank you.

CAMPAIGN FINANCE REFORM

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. NADLER. Mr. Speaker, reform of the system by which congressional campaigns are financed is one of the most important tasks before us in this Congress. I believe it is essential if we are to break the grip of special interests on our political system and to promote elections as a forum for the competition of ideas.

There are certain important provisions which I believe should be included in any campaign finance reform package if real change is to result. I strongly support limitations on campaign contributions from political action committees [PAC's] and some form of public financing. That public financing must be tied to a candidate's acceptance of a cap on total spending, and a limitation on the amount that may be contributed by a candidate or members of his or her family. Moreover, the use of so-called soft money that evades contribution limitations must be curbed.

I have been disappointed to hear statements by some of my congressional colleagues expressing doubt over whether there is sufficient support in the House to pass a bill with public financing, as I believe public financing is an indispensable element of any serious reform of campaign finance. I think the experience we have had with public financing of Presidential campaigns—at least before the massive exploitation of the soft money loophole—and, in New York City, with campaigns for municipal office, proves that such a system can work, and can enjoy public support.

I support such options as the creation of communications vouchers, subsidizing mail costs, or other means of providing public subsidy of the cost of campaigns. I am also open to paying for public financing by increasing the voluntary $1 checkoff on individual tax returns to $5.

If some of our constituents object to the cost of public financing, viewing it as welfare for politicians, I believe we must share with them our understanding of the costs of the present system, which gives disproportionate influence to moneyed interests. I am willing to undertake that task with my constituents. I hope my colleagues will do likewise.

UNDERSTANDING THE LIMITS OF SUPERPOWER STATUS

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. BEREUTER. Mr. Speaker, President Bill Clinton addressed the United Nations today in what could be one of the most important foreign policy addresses that he will deliver. He outlined the long-awaited U.S. policy toward international peacekeeping and U.S. involvement in regional crises.

During this period of global upheaval, it is not surprising that civil war has erupted in 20 or more locations across the globe. Some of these conflicts have become extraordinarily bloody. The United States, as the only remaining superpower, now faces an uninterrupted series of appeals for financial and military support. In some of these trouble spots, it may be in the U.S. interest to become involved. But we have no abiding national interest in many—indeed most—of these conflicts. We must not let our foreign policy be driven by neo-interventionists—most of whom seem never to have served in the military—who want the U.S. military to put an end to all conflict around the world. As a recent editorial in the Omaha World Herald rightly noted, "Noble intentions can lead to unforeseen problems."

In the wake of the President's address to the United Nations, this Member would call colleagues' attention to the Omaha World Herald's editorial of September 24, 1993, entitled "Things a Superpower Can't Do."

THINGS A SUPERPOWER CAN'T DO

Anthony Lake, President Clinton's national security advisor, expressed sensible views on the use of U.S. forces overseas.

"While there will be increasing calls on us to help stem bloodshed and suffering in ethnic conflict and while we will always bring our diplomacy to bear in such conflicts," Lake said, "there will be relatively few intra-national ethnic conflicts that justify our military intervention."

Pictures of suffering children in Bosnia and the sub-Sahara are disheartening. They prompt some people to ask how America can help. Often the answer is to contribute to an international fund drive. But sometimes the pressure builds to send American troops.

Ironically, some of the pressure in recent years has come from liberals who earlier were dovish on the use of force. They approved when President George Bush, after the Persian Gulf war, sent U.S. troops to protect Iraqi Kurds from Saddam Hussein. They

applauded Bush's decision to intervene in Somalia to help feed the hungry. Some people even wanted Clinton to send troops to Bosnia and Haiti—a suggestion that Clinton, wisely, has resisted.

Noble intentions can lead to unforeseen problems. Consider Somalia. The hungry have been fed. But U.S. troops remain stuck in that country as part of a United Nations pacification program—a program that has brought U.S. forces into conflict with civilians who are manipulated by that country's warlords.

America continues to have global responsibilities as the world's sole remaining superpower. Lake properly distanced the administration from what he referred to as "neo-know-nothings" who want the United States to turn its back on the rest of the world. With continuing political instability in the former Soviet Union and with China, among other countries, pushing a nuclear weapons program, America can't afford to sink into isolationism.

But as Lake has pointed out, there are things that even a superpower can't do and shouldn't try. It's reassuring to read that a highly placed administration official is among those recommending restraint.

GENERAL MONTGOMERY DAY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. GILMAN. Mr. Speaker, I recently had the distinct honor and privilege of attending the annual General Montgomery Day festivities in the village of Montgomery, NY.

The village and surrounding town of Montgomery was named in honor of Gen. Richard Montgomery, an Irish immigrant to our shores who proved to be one of the military heroes and geniuses of our Nation's War for Independence. The annual even celebrating this brave and brilliant patriot were quite impressive. Virtually the entire Montgomery community attended and participated in the festivities this year. The appropriate parade and attire, reminded us all of the struggle which resulted in freedom and liberty for all Americans.

Marc Newman, the grand marshall of this year's village of Montgomery parade and festivities, has written a scholarly review of the life and times of General Montgomery. In order to share this captivating history with my colleagues, I request that this study be inserted in the RECORD at this point:

AN AMERICAN LEGEND: RICHARD MONTGOMERY

(By Marc Newman)

The first national hero of this nation, in its infancy, was General Richard Montgomery. Traveling the highways and byways from Ontario, Canada to Washington D.C., portraits and personal artifacts of this gallant officer of the Continental Army grace such museums as: The Royal Ontario Museum, Montgomery Place, The Yale Art Gallery, The Metropolitan Museum of Art, The Independence National Historic Park and the Armed Forces Division of the National American History Museum. Who was this American hero whose image and deeds have faded from view for many generations, since the American Revolution?

This Irish-American immigrant arrived in New York in 1772. This was not his first arrival to the Province of New York. The son of a landed gentry member of the House of Commons, he saw active service in the French and Indian War. His gallantry in the Hudson River/Lake Champlain campaign and the West Indies campaign brought him promotions from Ensign to Captain of the 17th Foot Regiment. Seeking the life of a country farmer in Kings Bridge (Yonkers), New York, he married Janet Livingston, sister of Robert R. Livingston, signer of the Declaration of Independence. When the storm clouds of war looked imminent, he was choosen Dutchess County representative to the New York Provincial Congress in the summer of 1775. Instrumental in raising three thousand men and one thousand muskets for the defense of Manhattan, he recommended that a strategic line of defense be constructed near the junction of the Albany and Boston Post Roads to repeal a British invasion. This would become a reality with the construction of Fort Washington. Montgomery recommended that the "S" channel on the Hudson River be fortified with a series of forts and that a "chain and log boom" be constructed to repulse British ships and transports trying to invade New York and New England. The creation of West Point, Forts Putnam, Wyllys and Webb as well as the "Great Chain and Log Boom" would eventually be constructed five years after his death.

As Brigadier-General of the Northern Army, he devised the tactical plan to attack British fortifications at Forts: St. John and Chambly, as well as the garrisoned cities of Montreal and Quebec. His belief that British forces would invade Lake Champlain and New York City, thus destroying American forces in New York and using the Hudson Valley as a spring-board to invade New England and end the Revolution became the catalyst for such a daring and dangerous enterprise. Ironically, he suffered from as many problems, if not more problems that General Washington, at the siege of Saint John, i.e.: lack of discipline, cold bitter weather, swamp ground, poor communications, typhoid, mutiny, shortage of supplies and men, of which twenty percent of his force were not fit for duty or feigning illness. His success in dealing with these problems and his victories at both forts, resulted in capturing tons of munitions, food and clothing for the Northern Army and the Army of Washington. Although the invasion of Quebec resulted in failure and his own death, the bravery of this general and his men scaling the narrow ice paths along the cliffs of Point Diamond in the worst winter conditions, with no visibility in sight, is a testament to their determination and tenacity. A quality we Americans are very proud to emphasize throughout our history.

It is ironic that when General Richard Montgomery's remains were re-intered, it was actually part of an agreement with the Canadian and British governments, just a few years after the War of 1812. Major John Andre's remains were to be dug-up and sent to England's Westminster Abbey, while General Richard Montgomery's remains were sent to New York City, to be buried beside a monument that was paid for by the Continental Congress in 1776, at a cost of three hundred pounds and under the auspices of Benjamin Franklin. Interesting to note that John Andre was one of the officers who surrendered to Montgomery at Ft. St. John. The news of Montgomery's death brought lamentations of grief to the British and Americans. His close friends in England such as: Edmund Burke and Charles Fox, Whig leaders of the House of Commons, spoke in grieving oratory of their brave, heroic rebel. Even Lord North, Prime Minister, acknowledged his military genius and bravery. Many articles, ballads and poems on both sides of the Atlantic praised our adopted benefactor of liberty, but Thomas Paine's play involving the Ghost of Montgomery, in 1776 was the most dramatic. This propaganda vehicle proved successful in arguing the cause for public support for the unanimous approval of the Declaration of Independence. Even in death this American Legend: Richard Montgomery, affected the course of the war and the approval of the Declaration of Independence by the American people.

MINING CLAIM HOLDING FEE SHORTFALL

HON. BARBARA F. VUCANOVICH

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mrs. VUCANOVICH. Mr. Speaker, I wish to bring to the attention of all Members of the 103d Congress the effects of an action taken in the last Congress. Specifically, I speak of the Department of the Interior and Related Agencies Appropriations Act for fiscal year 1993, Public Law 102–381, wherein Congress mandated a mining claim holding fee of $100 per claim per year in lieu of the obligation under Federal law to perform assessment work on one's claims.

Proponents of this measure asserted it was a user fee that would generate much needed funds for the Treasury while having little impact on mining activities. They argued only a few mining claims, held for purely speculative reasons, would be dropped because of this new fee. This would be true because the size of the holding fee matches the minimum assessment work requirements of the mining law, anyway, so instead of doing the annual labor as it is known, just send the money to the Government instead.

Well, Mr. Speaker, the data is in, and not unlike the situation with respect to luxury taxes on boats and cars, the affected public has rejected this means of raising revenues. That is, the owners of mining claims on public lands of the Western United States have dropped nearly a million mining claims rather than pay this new fee, which, because of its retrospective effect, was actually a $200 per claim tax. The Bureau of Land Management now reports it has collected $53.2 million under this fee, not the $97.6 million the Office of Management and Budget expected to raise. That's a shortfall of nearly $45 million from the forecasted revenue stream to the Treasury, or nearly half of the projection. Only a few years ago the Bureau of Land Management reported there were 1.2 million mining claims of record. After this tax, there are now less than 300,000, a threefold decrease.

Upon President Clinton's urging, Congress has acted to extend this mining claim holding fee first advanced by the Bush administration. The recently enacted Omnibus Budget Reconciliation Act of 1993 [OBRA] calls for a similar fee collection from August 31, 1994 through 1998. Unfortunately, these disturbing numbers from the BLM were not available

when this Congress passed OBRA. Otherwise, Members may have seen the folly in extending this fee at this level for 5 years. Clearly, the market has spoken and $100/claim/year is simply too high to demand of miners and prospectors.

I believe it is indeed fair to require mining claimants pay something for the privilege of holding on to unpatented claims while they investigate those claims for possible mineral development. But, unless our true intent is to stifle mineral activities on the public lands, Congress ought to reconsider the magnitude of the revenues raised by this tax versus the cost of diminished assessment work activity and the economic impacts of such labor on rural communities of the West.

Mr. Speaker, the real losers under this high holding fee are the drillers, heavy equipment operators, geologists, and others who make their living in this industry. They have suffered, and will continue to, because of this heavy tax. There is only so much money available for exploration of our Nation's mineral deposits, albeit that amount may rise and fall with expectations of mineral prices. If the Federal Government demands a large proportion of those funds as a holding fee then the exploration and development activities that would otherwise be carried out must shrink by a proportional amount.

Some in Congress have called hardrock mining on the public lands a subsidy by the taxpayers. Now the truth can be told. The administration's budget asked for about $17 million annually to administer the mining law on the public lands. Yet this fee collected over $53 million, in addition to the approximately $5 million already collected from claimants under existing fees. As such, mining claimants in fiscal year 1993 will have provided over $41 million more than the BLM said it needed to regulate this industry. So, yes, there is indeed a subsidy, but it is by our domestic mining industry to other Department of the Interior programs.

THE HOME EQUITY PROTECTION ACT OF 1993

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. KENNEDY. Mr. Speaker, in early February of this year, the House Banking Subcommittee on Consumer Credit and Insurance, which I have the privilege to Chair, heard testimony that profoundly moved each Member present. In dramatic detail, we heard now for some fortunate enough to have built up equity in their homes, the American Dream became the American Nightmare. Certain scam-artist lenders, working on the fringe of the marketplace—and the law—now snatch homes out from under their rightful owners.

Here is how the home equity scam worked in my hometown of Boston: Mortgage companies, often backed by prestigious mainstream lenders, worked with fly-by-night home improvement outfits. They did their homework, finding people with the highest home equity in the neighborhoods least-served by more conventional lenders. They then targeted middle-aged or elderly persons who had worked hard to achieve some equity in their homes. To finance repairs, those individuals contracted for loans on terms near impossible to meet: Sky-high rates, hidden fees and costs, and balloon payments on the near horizon. For the homeowner, failure to meet the loan terms meant the loss of their home, and the sudden end to a secure life. That bitter prospect was a bonanza for the lender, who took the home and sold it for a profit.

The Home Equity Protection Act of 1993, which I introduce today along with the chairman of the full Banking Committee, Mr. GONZALEZ, Mr. MOAKLEY, Mr. SCHUMER, Mr. FRANK of Massachusetts, Mr. KANJORSKI, Mr. FLAKE, Ms. WATERS, Mr. HINCHEY, Mr. KLEIN, Mr. WATT, Ms. ROYBAL-ALLARD, Mr. RUSH, Mr. WYNN, Ms. BROWN of Florida, Mr. FILNER, Mr. HAMBURG, Ms. WOOLSEY, Mr. NEAL of Massachusetts, Mr. MEEHAN, Mr. COYNE, Mr. LEWIS of Georgia, Mr. CLAY, Mr. LANTOS, and Mr. DEFAZIO addresses this shameful situation. While it does not prohibit high-cost mortgages from being made, nor limit the compensation a lender can receive from a loan, it does require certain disclosure provisions, and prohibit abusive practices.

Specifically, this bill amends the Truth-In-Lending-Act to define a class of mortgage loans as "high-cost mortgages." Lenders making these loans would have to disclose to the consumer additional information, including the following in conspicuous typeface:

If you obtain this loan, the lender will have a mortgage on your home. You could lose your home, and any money you have put into it, if you do not meet your obligations under the loan.

Under Federal law, this is a high cost mortgage. You may be able to obtain a less expensive loan."

The measure mandates a 3-day cooling off period between the newly required disclosures and the settlement.

Certain abusive practices would be prohibited for high cost mortgages, including negative amortization, balloon payments and use of loan proceeds for substantial advance payment of principal and interest. If the original lender fails to comply with the requirements of the bill, and then sells the mortgage to a third party, a consumer may raise claims against the new holder of the mortgage. The measure would amend current law to allow States to impose limits on the interest, fees, and other terms of nonpurchase money first loans. Civil penalties included in the bill include payment of all finance charges and fees.

I urge may colleagues to join me in cosponsoring this measure. At this point, I would like to insert in the RECORD a copy of the bill, and a section-by-section description:

H.R. —

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 "Home Equity Protection Act of 1993".

SEC. 2. CONSUMER PROTECTIONS FOR HIGH COST MORTGAGES.

(a) DEFINITION.—Section 103 of the Truth In Lending Act (15 U.S.C. 1602) is amended by adding after subsection (z) the following new subsection:

"(aa) The term 'high cost mortgage' means a consumer credit transaction, other than a residential mortgage transaction, that is secured by a consumer's principal dwelling and that satisfies at least 1 of the following conditions:

"(1) The annual percentage rate at consummation of the transaction will exceed by more than 10 percentage points the rate of interest on obligations of the United States having a period of maturity of 1 year on the fifteenth day of the month before such consummation.

"(2) All points and fees payable by the consumer at or before closing will exceed the greater of—

"(A) 8 percent of the amount financed, minus fees and points; or

"(B) $400.".

"(b) MATERIAL DISCLOSURES.—Section 103(u) of the Truth in Lending Act (15 U.S.C. 1602(u)) is amended—

"(1) by striking "and the due dates" and inserting ", the due dates"; and

(2) by inserting before the period ", and the disclosures for high cost mortgages required by section 129(a))".

(c) DEFINITION OF CREDITOR CLARIFIED.—Section 103(f) of the Truth in Lending Act (15 U.S.C. 1602(f)) is amended by adding at the end the following: "Any person who originates 2 or more high cost mortgages in any 12-month period or any persons who originates 1 or more high cost mortgages through a loan broker shall be considered to be a creditor for purposes of section 129.".

(d) DISCLOSURES REQUIRED AND CERTAIN TERMS PROHIBITED.—The Truth in Lending Act (15 U.S.C. 1601 et seq.) is amended by inserting after section 128 the following new section:

"SEC. 129. REQUIREMENTS FOR HIGH COST MORTGAGES.

"(a) DISCLOSURES.—In addition to any other disclosures required under this title, for each high cost mortgage, the creditor shall provide the following written disclosures in clear language and in conspicuous type size and format, segregated from other information as a separate document:

"(1) The following statement: 'If you obtain this loan, the lender will have a mortgage on your home. You could lose your home, and any money you have put into it, if you do not meet your obligations under the loan.'.

"(2) The initial annual percentage rate.

"(3) The consumer's gross monthly cash income, as verified by the creditor, the total initial monthly payment, and the amount of funds that will remain to meet other obligations of the consumer.

"(4) In the case of a variable rate loan, a statement that the annual percentage rate and the interest rate could increase, and the maximum interest rate and payment.

"(5) In the case of a variable rate loan with an initial annual percentage rate that is different than the one which would be applied using the contract index after the initial period, a statement of the period of time the initial rate will be in effect, and the rate or rates that will go into effect after the initial period is over, assuming that current interest rates prevail.

"(6) A statement that the consumer is not required to complete the transaction merely because he or she has received disclosures or signed a long application.

"(7) A statement as follows: 'Under Federal law, this is a high cost mortgage. You may be able to obtain a less expensive loan.'.

"(b) TIME OF DISCLOSURES.—The disclosures required by this section shall be given

no later than 3 business days prior to consummation of the transaction. A creditor may not change the terms of the loan after providing the disclosures required by this section.

"(c) NO PREPAYMENT PENALTY.—

"(1) IN GENERAL.—A high cost mortgage may not contain terms under which a consumer must pay a prepayment penalty for paying all or part of the principal prior to the date on which such principal is due. If the date of maturity of the high cost mortgage is accelerated for any reason, the consumer is entitled to a rebate that complies with paragraph (2). No high cost mortgage shall provide for a default interest rate that is higher than the interest rate provided by the note for a performing loan.

"(2) REBATE COMPUTATION.—For purposes of this subsection, any method of computing rebates of a finance charge less favorable to the consumer than the actuarial method using simple interest is a prepayment penalty.

"(3) CERTAIN OTHER FEES PROHIBITED.—An agreement to refinance a high cost mortgage by the same creditor or an affiliate of the creditor may not require the consumer to pay points, discount fees, or prepaid finance charges on the portion of the loan refinanced. For the purpose of this paragraph, the term 'affiliate' has the same meaning as it does in section 2(k) of the Bank Holding Company Act of 1956.

"(d) NO BALLOON PAYMENTS.—A high cost mortgage may not include terms under which the aggregate amount of the regular periodic payments would not fully amortize the outstanding principal balance.

"(e) NO NEGATIVE AMORTIZATION.—A high cost mortgage may not include terms under which the outstanding principal balance will increase over the course of the loan.

"(f) NO PREPAID PAYMENTS.—A high cost mortgage may not include terms under which more than 2 periodic payments required under the loan are consolidated and paid in advance from the loan proceeds provided to the consumer.

"(g) UNFAIR, DECEPTIVE, OR EVASIVE ACTS PROHIBITED.—Creditors of contracts governed by this section shall not commit, in the making, servicing, or collecting of a high cost mortgage any act or practice which is unfair or deceptive, including any of the following.

"(1) Entering into a home equity loan if there is no reasonable probability that the homeowner will be able to make payments according to the terms of the loan.

"(2) Taking advantage of the borrower's infirmities, lack of education or sophistication, or language skills, necessary to understand fully the terms of the transaction.

"(3) Refinancing other loans owned by the homeowner which had not been accelerated by reason of default of the homeowner prior to the application for the home equity loan, unless the new loan is at a lower interest rate or has lower monthly payments.

"(4) Financing a mortgage broker's commission, unless the borrower entered into a separate written contract with the broker prior to the date of application for the home equity loan, which stated the dollar amount of the commission, and which was provided to the borrower prior to the application.

"(5) Taking action or interfering with any other consumer protection laws or regulation designed to protect the homeowner.

"(6) Assisting in the falsification of information on the application for a home equity loan.

"(7) Disbursing to a home improvement contractor more than 80 percent of funds due under a home improvement contract which exceeds $10,000, before the completion of the work due under the home improvement contract, or making any disbursement for a home improvement contract in a form other than an instrument jointly payable to the borrower and the contractor.

"(8)(A) Engaging in any other unfair, deceptive, or unconscionable conduct which creates a likelihood of confusion or misunderstanding.

"(B) Any attempt to evade the provisions of this section by any devise, subterfuge, or pretense whatsoever is deemed to be unfair conduct under this paragraph.

"(h) RIGHT OF RESCISSION.—For the purpose of section 125, any contract with provisions prohibited by this section is deemed to not include material disclosures required under this title. Any provision in a high cost mortgage which violates section 125 shall not be enforceable.".

SEC. 3. STATE AUTHORITY TO REGULATE HIGH RATE MORTGAGE LOANS.

The authority of States to establish limitations on the interest, fees, and other terms of a first mortgage which—

(1) is secured by a first lien on residential real property; and

(2) is not used to finance the acquisition of that property;

is not preempted by section 501 of the Depository Institutions Deregulation and Monetary Control Act of 1980 (12 U.S.C. 1735f-7a) or the Alternative Mortgage Transaction Parity Act of 1982 (12 U.S.C. 3801 et seq.).

SEC. 4. CIVIL LIABILITY.

(a) DAMAGES.—Section 130(a) of the Truth in Lending Act (15 U.S.C. 1640(a)) is amended—

(1) by striking "and" at the end of paragraph (2)(B);

(2) by striking the period at the end of paragraph (3) and inserting "; and"; and

(3) by inserting after paragraph (3) the following new paragraph:

"(4) in case of a failure to comply with any requirement under section 129, all finance charges and fees.".

(b) STATE ATTORNEY GENERAL ENFORCEMENT.—Section 130(e) of the Truth in Lending Act (15 U.S.C. 1640(e)) is amended by adding at the end the following: "An action to enforce a violation of section 129 may also be brought by the appropriate State attorney general in a court of competent jurisdiction, within 5 years after the date on which the violation occurs.".

(c) ASSIGNEE LIABILITY.—Section 131 of the Truth in Lending Act (15 U.S.C. 1641) is amended by adding at the end the following new subsection:

"(d) HIGH COST MORTGAGES.—

"(1) IN GENERAL.—In addition to any other liability imposed under this title, any person who purchases or is otherwise assigned a high cost mortgage shall be subject to all claims and defenses with respect to the mortgage that the consumer could assert against the creditor of the mortgage.

"(2) DAMAGES.—Relief under this subsection shall be limited to the sum of—

"(A) an offset of all remaining indebtedness; and

"(B) the total amount paid by the consumer in connection with the transaction.

"(3) NOTICE.—Any person who sells or otherwise assigns a high cost mortgage shall include a prominent notice of the potential liability under this subsection as determined by the Board."

SEC. 5. EFFECTIVE DATE.

This Act shall be effective 60 days after the promulgation of regulations by the Board of Governors of the Federal Reserve System, which shall occur not later than 180 days following the date of enactment of this Act.

SECTION-BY-SECTION ANALYSIS

SECTION 1. SHORT TITLE

This Act may be cited as the "The Home Equity Protection Act of 1993."

SEC. 2. CONSUMER PROTECTIONS FOR HIGH COST MORTGAGES

Subsection (a) defines a "high cost mortgage" under the Truth In Lending Act (15 U.S.C. 1602) as a consumer credit transaction, other than a residential mortgage transaction, secured by the consumer's principal dwelling, that meets at least one of these conditions: (1) the Annual Percentage Rate (APR) exceeds the rate of interest on a one-year Treasury obligation by more than 10 percentage points; (2) Points and fees paid by the consumer exceeds the greater of: (a) 8 per cent of the amount financed, minus fees and points; or, (b) $400.

Subsection (b) amends the material disclosure provision of the Truth in Lending Act (15 U.S.C. 1602(u)) to include disclosures required under new section 129 (a).

Subsection (c) amends the Truth In Lending Act creditor definition (15 U.S.C. 1602 (f)) to include a person who originates 2 or more high cost mortgages annually, or a person who originates one or more high cost mortgages through a broker.

Subsection (d) amends the disclosure provisions of the Truth in Lending Act (15 U.S.C. 1601 et seq) by adding a new section:

SECTION 129: REQUIREMENTS FOR HIGH COST MORTGAGES

Subsection (a) provides that in addition to other Truth in Lending disclosure requirements, creditors shall provide for each high cost mortgage, in conspicuous type size and in a separate document: (1) the statement: "If you obtain this loan, the lender will have a mortgage on your home. You could lose your home, and any money you have put into it, if you do not meet your obligations under the loan"; (2) the initial APR; (3) the consumer's gross monthly cash income, as verified by the creditor, total initial monthly payment, and amount of consumer funds which remain to meet other obligations; (4) for variable rateloans, a statement that the APR and monthly payment could increase, and the maximum interest rate and payment; (5) for variable rate loans with an initial APR which differs from one which will later apply, a statement of the period of time the initial interest rate will be in effect, and the rate or rates which will be effective after the initial period, assuming current interest rates prevail; (6) a statement that the consumer is not required to complete the transaction because he or she has received disclosures or signed an application; (7) the statement: received disclosures or signed an application; (7) the statement: "Under Federal law, this is a high cost mortgage. You may be able to obtain a less expensive loan."

Subsection (b) requires disclosure no later than three days prior to transaction consummation. The creditor may not change loan terms after providing disclosure.

Subsection (c)(1) provides that, in general, a high cost mortgage may not include terms which provide for a prepayment penalty. If the maturity date of the mortgage is accelerated, the consumer is entitled to a rebate. A default interest rate higher than the interest rate for a performing loan is prohibited. Subsection (c)(2) provides any method used to compute finance charge rebates that is less favorable than the actuarial method using

simple interest shall be deemed a prepayment penalty. Subsection (c)(3) provides that high cost mortgage refinance agreements by the same creditor or affiliate may not require the consumer to pay points, discount fees or refinance charges.

Subsection (d) prohibits the use of balloon payment terms for high cost mortgages.

Subsection (e) prohibits the use of negative amortization terms for high cost mortgages.

Subsection (f) prohibits the terms under which more than 2 periodic payments are consolidated and paid in advance from loan proceeds provided to the consumer.

Subsection (g) prohibits certain unfair, deceptive or evasive acts by creditors in the making, servicing or collecting of a high cost mortgage, including: (1) entering into a home equity loan if there is no reasonable possibility the homeowner will be able to make payments as required; (2) taking advantage of a borrowers' infirmities, lack of education or sophistication, or language skills, necessary to understand transaction terms; (3) refinancing other loans owed by the homeowner, which are not in default prior to application for the home equity loan, unless the new loan has a lower interest rate or lower monthly payments; (4) financing a mortgage broker's commission, without a separate written contract between the borrower and the broker entered into before the date of loan application; (5) interfering with any other consumer protection laws designed to protect the homeowner; (6) assisting in the falsifying of information on a home equity loan application; (7) For home improvement contracts which exceed $10,000, disbursing more than 80 percent of funds due before completion of work, or making such disbursement in a form other than one jointly payable to the borrower and the contractor; (8)(A) provides that engaging in any other unfair, deceptive or unconscionable conduct which creates likelihood of confusion or misunderstanding; (8)(B) provides that any attempt to evade provisions of this section is deemed to be unfair conduct.

Subsection (h) provides that for the purposes of Section 125 (15 U.S.C. 1635) of the Truth in Lending Act (Right of rescission as to certain transactions), any contract which includes provisions prohibited under this section shall be deemed not to include required material disclosures, and such provision shall not be enforceable.

SEC. 3. STATE AUTHORITY TO REGULATE HIGH RATE MORTGAGE LOANS

Provides that the authority of states to set limitations on interest, fees and other terms of a non-purchase money first mortgage is not pre-empted by the Depository Institutions Deregulation and Monetary Control Act of 1980 (12 U.S.C. 1735f-7a) or the Alternative Mortgage Transaction Parity Act of 1982 (12 U.S.C. 3801 et seq).

SEC. 4. CIVIL LIABILITY

Subsection (a) amends the Truth In Lending Act civil liability provision (15 U.S.C. 1540(a)) to provide that failure to comply with new section 129 makes a creditor liable for all finance charges and paid by the consumer.

Subsection (b) amends the Truth In Lending Act civil liability provision to allow an appropriate State attorney general to bring an action to enforce a violation of new section 129 within five years after the date of violation.

Subsection (c) adds a new provision to the Truth in Lending Act liability of assignees provision to require that if a creditor fails to comply with requirements of new section 129 regarding any high cost mortgage, any assignee of the creditor shall be subject to all claims and defenses the consumer could use against the creditor. Recovery is limited to the total amount paid by the consumer in connection with the transaction.

SEC. 5. EFFECTIVE DATE

Provides that the Act becomes effective 60 days after regulations are issued by the Federal Reserve, which shall occur no later than 180 days following enactment.