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PROCEEDINGS AND DEBATES OF THE 103^d CONGRESS, FIRST SESSION

SENATE—Thursday, October 7, 1993

(Legislative day of Monday, September 27, 1993)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the Honorable DANIEL K. AKAKA, a Senator from the State of Hawaii.

PRAYER

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

Let us pray:

Except the Lord build the house, they labour in vain that build it: except the Lord keep the city, the watchman waketh but in vain.—Psalm 127:1.

Eternal God, Lord of Heaven and Earth, we live in the most beautiful city in the world. Yet it has become the murder capital of the Nation. It is the most powerful city in the world. Yet it seems powerless to control the crime and the violence, the broken homes, and the abuse of children. Obviously, human effort, at its best, has its limitations.

Make real to us the wisdom of the Psalm, " * * * except the Lord keep the city, the watchman waketh but in vain." Give us grace to learn dependence upon Thee, to take prayer as seriously as legislation, to live in the light of a transcendent reality which, when taken seriously, enables human nature to fulfill its destiny.

In the name of the Lord we pray and for His glory. 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 assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 7, 1993.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DANIEL K. AKAKA, a

Senator from the State of Hawaii, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. AKAKA 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.

EXECUTIVE SESSION

DEPARTMENT OF JUSTICE

NOMINATION OF WALTER DELLINGER, OF NORTH CAROLINA, TO BE AN ASSISTANT ATTORNEY GENERAL

The Senate resumed the consideration of the nomination.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now go into executive session and resume the consideration of the nomination of Walter Dellinger, of North Carolina, to be an Assistant Attorney General, which the clerk will report.

The assistant legislative clerk read the nomination of Walter Dellinger, of North Carolina, to be an Assistant Attorney General.

The ACTING PRESIDENT pro tempore. Who seeks recognition?

The Senator from North Carolina is recognized.

Mr. FAIRCLOTH. Mr. President, I find it ironic that the nomination of Walter Dellinger is on the floor of the Senate at this time. It is ironic because Americans woke up this week and turned on their television to the sight of bodies of American soldiers being dragged through the streets of Mogadishu. This morning they woke up to the news that yet another American was killed last night in a mortar attack. They woke up wondering why in

the world this country was involved in a civil war in an area of the world where we have no vital interests. They did not wake up wondering about the status of Walter Dellinger's nomination.

For those who simultaneously hope that the disaster in Somalia will take Senators' minds off of the seriousness of the Dellinger nomination and take the public's mind off of the administration's bankrupt policy or lack thereof in Somalia, I say shame on you.

Mr. President, George Bush sent troops to Somalia initially for one purpose and one purpose only, to feed the people that were starving there, those people that we saw night after night on our television screens, thousands of them, that were starving. That has been done. The job was finished. The rains came. Somalia is now actually an exporting nation of food products.

But Bill Clinton, in his wisdom or lack thereof, changed what President Bush did, and now Americans are dying, dying at the very hands of the people we saved from starvation. We completely reversed our policy there from feeding the starving to correcting their form of government. That is not what we went for, and that is not our business.

Bill Clinton has put American troops and American foreign policy under the command of Third World leaders. American soldiers, who swore allegiance to the United States of America, are now being killed under the U.N. flag. That is not what the American people believe when they take the oath to join the military, that they are going to be commanded by military leaders of Third World nations.

I might add that this is not a partisan issue. It cuts across party lines. A no less constitutional authority than Senator ROBERT BYRD, of West Virginia, has called for our withdrawal from Somalia. Senator BYRD last night on the floor called for our withdrawal. Yesterday in our office a thousand people called the office to ask that we withdraw from Somalia. There is not

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

anybody that wants us there but the administration.

If Bill Clinton had listened to Senator BYRD almost a month ago, we would not have the blood of dead Americans on our hands that has occurred since Senator BYRD first called for a withdrawal.

Mr. President, Bill Clinton seems eager to send American troops around the world under any command, under the command of the United Nations, to fix what appears to be standing and insolvable problems.

Now, we have tried this all over the world from Asia to South America to fix problems with other nations. We have spent billions and billions of dollars. We have killed thousands and thousands of American troops, and we have not solved problem one yet.

He has already announced that he wants to send troops to Haiti. In fact, he is sending them to Haiti under the U.N. command. Now, if ever there was a country with a history of nongovernment or dictatorial government, it is Haiti. From Francois Duvalier to the current time, the country has been chaotic as far as government is concerned. But now we are sending 600 American troops there to attempt to right a wrong, and we are not even sure where the wrong is.

He is talking about sending troops to Bosnia. I do not know what course of action this Senate would take on sending troops to Bosnia, but I know what I would take. I would be 100 percent against it.

What does it say about our Commander in Chief, Bill Clinton?

Mr. President, in this century, many historians have come to refer to this as the American century. The United States has led the free world. The great military leaders in this American century have always insisted on having a clear military objective before committing our troops. That has been the history of this Nation—that we did not blatantly and cavalierly send troops into foreign countries without two things, two primary criteria: One, we had a clearly defined objective; and, the next, we went in with the ability to bring an overwhelming force to bear on the enemy. In Somalia, we have done neither.

Bill Clinton has no clear military objective. And we learned yesterday morning that he has given the troops there so little reinforcement that it took 9 hours—9 hours—for the downed Americans to get help, and we still left hostages behind.

To make matters worse, he is not taking responsibility for this. Even after this disaster, he is still leaving American boys under the command of the United Nations. It is ironic that President Clinton, who tried so hard to dodge the draft and succeeded in avoiding military service, is now perfectly prepared to send young men and

women to do the fighting and dying that he, himself, was afraid to do.

Mr. President, I find it ironic that the nomination of Walter Dellinger has been brought to the floor at this time for a second reason.

It was reported today that Secretary Les Aspin denied the request last month of Gen. Thomas Montgomery, the senior United States commander in Somalia, for a battalion of armed troops to protect the light infantry already there. There seems little doubt that, had he supported the decision of the field commander, there would have been fewer or no casualties last weekend.

If the administration's policy in Somalia were defensible, then the administration could easily defend sending the equipment and manpower necessary to execute that policy. The truth, Mr. President, is we do not have a policy in Somalia. We are just out there, and we have troops out there, and we have pretty much abandoned them without the backups and the equipment to do the job that they have been assigned to by a President who has not supported them.

Therefore, I have to conclude that Mr. Aspin is either unable to defend the administration's policy or that Mr. Aspin places his judgment above that of the commander in the field.

Mr. President, I have no doubt that many others will be engaging Les Aspin directly in a discussion about the efficiency of his Somalia operation. My concern is that Mr. Aspin has chosen to place his judgment above that of the field commanders. Certainly those people in Somalia, the field commanders, have a better feel of what we need to be doing and what we should have been doing than Secretary Aspin does here.

Given Mr. Aspin's role as one of the architects of this country's Vietnam strategy in Robert McNamara's Defense Department, I cannot help but be disturbed by the fact that he appears to have discarded the lessons of that attempt to micromanage a war zone from Washington.

As the video accounts of Somalia—literally dancing on the bodies of slain Americans—testified, attempts to substitute the judgment of politicians who have never served in uniform for that of the military commanders in the field has proven a disaster in times gone by and it will also prove to be disastrous in the future. Unless and until United States forces are withdrawn from Somali war zones, those forces deserve to have every advantage the military men on the ground believe to be necessary.

Mr. President, the American people will not tolerate the likes of Bill Clinton, Les Aspin, and Walter Dellinger substituting their strange brand of logic to the common sense and principles of the American people that made this Nation great.

Until Bill Clinton comes clean with the American people and with the brave men and women of the military that he has said that he loathes, the ill-timed and ill-advised nomination of Walter Dellinger should be set aside.

Mr. President, now I wish to speak directly to the nomination of Walter Dellinger. Walter Dellinger has been nominated by the President to be Assistant Attorney General for the Office of Legal Counsel at the Department of Justice. But before we can get to the President's nomination of Dellinger to the Assistant Attorney General position, we have to deal with another appointment of Mr. Dellinger, and that appointment of Mr. Dellinger by the President and the Attorney General.

Mr. Dellinger has already been appointed on an acting basis to fill the job he is waiting for confirmation on. While such an appointment may sound a little strange, the reason for this appointment is more than strange. It is more than dangerous to the Constitution of the United States.

This is the answer we got for why the appointment was made. The Department of Justice says that the President and Attorney General made this appointment, and I quote them, was because "We were tired of waiting for the Senate to confirm Mr. Dellinger, so we went ahead and appointed him."

Now this is some bureaucrat in the Justice Department saying this. "We were tired of waiting for the Senate." We were tired of waiting for the Senate to confirm Mr. Dellinger, so, in our all-powerful authority as hired bureaucrats, we went ahead and appointed him.

This is an intentional, outrageous, arrogance of attitude for any administration to adopt with regard to the constitutional responsibilities of the U.S. Senate. It is the epitome of arrogance, of lack of regard for the 100 elected people in this body.

Mr. President, as a newcomer to this body, I believe I have a far-beyond-the-beltway attitude toward our most sacred and fundamental governmental institutions. The Senate, as one of the foremost of these institutions, has always been respected throughout this great country because of the tremendously important constitutional responsibilities which the body bears. One of the most important of these is the Senate's responsibility to confirm the President's nominees to various senior executive branch positions. I would, therefore, like to take this opportunity to read a legal analysis which deals with the appointment of Walter Dellinger to be an Acting Assistant Attorney General at the Department of Justice. I want to note, however, that the Department of Justice made this appointment without any previous consultation or announcement, and has been unwilling to release the documents which were prepared in connection with this appointment.

The appointment was made on August 11. Twenty-eight Senators have now joined the two Senators from North Carolina—incidentally, the State from which Walter Dellinger comes—in signing a Freedom of Information Act request to the Attorney General seeking the documents on the appointment, explaining why they found the arrogance to appoint the man without Senate confirmation, the feistiness of making the appointment without the approval of the Senate, and of saying the Senate was too slow.

In signing a Freedom of Information Act request to the Attorney General to seek these documents this body should and will take seriously any disregard of its constitutional duty by the administration. The Senate will be kept informed of the status of this request to the Attorney General.

I would like to read the legal analysis I mentioned. On August 11, 1993, Walter Dellinger was appointed without notification as Acting Assistant Attorney General, Office of Legal Counsel, by Attorney General Janet Reno. The Justice Department made no public announcement of his appointment, and certainly for understandable reasons they did not make the announcement—but the obvious one being he was awaiting confirmation by the U.S. Senate. So they simply, in their own words, did not have time to wait.

When asked to state the reason for the Attorney General's action, it is back to this same statement, "We were tired of waiting, so we went ahead with the appointment."

Attorney General Reno's action appointing Mr. Dellinger to this position prior to his confirmation may be more than unprecedented. It may also fall short of being unconstitutional by only the slimmest of legal technicality.

According to the U.S. Constitution, article II, section 2, clause 2, the Senate is required to provide its advice and consent for certain Presidential appointments. Senior Justice Department positions, such as Assistant Attorney General, have been included in this category by statute. This clearly was meant by the Framers of the Constitution as a check on the otherwise unrestrained political power of the President to appoint important executive officials, and to give the Senate of the United States and the Congress an opportunity to take a second look at them.

Traditionally, no executive branch efforts to curtail this legislative branch function have been honored. Never has the Senate's role been intentionally ignored. This appears to be, and is exactly what has happened in the case of Walter Dellinger.

The statutory provision which governs the appointment of senior executive officials to acting capacity, when the most senior executive position in a

particular office becomes vacant, such as commonly occurs in a change of administration, is the Vacancy Act. Under the Vacancy Act, an official may be appointed to serve as head of an office, such as Department of Justice, Office of Legal Counsel.

The first manner in the Vacancy Act under which Mr. Dellinger could have been appointed is if he had been serving as the first assistant of the Office of Legal Counsel when a vacancy occurs in the position, that is the position of Assistant Attorney General, Office of the Legal Counsel. This is not the case with Mr. Dellinger. He was not an employee. He was not in the Justice Department. To be detailed to another position, he had to first be hired, and he had never been hired, confirmed, or anything. He simply was hired as acting. He had been a consultant but that is not being hired. That simply means he was technically not even an employee of the Department, but rather an independent contractor doing jobs, or duties on a per diem basis. He, therefore, does not fit into this first manner of valid appointment under the Vacancy Act.

The second manner in which Mr. Dellinger could have validity in his appointment to the position of Acting Assistant Attorney General is if he had been appointed to this position by virtue of a Presidential detail. But this type of appointment certainly presupposes that the detailee has been working for the Government and he is simply changing assignments; detailed from his ordinary duties to special duties at the request of the President. But in this case Mr. Dellinger did not have a job. He was not detailed. We simply made him one. This is not applicable to Mr. Dellinger since he was not an employee of any department.

Additionally, he certainly has never been an executive department employee, he has never undergone Senate confirmation as the Constitution requires—by the statute. The Department of Justice has refused to furnish copies of Mr. Dellinger's appointment papers of August 11, 1993. We have, therefore, been forced to request them under provisions of the Freedom of Information Act. It is impossible, therefore, to determine whether, for instance, Mr. Dellinger was appointed as a special employee of some kind, and then placed into the acting position. There have been rumors that Mr. Dellinger may have first been made a Deputy Attorney General in the Office of Legal Counsel, so he could immediately be appointed to fill the Assistant Attorney General's slot in an acting capacity. If this was the case it clearly is a tortured usage of the statute to achieve a political end. This is totally a political end that they are seeking to achieve.

This would be doubly true if the appointment was made without an expi-

ration date, or if it would allow an indefinite circumvention of the confirmation process. Even if this were not the case, however, it is still highly unclear how this appointment could be valid in any manner. The Department of Justice states that Mr. Dellinger was appointed under the provisions of 28 U.S.C.—United States Code, sections 509 and 510. These are the standard, broad delegations of authority to the Attorney General which are common, boilerplate language, and which have never been used nor were they intended as a means by which the President and Attorney General can circumvent the constitutional duty and role of the Senate to advise and consent.

It is clear the administration's stated attitude that "we were tired of waiting for the Senate so we went ahead and appointed him" is a total encroachment and disregard for the clearly established and constitutionally mandated role of the Senate in the confirmation of senior executive branch officials.

The arrogance of the Justice Department in a word.

We hope you will join us in opposing this blatant breach of Senate prerogative and resist the confirmation of Walter Dellinger. Let us send a signal to the administration that this body will not tolerate abuse of its authority.

Mr. President, I would now like to read the full text of the Freedom of Information Act letter sent to Attorney General Janet Reno, signed by 31 Senators.

Hon. Janet Reno,
Attorney General of the United States, U.S. Department of Justice, Washington, DC.

DEAR ATTORNEY GENERAL RENO: In accordance with the provisions of the Freedom of Information Act 5 U.S.C section 552 we hereby request any and all documents concerning the appointment of Walter Dellinger to the position of Acting Assistant Attorney General, Office of Legal Counsel on or about August 11, 1993.

This Freedom of Information Act request should be construed broadly to include but not limited to any and all documents prepared by the Department of Justice which contained the formal approval for the change of Mr. Dellinger's status to that of Acting Assistant Attorney General, the legal basis and justification for such change and Mr. Dellinger's status prior to his confirmation by the Senate; any and all documentation as to the length of Mr. Dellinger's appointment as Acting Assistant Attorney General prior to his Senate confirmation; any analysis or analyses of the Department or other procedure for such an appointment originating from within the Department of Justice or from any other Federal agency or department; any document which directed you to take the action of appointing Mr. Dellinger as Acting Assistant Attorney General prior to his Senate confirmation; any communication whether from an executive branch or legislative branch source which urged, directed, or otherwise said appointment of Mr. Dellinger prior to his Senate confirmation.

In view of the need for a thorough review of all documentation relating to the aforementioned appointment of Mr. Dellinger

prior to his consideration for confirmation by the full Senate, we urge you to expedite the response of this request.

This letter is signed by Senator JESSE HELMS, the senior Senator from North Carolina and myself and 29 other Members of the Senate.

Mr. President, as Senator HELMS noted last evening, the Justice Department quietly appointed Mr. Dellinger as acting just days after the Senate failed to take up and confirm his nomination prior to departing for the August recess. The Department tried to get Mr. Dellinger's confirmation before the Senate went out for the August recess and failed. So they subverted the advice-and-consent clause of article 2, section 2 of the Constitution and arrogantly put Mr. Dellinger on the job without the Senate's confirmation.

See what is going on here, Mr. President. As Senator HELMS said last evening, they are simply thumbing their noses at the Senate. They are testing us. They are determined to find if there is backbone in the people sitting in this Chamber. They want to see how much they can get away with, how far they can go in overriding the constitutional powers of this Senate.

When asked why the Department took this high-handed action, a Justice Department official replied—and I want to repeat this until there is not anyone who does not know it—"We were tired of waiting for the Senate to confirm him."

This is a bureaucrat in the Justice Department. We were tired of waiting for the Senate to confirm him so we just went ahead and appointed him and bypassed the Senate.

So much, Mr. President, for article 2, section 2 of the U.S. Constitution.

So, Mr. President, I have asked my staff to ask the experts over at the Congressional Research Service for their reaction to this high-handed maneuver. The experts at the Congressional Research Service came back and told us the Congressional Research Service determined that to their knowledge there is no precedent for appointing Mr. Dellinger as acting under the circumstances. In other words, this administration under President Clinton acted without any precedent, rhyme, or reason. They simply wanted this man. They determined the Senate of the United States was not fast enough for them so they did it on their own. In some circles this is known as acting on the excitement plan.

But just to make sure, Senator HELMS asked his staff to contact former Justice Department officials who served during previous administrations. One who in fact was appointed acting before being confirmed reassured us that what Justice had done is a first.

It is true that the Bush Justice Department made certain officials acting prior to confirmation but the situation

was opposite to the Dellinger case. The nominee, No. 1, was not controversial. The Department called around to all interested Senators first to get clearance for making the acting appointment and even with these precautions the Department made the appointment full well knowing they were stepping over the bounds that there was a possibility their action would garner opposition from Senators when the nomination came to the floor.

In the case of Mr. Dellinger it certainly has. But in no case, Mr. President, could this official or could any official or the Congressional Research Service identify an incident where, as in the case of Mr. Dellinger, the nominee was highly controversial and known before his appointment that he was going to be highly controversial.

Efforts by the Department to obtain confirmation prior to the appointment had failed. In no other case has this happened where the nominee failed to gain confirmation, and yet he was appointed acting. In response to the nomination running into trouble in the Senate, the Department went ahead and installed the nominee on the job, however, in an acting capacity hoping that this would expedite and overwhelm the Senate and he will be confirmed. I tell you, Mr. President, it is going to have the exact opposite effect.

No, this action is unprecedented. Never before has an administration undertaken this blatant affront to the advice and consent powers of the Senate.

On top of this, the Department refuses to share with Senator HELMS and me or the remainder of the Senate the details of the appointment. It will not tell us how long the appointment is for, nor even give us copies of the appointment papers.

We do not know what Walter Dellinger is doing down at Justice, and neither does the American public. But why should the taxpayers know? Why should the taxpayers know? They are only working 12 and 14 hours a day, paying taxes, living hard, and picking up the bill for the bureaucrats and the Walter Dellingers of Washington. So they really do not have any right to know. We want them to get back and go to work and make more money so we can hire more Walter Dellingers.

But as Senator HELMS asked last night, maybe the chairman of the Judiciary Committee knows. The Washington Post reported on September 23 that the Justice Department's Office of Legal Counsel reversed a Bush administration policy supported overwhelmingly by both Houses of Congress calling for the death penalty for drug kingpins. We have been trying to find out what Dellinger's roll in this was. The Justice Department refuses to give out any information.

But also from the Washington Post article, it is suggested that Mr. Dellinger was behind this decision to

oppose the death penalty for drug kingpins. We know that Dellinger opposes the death penalty, which I support, and most of the people in North Carolina support.

The man has not even been confirmed to the job by the Senate, and he is already over there making decisions allowing drug kingpins to get off the hook and run free.

Mr. President, allow me to read the article:

At the request of Attorney General Janet Reno, congressional Democrats have dropped controversial provisions for a broad anticrime bill that would impose the death penalty on drug kingpins and add stiff mandatory minimal sentences for drug and gun offenses. Reflecting popular sentiment to crack down on drug and gun violence, these measures have been overwhelmingly approved by both Chambers in the past, and were included in the House-Senate conference report that failed in the waning days of the last Congress.

But the Justice Department's Office of Legal Counsel—

Once again, "But the Justice Department's Office of Legal Counsel"; that is, Mr. Dellinger—

reversing a position taken under the Bush administration, challenged the constitutionality of the drug kingpin measure. The office cited the 1977 Supreme Court's decision *Culver v. Georgia*, that struck down the death penalty for the crime of rape when no murder had occurred. Among the most hotly debated of all death penalty proposals, the drug kingpin measure would have permitted the head of a large-scale drug organization to be executed merely for drug trafficking activities even without proof the individual caused any deaths.

Anybody that does not think drug dealing causes deaths, and many of them, is living in Never-Never Land.

The Department was concerned that imposing the death penalty in cases where no life had been taken was inconsistent with Supreme Court decisions.

said the Department spokesman, Carl Stern. Stern said the Department's new position was purely a result of legal analysis—

Legal analysis by Walter Dellinger—and did not reflect Reno's oft-stated personal opposition to capital punishment.

I cannot separate what you believe and stated for 30 years from what you do.

The Department did not object to about 50 other death penalty provisions in the bill, but congressional aides said the Department's request appeared to be part of the last-minute attempt by Reno to influence the shape of an administration-backed crime bill that has been put together largely without her input.

New versions of the measure are slated to be introduced today by House Judiciary Committee Chairman Jack Brooks of Texas, and Senate Judiciary Committee Chairman Joseph Biden of Delaware. The Justice Department also asks, and Brooks and Biden agree, to drop about a dozen provisions that would impose new mandatory minimal sentences, mostly for repeat offenders and those who use guns in the commission of drug or violent crime.

Congressional aides described the Department's request as limited, while Reno completes a broader study of the effects of mandatory minimal sentences now on the books. But Representative Bill McCollum of Florida, a sponsor of the drug kingpin proposal, described the Department's request as part of a larger administration retreat in the drug war. "I do not have any idea why the Justice Department would take this kind of liberal position," he says.

I can tell him why the Justice Department took that kind of liberal position: Because of the likes of the Walter Dellingers there, that represent the ultimate in liberalism. What else would you have expected?

There is plenty of constitutional basis for imposing the death penalty in those circumstances, he said.

Mr. President, I hope the Senator from Delaware can tell us later what role Dellinger had in putting our Government on the side opposing the death penalty for drug kingpins because we cannot get the information from the Justice Department. They will not tell us a thing about the Dellinger nomination, which is why Senator HELMS and I yesterday sent to the Attorney General a Freedom of Information Act request. Twenty-nine Senators, in addition to Senator HELMS and myself, signed the request, which I now read:

DEAR ATTORNEY GENERAL RENO: In accordance with provisions of the Freedom of Information Act, U.S. Code, section 552, Freedom of Information Act, we hereby request any and all documentation concerning the appointment of Walter Dellinger to the position of Acting Assistant Attorney General, Office of Legal Counsel, on or before or about August 11. This Freedom of Information Act request should be construed broadly to include, but not to be limited to, any and all documents prepared by the Department of Justice which contain the formal approval for the change of Mr. Dellinger's status to that of Acting Assistant Attorney General, the legal basis justification for such change in Mr. Dellinger's status prior to his confirmation by the United States Senate, and any and all documentation as to the length of Mr. Dellinger's appointment as Acting Assistant Attorney General prior to his Senate confirmation; any analysis or analyses of the departmental or other procedures for such an appointment prior to the Senate confirmation, while such precedent originates from within the Department of Justice, or from any other Federal agency or department; any documents which direct you to take the action of appointing Mr. Dellinger as acting Assistant Attorney General prior to his Senate confirmation; and any communication, whether from an executive branch or legislative branch source, which urged, directed or otherwise supported said appointment of Mr. Dellinger prior to his Senate confirmation.

In view of the need for a thorough review of all documentation relating to the aforementioned appointment of Mr. Dellinger prior to his consideration for confirmation by the full Senate, we urge you to expedite the response for this request.

This is signed by 31 Members of the Senate.

Mr. President, at the very time the Justice Department is stonewalling us on our request for information regard-

ing the Dellinger appointment, President Clinton and Attorney General Reno have announced what the administration claims is a new standard for openness in the implementation of the Freedom of Information Act.

At the very time they are refusing to release this information to us, with great bravado they claim a new standard for openness in the implementation of the Freedom of Information Act. It was President Clinton in his October 4 statement who announced that openness in Government is essential to accountability. I guess this does not apply to the Dellinger nomination or to any other matter about which the administration does not want the American people to know.

(Mr. CAMPBELL assumed the Chair.)

Mr. FAIRCLOTH. If ever there was a man who needed to start practicing what he has been preaching, it is President Clinton.

Mr. President, I will now read the President's statement:

Memorandum for Heads of Departments and Agencies.

From the White House, October 4.

Subject: The Freedom of Information Act.

I am writing to call your attention to a subject that is of great importance to the American public and to all Federal departments and agencies: The administration of the Freedom of Information Act, as amended. The act is a vital part of the system of Government. I am committed to enhancing its effectiveness in my administration. For more than a quarter of a century now, the Freedom of Information Act has played a unique role in strengthening our democratic form of Government. The statute was enacted based upon the fundamental principle that an informed citizenry is essential to the democratic process, and that the more the American people know about their Government, the better they will be governed. Openness in Government is essential to accountability, and the act has become an integral part of that process.

This is the President talking, the one that will not release the information to us.

The Freedom of Information Act, moreover, has been one of the primary means by which members of the public inform themselves about their Government. As Vice President Gore made clear in the National Performance Review, the American people are the Federal Government's customers.

If the American people are the Federal Government's customers, not many of them will be back for repeat shopping.

Federal departments and agencies should handle requests for information in a customer-friendly manner.

These customers are the same people that make contributions every April 15.

The use of the act by ordinary citizens is not complicated, nor should it be. The existence of unnecessary bureaucratic hurdles has no place in its implementation.

I will repeat: "The existence of unnecessary bureaucratic hurdles has no place in its implementation." If 31 Senators send a request and get ignored,

what can the general public expect to get?

I, therefore, call upon all Federal departments and agencies to renew their commitment to the Freedom of Information Act—

I wonder if Attorney General Reno got this letter—

—to its underlying principles of government openness, and to its sound administration. This is an appropriate time for all agencies, including the Justice Department, to take a fresh look at their administration of the act, to reduce backlogs of freedom of information requests—

I do not know where we stand in the backlogs—

—and to conform agency practices to the new litigation guidance issued by the Attorney General, which is attached. Further, I remind the agencies that our commitment to openness requires more than merely responding to requests from the public. Each agency has a responsibility to distribute information on its own initiative—

What he failed to mention in here was that each agency has the responsibility to distribute information on its own initiative that we want the public to see. That which we do not want them to see, we will keep hidden—

—to enhance public access through the use of electronic information systems.

Well, we will take it any way we can get it, even written on a brown paper bag. We just want it.

Taking these steps will ensure compliance with both the letter and spirit of the act.

Today, President Clinton and Attorney General Reno are announcing a new standard for openness in the implementation of the Freedom of Information Act by rescinding a 1981 rule that encouraged Federal agencies to withhold information whenever there was a substantial legal base for doing so, and adopting in its place a presumption of disclosure.

I cannot imagine what a presumption of disclosure would turn out to be. The amount of Government information made available to the public will be substantially increased. The President's statement calls for all Federal departments and agencies to renew their commitment to the Freedom of Information Act and its underlying principles of Government openness, to take a fresh look at how they comply with the law, and so reduce backlogs.

This letter and this direction we are talking about is from Attorney General Janet Reno. These are the same people we are fighting with to get the information as to how and why Dellinger was appointed. The Attorneys General's statement advises Federal departments and agencies that the Department of Justice will defend against lawsuits for nondisclosure only when it is reasonably foreseeable that disclosure would be harmful. I have to assume that the disclosure in Mr. Dellinger's case would be harmful. In addition, the Attorney General strongly encourages each agency to make discretionary disclosure of technical, exempt information whenever possible,

instructs Justice Department personnel to review pending Freedom of Information Act litigation to implement the new policy, orders a review of all forms and correspondence used by the department in responding to Freedom of Information requests to make them more clear, consistent and complete.

Please do not hesitate to contact this office if you have any question about the new Freedom of Information policy or any other matter.

SHEILA ANTHONY,
Assistant Attorney General.

We have a lot of questions and none of them have we been able to get answered.

Memorandum: For Heads of Departments and Agencies.

Subject: The Freedom of Information Act.

President Clinton has asked each Federal department and agency to take steps to ensure it is in compliance with both the letter and spirit of the Freedom of Information Act, 5 U.S.C. Code.

The Department of Justice is fully committed to this directive and stands ready to assist all agencies as we implement this new policy.

First and foremost, we must ensure that the principle of openness is applied to each and every disclosure and nondisclosure decision that is required under the act.

Therefore, I hereby rescind the Department of Justice 1981 guideline for the defense of agency action and Freedom of Information Act litigation. The department will no longer defend an agency's withholding of information merely because there is a substantial legal basis for doing so.

If the Justice Department will no longer defend an agency's withholding of information merely because there is a substantial legal basis for doing so, if the Justice Department is not going to give it out, who do you go to to get it?

Rather, in determining whether or not to defend a nondisclosure decision, we will apply a presumption of disclosure. To be sure the act accommodates, through its exemption structure, the countervailing interests that can exist in both disclosure and nondisclosure of Government information. Yet while the act's exemptions are designated to guard against harms of the Government and private interests, I firmly believe that these exemptions are best applied with specific reference to such harm and only after consideration of reasonable expected consequence of disclosure in each particular case.

In short, it shall be the policy of the Department of Justice to defend the assertion of a Freedom of Information exemption only in those cases where the agency reasonably foresees the disclosure will be harmful to an interest protected by that exemption.

Where an item of information may technically or arguably fall within an exemption, it ought not to be withheld from a Freedom of Information requester unless it has to be.

There is no reason to withhold the information on Walter Dellinger.

It is my belief that this change in policy serves the public interest by achieving the act's primary objective, the maximum responsibility, response building disclosure of information while preserving essential confidentiality. Accordingly, I strongly encourage your Freedom of Information officers to make discretionary disclosures whenever possible under the act.

Discretionary disclosures. That means giving out what you want them to have.

Such disclosures are possible under a number of Freedom of Information exemptions especially when only a governmental interest would be affected.

The exemptions and opportunities for discretionary disclosure are discussed in the discretionary disclosure and waiver section of the Justice Department's guide to the Freedom of Information Act.

As that discussion points out agencies can make discretionary Freedom of Information disclosures as a matter of good public policy without concern for future waiver consequence for similar information. Such disclosure can also readily satisfy an agency's reasonable segregation obligation under the act in connection with marginal items of information and can lessen an agency's administrative burden to all levels of the administrative process and in litigation. I note that this policy is not intended to create any procedural or rights enforceable at law.

In connection with the repeal of the 1981 guidelines, I am requesting that the Assistant Attorneys General for the Department's civil and tax divisions, as well as the United States Attorney, undertake a review of the merits of all pending Freedom of Information cases handled by them according to the standards set forth above.

That is encouraging to note—that they are going to take a look at all cases before them. As to the one signed by the 31 Senators that went out of here sometime ago, maybe they will take a look at it also when they are looking at cases.

The department's litigating attorneys will strive to work closely with your general counsels and their litigation staff to implement this new policy on a case-by-case basis. The department's Office of Information and Privacy can also be called upon for assistance in this process, as well as for policy guidance to agency Freedom of Information officers.

In addition, at the Department of Justice we are undertaking complete review and revision of our regulations implementing the Freedom of Information Act, all related agencies pertaining to the Privacy Act of 1974, as well as the department's disclosure policies generally. We are also planning to conduct a departmentwide Freedom of Information form review. Envisioned is a comprehensive review of all standard Freedom of Information forms and correspondence utilized by the Justice Department's various components.

Here is an opportunity to create some new forms. The Federal Government does not have enough.

These items will be reviewed for their correctness, completeness, consistency and particularly for their use of clear English. As we understand this review, we will be especially mindful that Freedom of Information requesters or users of a Government service participant in administrative process and constituents of democratic society. I encourage you to do likewise at your departments and agencies.

A wonderful idea, if they will just begin to do it.

Finally, I would like to take this opportunity to raise with you the longstanding problem of administration of backlogs under the Freedom of Information Act. Many Fed-

eral departments and agencies are often unable to meet the act's 10-day time limit for processing Freedom of Information requests from such agencies, especially those dealing with high volume demands for particularly sensitive records and maintain large Freedom of Information backlogs greatly exceeding the mandated time period. The reason for this may vary, but principally it appears to be a problem of too few resources in face of too heavy a workload.

This is a common problem in Washington. We do not have enough bureaucrats, and he is suggesting here that we get some more, that they are overworked, heavy lifting.

This is a serious problem, one of growing concern and frustration to both Freedom of Information requesters and Congress and to adequate Freedom of Information officers as well.

It is my hope that we can work constructively together with Congress and the Freedom of Information requesters' community to reduce backlogs during the coming years to ensure that we have a clear and current understanding of the situation.

I am requesting that each of you send the Department's Office of Information and Privacy a copy of your agency's annual Freedom of Information Report to Congress for 1992. Please include with this report a letter describing the extent of any present freedom of information backlogs, Freedom of Information staffing difficulties, and any other observations in this regard that you believe would be helpful.

In closing, I want to reemphasize the importance of our cooperative effort in this area. The American public's understanding of the workings of its Government is a cornerstone of our democracy. The Department of Justice stands prepared to assist all Federal agencies as we make Government throughout the executive branch more open, more responsive, and more accountable.

Signed, "Janet Reno."

I hope that Ms. Reno will do something the President has not done, and that is practice what she is preaching and make the information we have requested available and available quickly. The backlog exists.

So, Mr. President, there you have it. They tell us one thing to the public, while they are doing another.

And, Mr. President, it ties into what this whole nomination is about. Are we going to allow the administration, the Attorney General, and this nominee to trample over the Senate of the United States or are we going to force them to follow the rules as they are written and the laws as they are?

I see that Senator BROWN is now here. I previously told him that I would yield to him for 2 minutes and that, upon the conclusion of his remarks, I be rerecognized.

THE PRESIDING OFFICER. Without objection, the Senator from Colorado is recognized for 2 minutes.

Mr. HELMS. Will the Senator yield to me for a couple of minutes?

Mr. BROWN. I yield to the Senator.

Mr. HELMS. I thank the Senator.

Mr. President, I want to say to my distinguished colleague that he really has his feet wet now, and I am proud of

him. He has made an excellent address on a significant subject and he has done it well. I am proud that he is in the Senate and I am honored to serve with him.

Having said that, Mr. President, let me have a moment or two to explain to the media who, by habit, might be saying something like this: That FAIRCLOTH and HELMS are delaying consideration of the desperate situation in a faraway land.

The reason we are on this nomination in the Senate on this Thursday morning is because of a disagreement on the Democratic side.

Now, I happen to be a strong supporter of the legislation prepared by the distinguished President pro tempore of the Senate, Mr. BYRD, of West Virginia. But the majority leader did not want that legislation considered until he, the majority leader, is ready for it to be considered. So the 2-day rule figured into it and there was no way that that dispute, friendly as it may be, could be resolved. So, therefore, this nomination became the pending business of the U.S. Senate.

I do not want anybody to say that Senator FAIRCLOTH or Senator HELMS is delaying consideration of the foreign policy question, because it simply is not so. I want to proceed with the defense bill. I have said that over and over again. It is not the Republicans, it is not Senator FAIRCLOTH, it is not Senator HELMS who is delaying. It is a disagreement on the Democrat side of the aisle.

I thank the Senator for yielding, and I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado, [Mr. BROWN], has the floor for 2 minutes.

Mr. BROWN. Thank you, Mr. President.

I ask unanimous consent to proceed as if in morning business.

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

SOMALIA: ANOTHER POLITICAL WAR

Mr. BROWN. Mr. President, appearing in the Wall Street Journal on the 6th of October was an article with the headline, "Plea Last Month for Armor in Somalia Was Ignored in U.S., Army Aides Say." Thomas Ricks and David Rogers, the Journal's staff reporters, state that the United States commander of our forces in Somalia had requested additional armored protection for his troops. Specifically, General Montgomery had asked for a battalion of armored troops. A battalion of armored troops contains up to 55 tanks, armored personnel carriers, Bradley fighting vehicles or a combination of tanks or personnel carriers.

The purpose of that request was to protect the troops and infantry already in Somalia. The request was made in

early September, according to the Journal, then forwarded to the Secretary of Defense. And, according to this story, Secretary of Defense Aspin turned the request down.

A 7-hour tragedy resulted when, in a raid on General Aideed's headquarters, U.S. helicopters were shot down, and other U.S. troops could not get assistance to the 100 Rangers who were pinned down by enemy fire. Whether you believe the report in the Wall Street Journal that talks about a 7-hour wait or other reports that discuss a 10-hour wait, it appears that U.S. Army Rangers were simply hung out to dry from 7 to 10 hours without our forces coming to their aid. Apparently a significant factor was that our forces did not have available armored personnel carriers or tanks. At least, that is the report in the Wall Street Journal. Finally, Malaysian armored forces and Pakistani armored forces came to the rescue, after many of our combat troops were killed or injured.

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

Mr. BROWN. Mr. President, I ask unanimous consent for an additional 5 minutes.

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

Mr. BROWN. Thank you, Mr. President.

Mr. President, being concerned about that report, and knowing as all of us do that these reports are not always accurate or do not always include the full details, Senator D'AMATO and I wrote to the Secretary of Defense yesterday. We inquired as to the facts, took note of the story and requested his version of it.

I must say I think the refusal of a field commander's request for armored support and the resulting military disaster is a very serious incident. I believe it parallels some of the negligence that past Secretaries of Defense exhibited when dealing with the needs of U.S. troops. I look forward to the Secretary's answer. I believe the country is deeply concerned that we have not done what we should to defend Americans who were in a combat situation.

Mr. President, not far from here is a memorial. It rises from the ground. It is made of black stone. It is called the Vietnam War Memorial. It is a memorial to the over 50,000 Americans who gave their lives in that struggle.

And it is a sad memorial. It is sad because it is different from our other memorials. It is not just that the United States lost that war. It is the way it was lost. It was lost not by the men and women who fought in Vietnam, but it was lost by the political leadership of this country that did not have the courage to make a decision. They did not have the courage to decide to win the war, and they did not have the

courage to admit they were not going to pursue victory and withdraw.

And so in the leadership's inability to act, they stood by and watched Americans get killed without giving them adequate combat support and protection. In fact, these politicians tied our troops' hands behind their backs at times. Bridges were placed off limits, supply depots were placed off limits, important areas around Hanoi were placed off limits and Hanoi itself was placed off limits. Americans were forced to fight a war that they could not win. American troops were simply hung out to dry.

What bothers me deeply about yesterday's Wall Street Journal report is that it appears that the lessons of the past have not been learned. And what I am most concerned about is the fact that this country seems to have forgotten that it, too, has an obligation to the men and women who wear this uniform.

We talk so often about the obligation that our troops have to us—they are required to follow orders, to go into combat, to risk their very lives, if we demand it. Yet we forget sometimes the obligation the rest of us have to them, our fighting men and women. Cap Weinberger spelled out clear principles as to where and when U.S. troops should be committed, and when they should not be. I spoke out in opposition in December when President Bush first sent troops to Somalia because we had not clearly spelled out the mission. And while President Bush committed to bring those troops home after 30 to 60 days, it is clear President Clinton has not followed that guideline. Once again, U.S. troops are hung out to dry by a political leadership unwilling to take the necessary measures to protect them and unwilling to make the tough decisions that would save them.

Yesterday I talked to three Colorado wives: Deborah Bryant, Tina Fischler, and Chris Heaton. Their husbands are in Somalia. The men were taken over, believe it or not, as carpenters, to build outhouses. They wonder why their husbands are there. They wonder what mission their husbands are there to defend. They wonder why their husbands' lives are at risk. I wonder too, Mr. President.

Tragically we seem to be repeating the mistakes of the past. For this Senator, I say: Never again. Never again should politicians be so callous that they are willing to risk the lives of Americans in combat and not stand behind them, and not give them the vehicles and the armored equipment they need to protect themselves. Never again should politicians be so crass as to assign them to a mission they will not even spell out.

We need clear, definitive, achievable goals and objectives before we commit troops to combat. We need a political leadership that is willing to stand up

and make tough decisions. In December, I asked this Congress to hold hearings on Somalia. I asked the Foreign Relations Committee to act. I asked in December, and in January. No hearings were held. As a matter of fact, no high Government officials have ever come to hearings before the Foreign Relations Committee. We had an Under Secretary of State come a few weeks ago. But the fact is, this Congress has not done its job and the political leadership, including the President, has not done their job. Meanwhile, Americans continue to die because of the neglect of the political leadership.

It is wrong and it must end.

Mr. President, I ask unanimous consent that the letter to Secretary Aspin, the Wall Street Journal article, and another article that appeared today in the Washington Times written by Bill Gertz be printed in the RECORD.

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

U.S. SENATE,

Washington, DC, October 6, 1993.

Hon. LES ASPIN,
Secretary of Defense, The Pentagon, Washington, DC.

DEAR MR. SECRETARY: We write today seeking information concerning a published report that the U.S. commander in Mogadishu was denied armor he requested to better protect his troops. This critical question demands a quick, clear, and forthcoming answer as soon as possible.

Specifically, The Wall Street Journal reported today that Army Major General Montgomery, the commander of U.S. forces in Somalia, had requested an additional battalion of armored troops, including 55 tanks or armored personnel carriers. The paper further states that you "... declined at the time to send the armored troops. . . ." Furthermore, the article notes that it was only after Sunday's fighting, which more than doubled total U.S. casualties in Somalia, that the Pentagon acted to fulfill the earlier request.

You reportedly denied the commander's request, fearing some kind of "backlash" from Congress or the public. If this report is accurate, did you consult with any of your former colleagues in Congress before reaching such a conclusion?

Did the U.S. commander in Somalia ask for armored reinforcements? What did he ask for, specifically? Did his request reach your desk? Did you make a decision on the request? What was that decision? If you denied the request, why did you deny the request?

If that was the U.S. commander's request then, how does deployment of a smaller force now, under clearly more dangerous circumstances, meet the force protection needs he identified?

Is it true that it took more than ten hours from the beginning of the Rangers' raid to the time the relief force reached their position?

We appreciate your kind attention to this important matter and look forward to receiving your written responses to these questions as soon as possible.

Sincerely,

HANK BROWN,

U.S. Senator,

ALFONSE D'AMATO,

U.S. Senator.

[From the Wall Street Journal, Oct. 6, 1993]
PLEA LAST MONTH FOR ARMOR IN SOMALIA WAS IGNORED IN THE UNITED STATES, ARMY AIDES SAY

(By Thomas E. Ricks and David Rogers)

WASHINGTON.—U.S. casualties in Somalia this week might have been far lighter if a request made last month by the U.S. commander there for additional armored protection had been acted on by Defense Secretary Les Aspin, Army officials said.

In early September, Army Maj. Gen. Thomas Montgomery, the deputy commander of the United Nations military force in Somalia and commander of the U.S. contingent there, told his superiors in the U.S. that he needed a battalion of armored troops—that is, about 500 to 800 personnel carriers—to protect the light infantry already there. The request, in somewhat reduced form, was relayed by Marine Gen. Joseph Hoar, head of the U.S. Central Command, which oversees Somalia, and forwarded to the Joint Chiefs of Staff.

The disclosures could aggravate Congress's already sour mood over the Somalia situation. The Senate Appropriations Committee Chairman Robert Byrd has vowed to press for a vote this week on a cutoff of funds for this mission. The Clinton administration is anxious for more time, and the president is scheduled to meet today with top national security advisers and military leaders in the expectation of announcing a policy decision soon.

While Gen. Montgomery's request for armored troops was never formally rejected, it wasn't acted on either, despite extensive discussions down the chain of command. Frustrated by the inaction, senior Army officers at least once informally prodded the staff of the Joint Chiefs for action, an Army officer said. Mr. Aspin declined at the time to send the armored troops after receiving conflicting advice from Gen. Colin Powell and other members of the Joint Chiefs, a Pentagon official said.

Others familiar with the situation said there was little sense of urgency at the Pentagon when the request arrived. And the need for the armored vehicles wasn't as clear last month as it is now, partly because the forces of Somalia warlord Mohamed Aidid hadn't yet begun to show how adept they could be at shooting down U.S. helicopters. In addition, they said, commanders on the ground always ask for more resources than they really need.

However, in the wake of Sunday's fighting, which more than doubled the number of U.S. combat deaths in Somalia, the Pentagon acted quickly to fulfill Gen. Montgomery's request. Mr. Aspin ordered the deployment of four heavy tanks and 14 Bradley Fighting Vehicles and other equipment making up about one-third of what the general asked for last month.

Mr. Aspin's failure to act on Gen. Montgomery's request is already provoking members of Congress, irate over the seven-hour delay that occurred Sunday before a group of U.S. troops were rescued in downtown Mogadishu. The bulk of the nearly 100 casualties that the U.S. forces suffered in the Somali capital occurred during those seven hours before U.N. forces were able to rescue a group of 90 U.S. Army Rangers pinned down under heavy fire without armored protection. The U.S. was forced to rely on Pakistani and Malaysian armored vehicles to rescue the Rangers because it had no tanks of its own. About 70 of the 90 rangers were killed or wounded in the firefight.

The nervousness in Congress was evident yesterday afternoon during a crowded closed-

door Capitol briefing with scores of lawmakers and high administration officials. Defense Secretary Aspin and Secretary of State Warren Christopher intended to consult with Congress on the Somalia policy, but the format and lack of specific answers only angered members and reinforced the perception that the mission's goals remain unclear.

The pressure now is for the White House to narrow the American mission in order to expedite withdrawal. Another alternative, calling for a larger buildup, is favored by some prominent lawmakers who fear the U.S. would otherwise be seen as deserting the U.N. But this would require a consensus and resolve that didn't show itself yesterday.

"Either have a buildup or get out as soon as possible," declared Rep. John Murtha (D., Pa.), chairman of the House Appropriations defense subcommittee. Senate Majority Leader George Mitchell said: "I'd be amazed if the Senate voted for an immediate withdrawal as long as we have hostages over there."

Among Republican conservatives, there was open hostility. And while Senate GOP Leader Robert Dole argued to give Mr. Clinton until Oct. 5 to spell out his goals rank-and-file members were clearly frustrated.

"Not a chance," said Rep. Harry Johnston (D., Fla.), who heads the House Foreign Affairs Africa subcommittee, when asked if a majority in the House would vote to sustain funding for the Somalia mission.

[From the Washington Times, Oct. 7, 1993]

CLINTON MAY UP THE ANTE IN SOMALIA: ASPIN UNDER FIRE FOR SAYING NO TO EARLIER ARMS REQUESTS

(By Bill Getz)

Gen. Colin Powell twice last month asked Defense Secretary Les Aspin for tanks and armored vehicles to protect U.S. forces in Somalia but was rebuffed for political reasons.

Defense officials close to the decision said yesterday that military leaders wanted to deploy the armor in early September but Pentagon civilians opposed it because they feared Congress' reaction.

"It was politics, pure and simple," said one official.

Meanwhile in Mogadishu, the Army major who is the chief spokesman for the U.N. mission in Somalia said U.S. forces have switched from peacekeeping to a "fugitive hunt" for Somali warlords—a job they are not trained for.

"We have this fugitive hunt—this is not a military operation," said Maj. David Stockwell. "So the military winds up taking casualties and looking inept. If there is a problem, maybe it is a problem with the mission."

In a telephone interview that echoed with the sound of automatic-weapons fire in the background, Maj. Stockwell said U.S. forces needed tanks and armored personnel carriers Sunday to speed up the rescue of two downed helicopters and 70 Army Rangers pinned down by Somali gunfire and rocket attacks.

"If U.S. forces had armor, they could have reacted more quickly, since they have common communications, training and tactics," the major said. Instead, they had to wait four hours for Pakistani and Malaysian armored vehicles.

On Capitol Hill yesterday, members of Congress criticized Mr. Aspin for not sending the armor. Sen. Alfonse M. D'Amato, New York Republican, called the inaction "unconscionable," while Rep. James T. Walsh, New York Republican, called on Mr. Aspin to resign.

Military officials close to the operation said Army Maj. Gen. Thomas M. Montgomery, deputy commander of U.N. forces and commander of U.S. forces in Somalia, sought tanks and armored vehicles for his troops in early September.

Gen. Montgomery sent the request to Gen. Joseph P. Hoar, commander of the Central Command, who relayed it to Gen. Powell.

Gen. Powell, who retired last week as chairman of the Joint Chiefs of Staff, appealed to Mr. Aspin that the tanks and armored vehicles were needed as part of force-protection operations, military officials said.

"Powell brought the request to Aspin's attention on two separate occasions," one official said.

An Aspin spokesman declined comment yesterday.

Pentagon officials told reporters Tuesday that Mr. Aspin deferred a decision on the matter because he received conflicting advice from his advisers. Air Force Maj. Tom LaRock, a Pentagon spokesman, said deployment decisions "are classified and come to Secretary Aspin on a daily basis."

"He bases his decisions on the best military and diplomatic information available at the time," Maj. LaRock said.

But Pentagon sources said military leaders, including Gen. Powell, pressed for the armor.

An Army official said Pentagon civilians—including Deputy Undersecretary of Defense Frank Wisner, designated Assistant Defense Secretary Morton Halperin and other Aspin aides—opposed the military's request because they feared it "would appear too offensive-oriented."

"A month later you wonder why it wasn't already there," the official said. "General Montgomery obviously saw this coming."

Maj. Stockwell said that the first group of 14 armored vehicles began arriving in Mogadishu yesterday. Four tanks also will be sent.

He said the military's mission in Somalia needs to be changed or clarified to avoid a repeat of Sunday's costly events.

Twelve U.S. soldiers were killed and 78 wounded in a Somali guerrilla attack. The remains of two soldiers are in Somali custody, and one U.S. helicopter pilot has been captured. At least six other soldiers are missing.

The U.N. spokesman's unusually blunt comments are likely to spur demands in Congress that the Clinton administration clarify its Somalia policy and set a deadline to bring troops home.

Maj. Stockwell said "we are undertaking efforts" to retrieve Army Chief Warrant Officer Michael Durant, a helicopter pilot captured by Somalis on Sunday. But no contacts with the Somalis holding him have been made. U.N. forces also are trying to recover the remains of the two soldiers displayed on videotape, he said.

Maj. Stockwell said a rescue force had to shoot its way into the sites of the downed aircraft and stranded Rangers and it suffered a number of casualties in the process.

"The Rangers, who are pinned down, took most of their casualties early on and fended off fire that was unbelievably thick," Maj. Stockwell said. "We resupplied them with water, ammunition and food and supplied air cover. There must have been several hundred militias firing at 70 guys."

The Rangers had surrounded the downed helicopter and informed the U.S. commander that they did not require immediate evacuation from the scene. Maj. Stockwell said, adding that gave Gen. Montgomery time to organize the rescue force.

Maj. Stockwell, an Army Ranger, defended Gen. Montgomery's quick action to mount the multinational operation that fought its way through Mogadishu for several hours to rescue U.S. servicemen.

Under the U.N. command structure, none of the multinational forces are required to take part in dangerous "quick reaction" missions and they cannot be ordered to do so, Maj. Stockwell said.

The U.N. forces have "all the responsibility but very little authority," he said.

Sunday's rescue force had to blast through Somali street barricades and overcome heavy fire from small arms, machine guns and grenade launchers en route to the two crashed helicopters.

The helicopters were shot down during a "search and seizure" operation to nab aides to Somali warlord Mohamed Farrah Aidid. Two of his top aides and 17 other Aidid guerrillas were captured.

NOMINATION OF WALTER DELLINGER, OF NORTH CAROLINA, TO BE AN ASSISTANT ATTORNEY GENERAL

The Senate continued with the consideration of the nomination.

Several Senators addressed the Chair.

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

The Chair informs the Senator from California, the Senator from North Carolina has not relinquished the floor and still has the time yielded, several minutes, to the Senator from Colorado.

The Senator from North Carolina.

Mr. NICKLES. Will the Senator from North Carolina be kind enough to yield the Senator from Oklahoma, say, 5 minutes?

Mr. FAIRCLOTH. I will be delighted to yield to the Senator from Oklahoma, but at the conclusion of his remarks, I would like to be rerecognized.

The PRESIDING OFFICER. The Chair will notify Senators that we are in executive session.

The Senator from Delaware is recognized.

Mr. BIDEN. Reserving the right to object, I have no objection to people speaking on whatever issues they would like to, but I will object if we are going to continually move off of this nomination. This is a debate that, understandably, other national issues have impacted on. I understand that. But I will object to a Senator having the floor, yielding the floor to someone else on condition the floor be returned to him on conclusion of those remarks.

So I do object.

The PRESIDING OFFICER. Objection is heard.

The Senator from North Carolina has the floor.

Mr. FAIRCLOTH. I am willing to yield the floor—

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mr. FAIRCLOTH. To the Senator from Oklahoma.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I rise as a member of the Judiciary Committee to support the nomination of Walter Dellinger. I rise as a Member of this Senate, as one who is for the death penalty, as one who is for the death penalty for drug kingpins whose dealings result in the death of an individual. I rise as one who supports a balanced budget amendment, and as one who does not believe that our country's flag should be burned. I also rise, notwithstanding his positions on these issues, in support of Walter Dellinger and his nomination to serve as Assistant Attorney General.

I also note, as has been pointed out by the distinguished chairman of the committee, that Mr. Dellinger is supported unanimously by the Judiciary Committee.

One might ask, why is he supported unanimously by the Judiciary Committee? The reason is relatively simple. He is supported by the Judiciary Committee unanimously because he is well qualified to serve as legal counsel for the Department of Justice.

In addition to the Judiciary Committee's members, many prominent and respected North Carolinians also support Mr. Dellinger's nomination: Former Gov. Terry Sanford; former State Attorney General Robert Morgan; the present Attorney General of North Carolina, Mike Easley, and Mr. Dellinger's own Congressman, Representative DAVID PRICE.

Why? Walter Dellinger is one of the Nation's leading constitutional scholars and teachers. He has had a distinguished career. He attended Yale where he was editor of the Yale Law Journal. After teaching civil rights law from 1966 to 1968 at the University of Mississippi, he became law clerk to Justice Hugo Black for the 1968-69 term of the U.S. Supreme Court.

He joined the faculty of Duke University in 1969 and is a renowned professor, acclaimed for a series of courses at Duke University given over the past 24 years. He is a prolific writer and he has contributed to many distinguished legal journals, as well as to periodicals and newspapers. Anyone who is a prolific writer, anyone who has views on controversial subjects, is obviously going to encounter those who differ with his views. We hear some of that here today.

It is legitimate to differ with someone's views. For me, I recognize that there are those who believe in the death penalty and those who do not. It does not mean if you do not, that you are not qualified to serve the President of the United States and the Attorney General. This issue is at the center of a legitimate, major, public policy debate in our Nation.

There are distinguished scholars and not so distinguished scholars on both sides of this debate. But, nonetheless, it is a legitimate point of public policy debate.

Mr. Dellinger also earned great respect and admiration as a principal draftsman of North Carolina's criminal code. In that regard, I would like to read a letter, or a portion of a letter from the former Attorney General, Mr. Robert Morgan, who as Attorney General of North Carolina at the time, asked the former dean of Duke University to chair a Criminal Code Commission to determine what could be done. Mr. Morgan writes that the dean:

Brought with him a young professor of law from Duke University, Walter Dellinger. For more than 7 years, Walt Dellinger served as consultant, draftsman, and reporter for that commission. It met one weekend every month for years and years. It was one of the most dedicated and hard-working commissions I have ever known.

Professor Dellinger was a very vital part of the recodification of our code.

I knew all the members of the Commission and appointed most of them. They tell me he was very knowledgeable and very helpful. He has a very high regard for the Constitution of the United States. That is reflected throughout the criminal code of North Carolina, which was adopted by legislature. We found that Professor Dellinger was a strong advocate for his beliefs but at the same time was willing to listen to reason and to the logic of others. He usually came down in a very reasonable position that was acceptable to most members of the Commission and an overwhelming majority of the North Carolina legislature.

In my opinion he can neither be classified as a liberal or a conservative. I would classify him as a lawyer who believes in the rule of law.

Mr. President, it sounds to me like this is a pretty good nominee to lead the Office of Legal Counsel of the Department of Justice.

What else has Mr. Dellinger done? He has been a counsel to Members of this Congress. He has served as counsel of record for both Republican and Democratic Members of the U.S. Senate and the House of Representatives who filed an amicus brief in the U.S. Supreme Court in support of challenges to restrictive abortion laws.

Now, this may be—I do not know—the heart of the debate. There is no question that there have been efforts in the courts to restrict a woman's right to choose. There is no question that there have been efforts to erode the 1973 Supreme Court case *Roe versus Wade*. And Mr. Dellinger was a counsel to Members of the House and the Senate who came together to support opposition to the further restriction of a woman's right to choose, restrictions which we know, of course, have been imposed.

Mr. Dellinger has been a frequent Hill witness, and he has testified on a number of constitutional and legislative proposals, including the Freedom

of Choice Act, which he supports, and flag desecration. In that context, he explained that the Supreme Court might sustain a narrowly drawn statute, but that a broad amendment probably would not pass constitutional muster, a position I gather much like that taken by Judge Robert Bork.

He also has testified before Congress on campaign finance reform and Constitutional Convention procedures.

So Walter Dellinger is a leading oral advocate, and he is a trial strategist.

He is also a distinguished appellate lawyer. He represented Alaska, for example, in a \$2 billion suit brought by Atlantic Richfield, Standard Oil, and Exxon against the State, and helped develop a constitutional theory that successfully defended the State's taxation of oil profits against a challenge that the State had violated State and Federal equal protection guarantees.

So this is a man who clearly has been around. He has counseled against some of the problems of a balanced budget amendment. I support a balanced budget amendment, a specific amendment which sets a time that enables the Congress and the President to reach a balanced budget, not an arbitrary one that cannot be carried out. And what Mr. Dellinger has counseled is that in the event of an arbitrary balanced budget amendment, we may run into some very real problems that would be counterproductive to the entire budget process. This is not unrealistic advice. It is prudent advice, because we all know about the impoundment of public funds, which becomes a possibility in a balanced budget debate. I believe, similarly, that his views on school prayer are moderate and thoughtful.

These are some of the controversial issues with which a distinguished constitutional scholar as well as a legal advocate may grapple. But I have found, Mr. President, that when you have broad issues of public policy debate, it is wise to listen to bright people. It is wise to consider the counsel of scholars and, indeed, Walter Dellinger is a scholar.

It is not happenstance that this nomination was unanimously approved by the Judiciary Committee. Many matters are not. Many appointments are not. This one was. And it can be for only one overwhelming reason. We have before us a distinguished scholar, a brilliant legal mind, and a man who is fully qualified to head the Office of Legal Counsel of the Department of Justice.

I thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Who seeks recognition?

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas [Mrs. HUTCHISON], is recognized.

Mrs. HUTCHISON. I would like to get unanimous consent to introduce a bill as if in morning business, if the Senator from Delaware will allow that.

The PRESIDING OFFICER. Is there objection?

The Senator from Delaware.

Mr. BIDEN. Mr. President, reserving the right to object, how long does the distinguished Senator from Texas plan on speaking on the introduction?

Mrs. HUTCHISON. Ten minutes.

Mr. BIDEN. I have no objection.

The PRESIDING OFFICER. Without objection, the Senator from Texas is recognized for 10 minutes.

Mrs. HUTCHISON. I thank the Senator from Delaware and the Senator from North Carolina for giving me the opportunity to introduce this very important piece of legislation.

(The remarks of Mrs. HUTCHISON and Mr. SHELBY pertaining to the introduction of S. 1524 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

NOMINATION OF WALTER DELLINGER, OF NORTH CAROLINA, TO BE AN ASSISTANT ATTORNEY GENERAL

The Senate continued with the consideration of the nomination.

Mr. WALLOP addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming [Mr. WALLOP], is recognized.

Mr. WALLOP. Mr. President, on the subject of the nomination at hand, we find once again the peculiar irony of politics in America. The Senator from California, in remarks about the nominee, said that because one differed with his views, that was no reason to oppose his nomination. Yet this very same Walter Dellinger, because he differed with the views of Robert Bork, saw fit to orchestrate the savaging of one of the great legal intellects of our time. Because he differed with his views, this same Walter Dellinger took it upon himself to attack not only the character and integrity, but also the scholastic ability of Judge Bork. Now we are being asked to take that all in stride and allow Dellinger to become the Assistant Attorney General of the United States and to set our differences with his views aside.

Mr. President, this is a harvest. This man is reaping from a crop that he sowed. For the life of me, I cannot understand what it is about America's left wing that all righteousness is theirs and all conflict is somebody else's—it is redneck, it is reactionary, it is un-American, it is uncalled for. The left can savage whomsoever it pleases for whatever purposes it pleases because its views are sacrosanct. Its views are beyond reproach. The views of the left are sympathetic and sensitive and caring. The views of the right are to be rejected out of hand.

I think, to begin with, that I criticize an administration that would put a person in place as Acting Attorney General knowing of the controversy that surrounds him and ignoring the set of procedures that this Constitution has put in place, which allows the Senate a say. It is funny, as we watch this administration in action, the endless number of events in which they seek to deny a role for Congress.

I spoke on the floor last night. The Department of Defense is telling the widows and the families of the hostages that are in Mogadishu, and the people that have died, that they are not to talk with their elected representatives. They are not allowed to do that. Somehow or another, their tranquility may be poisoned if they talk to somebody who actually represents them in the Congress of the United States.

The Secretary of the Interior has put in place a broad sweep of administrative changes in the management of the public lands, some of which are in violation of Federal land management policy acts. Former President Carter writes the Secretary of the Interior a letter saying the way to bypass Congress is to use the Antiquities Act, then you do not even have to consult with them. This man is acting without the Senate having been given the respect of its due say.

So I rise to point out the irony in life in modern American politics.

The Biblical expression of "as you sow, so shall you reap," apparently does not apply to the left, only to the right. It was after all, was it not, Robert Bork's writings that Mr. Dellinger orchestrated the fight against. The Senator from California said that any time somebody has written so much and taught in so many places, they are bound to have expressed some views that arouse controversy. And so they should, and so they may. That is not by itself a reason to reject him, unless you happen to be Walter Dellinger and the victim is Robert Bork. If you happen to be Walter Dellinger and have written some things with which other people find controversy, that is to be understood, because after all, he was teaching.

Judge Bork had been teaching. The double standard is unacceptable.

Mr. President, on another subject, I ask unanimous consent that I might proceed as in morning business for not to exceed 10 minutes.

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

COMMENDATION FOR TEACHER VICKI HANFT

Mr. WALLOP. Mr. President, there are certain people who respond to tragedy with uncommon valor. Teacher Vicki Hanft of Sheridan, WY, is one of those people.

I would like to read from a letter sent to the local paper by two gentle-

men who witnessed a tragic scene that thrust this small, tranquil community into the national limelight.

During any crisis or emergency, there seems to be one or more individuals who, without thinking about their personal safety or the consequences of their actions, seem to rise to the occasion and do things that under normal conditions you might not even realize that they are there.

Such were the actions of Vicki Hanft, the P.E. teacher during the crisis at [Central Middle School] on Friday morning, Sept. 17.

Without thought to personal safety, this outstanding teacher calmly moved the students out of harm's way and even went in front of the person doing the shooting to help one of the injured students.

Mr. President, for reasons never to be known, an obviously disturbed and deranged young man took vengeance on the town's innocent 11- and 12-year-old students when he stepped onto a playing field during P.E. class and began spraying bullets. There was one adult who assured those children in that moment of terror and confusion that not all in their world had gone wrong. Vicki Hanft, a P.E. teacher at Central Middle School, deserves commendation for her courageous actions that went way beyond the boundaries of her ordinary job description.

Mr. President, I would also like to praise school district No. 2 for designing a practical crisis plan which recognized the fact that unthinkable situations like this actually could arise, even in this small rural area. The entire district, including school board members, principals, counselors, administrators, teachers, police, and emergency officials, were assigned functions to carry out once word of a problem reached them. The plan worked beautifully. A chaotic situation was swiftly brought under control to the benefit of the students and their concerned parents.

More logic cannot explain what happened that day. But, Ms. Hanft, school district No. 2, and the residents of the town of Sheridan, WY, proved that human instinct can serve us in ways we never imagined. I trust that same instinct will aid in healing those who suffered this nightmarish situation.

HEALTH CARE—RHETORIC VERSUS REALITY

Mr. WALLOP. Mr. President, I will talk one moment to discuss rhetoric versus reality.

Over the course of time, I will have some comments to make about the health care program that has been presented to us. The President proclaimed in his speech before Congress:

We propose to give every American a choice among high quality plans. The choice will be left to the American citizens that work, not the boss, and certainly not some government bureaucrat.

The President either did not read, or hoped that we would not read, what the

plan they published in the White House states. It says:

In the event that more consumers apply to enroll in a particular health plan than its capacity allows, alliances develop a process of random selection for us in determining which new applicants may enroll.

That is not choice, Mr. President. That is not what the President said we would do.

The President also proclaimed in the speech before Congress:

I think that those who don't have any health insurance should be responsible for paying a portion of their new coverage. There can't be any something for nothing * * * this is not a free system.

The published plan says:

Health plans may not terminate, restrict, or limit coverage for the comprehensive benefit package for any reason, including nonpayment of premiums.

So I do not have to ask what the purpose of paying a premium in the first place might be. There was one last interesting thing.

Senator ROCKEFELLER from West Virginia proclaimed:

This isn't going to be a bureaucracy. It is going to be a free enterprise with Government as a backup, as a watch dog, monitoring, not deciding, not negotiating, not collecting money, and not making decisions.

The President says:

When the national board notifies the Secretary of Health and Human Services that a State has failed to comply with Federal requirements, the national board shall also notify the Secretary of the Treasury, and the Secretary of the Treasury will impose a payroll tax on all employers in the State. The payroll tax shall be sufficient to allow the Federal Government to provide health coverage to all individuals in the State and to reimburse the Federal Government for the costs of monitoring and operating the State system.

Mr. President, the rhetoric and the substance do not match. I will just note one other thing. I mentioned how they have this penchant for bypassing Congress—it is not that the Congress imposes the payroll tax, but the executive branch of Government. For goodness sakes. Is that voluntary? Is that not a very domineering Federal bureaucracy? Is not that something that we have not gotten used to in America?

I thank the Chair and yield the floor.

The PRESIDING OFFICER (Mr. GRAHAM). The Senator from Connecticut [Mr. DODD] is recognized.

Mr. DODD. Mr. President, I ask unanimous consent that I be allowed to address the Senate as if in morning business.

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

The Senator is recognized.

THE NORTH AMERICAN FREE- TRADE AGREEMENT

Mr. DODD. Mr. President, I rise today to speak in favor of the North American Free-Trade Agreement and

to urge my colleagues to join me in supporting it.

I have spent the last several months reviewing all the relevant information about this trade agreement, discussing the matter with my constituents, and coming to a decision about which course of action would be best for the people of my State of Connecticut and best for the people of the United States of America.

I have concluded that the debate comes down to one between the future and the past. The North American Free-Trade Agreement represents the future, and by adopting it Americans can demonstrate their willingness to meet squarely the challenges ahead.

To reject this agreement, I have concluded, would be to hide from the future and pretend that the world has not changed during the last 30 years and is not changing radically before us.

I see three principal arguments for establishing the free trade area: First, it will create jobs in the United States; second, it could serve as the first step toward the creation of a powerful, hemisphere-wide trading bloc; and third, it could help guide the nations of Latin America and the Caribbean further down the path of democracy and prosperity. I will expand on each of these points in a moment.

Let me also say that this agreement is not perfect. It is not the agreement I would have negotiated if given the opportunity. But to vote against NAFTA because it does not fit exactly with my vision of the perfect free-trade agreement would be, in my opinion, shortsighted and self-defeating.

THE AMERICAN SPIRIT

Throughout our history, we Americans have been at our best when we have risen to face difficult challenges. We built a new nation on the shores of the American wilderness. After decades of gut-wrenching debate and a civil war, we abolished slavery. We fought two world wars to keep the yoke of tyranny off of Europe. We put a man on the Moon.

This is the America I know. This is the America I revere: An America of courage and stamina; an America that walks into its trials with its head held high and facing forward.

But now we hear from the opponents of NAFTA that this trade agreement represents a challenge we Americans simply cannot meet. Listen to what they tell us. They tell us that the United States of America—the country that tamed the wilderness, the country that defeated Nazism—cannot compete with Mexico, a poor nation with a gross domestic product one-twentieth of our own.

The Nation that put a man on the Moon and won the cold war will lose all of our jobs if we try to compete on a level playing field with Mexico. We can create an economy that remains the envy of the world, but opening that economy up will destroy it.

The opposition to the trade agreement is largely characterized by a timidity not in keeping with the great traditions of this Nation. I say this not to denigrate those who oppose this pact. Many of them live in my own State of Connecticut and have let me know of their concerns through thousands of letters, postcards, and phone calls over the last several months.

I suggest that the opposition to NAFTA is characterized by timidity not to impugn the agreement's opponents but to say that I sympathize with their concerns.

UNDERSTANDABLE ANXIETIES

I understand the fears of the many Americans who oppose this agreement. They have seen their wages stagnate during recent years. They have seen factories close their doors and jobs disappear. My own State of Connecticut has lost nearly 200,000 jobs since the beginning of this recession.

For more and more American workers, the American dream is receding further and further into the distance. People are hurting, and their pain cannot be lessened by a smoothly worded position paper or a neatly drawn graph or some vague promises about tomorrow.

Working people have seen Congress—a Democratically controlled Congress, I might add—fail to act on critical legislation to prevent the hiring of replacement workers during strikes, to raise the minimum wage, to strengthen OSHA. They have seen management hire temporary workers instead of full-time people making a decent wage. They have seen their own pay cut while top executives take home astronomical bonuses.

These are all real concerns, and each in its own way has contributed to the erosion of the standard of living of American workers. I have stood with labor on these issues. The Committee on Political Education of the AFL-CIO has given my voting record ratings of higher than 90 percent for each of the last 4 years. I have been a friend of labor, and I will continue to be one.

So I suggest that the anxiety felt by American workers is real but that the translation of this anxiety into opposition to this trade agreement is mistaken and misguided.

NAFTA AND JOBS

The fact is that rather than destroying jobs in this country and eroding our standard of living, the North American Free-Trade Agreement should create jobs and increase our standard of living. I think the evidence on this point is clear: The United States can and will compete in this new, international marketplace.

I would hope, Mr. President, in the ensuing weeks that people would focus on the facts in this debate. Too much emotion, too much rhetoric has been associated with this discussion, and people are not listening. NAFTA is be-

coming a mantra. But people need to pay attention to the facts, and I plan to take a few moments here to address those facts.

Our trade with Mexico is already creating jobs in this country. Since Mexico began its economic reforms in 1986, American exports to that country have more than tripled. We had a trade deficit with Mexico in 1987. After 6 years of freer trade, we now enjoy a trade surplus with Mexico of \$5.4 billion.

This demonstrates, I think, that when the rules are made more fair, the United States remains second to none in economic competition. We have a trade surplus with Mexico despite the fact that Mexican tariffs on American goods are on average 2½ times higher than American tariffs of Mexican goods. Our exports to Mexico already support 700,000 jobs in this country, and these are good jobs that pay better than the average hourly wage.

NAFTA, in my view, will put us in a better competitive position than we find ourselves in today. The tariff system is stacked against us now. Under this trade agreement the tariffs will be eliminated and the field will be made truly level.

Nearly every major unbiased study has concluded that this trade agreement will increase employment in the United States. These are not studies, I would point out, conducted by the Government of Mexico, or the Clinton administration, or the Bush administration, or anyone else with a stake in seeing this agreement pass.

These were studies conducted by disinterested, respected third parties. I urge my colleagues to read those studies, to look at them carefully before drawing any definitive conclusions.

My own State of Connecticut is particularly well positioned to excel in this new international environment and I think the North American Free Trade Agreement will create jobs in a State where they are sorely needed. Connecticut exported \$280 million in goods to Mexico in 1992. That is up 140 percent since 1987. Exports to Mexico now support, in my State, almost 8,000 jobs directly.

As the Hartford Courant pointed out in a recent editorial endorsing the trade agreement, "There would have been no recession in Connecticut had the rest of the economy enjoyed growth remotely similar to the growth in trade with Mexico and Canada."

These Connecticut exports to Mexico cut across many industries. They include chemical products, electronic equipment, paper products, industrial machinery and computers, transportation equipment, and food products.

Let me share with you a couple of specific examples of Connecticut firms that are exporting products to Mexico

and creating jobs at home. Environmental Systems Products [ESP], located in East Granby, designs and manufactures motor vehicle emissions testing and inspection systems.

In July 1992 ESP won the emissions inspection and maintenance contract for Mexico City, the world's largest metropolitan area. This translated into \$10 million in new sales for ESP.

Can you imagine, by the way, if, in Hartford or Miami, there had been a contract that had been awarded to a Mexican firm to come in and do these things, the outrage we would have heard?

And yet, a Connecticut firm in East Granby, CT, wins the contract in Mexico City, the largest metropolitan area in the world. I do not think it would have happened a few years ago had we not seen the reduction in the barriers that had existed to U.S. firms doing business in that country.

ESP also won a similar contract with the city of Guadalajara valued at \$500,000. To meet its new-found demand in Mexico, ESP has hired 25 new employees at its Connecticut facilities.

Such scenarios are being played out across Connecticut as our State's firms adjust to the global marketplace and recognize the export opportunities available to them in Mexico. Connecticut peach and apple farmers and corn growers expect exports to Mexico to pick up considerably if the trade agreement goes into effect. Manufacturers of consumer goods, like American brands, Duracell and Nestle, are gearing up to increase sales to the Mexican market.

Connecticut's insurance industry, one of the largest employers in the State—roughly 50,000 people in my State employed in that industry—is eagerly awaiting the opening of a \$3.5 billion market in Mexico. Aetna Life & Casualty has already formed a joint venture with a Mexican firm to sell insurance in Mexico. Connecticut telecommunications firms like GTE and General Signal stand to gain if NAFTA is adopted, as do construction and engineering firms like Stone & Webster Engineering and Combustion Engineering.

The list goes on and on and on. There are hundreds of Connecticut firms who will benefit from the opening of Mexico's markets that free trade will bring about. And each of these firms creates jobs in my State.

NAFTA AND WAGES

Much has been said by critics of the trade agreement about the difference in wages between Mexico and the United States. There will be a giant sucking sound—as one pundit put it—we are told, because NAFTA will encourage American firms to move to Mexico in search of cheap labor. Like much of the criticism of the free trade pact, this argument oversimplifies the complexities of economic decisions.

I would note the presence on the floor of our distinguished colleague

from North Carolina, a businessman who knows the complexities of economic decisionmaking.

The fact is that companies do not base their decisions on where to locate on wages alone. That is an oversimplification. If that were the case, then Bangladesh and Haiti and other countries that have absolutely abysmal wage rates would be expert juggernauts.

Instead, firms take into account a wide range of factors in deciding where to establish operations.

To illustrate this point, I would like to share with my colleagues the experiences of Quality Coils, Inc., a manufacturer of electromagnetic coils in Bristol, CT. This company's story was recently told on the pages of the Wall Street Journal.

In 1989, Keith Gibson, who runs the company, shut down operations in Connecticut and moved them to Ciudad Juarez in Mexico, where wages were one-third those he was paying his workers in Connecticut. So far, I suppose, this story sounds like one straight from a NAFTA nightmare.

But, instead, moving the factory to Mexico turned into a nightmare for Mr. Gibson and Quality Coils. The firm's production facilities there lost money hand over fist. Absenteeism was high and productivity was low.

Rather than keep his plant in Mexico and continue losing money, Mr. Gibson moved his operations back to Connecticut in April of this year. And he rehired many of the workers laid off when he closed the plant in 1989.

Mr. Gibson, reflecting on this experience, said, "I can hire one person in Connecticut for what three were doing in Juarez."

The experience of Quality Coils illustrates a very important point. Wages are just one of many factors firms take into account when deciding where to locate their operations. Other factors include worker productivity, physical infrastructure, access to technology and access to markets.

Let me point out the fact that they had a bad experience there. Others have had good experiences. I do not want anecdotes to necessarily become the way in which we decide these issues, but I think it is important to point out that those who would suggest that this entire argument comes down to wages alone need to pay more attention to the other factors involved when a firm decides where to locate.

By all these standards, the United States in general and Connecticut in particular are ready and able to compete with Mexico and the rest of the world.

CREATION OF REGIONAL TRADING BLOCS

The American economy is now part of the world economy. Whether we like it or not, this is an indisputable fact. Given this fact, we can pursue three courses of action, in my view. We can

dramatically increase tariffs, withdraw from global commerce, and retreat to fortress, America. Second, we can muddle along as we are now—and that is all you could describe it as, it is muddling—pursuing a middle course between free trade and protection while our competitors assemble themselves into powerful trading blocs.

Or finally, we can embrace the world and its challenges, which is the American tradition. We could open our markets to our neighbors and demand that they do the same in reciprocal arrangements. I see this as the wisest course for us to pursue and the surest means of establishing an America of prosperity.

I envision the creation of an inter-American economic coalition, a free trade zone extending from the Yukon to Tierra del Fuego and encompassing every nation of the hemisphere. Free trade among the United States, Mexico, and Canada would already create the biggest market in the world.

But we can go further. We can do better. We can create a trading bloc of three-quarters of a billion consumers. An alliance powerful enough to meet the Europeans and the Pacific rim countries together head on and prevail.

Just as the 20th century has been characterized by nationalism, I believe the 21st century will be a time of regionalism. The nations of the world will gather themselves into powerful trading blocs that will compete with each other in the global market. This process is already under way in Europe, and the Pacific rim countries will likely follow very shortly.

Such a scenario presents the United States with a choice. We can reject NAFTA and the possibility of forming a hemisphere-wide trading bloc. If this happens, the United States will find itself increasingly isolated in the global market.

The growing consumer markets of Mexico, Central America, and South America will be there for the Europeans and the Japanese and other Pacific rim countries to take advantage of. Distribution networks will be established, have no doubt about it; business relationships will gel, have no doubt about it; consumer loyalties will be created, have no doubt about it. American firms will increasingly find themselves at a disadvantage.

We should not fool ourselves on this point. If we reject the trade agreement and close our doors to the economies of our neighbors, they are not going to sit on their hands and wait for us to have a change of heart. They will not set themselves up to have their hopes dashed again.

Instead, they will form alliances with the Japanese, with the European community, with any other economic power willing to trade with them on fair terms. The countries of Latin America and the Caribbean want to

join with the United States in a common endeavor to enrich the hemisphere, but if the United States says no, they will look elsewhere, they will do it immediately, and we will lose a historic opportunity to lead in the creation of a powerful, unified hemisphere of opportunity.

It is as simple as that. This train is leaving the station, and it is leaving whether the United States is on board or not.

IMPLICATIONS FOR LATIN AMERICA, CARIBBEAN

Over the years, I have given countless speeches on Latin America. There were probably times when my colleagues groaned when they saw me approaching the floor to talk about El Salvador, or Nicaragua, or one of the other nations of the region. And the fact is that Americans and the U.S. Congress did focus on Latin America during the 1980's. Why? Because large parts of the region were in crisis. It has often been said that the United States only cares about its southern neighbors when there is a war on down there.

But now most of the wars of the 1980's have ended. The curtain has been drawn on Latin America's encounter with the cold war, and I think the people of the region are universally glad to see that era go.

But just as the conflicts of Latin America have dissipated, so too has American interest in the region. We just finished discussing foreign aid to Russia. We have witnessed the White House signing of a monumental peace agreement between Israel and the Palestinians. We have troops on the ground in Somalia, and there is talk of sending more to Bosnia. President Clinton has already visited Japan.

It seems that we are focusing on every corner of the world now but our own. And yet it is with Latin America and the Caribbean that our fate in many ways is linked. And it is in Latin America and the Caribbean that the hopes of a post-cold war world organized around the principles of democracy, human rights, and unfettered trade are most within reach. This point bears repeating. There are more democratically elected governments in the Western Hemisphere now than at any time since the Spaniards first set foot here more than five centuries ago.

The free market is on the march throughout Latin America and the Caribbean. A region that used to be one of dictators, coups and civil wars, is on the verge of becoming one of democratic stability and peace.

And the nations of the region are already joining with each other to cement their gains and lay the groundwork for more. They are forming their own minitrading blocs. Argentina, Brazil, Paraguay, and Uruguay plan to create a southern cone common market that will create a free trade zone among those nations by the end of 1994.

The Andean nations of South America are negotiating a free-trade agree-

ment. Colombia and Venezuela hope for such a pact with Mexico. Chile has already signed one.

The Central American countries, long the focus of discussion in this body because of the civil strife there, are discussing a free trade zone, and the English-speaking nations of the Caribbean have formed an economic community.

I should mention here that we have to be aware of the legitimate concerns of our friends in Central America and the Caribbean who may be put at a trade disadvantage by NAFTA at the outset. In the time before the creation of a hemisphere-wide free-trade agreement, we should work to address these concerns.

Things are happening fast now in the hemisphere, and the time has come for the United States to join this process. The historical ties, the geographic ties, the political ties, the economic ties are all there already.

This is a unique moment in history. The window is open but it will not stay open forever, if we do not take advantage of this wonderful opportunity that is being presented to us.

The foundation of a long-term productive relationship is in place. We need only put up the frame and complete the structure.

ALREADY A LUCRATIVE MARKET

Latin America and the Caribbean are already among the fastest growing markets for U.S. exports. Between 1991 and 1992, U.S. exports to the region grew by \$12.4 billion, from \$63.4 billion to \$75.8 billion. That was a 19.5-percent increase in just 1 year. U.S. exports to the rest of the world increased by only 4 percent during that time. We now enjoy a \$7 billion trade surplus with our neighbors in the Americas.

This region is now the United States' third largest trading partner, surpassed only by Canada and Western Europe. We have spent a lot of time and energy talking about trade with Japan in recent years, but how many of us know that we now do more business with Latin America and the Caribbean than with Japan?

If the United States signals that it is turning its back on the hemisphere by rejecting free trade with Mexico, the repercussions in Latin America and the Caribbean will be severe. I have lived in this part of the world, I have traveled extensively in it, and I am in contact with citizens of this region on almost a daily basis.

My colleagues know that I have not been vocal about every single corner of the world over the years. I have not claimed special expertise on Europe or Africa or Asia. I do, however, know this hemisphere. And I can tell my colleagues today that the eyes of the entire hemisphere are on this body, the U.S. Congress. Do not kid yourselves, a rejection of the North American Free-Trade Agreement will have grave for-

ign policy repercussions throughout Latin America. It is critical that we understand the implications of our decision.

A rejection of NAFTA will not only be interpreted as a rejection of Mexico, it will be seen as a slap in the face to the entire process of reform in Latin America. For too long, American actions have not lived up to American rhetoric when it comes to this part of the world. We have often said one thing and done exactly the opposite.

A rejection of the trade agreement and the possibility of a hemisphere-wide free-trade area that it brings will be seen as part of this historical pattern. For years, we have been urging and begging our southern neighbors to embrace democracy, to embrace free-market principles. We have urged them to open up their economies to international trade. We have urged them to free their markets and join the world community.

And now, as history would have it, most of the countries of the region have moved toward democracy and free markets. They have recognized that this is the course they must pursue if they ever hope to create prosperity, stability and justice for their people. In short, countries throughout the region, from Mexico to Bolivia, from Argentina to Jamaica, have followed our advice. They have done everything we have been asking of them for decades.

MEXICO'S TRANSFORMATION

Mexico has led the way in this area. Mexico's transformation since the mid-1980's has indeed been dramatic. We must remember that we are talking about a country with a long history of protectionism and state control of the economy. As recently as 1982, Mexico nationalized its banks.

Mexican President de la Madrid steered the country onto a different course in 1985, and Carlos Salinas de Gortari, who became President in 1988, has continued that course. More than 80 percent of Mexico's 1,155 state-run enterprises have been privatized or closed under President Salinas' leadership.

He has been a great friend to our country and a great modernizer to his own.

We are talking about major industries privatized, like TELMEX, the National Telephone Co., and Aeromexico and Mexicana, the two national airlines.

President Salinas has ordered government agencies and the remaining state enterprises to end discrimination against foreign firms. Tariff walls have crumbled in the past 6 years. Price controls and technical rules that favored Mexican firms at the expense of foreign competitors are being laid aside.

The other nations of the hemisphere are doing many of the same things. The trend is moving in our direction. Like Mexico, they are discovering the benefits that can come from a responsible

free market system. They have pursued the path recommended to them for years by the United States.

CONSEQUENCES OF NAFTA DECISION

And what will the nations of the region get in return? If we pass NAFTA and begin to negotiate new trade agreements to link the entire hemisphere, they will become part of the most powerful trading bloc on Earth. They will have the opportunity to continue down the road of democracy and prosperity in the context of a two-continent-wide sphere of trade and cooperation.

The gains of recent years will be solidified and become the platform from which future success will be launched.

On the other hand, if we reject the agreement and bar the doors just when our neighbors have come knocking, we will be seen as the hypocrites of the hemisphere—the country that talks about lowering barriers to trade but maintains its own, the country that sings the tune of the free market but refuses to submit itself to one.

If this happens, if the United States refuses to match its words with its deeds, the nations of the region will either look elsewhere for partners, as I have suggested or, even worse, the entire reform process throughout this part of the world could be jeopardized.

If these countries that have gone down the road to democracy and free markets are rejected when they seek to institutionalize the reform process and link themselves with their brothers throughout the Americas, they may come to question whether they have gone down the proper road. Instead of continuing to open themselves to the outside world, they may close their doors once again. An outward gaze we see today may be replaced by an inward fixation.

We should not allow this to happen. We must pass the North American Free-Trade Agreement and begin work on a larger and better agreement that will link all of the Americas. We must seize on this challenge dealt to us by history. We must not flinch at just the moment when courage and resolve are demanded of us.

LEGITIMATE CONCERNS

A number of legitimate concerns have been raised about the trade agreement's impact on the environment and labor standards. There are also worries about the economic dislocation this pact could cause in certain parts of the economy.

In my view, the concerns about environment and labor standards have been met by the supplemental agreements signed by the United States, Mexico, and Canada last month. These are the first labor and environmental agreements ever negotiated to accompany a trade agreement.

Under these agreements, a new Commission on Labor Cooperation will work to make sure that all three nations enforce their labor laws. That is

a historic achievement that ought not to be lost on us. The Commission's enforcement powers will have teeth: fines and trade sanctions would be levied against a country that fails to enforce its laws. That works to our benefit. That is in favor of the United States.

Similarly, a new Commission on Environmental Cooperation will have the power to ensure that each nation enforces its own environmental laws. Again, this agreement provides for sanctions to be applied against a country that violates it.

Instead of hurting the environment, many United States environmental groups such as the National Wildlife Federation believe NAFTA will go a long way toward improving the environment in Mexico. Just last month, Mexico and the World Bank signed a \$4 billion agreement to clean up the border area. More such efforts are planned. That should be applauded by all of us.

In essence, these supplemental agreements on labor standards and the environment should ensure that no party to this agreement will seek to attract business by taking advantage of its workers or spoiling its environment. These agreements establish the rules of the trading game, and they will ensure that these rules are not broken.

Finally, there is much legitimate concern about the impact of NAFTA on certain vulnerable sectors of our economy. It is important to reiterate that, or balance, this trade agreement will create jobs in this country. Nearly every serious economic analysis of the agreement has clearly demonstrated this.

Some people, however, will inevitably lose their jobs due to trade with Mexico. To say otherwise would be foolish. Most of these jobs will be lost whether the North American Free-Trade Agreement takes effect or not, but we nonetheless have a serious responsibility to assist these people and help them adjust to the changing economy.

That is why we must push for a major retraining initiative to lend a helping hand to those who find themselves out of work as the result of the changing global economy.

We must also invest in our own physical and human infrastructure so that we will be in the best possible position to compete in the new global marketplace. We must invest in our roads and railways, we must rejuvenate our schools and rebuild our cities. We must make sure that the American workers are second to none when it comes to the skills necessary for the creation of the high-wage economy of the future.

CONCLUSION

In closing, this is the future I see for the United States. A future of prosperity built on trade and cooperation with the countries of our hemisphere, a future of skilled workers filling high wage jobs.

This is an opportunity for us to create the most remarkable trading relationship ever envisioned. It would dwarf those that exist in Europe or in the Pacific rim. This is in our self-interest. This is not to be done because it is a favor to our neighbors to the south. It is assistance to them, but, first and foremost, it is in our interest to pass this trade agreement. We must fashion this trade bloc and provide opportunities for Americans of future generations, a future in which the United States faces its challenges and overcomes its fears, the same kind of America that accomplished the great feats of this past century. We can start, in my view, building this future by approving the North American Free-Trade Agreement, and I urge my colleagues to be supportive of this effort.

Mr. President, I yield the floor.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I compliment my colleague from Connecticut. I have listened to a lot of speeches on the North American Free-Trade Agreement, and I have found none to be as comprehensive and as well thought out, well organized and logical as that of the distinguished Senator from Connecticut.

I compliment him because he is a powerful voice in this area, and he should be listened to. He is absolutely right.

Just a few years ago, I went down to visit President Salinas. He told me at that time I was the first United States Senator to visit the President of Mexico in 15 years. I think that is an incredible indictment of all of us for not paying more attention to this hemisphere and the problems that exist in this hemisphere and the friendships that can be engendered just by simple efforts.

The Senator is right. We would create the largest trading bloc in the world—700 million people. These people are our third largest trading partners; in manufactured goods the second largest trading partner. They are helping us in the antidrug effort like never before. They are cooperating with our DEA and others like never before. They have fought for democracy and for free market systems like never before. They are privatizing like never before. They are changing their whole system down there and bringing their people into a position of more self-empowerment. And they are the example for all the rest of the hemisphere, along with President Menem down in Argentina.

If we do not do this, we will set back Mexican-American relations at least 60 years and we will hurt this whole hemisphere, as the distinguished Senator from Connecticut said, a hemisphere that is watching us like hawks.

I do not wish to go on any further, but I compliment the distinguished

Senator because I think it is one of the best set of remarks on the North American Free-Trade Agreement I have heard. He certainly speaks with authority and with power, and I appreciate it personally.

Mr. DODD. I thank my colleague.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. I have two sets of remarks that I would like to give, but I notice the distinguished Senator from Wisconsin on the floor. I understand the distinguished Senator from Wisconsin only needs 3 minutes. I would be happy, without losing my right to the floor, to yield so that he can give his statement.

Mr. KOHL. I thank my colleague from Utah for yielding to me for a brief period.

NOMINATION OF WALTER DELLINGER, OF NORTH CAROLINA, TO BE AN ASSISTANT ATTORNEY GENERAL

The Senate continued with the consideration of the nomination.

Mr. KOHL. Mr. President, I rise to speak in support of the nomination of Prof. Walter Dellinger to be Assistant Attorney General for the Office of Legal Counsel. I am very confident that Professor Dellinger possesses the requisite professional background and character to serve as the head of that office. It is difficult for me to believe that his nomination is being contested at all because he is one of the most talented—and likeable—nominees I have ever met.

Walter Dellinger is exceptionally—and perhaps uniquely—qualified to examine the constitutionality of legislation on behalf of the Attorney General, the White House and the President. Professor Dellinger has devoted much of his career to the in-depth study of the Constitution, and he is recognized as one of the Nation's leading legal scholars. Since February of this year, he has served as Associate Counsel to the President, and then as a consultant at the Department of Justice. Simply put, we should have confirmed him months ago.

Furthermore, Professor Dellinger has distinguished himself in front of the Supreme Court and perhaps he may even sit on the Supreme Court one day. But most importantly, Professor Dellinger has continually displayed a keen ability to remain objective while considering highly charged issues.

Last, I would like to comment on the Walter Dellinger I have personally come to know. He is among the brightest of all the Clinton nominees and he is among those most dedicated to public service. In discussions with Professor Dellinger what pleased me most was that his views are so moderate. In fact, when he told me that in some in-

stances we ought to limit punitive damages, I knew then this was a man I liked, and that I could support.

Mr. President, throughout his professional and personal life, Professor Dellinger has exhibited the qualities required to head the Office of Legal Counsel. I expect him to be confirmed and I wish him well in his new position. I thank you. I yield the floor.

WALTER DELLINGER (OPPOSE)

Mr. HATCH. Mr. President, I initially supported the nomination of Walter Dellinger to be Assistant Attorney General for Legal Counsel. Professor Dellinger is a very bright and able scholar, with whom I disagree on a number of issues.

Despite my disagreements with Professor Dellinger, I supported his nomination in the committee. I do not believe a President is entitled to a blank check in nominating individuals to executive branch positions, let alone to life-tenured judgeships. A President, in my view, however, entitled to some deference in choosing members of his or her administration, although considerably less deference is due with respect to life-time judicial appointments. Indeed, I have opposed one nominee to the Department of Justice, whose nomination was withdrawn by the President before the committee acted on her nomination. I have also opposed other nominations by President Clinton.

Moreover, my vote in favor of a nominee for a position in the executive branch does not signify I would support that nominee for a life-tenured position.

But, while I was prepared to cast my vote in favor of Professor Dellinger earlier this year, I will not do so now.

On August 11, 1993, Professor Dellinger assumed the position to which he had been nominated, on an acting basis. This was done despite the very clearly and plainly expressed opposition to the nominee by two Senators on this side of the aisle, the Senators from North Carolina. In my view, the administration has thumbed its nose at the Senate, a Senate controlled by the President's party. This nomination could have been called up for disposition. And until the Senate acted on the nomination, Professor Dellinger should have remained a consultant at the Department of Justice, and not assumed the active leadership of the division. It was not a wise decision by him to accept the advice he was given to assume this position on acting status in the face of what he understood to be strong opposition by two Senators.

Pending nominees have assumed their positions on an acting basis before. But in many cases, the nominee was a deputy in the office in question, on the day of his or her nomination. In other cases, there was no controversy

or expressed opposition to the nominee who assumed acting leadership in the position for which he or she was nominated. But many nominees have served as consultants and awaited Senate action while a deputy became acting head of the office in the meantime.

Now I understand Professor Dellinger was switched from consultant to Deputy Assistant Attorney General for the very purpose of making him acting head of the office.

I am not suggesting that the Attorney General exceeded her legal authority here, but it seems to me a decent regard for the constitutional role of the Senate would have led the administration to await Senate action on this nominee in the face of opposition to the nominee in the Senate. This is at least the case, in my view, when the President's party controls the Senate. It is not this side which has declined to take up the nomination. And, it is no answer to say that one or more opposing Senators declined to grant consent to a time agreement; that is the prerogative of any Senator on either side of the aisle on any nominee or piece of legislation.

If the President wanted Professor Dellinger's nomination to be acted on so badly, it would have been called up. This is not intended in any way as a criticism of our distinguished majority leader, who is my friend. I well understand the time pressures on him. My criticism is aimed at an administration which, in the face of opposition in the Senate, refused to wait until the Senate disposed of the nomination, put the nominee into place on an acting basis, and thereby, together with the nominee, flouted the Senate.

The fact that the two Senators are from the home State of the nominee is not central to my point, which is the larger one of flaunting the Senate's role in the advise and consent process. But, while not central, and even though this nomination is not for a state-based position such as district judge, U.S. attorney, or U.S. marshal, the fact that both home State Senators opposed the nomination and wished to be heard before confirmation carries weight with this Senator. To me, it means that Senate action comes first, placement in the position comes second. I think we set a bad precedent if an administration whose party also controls the Senate schedule can put a person into a position on an acting basis in the face of known opposition in the Senate. Here, the opposition is from both home State Senators. It does not matter what the vote was in committee. Many controversial matters on the floor have breezed through committee. The administration was aware of opposition to this nominee—that is why they could not get a vote on the nominee before the August recess. So, they installed him anyway.

Throughout this process, I want to be clear that I have had no reservations

about this nominee's qualifications for the job or about his character and integrity. I do believe he and the administration made a misjudgment, and since that misjudgment—which was readily avoidable—impinges on the prerogatives of this body and, in particular, my two colleagues from North Carolina, I will oppose this nomination.

Let me add one more point because I want the record to be clear. Our distinguished chairman made reference to rumors or concerns brought to our attention. I will reiterate the chairman's remarks. Any concerns about the nominee brought to our attention were thoroughly checked out in a bipartisan fashion. There was not even a shred of evidence to support these concerns. My vote is not based on any other points than the ones I have mentioned earlier.

In my view, this controversy has absolutely nothing to do with any of the concerns referenced by the chairman last night.

Mr. President, these are important matters. This is important in my view. I believe that there are good people on both sides of this issue. As I said, Professor Dellinger has the credentials to fulfill this position. But I also think that the approach to the Senate has to be given some consideration as well.

TRAGEDY IN SOMALIA

Mr. HATCH. Mr. President, this morning brought more grim news from Somalia. Another American has been killed, this time by a mortar attack on the airport at Mogadishu.

I mourn this loss, as well as the loss of the other Americans who have died and who have been injured in Somalia. It is a tragedy. What is worse is that it is a needless and a pointless tragedy.

As one who knows what it is like to lose his only brother in a war, having lived through that tragedy, my heart and my prayers go out to the families who have lost their loved ones.

This military operation has been badly bungled by the Clinton administration and by the United Nations.

Where did this mission go wrong? It did so last March when President Clinton shifted the mission of our forces in Somalia from the humanitarian mission of delivering food to prevent mass starvation to the much larger mission of establishing security in Somalia and nation building.

Let us be clear. President Bush deployed forces to Somalia on a humanitarian mission that most of us supported. The forces we sent were sized and configured for opening roads for the delivery of food in the absence of organized resistance. And our forces achieved that mission.

But President Clinton changed that mission. At the bidding of the United Nations, he shifted the mission to building up a new Somali Government.

Even this week Secretary of State Christopher has said that we will not leave until a "secure environment has been established." Yesterday, President Clinton said that American forces must stay to complete "the job of establishing security in Somalia."

What the administration did not do—and this represents its major policy failure—is reconfigure our forces for the new mission. We cannot pacify Somalia, or even Mogadishu, with the 4,000 troops we have in Somalia. If the President is serious about his new nation-building mission—and I want to express deep reservations about its wisdom—he must ask Congress to send the vastly larger forces needed to achieve that mission.

It is a simple question of means and ends. If the President wills these ends, he had better will the means. Otherwise, he will pointlessly sacrifice American lives and, I might add, the mission will inevitably fail.

The mistake of shifting missions without changing the forces is at the root of the tragic loss of American lives in recent weeks. Yet, unbelievably, the administration still does not see its error.

It is now sending another 1,000 troops and a few armored vehicles. But this will not create a force sufficient to establish security in Somalia. That is nowhere near enough. The new deployments may enhance the security of American troops in Somalia—and that is important in and of itself—but the only mission our forces will be able to achieve is the mission of defending themselves.

I would like nothing more than to be able to arrest Aided and punish him for the actions of his forces. If we can do that with a surgical strike, I am in favor of it. But I am under no illusions about the massive deployments of troops that will be needed to achieve the mission of stabilizing and establishing security in Somalia.

The administration's basic inability to match mission and forces is deeply disturbing. Even more disturbing are the reports that the administration turned down the requests by commanders in the field for reinforcements and equipment needed to defend themselves. I will not prejudice these decisions, but a serious congressional inquiry into this tragic matter is imperative.

Mr. President, it seems more and more that it is amateur hour in American foreign policy. We sacrifice the lives of our troops to patrol the streets of Mogadishu, but we impose an embargo to the United Nations that prohibits the victims of genocide in Bosnia even to buy arms to defend themselves. We support a political role for the Khmer Rouge in Cambodia, but we hunt down General Aided in Somalia. We use the United Nations for nation-building in Somalia, but we allow the United Na-

tions to facilitate the brutal partition of a nation in Bosnia.

We are told that our policy is one of "assertive multilateralism." In fact, it is incoherent multilateralism.

It is time that this administration ends its excessive, and dangerous, reliance on the United Nations as a vehicle for American foreign policy.

We must stop allowing the international bureaucrats at the United Nations to treat the United States as their personal 911 emergency number. We should participate with other U.N. military missions, but only when U.S. forces are under U.S. command, and only when the operation serves vital American interests. No such interest exists in the streets of Mogadishu. No more American troops should die there.

Mr. President, I add that no more American troops should be taken hostage. We should do everything in our power to remedy that situation.

Mr. President, I sincerely hope that the administration will come to its senses and return to the Bush plan in Somalia. Our mission is complete. Our forces should be withdrawn. The United Nations should be tasked with pursuing a political—not military—solution to the internal conflict in Somalia.

Most of all, the administration must learn the lesson that the United States should put its troops in harm's way only if our vital and critical interests are at stake and should send enough forces so that they can achieve their mission rapidly and with the least risk to American lives.

Mr. President, I yield the floor.

SOMALIA

Mr. D'AMATO. Mr. President, first of all, I want to concur in the sentiments expressed by my good friend, the Senator from Utah [Mr. HATCH], as it relates to the United Nations literally taking command of our troops and our forces. I think that raises very serious questions—questions that we should be discussing as to when, how, and under what circumstances. Basically, I say they should not have command and control over U.S. forces.

Second, the fact that we have changed the mission in Mogadishu, in Somalia, where we once undertook a mission of mercy, for feeding starving people—and everyone could sympathize and support that effort; I did, and I think most of the American people did, as did Congress—we have gone from that humanitarian mission, where we put in 28,000 troops to guarantee the safety of the U.N. personnel undertaking that mission. Thereafter, we draw down that 28,000 to some 4,000 U.S. troops—most of them support, 1,200 Rangers. The fact of the matter is that by that draw down, and then a change of the mission from one which was of humanitarian nature but yet had sufficient fire power to assure that those

charged with the responsibility of carrying this out could be protected, to one that we call—it is a wonderful sounding name—"nation building." That sounds like a political process: "nation building."

Mr. President, it is not a political process. It is not a political process if you have to use armed personnel and U.S. troops to go in and seek out people. It is not a political process if you are having fire fights with different segments, whether it is Aided or anyone else. It is not a political process in the terms that we generally think about it. It is a much more aggressive one. It is a policy that departs from sending food in. A policy of seeking out and hunting down people who are armed and dangerous. By its very nature, it is much more dangerous.

What do we do? We withdraw support for the young men and women who we send over there in basically a humanitarian effort. And now, under the aegis of the United Nations, it has been changed, and it is much more a military action. That is what it is. Nation building is a military action.

Senator BROWN and I sent a letter to Secretary Aspin yesterday in which we requested from him confirmation or denial of those reports that we have read in a number of the media, in which it has been said that Secretary Aspin denied the request of General Montgomery to send armored personnel support tanks to Somalia for defensive purposes.

Let me read to you a report from Knight-Ridder, in the Albany Times Union:

"Defense Secretary Les Aspin twice spurned requests from General Colin Powell to send additional tanks and troops to Somalia to defend American soldiers—before a dozen died in last week's fire fight," Pentagon officials said Wednesday. Officially, Aspin and the Pentagon decline to discuss the episode, saying that such matters are classified. Privately, Aspin aides acknowledged that the Secretary never acted on the request, made twice over a 3-week period. "The Defense Secretary was mulling this request when the mission blew up over the weekend," one said.

In addition, it has been reported that the civilian advisers to Secretary Aspin said they feared there might be a political backlash from the Congress and the American people.

Since when has Congress ever, ever engaged in that kind of second-guessing of what was necessary for the defense of our young men and women? How dare those political bureaucrats make that assumption? And how dare the Secretary of Defense turn down that kind of request? Incredible.

Indeed, we have a right to these answers. Why did Secretary Aspin turn down a request that came from the field and that was approved by none other than Colin Powell, Chairman of the Joint Chiefs, to see that the kind of support necessary, that the tanks and equipment necessary to defend our young men were not made available?

If it is true that he feared a political backlash, does that mean that because of the sake of political expedience we do not give proper support to our young men and women in the field? Is that what that means? That is a pretty sad commentary.

Let me indicate to you why this takes on some relevance because the fact of the matter is these young rangers were pinned down for up to 9 hours, although American personnel quick reaction forces that were supposed to be able to respond in 20 minutes, it took them 9 hours to get to these rangers who were pinned down because they did not have what? Tanks in which to get them there. And after they started a rescue operation and hit withering fire, their commander on the ground determined that the losses would be too great and withdrew and, thereupon, it took another period of time before we could assemble tanks from other areas from the Malaysians who then broke through and were finally able to rescue these rangers who were pinned down for 9 hours.

Mr. President, maybe it is not the political thing to say or to do in this climate of political correctness, but Secretary Aspin has a lot to be called for and a great deal of accountability on why it is he turned down these tanks. And if the answer is that which we have heard from the nameless, faceless bureaucrats, because he feared a political backlash, then I suggest that he should be fired now. He should resign now, and if he does not resign, the President should remove him.

We understand the principle of civilian control and that the President is Commander in Chief of the military. But we also recognize that when we send our people out into the field, our young men and women, our soldiers, to take on hazardous and dangerous missions that we give them the best, that we support them, that we do not withhold support with something so basic as tanks to defend them in a situation that has changed from one that was supposed to be humanitarian to now a more militaristic adventure. And that is what it is. That is unconscionable to deny that field commander, who is backed up by no less than Colin Powell, the Joint Chiefs of Staff, to deny them that which they need to protect themselves.

I do not know how many lives may have been saved if those tanks were available. I do not know how many of those who were wounded may not have been wounded. I do not know whether or not that mission would have been conducted in that manner, dropping them in that manner, because they did not have tanks and could not approach. I do not know.

But I certainly would suggest to you that the conduct of this operation not only leaves a lot to be desired, but it would appear that we do things on the

altar of political expedience, and that is not acceptable. It is not acceptable.

Mr. President, I want to suggest to you that we are getting ourselves further into a situation where we are losing control over the command of our own U.S. personnel. I believe that what we see in Somalia may be the harbinger of things to come that may bring greater consequences and devastation to this country.

We use these nice new terms "nation building." Well, if nation building means that we have to conduct strikes against various people and tribes, I would suggest to you that that is far more hostile than what it may sound like, that it is far more dangerous than the so-called humanitarian mission of bringing food to people.

I suggest to you that it is a military operation. We now use another term. Maybe it is to get around the War Powers Act. It is called peacekeeping, and we now talk about bringing in, injecting 25,000 so-called peacekeepers into Bosnia.

Let me tell you something. Sending 25,000 so-called peacekeepers into Bosnia is far more dangerous than having 4,000 troops in Somalia under the present situation. If you believe that 25,000 peacekeepers are going to keep the peace, then I tell you, you believe in the tooth fairy, because they are not going to keep the peace and they are going to wind up being targets themselves. And just like some of our United States servicemen have reported, we do not know who the enemy is in Mogadishu and Somalia. They are not going to know who the enemy is because one day it is one group and another day it is going to be the next group.

We are taking on the mission of being world policeman. We are saying that under the aegis of the United Nations we are going to enter wherever there is civil strife. If they say it is a U.N. operation, it is going to be United Nations in name alone, and the fact of the matter is the firepower, the men who bear the suffering, the combat forces are going to be primarily United States.

Have we become hired mercenaries to inject in every hot spot throughout the world?

These are the kinds of questions we better be answering ourselves. Are we going to have the incompetent bureaucrats at the United Nations determining the destiny of our U.S. service people? Are we going to have the command and control on battlefield situations, the lives of young U.S. citizens, who serve their country, determined by foreign nationals who may decide to send in help or may not decide to send in help? Who may decide it is appropriate?

We get reports that in certain situations when military operations were being conducted—and I say military

operations in Somalia—that certain of the countries that participated, their commanders did not agree with the overall command and refused to undertake various operations.

How do you assure the safety of our U.S. troops in that kind of situation?

I suggest to you that we better have a clear understanding of this business. It is nice to bring in this business of one world—one world, former President Bush discussed that—and the use of the United Nations. When do you decide it is appropriate to use force? At what level, and who is going to participate? Who is going to fund this?

Mr. President, I know there are others who would like to speak to the issue at hand, the Dellinger nomination. I thank them for their indulgence to permit me the opportunity to raise these issues.

These are difficult times, but I think sometimes we are afraid to call them the way we see them because maybe it is not politically correct. There are other issues. There are those who say let us get Aided.

I think the only thing necessary for us to do is to make sure that we secure those who have been taken hostage and get out as quickly as possible. I think this Nation is far greater than having to worry about how we are going to be viewed in other areas of the world. I do not think it is worth that conflict in that area, one more U.S. life. Yesterday we had another person who was killed as they mortared the fields over there.

I do not like when I hear situations where the other convoys and the other troops of the nations are not fired upon, but it has now become sport to fire upon the U.S. personnel. I understand there will be deaths there. Pakistan suffered deaths. But now it is very clear we have become the enemy where here we are reaching out to give humanitarian aid to help starving people and are now viewed as the enemy. Here we went in with one purpose, and now we are being asked to hunt down whoever it is. I would like to hang him, no doubt about that.

Is it worth more and more human lives, more and more servicemen, one more man to go and get him. If we are going to get him, then for God's sake, let us authorize this and let us do it in an appropriate way. Let us see to it we have overwhelming power and force so that we do not unnecessarily jeopardize lives and do it in that manner as opposed to this haphazard manner calling it one thing and yet it is something else—putting a nice, acceptable political terminology on as nation building when it involves far more in the way of military risk than our previous authorized undertaking of supplying humanitarian relief.

I think we better be more realistic, and I also think we need real accountability.

Notwithstanding that, it may not sound nice, Secretary Aspin should go. He absolutely has forfeited his right to have the support of this Congress, of the people of this Nation, when he refused to send the necessary armament so that young men could be defended from the kind of thing that took place.

Mr. President, I see my colleague from Alabama, and I yield the floor.

NOMINATION OF WALTER DELLINGER, OF NORTH CAROLINA, TO BE AN ASSISTANT ATTORNEY GENERAL

The Senate continued with the consideration of the nomination.

The PRESIDING OFFICER (Mr. KERREY). The Senator from Alabama is recognized.

Mr. HEFLIN. Mr. President, I rise today in support of the nomination by President Bill Clinton of Walter Dellinger to be Assistant Attorney General, in the Office of Legal Counsel at the U.S. Department of Justice.

Mr. Dellinger is a distinguished North Carolinian where he graduated with honors in political science in 1963 from the University of North Carolina at Chapel Hill. He went on to receive his law degree from Yale Law School in 1966. After graduation from law school, he served as a law clerk to Associate Supreme Court Justice Hugo Black, who was a native of my State of Alabama.

From 1969 through the present, Mr. Dellinger has held various positions at Duke University, one of our Nation's leading southern universities. He has been an associate professor of law, a professor of law, associate dean, and acting dean at Duke University Law School. He is a member of the American Bar Association and the North Carolina Bar Association.

Mr. Dellinger has received a number of honors and awards almost too many to mention. Some of the more significant of these are the Eugene Bost Research Fellowship; the Rockefeller National Humanities Fellowship; Project 1787 Constitutional Founding Fellowship; Yale Law School National Scholarship; and the General Motors National Scholarship.

Mr. President, the Office of Legal Counsel within the Justice Department is a most important position and the head of that office advises the Attorney General in carrying out her responsibility to "give advice and opinion upon questions of law when required to do so by the President of the United States." This is a statutory duty which has been imposed on the Justice Department since the enactment of the first Judiciary Act of 1789.

Many distinguished Americans have served in this position including Alabamian Charles Cooper, who served under Attorney General Edwin Meese, and who has publicly stated of Mr. Dellinger that:

I have come to know him, like him, and respect him as a fine lawyer * * * [h]e is a splendid appointment for a Democratic President.

Similarly, Mr. Theodore Olson, who headed this office during part of the Reagan administration stated that while he may have disagreements on certain issues with the nominee that "nonetheless, I feel he is well qualified by experience, intelligence, and background to be President Clinton's Assistant Attorney General for the Office of Legal Counsel."

Our former colleague Senator Terry Sanford of North Carolina, who also served as president of Duke University, has also written to chairman of the Judiciary Committee JOE BIDEN, endorsing the President's nomination of Mr. Dellinger. And in July, Mr. Dellinger received a unanimous vote of approval from the Senate Judiciary Committee, indicating its trust in the President's nomination.

Mr. President, the Office of Legal Counsel is one of the most important legal positions within the executive branch of Government. This office has had a distinguished history of providing keen and objective legal analysis to the Attorney General, and I am convinced that Walter Dellinger will continue that devotion to the traditions of that office.

I generally defer to Presidential nominations to the executive branch of Government of both political parties, both Democratic and Republican, believing that the President has the right to select his choice as long as they are qualified by intelligence, integrity, good common sense, and are of good moral character. While I might not agree with some of the nominee's positions that he has taken on past policy issues, I respect the right of the President to select his nominee as long as he meets those foregoing criteria.

But a nomination to this particular office also requires, in my judgment, a higher standard. As one former deputy to this office in the Reagan administration, Robert Shanks, has stated:

It is important to note that the Office of Legal Counsel is not a part of the official policymaking apparatus of the Department. It exists to provide the best possible legal advice in response to questions concerning the legality of proposed Executive actions. The trust and credibility of the Office—its reason for existing—would be diminished to the extent that partisan political considerations were perceived as affecting its best legal judgment. The Office, therefore, has strongly resisted the temptation to allow political pressures to affect its ability to render the best possible legal advice, based on an independent reading of the law.

Mr. President, it is this special responsibility to advise the Attorney General on the legality of proposed executive branch actions that makes this position of public trust so important. I am convinced that Walter Dellinger, based on his qualifications and experience as a lawyer, and his integrity as

an individual, will exercise that independent judgment when necessary and will uphold the traditions of this distinguished office. I am pleased to support his nomination and urge my colleagues to cast their vote in his favor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. PRESSLER. Mr. President, I would like to speak on a subject separate from the immediate one, if I may do so.

The PRESIDING OFFICER. The Senator has that right.

NOMINATION OF JAMES E. HALL

Mr. PRESSLER. Mr. President, I would like to explain my position regarding James Hall, who has been nominated for a position on the National Transportation Safety Board [NTSB]. I understand the full Senate will probably confirm Mr. Hall's nomination later today. Yesterday, I voted against that nominee in the Senate Commerce Committee, on which I serve. I would like to explain why I oppose Mr. Hall's confirmation and give some of my views on the bureaucracy within the NTSB and the Federal Aviation Administration [FAA].

As a member of the Commerce, Science, and Transportation Committee, I have long been concerned about the effects of agency bureaucracy. I became especially concerned about it earlier this year when South Dakota Governor, George Mickelson and seven leading citizens were killed in a plane crash. At that time, I began to look into some of the Federal agencies' directives and standards in relation to aviation safety. It turned out the National Transportation Safety Board had sent the FAA two warnings about the Hartsell propeller, which appears to be at least part of the cause of that devastating plane crash. However, no airworthiness directive was issued by the FAA. In fact, the National Transportation Safety Board had even sent to the FAA a letter predicting a catastrophic accident would occur unless something was done. Yet, the FAA did not issue an airworthiness directive.

I am very concerned about the safety of the flying public. I am also concerned about safety for all modes of transportation, be it the train crash that occurred in Maryland, the Amtrak train accident that occurred recently in Alabama, or a pipeline breakage or an explosion during the transportation of hazardous materials. Because of these very real catastrophic accidents, the public deserves to have a National Transportation Safety Board that is first rate and will work to enhance transportation safety to the greatest extent possible. Therefore, the nomination to the NTSB should not be taken lightly.

Let me explain briefly my position regarding Mr. Hall's confirmation. I

shall not ask for a rollcall vote on the floor, but I want to explain a bit of the background on this because I think it is vitally important to transportation safety in the United States.

Both the National Transportation Safety Board and the FAA are what we might call middle-level bureaucracies. These two agencies are very much concerned with keeping the American public safe, but they are not in the glare of everyday publicity. These two agencies do not get much scrutiny from a public administration point of view. Indeed, I have said we need to have an oversight Congress, a Congress that does not pass new laws but has an oversight into the various agencies to see how they are doing their jobs, how they are spending their money, and what the results are.

Mr. President, there is much talk about reinventing government. I frequently feel we as Senators are not doing our jobs as we should unless we spend some time looking into these agencies. And that is blue Monday work. When Congress creates a new bureau or agency, we get headlines and media coverage. However, when we hold oversight hearings and try to analyze the agencies with the Federal Government, there is very little credit given. There is very little press coverage. But that is not what we should be here for. We should be here to do our jobs effectively.

In our agenda, we should include taking a hard look at the National Transportation Safety Board. One of the law's requirements regarding membership qualifications is that at least three of the people on that Board be professionally qualified at the time of appointment. Specifically, the law states, the following:

At any given time no less than three members of the Board should be individuals who have been appointed on the basis of technical qualification, professional standing, and demonstrated knowledge in the fields of accident reconstruction, safety engineering, human factors, transportation safety, or transportation regulation.

Obviously, the law's stated professional requirements are subjective. Frankly, I believe the law should be revised to make these requirements less subjective. It is my opinion we would not be upholding the law if we approve Mr. Hall's nomination. In fact, I have written to President Clinton on this very matter and am eagerly awaiting his reply.

I ask unanimous consent that a copy of that letter be printed in the RECORD immediately following my remarks.

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

(See exhibit 1.)

Mr. PRESSLER. Let me clarify. I am not opposed to political appointees, nor do I question Mr. Hall's reputation. Further, I think the National Transportation Safety Board is currently composed of very forthright individuals who work diligently to protect the

safety of our traveling public. I hope that point is very clear.

At this point, it is up to each Member of the Senate to decide for himself or herself whether Mr. Hall's confirmation should go forward. I became convinced during Mr. Hall's confirmation hearing that he did not meet the professional qualifications as provided by law. Frankly, I was disappointed in the answers he gave to several of my questions. I ask unanimous consent at this point to have some of those questions and answers printed in the RECORD.

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

(See exhibit 2.)

Mr. PRESSLER. The bottom line is: What direction are we headed at the National Transportation Safety Board? I believe strongly the Senate, in its confirmation process, has a responsibility to raise a voice of objection if we feel some nominee is not well qualified for that particular job. That does not mean that nominee is not well qualified for another job. I believe this is the case with respect to Mr. Hall.

Let me go a step further. I believe the Congress of the United States has to do a better job of oversight hearings overall, and has to do a better job in scrutinizing nominations. I apply that to Republican as well as Democratic administrations and Senators. In fact, I spoke recently with Senator BOREN, who heads the commission on congressional reform in the Senate. One thing I believe is we could have shorter sessions by getting our work completed in the mornings, and having our votes stacked. I believe we owe that to those of us in the Senate who have families. But, also, I think every other Congress should be an oversight Congress, where we look into the agencies and evaluate what we have done and evaluate how our taxpayers' money is being spent. In that way, we could best accomplish an important goal advocated by our Vice President, AL GORE. The Vice President is working to reinvent Government, and make it more efficient. That is a goal I share, too. Unfortunately, instead of proper review, we often hurry along. We are constantly giving short shrift to agency oversight and the hearing confirmation process, for example, there were two or three other nominees this year that I had raised questions about, but I found most of them were just pushed on through the process. I think we need to do our duties more carefully and spend a little bit more time checking and rechecking and reviewing each and every individual nominated for an administrative position. Mr. President, I hope my position is better understood by my colleagues.

In the case of Mr. Hall, my concerns are as follows: A vote on Mr. Hall's nomination was scheduled less than 24 hours after the full committee's nomination hearing. I objected to such

hasty action. Further, I had serious questions about Mr. Hall's responses to my questions during his nomination hearing and wanted my colleagues to have an opportunity to read the hearing transcript. Finally, in my judgment, Mr. Hall does not have the professional qualifications as defined by law. Mr. Hall even admitted this fact during his nomination hearings.

Mr. President, I remain convinced that by approving Mr. Hall's nomination we would not be living up to the true letter of the law. In closing, my position can best be explained by reciting a few quotes that I believe merit careful consideration:

This Committee has on occasions rejected nominations to the NTSB because the nominee did not meet the requirements of the statute in terms of experience.

Accident investigations and decisions as to cause are too important to leave to political amateurs.

I will do what I can to see that qualified nominees, not political friends, serve on this important agency.

Mr. President, I congratulate the distinguished chairman of the Aviation Subcommittee, Senator FORD, for those forthright words. My colleague made these remarks last year—the last time this committee considered a nominee for the NTSB. He was right on target and I appreciate being able to associate myself with his comments. In short, we agree that the law's requirements must not be overlooked. I hope that is the case the next time we consider a nominee to the NTSB.

Mr. President, I do not intend to block Mr. Hall's confirmation. I take the floor to express my concerns and wish the RECORD to reflect that, had a rollcall vote been taken on this nomination, I would have voted in the negative. Nevertheless, I expect the Senate will approve this nomination, and I wish Mr. Hall well in his future service at the National Transportation Safety Board.

EXHIBIT 1

U.S. SENATE,

Washington, DC, September 8, 1993.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: You may recall that a letter to you dated May 28th expressed my concern that government leadership positions responsible for carrying out our nation's transportation agenda should be filled by qualified individuals. This is particularly important for those positions affecting the safety of our traveling public.

Generally, I am not opposed to appointments that are political in nature. However, in cases where the law provides for minimum qualification standards to be met, such as with the composition of the National Transportation Safety Board (NTSB), it is critical that the law be upheld. Therefore, I am very concerned with your nomination of James Hall to the National Transportation Safety Board (NTSB).

As you may know, the provisions governing the composition of the NTSB require that no less than three members of the

Board are to be "appointed on the basis of technical qualification, professional standing, and demonstrated knowledge in the fields of accident reconstruction, safety engineering, human factors, transportation safety, or transportation regulation." Given the law's specific professional requirements for NTSB membership, as well as the fact that the NTSB is one of the most critical agencies for transportation safety, I believe it is necessary that the qualifications of any NTSB nominee—Democratic or Republican—be considered in relation to the professional background and qualifications of the current NTSB members, when appointed.

James Hall does not meet the professional qualifications as defined by law. In fact, Mr. Hall admitted this fact during his nomination hearing. Therefore, I would appreciate knowing the Administration's interpretation of the law as it applies to the composition of the NTSB. If the Administration interprets that the statute concerning membership qualifications has been upheld with respect to Mr. Hall's nomination, I urge that your next appointment to the NTSB be an individual with the technical qualifications and professional expertise required by law.

Thank you for your attention to my concerns. I look forward to your response.

Sincerely,

LARRY PRESSLER,
U.S. Senator.

EXHIBIT 2

Senator PRESSLER. As I said in my opening statement, the law governing the NTSB specifically addresses the composition of the Board including the qualifications of its members. The law's provisions regarding these qualifications reads: "At any given time no less than three members of the Board shall be individuals who have been appointed on the basis of technical qualification, professional standing, and demonstrated knowledge in the fields of accident reconstruction, safety engineering, human factors, transportation safety, or transportation regulation."

Do you feel that your background puts you in that category?

Mr. HALL. No, Senator, I do not think I am an expert in any one of those areas. I think that, as was mentioned earlier, I have had the opportunity to work on a number of complicated and complex matters in which I have had to look to technical and research advice in order to make decisions. And I feel that my knowledge of the NTSB and the type of staff that is there, that working with that staff I would be in a position to meet the requirements of the statute in terms of membership on the Board, but I do not profess to have an expertise in any of those areas.

Senator PRESSLER. Now, if you could change the procedures of the modal agencies in deciding on a course of action to alleviate a safety problem, what changes would you make?

Mr. HALL. I do not think at this point in time, Senator, not having served at the Board and had working, hands-on experience with that, that I could give you an answer to that question.

Senator PRESSLER. Okay. What actions would you take to provide greater assurances that the DOT and its modal agencies give NTSB recommendations their highest priority?

Mr. HALL. Well, I would not have any recommendations at this point in time, as I have stated earlier. However, I would assure you that I would be actively involved to be

sure there is close cooperation, to be sure that any recommendations that are advanced are implemented.

Senator PRESSLER. What is the NTSB's definition of an unsafe condition?

Mr. HALL. I am not aware that there is a definition of an unsafe condition, as a formal one that the NTSB has.

Senator PRESSLER. What would your definition of an unsafe condition be?

Mr. HALL. Well, I would imagine that anything that would cause whatever mode of transportation to become hazardous would be one definition, but I do not know that I would have a—you know, that is probably a pretty subjective matter.

Senator PRESSLER. For example, the National Commission to Ensure a Strong Competitive Airline Industry is about to report the costs of certain safety rules. You will be one of the Nation's key decision makers in terms of deciding where costs override additional safety measures. You obviously have thought a great deal about this. You are going into one of the most important safety jobs for the people of this country. Give us your philosophy of what an unsafe condition is, or at what point the costs of implementing new safety regulations override the results?

Mr. HALL. I do not believe that that is a matter that I have a philosophy on. I think at the Board you are basically charged with looking at a specific accident, and as a result of that accident making specific recommendations, and I do not think that cost is necessarily a factor that the National Transportation Safety Board would factor in. That possibly would be done in the agencies. I think we are supposed to specifically look at the problems and recommend measures that we think would be corrective actions.

Senator PRESSLER. Now, according to the working draft issued July 19th, 1993, by the National Commission to Ensure a Strong Competitive Airline Industry, the commissioners outlined several major findings regarding the cost of safety regulations.

Some of these findings include: "Federal regulations in airworthiness directives impose a massive cumulative cost burden on airlines which has never been quantified by the Government; Major rules since 1984 have added \$3.5 to \$7.5 billion to past or future airline costs, based on an aggregation of FAA's original estimates of costs for specific rules; Congress, DOT, and FAA all contribute to this burden. Congress or DOT mandates can preordain the outcome of cost-benefit analysis; Given the extremely high level of safety in the airline industry which can make it increasingly expensive to achieve even incremental safety improvements, Federal regulators must do a better job of ensuring that additional requirements meet rigorous cost-benefit tests; Industry often warns of high costs while the FAA believes it is not provided with accurate data on costs early enough to make an informed judgment before proposing a rule."

What is your feeling on cost-benefit tests regarding safety?

Mr. HALL. Senator, I am not familiar with, obviously, the work of that Commission, other than what I have read in the newspaper, and have not had the opportunity to read the report in its entirety. My position, as I see it, on the National Transportation Safety Board is to protect the safety of the citizens of this country, and I am charged with that responsibility and that would be the basis under which I would operate.

Senator PRESSLER. How is the cost benefit measured in terms of safety by the NTSB?

Mr. HALL. I do not have that information at this time, Senator.

Senator PRESSLER. Does the NTSB agree with the cost-benefit analysis of DOT's modal agencies? What are your views?

Mr. HALL. Well, as I mentioned earlier, I do not think at this point in time I have sufficient information to answer that question. That is certainly an area that I am going to look forward to looking at if I have the opportunity to serve on the Board if confirmed.

Senator PRESSLER. As a member of this Committee, I am trying to get an understanding of your view of what you believe, and of what you think because you are going to be one of the key people that we will be counting on in the United States in the area of transportation safety. Obviously in preparing for this hearing and this job, you have thought these issues through. Obviously, the Commission places high emphasis in weighing costs versus benefits when it comes to issuing safety regulations. Do you agree with this type of analysis?

Mr. HALL. Senator, my understanding, again, of my role at the National Transportation Safety Board is that we would be making specific recommendations in the safety area. And as far as I am concerned, I am going to be charged with the safety of the public, and will do my very best to ensure that any recommendations that the Board can make that would make any of the modes of transportation safer are recommendations that are given consideration and advanced.

Senator PRESSLER. Well, give me your view—how do you view the Board? I mean, what do you see as your principal role in a very broad sense?

Mr. HALL. In a very broad sense, I would look to, obviously, the fact that the Board was created 25 years ago by Congress for the purpose of advancing—being an independent agency to advance—independent board to advance safety in the various modes of transportation. And I would strive very much, Senator, to maintain that independence, to look at the matters in each one of these modes as they are brought to my attention, to rely, as I mentioned earlier, on the technical expertise of the members of the NTSB staff, and then working with the other board members to make specific recommendations to advance safety across the transportation modes that is our responsibility.

And it is not a position in which—it is very similar, I think, to the position that I had, to some degree, in the Governor's Office in Tennessee, in which we would attempt to investigate, evaluate, make decisions, and see that those decisions are implemented.

UNITED STATES POLICY IN SOMALIA

Mr. PRESSLER. Mr. President, this is not the first time I have stood on the Senate floor and called for the withdrawal of all United States troops from Somalia. I do not expect it will be the last. I have had concerns about the use of United States troops in Somalia since they were first deployed in December of last year. At that time, the mission was at least laudable and clearly defined. It was a humanitarian endeavor. I believe it was referred to then as Operation Restore Hope. However, since May 4, 1993, when the United Nations assumed control of the operation, the mission has been difficult

to understand and has not been defined. The new mission, UNISOM, was placed under U.N. command with a United States general, general Montgomery, taking orders from a Turkish general, general Bir. This is unprecedented in history, an American army, with the dubious mission of nationbuilding—whatever that is—under the command of a Turkish general who must relay all command decisions through a command post thousands of miles away in New York City. This sounds like a bad movie.

Is it any wonder there were command and control problems in the heat of the fire fight in Mogadishu—a clash that left at least 13 Americans dead and 80 wounded. These troops were pinned down for 7 hours while U.N. forces sat less than a mile away. This so-called rescue team had to wait for permission from U.N. Headquarters in New York to go to the assistance of the Americans.

Frankly, our problems in Somalia began the day our troops hit the beach. Our troops have overstayed their welcome. Our troops are being used by the warlord Aideed to facilitate instability in Mogadishu. Whether they are captives to be displayed to the media, or corpses to be dragged through the streets of Mogadishu, our military personnel have become the targets in a brutal civil war. These problems are compounded by the lack of definitive civilian leadership in the Pentagon. Since ordering the continuation of the United States presence in an increasingly ill-defined mission, the Office of the Secretary of Defense has not been supportive of military requests for needed equipment in Somalia. It has been clear to all of us in Congress that our troops were the intended targets of Aideed's rogue units. At the very least, the safety of U.S. troops should have been of greater concern to the Secretary of Defense than possible political perception. Given these factors, how could it be that an equipment request from a field commander could make it all the way up the chain of command—through central command—through the Joint Chiefs of Staff—through the Chairman of the Joint Chiefs of Staff, only to be denied at the Secretary of Defense level? Did we not learn our lessons in Vietnam? This request was for armor, tanks, and personnel carriers, to ensure the safe transport of U.S. troops. Yet, according to newspaper reports, Morton Halperin, the man who advised the Secretary of Defense on the field commander's request was admittedly concerned about political perception, rather than the immediate safety of our forces. Let me remind my colleagues that Mr. Halperin has been nominated but is not yet confirmed for the position of Assistant Secretary of Defense for democratization and peacekeeping, a newly created position. I cannot understand why the Secretary of Defense would

find the judgment of an unconfirmed civilian official to be more valid than that of the Joint Chiefs of Staff. Clearly, resource allocations in the field should be given profound consideration when they have been approved entirely by the military chain of command. In short, Mr. President, an ill-advised mission has been exacerbated by ill-advised decisionmaking at the Pentagon.

Now, in response to growing public outrage over our continued presence in Somalia, decisions must be made. It is reported the President plans to deploy as many as 2,000 troops in addition to the approximately 5,000 already on the ground. The President has set March 31, 1994, as the date for complete withdrawal of U.S. troops. March 31 is simply too far in the future. Furthermore, what is our mission? Why are we sending more troops? I would support the deployment of additional United States forces only if their mission is to retrieve any United States prisoners of war, account for those soldiers who are missing in action, and ensure the safe withdrawal of all United States troops from Somalia. The mission must be simple—to secure the safe and immediate withdrawal of all U.S. military personnel from the region.

The President has set March 31 as the date for withdrawal of U.S. troops. March 31 is simply too far in the future. The day that all military personnel are accounted for is the day the United States should withdraw from Somalia. This Nation has entered the third act of the Somalian drama, it must be the final act.

Mr. President, in conclusion and in summary, let me state that I stood on the floor of the Senate when we initially sent troops into Somalia and objected because, as a Vietnam veteran, I felt strongly that we were entering into a situation where tribal conflicts have been ongoing.

I traveled in eight countries in the central African region last spring. There have been tribal conflicts going on there since the 14th century and they will continue long after I am dead.

The point of the matter is that we cannot solve their problems. Instead, we are exacerbating them. I think the original humanitarian mission was good. When it switched to UNISOM and nation building, we were quickly drawn into a quagmire.

Americans have a strong inclination to get involved in other nation's affairs. There are many other countries in this world who need our help, unfortunately we have limited resources and many problems at home that need to be dealt with. In fact, we have problems within a few blocks of the Nation's Capitol where you could build a case to have troops stationed, and where you could build a case to have an "Operation Restore Hope." The same holds true in many of our other cities,

small towns, and rural areas in the United States. We need to focus on our problems at home, beginning with the huge deficit. Sometimes by making ourselves strong at home, by taking care of the problems on our back doorstep, we serve mankind better.

So, Mr. President, I hope we will have the troops out of Somalia—lock, stock, and barrel in the near future. This was an ill-advised adventure. It has become an ill-defined mission with no clear-cut goals. The longer we stay, the worse the situation will become. The longer we stay, the more prisoners there will be and the more enmeshed we will become.

I can already predict an increased number of requests for aid from the United States. We are often blamed for every problem in the world. It is not our responsibility to continue paying as much money as we are to many of these countries without them doing something for themselves.

I hope that this is the last chapter in Somalia, and I hope the President has gotten the message. I hope the State Department and the Defense Department will become more organized and establish an efficient chain of command so that our fine fighting men in the field are not sacrificed needlessly.

Mr. President, I yield the floor, and 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. BIDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

NOMINATION OF WALTER DELLINGER, OF NORTH CAROLINA, TO BE AN ASSISTANT ATTORNEY GENERAL

The Senate continued with the consideration of the nomination.

Mr. BIDEN. Mr. President, so far with regard to Walter Dellinger, I have heard the following reasons offered as to why we should either not vote on his nomination or, if we get around to voting on it, why we should vote against his nomination. They are not fascinating, but they are intriguing.

One is, the Justice Department should not have done what the ranking member of the Judiciary Committee acknowledged that it legally could do, but should not have done what they did, and that is make him Acting Director of the Office of Legal Counsel. That is the one argument. I have heard it in various shades. Some, like the Senator from North Carolina, have indicated they had no legal authority to do that and others, like Senator HATCH, said although they had legal authority, they should not have done it anyway. That is the one argument.

Notwithstanding the fact that he was nominated a long time ago, notwithstanding the fact it was clear whenever the Senator from North Carolina indicates he wants to talk extensively on a nominee that he means that this is going to take a while, notwithstanding those facts, it was argued that either, A—they had the authority but they hurt our feelings by going ahead and doing it or, B—they did not have the authority to do it but they went ahead and did it anyway. That is No. 1.

The second argument I have heard so far, and I hope I am not overly simplifying these but I think I am accurately portraying the essence of the arguments thus far put forward against Professor Dellinger, the second one is home-State prerogative. The Senators from the home State, notwithstanding the fact that they were—in particular the one who had taken the lead in dealing with the Judiciary Committee—they were consulted, every single question raised was investigated, every single resource made available through the majority as well as minority—that is Republican and Democratic—investigators on the committee, notwithstanding that, the home State Senators do not like the nominee, for various reasons: Ideology, temper—I do not know, but they do not like the nominee.

Nobody else in the entire U.S. Senate has come to the Senator from Delaware and said—I'm sure there are some—but none that I can remember have come to me and said, "We don't like this guy, and we don't want him to run this office."

So the two Senators say, "Look, he's from my State and, therefore, that should be good enough." Well, it is good enough to do one thing. It is good enough to slow this person up, for me to slow this person up as chairman of the Judiciary Committee, and take an extra hard look at the reasons offered by the Senators from the home State as to why they do not want him. I did that. The committee did that.

We did it with due diligence. We followed up on every single, solitary issue raised relative to the nominee. Those issues raised relative to his character were totally and completely without foundation and specious. That is not just the conclusion of the Senator from Delaware as chairman of the committee. That is the investigative staff conclusion. The investigative staff is made up of Republicans and Democrats, professional lawyers and investigators.

So the one thing that opposition of a home State Senator does entitle the home State Senator to, and will continue to, is to give an extra hard look by the committee because we take seriously the opposition of a home State Senator.

But what it does not do is entitle the home State Senators to be able to veto an administrative appointment that re-

quires advice and consent. The Constitution does not contemplate that. It would be disaster if we had that as a measure.

I believe the public probably wonders whether or not the arcane rules of this body make sense anyway, let alone to make 100 of us individual Presidents who could decide merely based on the fact that a nominee hailed from our State whether or not they have a right to serve with the President in the Cabinet or in a sub-Cabinet position in the U.S. Government.

I hope we are not doing that. The senior Senator from North Carolina said last night that is not what he intends. I am happy to hear that.

So even the home State prerogative, the only one being asserted, and that is that a home State Senator should be given particular consideration, that was given, and that will continue to be given. So it seems to me to be a nonissue at this point, other than a home State Senator being able to come to the floor and under the rules of the Senate—not the traditions of the Senate, the rules of the Senate—exercise his or her right, which I respect, to filibuster a nominee, or to attempt to defeat a nominee. That is perfectly within their right. That is how it should go. That is what we should do. And that is what is happening now.

So let me review now. The first reason offered as to why we should not have Mr. Dellinger in the position of Assistant Attorney General is because his appointment, temporary appointment was premature—it offended the sensibilities of the Senate and, some assert, violated the authority the Attorney General has.

The second reason is home State prerogative. I hope that is no longer an issue because I hope I have demonstrated, and the senior Republican Senator has demonstrated, the committee exercised and gave wide deference to that home State prerogative.

There is not a single time either home State Senator approached the Senator from Delaware with anything remotely approaching a concern about this nominee that the Senator from Delaware as chairman of the committee did not follow up on.

The third reason offered, or I think will be offered more today—I anticipate it being offered—is, well, the Democrats did it to Bush. I expect we are going to see the charts we saw last night, that there were x number of judicial nominees left hanging out there at the end of the last term. Therefore, somehow—I do not know quite how it fits, but somehow this means that this nominee should be left hanging and not be voted on.

When and if the Senator from North Carolina articulates that argument more fully, I will respond in detail to his argument. But I fail to see the causal relationship between the two

even if the Senator from North Carolina's assertions last night were accurate, which I will take the time, if he raises them again, to demonstrate they are not.

The fourth argument raised as reason for opposition, the Senator from Delaware wrote a letter in 1989 to the President via the Attorney General, then Attorney General Thornburgh, that said all nominees from home States must be, you must go consult with the home State Senator before you send that nominee up. And if you do not, I as Chair will not consider the nominee.

It is reasonable for the Senator from North Carolina and others to assume that "all" meant literally all, any nominee. The truth of the matter is—and there is no way the Senator until last night would have known that—my discussions with the Bush administration, not beginning but culminating with my letter to them, were about judicial appointments for district courts. And I offered last night—and it is in the CONGRESSIONAL RECORD today—evidence of that, because the response to my letter where I used the phrase "all nominees" coming from the Justice Department said, and I am paraphrasing, in response to your letter about judicial nominees, Senator, we understand the following.

The administration knew back then in 1989 I was talking about judicial nominees. I knew I was talking about judicial nominees. My colleagues in the committee knew I was talking about judicial nominees. And now I hope the entire Senate knows we were talking about judicial nominees. So that fourth reason offered to slow up the Dellinger nomination I assume is no longer relevant now that the facts are known.

Now, there is a fifth reason that has been brought forward to oppose Walter Dellinger, and that reason is that he is too liberal—a legitimate reason to raise. That is the only thing I have heard. I have heard he is too liberal; that he had written opinions as a professor, written articles, advised Senators that the constitutional amendments relative to prayer were not appropriate, that he is prochoice, opposed to a balanced budget on a constitutional basis, whatever.

Well, I would argue that would be relevant, relevant and should impact on a Senator's vote relative to this nominee, if he were in a policymaking job. If he were going to be nominated for the Supreme Court—and he would make a fine Supreme Court Justice in my view—if he were going to be nominated for the Supreme Court, then I would think every Senator has every right to get up here and say, look, I do not want a Supreme Court Justice out there who is going to be able to overrule Supreme Court rulings or is going to rule on a Supreme Court case before the Supreme Court that says balanced budget amendments are unconstitu-

tional or that prayer in school is unconstitutional or whatever else you disagree on. I respect that.

But I also would respectfully point out to my colleagues the Office of Legal Counsel is a job—and I read this into the RECORD last night—defined as being essentially the Attorney General's lawyer. His or her job, that is, the one for which Walter Dellinger has been nominated, is required to give a hard-baked legal opinion to the policymakers in the administration, whether it is the President or the Attorney General or other policymakers in the administration, as to what they are proposing. Is it (a) legal, and is it (b) constitutional.

The only relevant information that that lawyer's lawyer should and will give is what the State of the law is. He must write or she must write to the Attorney General or to the President: Mr. President, or Madam Attorney General, you wish to do the following. I regret to inform you that the Supreme Court has ruled on 77 occasions that you cannot do that. Although there is an argument against the Supreme Court position, I must inform you it is the law of the land.

Now, no one, no one, no one, has disputed that there is anyone more qualified—let me be precise—no one has disputed that Walter Dellinger is fully, totally, and completely qualified by competence, intellect, background, training, scholarship, and character to interpret what the law of the land is today.

This is a man who by everyone's account—liberal, conservative, good, bad, or indifferent—is a genuine legal scholar, fully competent to interpret what the law of the land is with alacrity and accuracy.

That is what this job is about. Again, let us review the five arguments.

First, premature appointment. We had our feelings hurt.

By the way, Walter Dellinger did not do that. Walter Dellinger did not say, by the way, premature appointment, even though he legally could do it without our colleagues' knowledge. You should not have done it. You hurt our feelings. A lot of Presidents and a lot of Attorneys General have done more than hurt our feelings. They have broken the law or interpreted the Constitution in the way that is fundamentally different than the vast majority of the constitutional scholars think it should be interpreted.

This does not fall in that category. The worst you could say is hurt feelings, lack of sensitivity. Is lack of sensitivity enough reason to deny one of the most brilliant scholars in America the opportunity to serve his Government in an advisory capacity as the lawyers' lawyer? I would respectfully suggest not.

Second reason: Home State prerogative.

I hope we are finished with that. I hope no one any longer is arguing that either, A, I did not accede to the prerogatives that are traditionally granted to home State Senators or, B, I hope we are not going to make the argument home State Senators have a constitutional right to veto any administrative appointment that requires advice and consent merely because that nominee hailed from their home State. I hope that is finished. If it is not finished, it is at least specious.

Third argument: Democrats did it to Bush.

We will deal with that when it is articulated more thoroughly, which I anticipate it will be.

Fourth argument: The chairman said so.

The chairman said all nominees. I hope we have settled that by using the correspondence from the Bush administration to the chairman relative to the point in question demonstrating beyond a reasonable doubt we were only talking about judicial district court appointments.

Lastly: He is too liberal. Interesting, good reason for debate, ostensibly a rationale to vote "no" but not relevant to the job in question.

So I am ready to call the question, unless someone would like to speak in opposition to the nominee.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. COVERDELL. Mr. President, it occurs to me that—

Mr. HELMS. Mr. President, will the Senator yield just one moment?

Mr. COVERDELL. I certainly yield to the distinguished Senator from North Carolina.

Mr. HELMS. Mr. President, let me inquire of the Senator from Delaware through the Chair whether we are going to play games, parliamentary games. I know how to play them too. If the Senator is going to call the question every time I step out, I will stay here.

Mr. BIDEN. Mr. President, responding to my friend, one game I do not want to play with the Senator from North Carolina is the parliamentary game.

Mr. HELMS. Very well. I thank the Senator.

Mr. BIDEN. Mr. President, let me clarify what I mean.

I did not, nor did I last night, nor would I ever merely because the Senator walks off the floor call the question. My point was, my question was in the form of a question. I said if there is no one, if there is no further debate on this question, I am prepared to. I did not say I was going to. I was inquiring if there is anyone wishing to come to the floor to debate. It is like that old joke. They say, you know, my job is to speak and yours is to listen. If you all

finish your job before I finish mine, raise your hand so we can all go home.

My job is to move the nomination. Your job is to be opposed, and have the reasons to say so. If you no longer wish to speak in opposition, I am ready to vote. That is my only point.

Mr. HELMS. Who has the floor, Mr. President?

The PRESIDING OFFICER. The Senator from Georgia has the floor.

Mr. HELMS. He yielded to me. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. HELMS. Mr. President, with all deference and all due respect, I do not need a lecture on parliamentary procedure or double talk. I have heard both since I have been in the Senate.

Now I want to review the question. Is the Senator from Delaware going to call the question or let anybody else call it every time I step in the cloakroom to take a telephone call?

Mr. BIDEN addressed the Chair.

Mr. PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. BIDEN. The answer is no, unless the Senator from North Carolina or someone else tells me there is no reason to debate any further. I will not call the question as long as anyone has a desire to say anything. That means if the Senator has to leave the floor, he says, Senator, we have 2 more, 5 more, 17 more people, or me, I wish to speak, but I have to leave the floor, no problem.

Mr. HELMS. Very well. No problem.

I thank the distinguished Senator from Georgia for yielding.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. COVERDELL. Mr. President, it is extremely clear to me that we are engaged on a matter of this nomination because we have a disagreement among leadership, because there is strategic posturing underway at the moment with regard to a far more critical matter that he is before this U.S. Senate, this Government, and the American people.

I am taken aback that we are discussing the nomination of Walter Dellinger to be Assistant Attorney General for the Office of Legal Counsel while there are American soldiers under fire, dying, confronted with a combat situation for which they are not adequately prepared, and we are not discussing the matter. We are discussing the nomination of Walter Dellinger.

I respectfully would point out, Mr. President, that I do not believe the American people agree with this process. And I have often said that as a product of the 1992 election I can certify that the American people asked us to do things differently in Washington. When they see us here discussing this procedural matter rather than the life and death of American soldiers in an

ill-defined combat situation, I think they will be gravely discouraged.

Mr. President, this morning in the Washington Post on a report of the situation in Somalia, the following language occurs that is exceedingly alarming to me, and I think ought to be to every Member of the United States Senate and particularly those who chair the committees of jurisdiction—the Armed Services Committee and the Foreign Relations Committee. I want to read for the RECORD this statement that appears in today's Washington Post. It says:

The president suggested in an interview with Copley News Service published yesterday that the United Nations had changed its mission unwisely, failed to provide military operation to back up peace keepers and staffed the units with troops untrained for their jobs who refused to venture outside their areas and refused to take orders.

That is a very serious comment on the part of the President of the United States. But it becomes more alarming. Let me read on.

The president also referred to U.N. actions as if he—

I repeat as if he, that is the President of the United States.

and his U.N. ambassador had had no role in formulating or approving them.

The actions of the United Nations.

I repeat. The President also referred to U.N. actions, which I have just noted, as if he—the President of the United States—and his U.N. Ambassador had had no role in formulating or approving those actions.

Mr. President, that is incredulous. That is a stunning statement. And it ought to command the attention of every member of this Government. We have United States personnel in far-away Somalia, under the command of the United Nations, on a subject for which we have been engaged for months, for which there have been hostilities for months, and we are being told that the United Nations changed the mission from one of humanitarianism to one of hostilities, placed United States personnel in harm's way, and the President of the United States and the Ambassador—our Ambassador to the United Nations—did not know about it.

I do not believe I have ever read a more alarming statement. This is exceedingly troubling, and I believe it calls for an inquiry and presentation before the pertinent committees—and I so suggest—of the U.S. Senate and House. These statements should be clarified quickly, and these are the subject matter which we ought to be addressing, because we are talking about life and death and captivity of American military.

Mr. President, for the last several months, we have been arguing about what is the mission in Somalia, and we have been asking for clarification of the mission. Now we find that the

United Nations is arbitrarily changing the mission and not notifying the President of the United States.

Mr. President, I suggest that, through no actions of our own Government, the mission has now been eminently defined. There is one mission, and that mission is to recover and account for any American in captivity or missing as a result of this type of inaction and unpreparedness.

We have one mission: To leave no American unguarded, unprotected, or behind—we now know the mission—not by planning, but by circumstance. We must recover and account for these Americans missing. Then I suggest, Mr. President, that the mission ought to revert to one of humanitarian support, and that the United States does not have a national interest in enforcing a civil government in Somalia, for which the Somalis cannot agree.

It was interesting to me to note that in this intense battle, there were no Somalis fighting on our side, just the other side.

We have one mission, Mr. President: To account for every missing American.

Mr. President, to continue with the subject of the disarray which surrounds this matter, I read from the Washington Post again:

The United States general previously had made clear his awareness that his "thin-skinned" vehicles were vulnerable, and had asked last month for M-1A1 tanks and Bradley fighting vehicles, according to U.S. military sources. He had requested armaments to deal with the vulnerabilities of the remaining U.S. personnel.

Remember now, we had sent 28,000 for a humanitarian mission. We are down to 4,500, and the United Nations changes the mission to one of hostilities but does not advise the President. So the U.S. general has the foresight to recognize that he has taken on a new mission, and it is a more dangerous one, and he is much less capable of doing it. So he requests equipment to shore his position. What happened to the request?

But that request, endorsed by the U.S. Central Command, was turned down by Defense Secretary Les Aspin.

It was turned down.

An official representing Aspin's views said he refused the request because he got conflicting advice, saw no great sense of urgency, and was sensitive to the likelihood of a backlash in Congress.

Mr. President, there are no American soldiers, in my judgment, who have ever fallen that did not do so for a great purpose. I am speaking to the families of the 12 dead, now 13, not counting the ones previous to that—I think it is now 25—and the growing number of wounded. But to find out that they were left without the appropriate resources in the changed mission, which no one seems to know about, because of fear of a backlash here, does not quite ring right. It just does not ring right.

Mr. President, I will move on to an extended point with regard to this issue. I think we are seeing, firsthand, the reason that there are many in this Government who do not believe that the United States military should be placed under the command of foreign commanders, and specifically the U.N. command.

It seems to me that we have been progressively moving over these last few months to what I would call incremental multilateralism. There are more and more occasions where we see a willingness to put U.S. personnel under a foreign commander. Why not, people would say? We are seeing a greater role for the United Nations, a peacekeeping role, and the United States should be part of it.

I suggest that the United States falls in a unique category. It is the only military superpower in the world. It is highly visible. A U.S. captive says something that a captive of a non-military power does not say. We are unique. We have a red target painted around us, and we cannot function in the role that our colleagues from Norway can. We are in a different circumstance, and it is more dangerous, as we witnessed the other night.

In any event, the increasing willingness to put U.S. personnel under the command of foreign commands or the U.N. command ought not to happen by osmosis. It ought not to just occur. If it is going to happen, it ought to occur because there has been a conscious decision and discussion in the legislative branch. It ought to be ratified by the Congress before it occurs.

Mr. President, in the same article, we talk about the fact that when this column was ambushed, for a varying number of reasons, it took 6½ to 7 hours for the relief to arrive.

Most of us have had an opportunity to serve in the military. We just witnessed the Persian Gulf war and saw that war has become a matter of seconds and minutes. The difference between life and death is very narrow. This would have been a slow relief column in World War I, 6½ hours pinned down, stuck, before the bureaucracy of a multilateral force could effectively respond. They could not even speak the same language. Of course, no one would expect that.

But in the name of this experiment of an international military, there are 13 people who will not participate in the debate anymore. I doubt that the families of these soldiers are very sympathetic to this concept.

Mr. President, in the very near term, the United States is going to have to confront this question as to whether or not it is integrated into an international military, which I contend it cannot do. It could even demean the international effort, because we tend to exacerbate circumstances by our presence in the world. I believe we would be

better served as an international partner to the process, a partner not integrated as we have seen in Somalia. The U.S. military should be a partner to these events. They should not serve under U.N. command, and we have seen the most glaring evidence put before us as to why.

Mr. President, I hope this body will quickly return to the matter at hand. We have our men and women in a hostile situation that deserves our immediate and undivided attention.

Mr. President, I yield the floor.

NOMINATION OF WALTER DELLINGER, OF NORTH CAROLINA, TO BE AN ASSISTANT ATTORNEY GENERAL

The Senate continued with the consideration of the nomination.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I rise today to speak on the nomination of Walter Dellinger to serve as Assistant Attorney General for the Office of Legal Counsel at the Department of Justice.

On August 11, 1993, Mr. Dellinger was appointed Acting Assistant Attorney General without notification to the Senate. Mr. Dellinger was considered to be a controversial nominee as he was opposed by both home State Senators. They had returned negative blue slips to the Judiciary Committee and this action leaves no doubt that there would be considerable debate on his nomination.

Rather than await Senate action to carry out its advice-and-consent role on this nominee as prescribed by the Constitution, the administration saw fit to appoint Mr. Dellinger as Acting Assistant Attorney General. In the past, there have been officials appointed to an acting position to fill a vacancy but Mr. Dellinger's appointment does not reflect precedent—I repeat precedent—on this matter.

The appointment of Mr. Dellinger to serve in an acting position is, in this instance, contrary to the clearly established role of the Senate in the confirmation of senior executive branch officials.

This appointment is in disregard to the Senate's responsibility and is a breach of Senate prerogative which is constitutionally mandated.

Mr. Dellinger is a capable individual but I will oppose his nomination as a clear signal to the administration that this Senator believes firmly in the Senate's responsibility under the Constitution in the confirmation process.

LATEST DEVELOPMENTS IN SOMALIA AND THE NOMINATION OF MORTON HALPERIN

Mr. THURMOND. Mr. President, I have just returned from a White House

meeting with other congressional leaders and the President to discuss our policy in Somalia. I commend President Clinton for consulting more closely with Congress. Whenever possible, we want to support the Commander in Chief, especially when Americans are fighting and dying overseas. Congress shares responsibility for how American military force is used, and the two branches must work together.

The President has decided on a temporary reinforcement by heavy armored forces to guarantee the protection of the light infantry forces now in Somalia. In addition to the armor already announced, the President is prepared to send as many as 2,000 more troops. I said in the Senate on Tuesday that such a temporary buildup might well be necessary for the security of our troops.

However, more than additional troops and equipment, we need to change the way our forces are operating in Somalia. As I also said on the Senate floor, this mission must be redefined in military terms so that our troops can operate the way they are trained.

The President indicated he hopes to have all Americans out of Somalia by March 31. I am not in favor of announcing a certain date for our departure, but I do feel that 6 more months in the Somali quagmire is too long. In my opinion we have discharged any obligation we have to Somalia. The President wants to remain until Somalia has a viable democratic government that can guarantee future stability. But this was not part of the original mission, and Congress was not consulted when the mission escalated and put our service men and women in danger.

The goal of nation building in Somalia is unrealistic in any case, and could keep us bogged down indefinitely, with more killed and wounded. This is not acceptable to the Congress or the American people.

On the other hand, it is not in the national interest to slink out of Somalia with our tail between our legs, chased out by warlords and thugs. We must use our temporary military buildup for leverage to get back our prisoners and our dead, and provide security for an orderly withdrawal in the near future—but a withdrawal on our terms.

American soldiers, sailors, marines, and airmen are the best in the world. They are not only well trained, they are also well motivated, brave, disciplined, and obedient. They will go and fight when and where they are told. In short, they are simply magnificent, and the Government has an obligation to them not to take their willing obedience for granted. We have a solemn moral duty not to throw their lives away lightly, for vague purposes not in the national interest.

Yet last night another brave American soldier lost his life in a mortar attack, and a dozen more were wounded.

The situation in Somalia is deplorable. But, Mr. President, who has the President nominated to become the Assistant Secretary of Defense to deal with peacekeeping missions like this one? Mr. Morton Halperin.

Despite some reservations, I have not opposed a single Department of Defense nominee of this administration. I believe the President should have the team he wants unless the nominee is dangerous to national defense. Mr. President, Morton Halperin is dangerous to national defense. He is a man of extremely poor judgment—the kind of poor judgment that can get Americans killed. Let me just read from one of his works and I think you will agree with me.

First, in a book entitled "Defense Strategies for the Seventies," he wrote:

The Soviet Union apparently never even contemplated the overt use of military force against Western Europe. * * * The Soviet posture toward Western Europe has been, and continues to be, a defensive and deterrent one.

This was written in 1971. A vast majority of clear-thinking Americans knew even then that this view was fundamentally flawed and incorrect. Let me read what we know now. This is from the March 16, 1993, Washington Post:

East Germany and Soviet planning for a military offensive against West Germany was so detailed and advanced that the Communists had already made street signs for western cities, printed cash for their occupation government and built equipment to run eastern trains on western tracks * * * the Soviet Bloc not only considered an assault but had achieved a far higher level of readiness than western intelligence had assumed.

Mr. President, I am at a loss as to how anyone could have so seriously misjudged Soviet intent. A mistake of this magnitude by an Assistant Secretary of Defense would threaten untold numbers of lives of young men and women in uniform. At a time when our soldiers are dying in the streets of Somalia, we can ill afford to have a man of Mr. Halperin's discredited judgment making decisions concerning the intentions of our enemies.

In fact, let me read to you from a Washington Times article published this morning that describes one of Mr. Halperin's misjudgments:

* * * Some lawmakers called for the resignation of Defense Secretary Les Aspin for rebuffing demands from field commanders last month for armor to help protect U.S. troops in Somalia.

A separate article in the same issue says that—

* * * military leaders, including General Powell, pressed for the armor. An Army official said Pentagon civilians—including Deputy Undersecretary of Defense Frank Wisner, designated Assistant Defense Secretary Morton Halperin, and other Aspin aides—opposed the military's request because they feared it "would appear too offensive-oriented."

Mr. President, I thought we learned something from Desert Storm and

Desert Shield. I thought we all knew that when it comes to protecting the lives of our soldiers, superior force is the best policy. Yet Mr. Halperin does not want to appear too offensive-oriented. I ask you, Mr. President, how do you appear too offensive-oriented when you are protecting American lives from a vicious and well-armed enemy?

Mr. Halperin's ideas and advice are already at work in the Pentagon, although he has not been confirmed. I see his handiwork in the Somalia disaster. We can not and should not confirm this man. Morton Halperin's discredited ideas and extremely poor judgment may already be costing American lives. His nomination should be withdrawn.

I yield the floor.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas, [Mr. GRAMM], is recognized.

SOMALIA

Mr. GRAMM. Mr. President, I rise to speak about Somalia.

Mr. President, I believe, and I have always believed, that partisanship should end at the water's edge. As a result, I have tried to support our President in foreign affairs in each and every circumstance that I could.

I intend to support the President's decision to send reinforcements to Somalia, but only to protect the Americans that are there. I am very concerned about the President's policy. I do not believe that the President has a coherent policy.

We went to Somalia on December 9 in a great humanitarian effort to do one and only one thing, and that was to feed a hungry people. By any definition of the mission, that mission was finished by June of this year.

But, rather than saying that we had achieved what we went to Somalia to do, instead of taking the bow that was due Americans for their sacrifice and their commitment on behalf of a needy people halfway around the world, we started to change our mission. We, today, find ourselves in a combat role where Americans are being targeted, where Americans are being fired upon, and where Americans are dying.

Mr. President, I do not believe that the American people ever signed on to this new mission. I do not believe that Congress ever supported a mission in Somalia other than feeding hungry people. I believe that mission is complete.

I am going to support the President in sending additional combat troops in order to, No. 1, protect the Americans that are there; and, No. 2, to do whatever we have to do to obtain the freedom of any American that is held hostage. I think it is imperative that we take actions to bring Americans home.

The President's decision to extend our presence for 6 more months is to-

tally unacceptable to me and totally unacceptable, I believe, to the Congress.

If the people of Texas—who are calling my phones every moment, who are sending me letters and telegrams by the hour—are representative of the will of the American people, the American people do not believe that we should allow Americans to be targets in Somalia for 6 more months. I cannot see anything that we would achieve in 6 more months in Somalia being worth the precious lives of more Americans.

I want to help the President. I am concerned that the President has no coherent policy. If he has it, he has certainly kept it to himself.

We had a briefing, as the Presiding Officer knows, the day before yesterday by the Secretary of Defense and the Secretary of State. From listening to them, I could determine no coherent policy, no clearly defined objective, that we had set out to achieve.

It is imperative that we do everything we can to protect Americans lives in Somalia. I am going to support the President in putting the troops on the ground to protect the Americans that are there, to use the force we need to free Americans that are held hostage, and then we need to bring all Americans in Somalia home.

March 31, 6 more months of Americans being targeted for no clearly defined reason, does not make sense. I do not support it, and I do not believe that the Senate of the United States will sustain that policy.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington, [Mr. GORTON] is recognized.

RURAL JOBS

Mr. GORTON. Mr. President, last week I had the great pleasure of holding a town meeting in Ferry County, WA, a large but sparsely populated county in the northeastern part of that State. Spread out over 2,200 square miles, Ferry County is home to some 6,700 hard-working and industrious people, salt of the Earth people who appreciate the land, raise their families on it, and enjoy their way of life.

The town meeting was held on the banks of the Kettle River in Curlew, a place off the beaten path but well worth the trip. Many people in Ferry County made an extra effort to attend this meeting, and the turnout was tremendous. I hold town meetings whenever I am home, in urban, suburban, and rural areas across the State. More people attended this meeting than any other I have held in the past 2 years.

I am convinced the turnout was so high because the people of Ferry County wanted to tell me the decisions being made in Washington, DC, threaten their way of life and are cutting into their ability to raise their families and build their communities.

For more than 100 years the people of Ferry County have relied on three natural resource based industries for their livelihood: timber, agriculture, and mining. And for over 100 years the people of Ferry County have protected their natural resources to ensure that their children and grandchildren share the same wonderful rural way of life they have enjoyed.

But today, that way of life is under assault.

Drastic reductions in timber harvests in the Colville National Forest threaten to eliminate hundreds if not thousands of jobs in the community. Huge increases in grazing fees charged to ranchers will, if implemented, almost certainly put many cattlemen out of business. The so-called reforms to our mining laws now being considered at the State and Federal levels may well mean the closure of the two gold mines in the county and the loss of still more jobs.

And all of this is being done under the guise of environmental protection and Government reform. It does not matter that the people of Ferry County have maintained their county in almost pristine condition for more than 100 years. It does not matter that they provide valuable and greatly needed products from natural resources—renewable resources in the case of grazing and forested land. Apparently, what matters is that some people in the Clinton administration feel that they know what is best for the people of Ferry County. They want to impose their values and their ideas on the people of that county. And they are indifferent to the people most immediately affected and to the human devastation their politically correct policies will impose.

And so, imagine my surprise when I returned to Washington, DC, and read in the Washington Post on Tuesday that President Clinton, in a speech to union leaders, said that he—and I quote—"would never knowingly do anything to cost an American a job."

That is a difficult line to sell to the people of Ferry County. Those people—real people who stand to lose real jobs if President Clinton is successful in implementing his programs. The President wants to impose sweeping rangeland reform that includes raising grazing fees to unrealistic levels that will put cattlemen out of business. The President also wants to rewrite mining law in a way that may very well mean the end of mining in Ferry County.

What could he possibly have meant when he said—and I quote him again—"I would never knowingly do anything to cost an American a job."

The President and his administration nodded their heads at the timber conference in Portland, OR, this past spring and pledged to come up with a plan that would save the spotted owl and not cost the Northwest any jobs.

But by the time the ink was dry on the plan, even the President had to admit the job losses would be in the 5,000 or 6,000 range, and now that range is in the tens of thousands. Reducing timber cuts from several billion board feet a year to a few hundred million has—and will continue to—cost people their jobs. This is the result of policies knowingly adopted by the Clinton administration.

Families who manage the natural resources on which they rely for their economic well being are now being painted as "bad guys," when, in reality, they have the most to lose if those resources are mismanaged. But, instead of trusting these hard-working people to continue the stewardship of our resources, the administration is attempting to lock up the land and put it into some kind of environmental suspense account.

I would like to share with you a story about the people of Ferry County, their sense of individual and community responsibility and, not surprisingly, their skepticism about the Government. A few years ago there was an attempt in Congress to list the Kettle River in the Wild and Scenic River Program. Wary of this effort, the citizens of Ferry County banded together, as rural communities will, and fought off attempts to cede local control of the river to the Federal Government, a cause in which I am proud to say I joined.

After successfully winning that fight, the citizens of Ferry County were offered a \$250,000 Government grant to study the Kettle River watershed and develop a management plan for it. Their response to this offer perhaps seems foolish to people in Washington, DC. But for the people of Ferry County it was the only right and sensible thing to do. They said, "No thanks. Keep your \$250,000. We can raise our own money, do our own monitoring, and come together as a community to make sure the Kettle River is protected."

And that is exactly what they did. Through bake sales, dances, golf tournaments, and various other fundraising efforts, the people of Ferry County raised almost \$12,000 and they are accomplishing with this rather modest sum what the Government said would cost a quarter of a million dollars. They are doing it with local volunteers, all tied to the community, all with a stake in the health of the Kettle River. That is the way the people of Ferry County think and that is the way they work.

I cite the example of Ferry County because I believe it to be representative of small communities throughout the West and across our country. These communities are under assault from their own Government, an activist Government which purports to know how everyone should live. Under the guise of environmental protection, this

administration wields laws like the Endangered Species Act as a club, beating down timber towns, agricultural communities, and other natural resource-based rural economies. And, where it cannot accomplish its goals through existing statutes, it drafts new regulations, as in the grazing controversy, to make the utilization of natural resources on Federal land so prohibitively expensive as to make the continued use of these lands financially impossible.

Still, President Clinton says—and I quote—"I would never knowingly do anything to cost an American a job." Tell that to the cattlemen in Ferry County.

No one, not the cattlemen, not the wool growers, not even this Senator opposes raising grazing fees. But we cannot support a huge new regulatory regime because it will put good people out of business, no question about it. We cannot justly do this to people who have spent their lives working the land, who learned their way of life from their parents and grandparents, and who want to pass this way of life on to their children.

We should encourage these people, holding them up as examples for others to follow. Instead, this administration seeks to punish them.

Let me tell you about Margaret Grumbach, a 93-year-old woman from Curlew. Margaret's family and her husband's family homesteaded in the area in the late 19th century. Margaret has retired from ranching but both her son and grandson graze about 300 head of cattle on BLM land, in the Colville National Forest and on private land. The grazing fee increases proposed by the current administration would put these third- and fourth-generation ranchers out of business.

In addition, three of Margaret's nephews are loggers facing an uncertain future due to drastic cutbacks in timber supply in the Colville National Forest. This is the case despite the fact that timber is more abundant in Ferry County today than it was when Margaret was a child. And yet, the President says with a straight face that he—and I quote—"would never knowingly do anything to cost an American a job."

Let me tell you about Bill Brauner, the owner of Brauner Lumber Co., near Kettle Falls. His father was a lumberman who started his mill in 1930 at the height of the Great Depression. It was a small steam-powered mill. In 1950, after serving in World War II as a forestry engineer, Bill came back to the area, bought his father's mill and moved it across the river into Ferry County. Today his daughter, Marsha, and son, Bruce, work for the company. It took three generations of Brauners to build this lumber company. But Bill's company does not cut timber anymore. He mills logs others have cut

and diversified his business to include purchasing milled lumber for local construction projects from other mills around the Northwest. Bill will survive, but you would have a hard time convincing him that Bill Clinton, "would never knowingly do anything to cost an American a job."

Bill Brauner used to mill 10 to 12 million board feet a year and now does half that amount. He used to employ 85 people in this rural community; today he employs 35.

Let me tell you about Bonnie Miller. Her grandfather mined gold at the old Knob Hill mine. Her father mined gold in Ferry County for 30 years. Her two brothers and brother-in-law are all currently employed by Echo Bay, a gold mining company for which Bonnie is a custodian. Bonnie believes the company will survive, but she says it gets harder and harder every year with more Government regulations and the threat of onerous and draconian revisions to current mining laws. You would have a hard time convincing Bonnie that Bill Clinton "would never knowingly do anything to cost an American a job."

This is what the people of Ferry County are facing.

What do we accomplish if the Government drives these people off the land? Where do they go? Who will provide this country with the products they make? These people are a part of some of the most productive segments in our economy. They are efficient, hardworking, dedicated Americans producing much-needed commodities for the people of the United States. Yet, they are portrayed as despoilers of the land, cattle barons out to make a buck at the expense of the American taxpayer, loggers stripmining the last stand of trees, miners raping the land for a few ounces of gold.

Something in our society is terribly out of whack when we begin to describe hardworking people, like those of Ferry County, as evil despoilers of the land. But that, apparently, is the trendy thing to do today. It is always unfortunate when the latest fad in politics wins out over the truth. But it is especially troubling and damaging here and now because the truth is that the people of Ferry County, WA, and the people of St. Mary's County, ID, and the people of Sheridan County, WY, and the people in a thousand other rural counties across America have shaped our country for the better. They have fed America, housed her, clothed her. They have built this country and provided a standard of living that is the envy of the world. And they will continue to do so for generations to come, in their own way, as they know best—if only they are allowed to do so.

But this administration does not want to let them do so, despite the fact that President Clinton "would never

knowingly do anything that would cost an American a job."

Clearly, Mr. President, it can be argued that our growth and development and progress required changes in the management of our public and private lands. A wise conservation of our national environment is imperative, but all such changes come at a cost, a cost which must be balanced against the human and community costs of that management. Only by recognizing these costs can we minimize them, and only in this way can we determine that the human costs of measures proposed by an indifferent administration are sometimes too high and must not be imposed.

But when a President says he "would never knowingly do anything that would cost an American a job," he denies those costs and seeks to avoid a serious and rational debate about them. That is not leadership; it is a refusal to lead. It is unworthy of any President. I have stood with the people of Ferry County and listened to their concerns. I cannot begin to describe the admiration I have for their determination, their individualism, their sense of right and wrong.

I will issue a warning today to this administration: You underestimate the steely resolve of these Americans. Ferry County and thousands of other communities like it across the country are made up of individuals, people who value their independence and their way of life more than anything else in the world, and they will come together to protect that way of life.

In Ferry County, they have already banded together to form the Ferry County Action League. The league describes itself as a group of landowners, ranchers, loggers, farmers, miners, school teachers, business people, recreationists, and retirees with the sole purpose of protecting their economic and cultural base in a positive way by whatever means available, including litigation.

I am sure there are hundreds more of these groups across rural America. Soon there will be thousands. You will not trample on the rights of such people. They will not allow it.

More than a century and a half ago, the French historian Alexis de Tocqueville crossed the Atlantic to find out about America, to learn what our grand experiment in self-government was all about. In his resulting book, "Democracy in America," he wrote about Americans as individuals, but spoke of our genius to come together, to band together, as individuals in communities to solve local problems, particularly, of course, in rural communities where there was little or no government to turn to for help. He found this ability of Americans to work together to be the genius of this democracy.

It is particularly ironic more than 100 years later that rural communities

are banding together once again. But today they are not banding together because there is no Government to solve their problems; today they are banding together because the Government is the problem, threatening their entire way of life.

Do not underestimate these people. They are the quiet producers of our country. They make us great, but they will protect their way of life with every nerve and sinew in their body, and this Senator is proud to stand with them.

Mr. DECONCINI addressed the Chair. The PRESIDING OFFICER. The Senator from Arizona.

NOMINATION OF WALTER DELLINGER, OF NORTH CAROLINA, TO BE AN ASSISTANT ATTORNEY GENERAL

The Senate continued with the consideration of the nomination.

Mr. DECONCINI. Mr. President, I rise today in support of Walter E. Dellinger who has been nominated by President Clinton for the position of Assistant Attorney General for the Office of Legal Counsel, Department of Justice.

If confirmed, Professor Dellinger would head the Office of Legal Counsel and assist Attorney General Janet Reno in her duties as legal adviser to the President and all the executive branch agencies. As Assistant Attorney General, Professor Dellinger would also be responsible for providing objective legal advice to the executive branch on all constitutional questions, resolving interagency legal disputes, and serving as General Counsel for the Department itself. I believe, based on Professor Dellinger's distinguished legal career and numerous achievements, that he is eminently qualified for this position.

After receiving his undergraduate degree in political science with honors from the University of North Carolina at Chapel Hill, Professor Dellinger pursued his LL.B. at Yale Law School. Upon completion of his studies, he became an associate professor of law at the University of Mississippi, taught for 2 years, and then served as law clerk to Justice Black.

From these notable beginnings, Professor Dellinger has gone on to distinguish himself in all aspects of his career. Not only has he become one of our country's foremost constitutional law scholars, he has written and lectured extensively on many constitutional issues and even argued some of them in front of the Supreme Court.

In addition to his scholarly achievements, Professor Dellinger has extensive practical experience as well. He has served as cocounsel on several occasions, with the majority of his law practice devoted to appellate brief writing and oral arguments in State supreme courts, the U.S. Court of Appeals, and in the U.S. Supreme Court.

Professor Dellinger is also principally responsible for drafting North

Carolina's new criminal procedure system. And, from 1977 to 1978, he served as consultant-draftsman for the North Carolina Criminal Code Commission which produced a new code that was substantially adopted by the General Assembly of North Carolina.

Currently, Professor Dellinger is serving as a consultant at the Department of Justice, and, prior to that position, served as Associate Counsel in the Office of the President. He is also responsible for authoring several Executive orders ultimately signed by the President earlier this year.

In addition to his many achievements, I also find impressive Professor Dellinger's dedication to public service. Over the past 4 years, he has devoted around 500 hours a year to pro bono activities. He has provided advice and counsel to public organizations concerned with the provision of reproductive rights to the disadvantaged and has provided pro bono legal services for women's and civil rights organizations.

Professor Dellinger has also devoted his personal time to the community. He has served on his local PTA board, has been a youth basketball coach, and, for the past 5 years, he has been a Meals on Wheels volunteer delivering hot meals to persons unable to leave their homes.

Most importantly, I want to mention the fact that the nominee possesses a sterling professional reputation. He has been described by his peers as an intellectual leader with great integrity, and also as an extremely gracious and warm man.

He has appeared before the Judicial Committee, particularly the Subcommittee on Constitution, many times.

Mr. President, it is clear that Professor Dellinger has not only the qualifications, but also the character and integrity needed to uphold the high standards such a position, and Department, demand. I support his nomination. I truly hope he is confirmed and cloture is achieved.

SOMALIA

Mr. DECONCINI. Mr. President, I am not going to take the time right now to discuss Somalia because I know others want to talk on the Dellinger nomination, including the Senator from Massachusetts and perhaps others. I will have some comments later on the present situation in Somalia.

I think President Clinton will announce either today or tomorrow a position, the United States disengagement from Somalia under a very orderly process. I hope people carefully pay attention to what he is going to tell us, because I believe he has a plan. It is different from where we have been drifting. It is, in my judgment, a stand-up plan that discusses and admits some

errors were made in our policy in Somalia in going along with the U.N. mission. We have changed our position that was originally established by President Bush in December 1992. The President has set time limits, and he is prepared to use the necessary force to extract American troops and to also end our engagement there without dismantling the United Nations capabilities to provide the humanitarian success for which the United States can take full credit.

I yield the floor.

NOMINATION OF WALTER DELLINGER, OF NORTH CAROLINA, TO BE AN ASSISTANT ATTORNEY GENERAL

The Senate continued with the consideration of the nomination.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS. I thank the Chair for recognizing me.

Mr. President, I heard a number of times today declarations to the effect that the President ought to be allowed to have confirmed whomever he nominates. They have said over and over again, the President ought to be allowed to choose who is going to serve in his administration. As a rule, I agree with that.

But then I look at the vote on Robert H. Bork, of Pennsylvania, to be an Associate Justice of the U.S. Supreme Court, and not one Senator is making the declaration today, not a single one, thought that President Reagan ought to have the man whom Mr. Reagan had nominated to serve on the Supreme Court.

Now, let us make a few points clear. The distinguished Senator from Washington [Mr. GORTON] said last night and again today that we ought not to be discussing this nomination today; we should be discussing Somalia. I said earlier this morning that not only do I agree with SLADE GORTON, but I appreciate his saying that because it needed to be said.

The reason we are not discussing Somalia, the reason we are not considering the defense appropriations bill, is because of the lack of agreement on the other side of the aisle.

Now, the distinguished President pro tempore of the Senate, Mr. BYRD, has taken a flat-out and courageous position all along on the Somali question. And I support Senator BYRD. I have from the beginning. He knows that, and I have made it clear time and time again.

The majority leader did not want Senator BYRD to have his day in court on his amendment on the defense appropriations bill. So an impasse developed, and it was decided by the majority leader that we will waste time between now and next Wednesday on this nomination when the Senate could be

working to reach a resolution of a matter which is of paramount importance to the American people.

I doubt that any other Senator's switchboard has been any less active than has the switchboard in my office. We have had hundreds of calls about the Somalia matter. And I daresay that the distinguished occupant of the chair has had that experience in his office as well.

So the Senate is not doing what the American people want us to do. We are playing games, engaging all sorts of pious pretenses that simply have no relevancy whatsoever.

Now, Senator BIDEN is my friend. We came into the Senate the same day, and we have differed in the past, and we differ on this. He is eloquent and he is amusing and he is interesting. But I do not authorize JOE BIDEN to speak for JESSE HELMS. I speak for JESSE HELMS. But he has repeatedly told the Senate what JESSE HELMS thinks and what JESSE HELMS has said and done.

He talks about the blue slip in a fashion that makes me wonder how he got to be the chairman of the Judiciary Committee if he knows no more about the blue slip system than he apparently knows—if one judges by the debate.

My first experience with the Judiciary Committee of the U.S. Senate pre-dates any Senator extant in the Senate today.

I came here in the middle of 1951 as administrative assistant to a Senator who was a prominent member of the Judiciary Committee. As I recall, in addition to six ladies who served clerical functions, there were three others of us on the staff. One of my duties was to represent Senator SMITH as his staff member on the Judiciary Committee. So I know something about the blue slip dating back four decades.

Senator BIDEN, as I say, is my friend, but he has no argument with me in this matter. His argument is with the Senate system. As long ago as 1951, the home State Senators, as Senator BIDEN refers to us in this case, were given attention and were not given the brush-off.

The Senator from Delaware made much of the fact that Senator FAIRCLOTH was the first to return a blue slip. That is true. I think he preceded me by 1 hour. I agreed with Senator FAIRCLOTH about this nominee.

But about this business of saying, as so many Senators have, that "I may not agree with the nominee on all things, but he is the President's choice." I had a friend down in North Carolina—he is deceased now—named H.F. Seawell, Jr., a distinguished lawyer, and he used to say, the bad thing about some people in politics is that they are consumed by their own self-importance.

One cannot rewrite history, and one cannot be right all the time. Certainly,

I am not going to try to rewrite history, and I acknowledge that I am not right all the time. I just try to be right as much as possible and as often as I can.

But we need to cut out this sham of the President's having an unquestioned right to have his nominees confirmed. What we are talking about today is the nomination of a liberal political activist who has slammed in the gut, time and time again, decent, brilliant Americans with whom he disagrees, while he sits in a academic ivory tower. He has worked hand-in-hand, behind the scene, with Members of the Senate to undermine nominees. He has viscerally mutilated the lives and careers of candidates, and nominee after nominee. He has been active in misleading politics, and that is all right with those who share his liberal philosophy. So do not try to trot him forth as a paragon of virtue—LAUCH FAIRCLOTH and I know better than that. Walter Dellinger is a fiercely bitter partisan, he has not played fair and he has not told the truth. These are two strikes against him with me.

But, Mr. President, at its core the nomination of Walter Dellinger really is about more than Walter Dellinger. It is also about the Senate itself. It is also about whether the powers and rights bequeathed to this institution by our Founding Fathers will survive.

Some politicians do not like the way this Senate was set up by our Founding Fathers. You hear it all the time, well, you have to limit this business of the minority having a right to stand up for its position, even a minority of one.

Well, the Founding Fathers thought it was a pretty good idea, to assure that any Senator—one Senator, two Senators, whatever—have a right to defend a cause in which he or they believed.

Yesterday's debate on this nomination occurred so late in the day that I suspect that few Senators heard the debate. So we perhaps should revisit the facts, and hopefully lay to rest some of the specious arguments that have been made on behalf of Walter Dellinger.

As I have said two or three times—
Mr. KENNEDY. Would the Senator yield for a brief question?

Mr. HELMS. I would prefer to finish my statement if the Senator does not mind. I thank the Senator for his interest.

Senators may have varying opinions about Mr. Dellinger's philosophy. But I believe that if his posture on political and philosophical issues could be made known to the American people, the vast majority of them would say, Don't let him serve.

Indeed, we shouldn't even be debating this nomination. SLADE GORTON had it right, last evening and today. We should be discussing Somalia. We ought to be discussing how much longer we are going to subject our

troops to deadly risks, and the tragic results that have saddened the Nation.

But no; we are spending time on this nomination simply because the Senators on the other side of the aisle could not get together.

We should be discussing Somalia. We owe it to the American people to do so. But, the Senate is going out of session here today. We will begin another vacation tomorrow, but I intend to remain right here. There will be no Senate session on Monday or Tuesday either.

So it will be next Wednesday before the Senate returns. What, Mr. President, do you suppose the business is going to be next Wednesday? It will be the nomination of Walter Dellinger.

Small wonder that the American people are disillusioned with the Senate of the United States. And they have every right to be disillusioned, as I recall LAUCH FAIRCLOTH saying this morning, because it is this Senate and this House of Representatives combined that has run up a debt of \$4.35 trillion. Look at what it costs just to pay the interest on that incredible debt.

I had some young people in my office just a while ago. I often conduct a little quiz. I ask young people if they know how much the national debt is. They said this morning that they know it is big, but they did not know the figures. So I give it to them right down to the penny. It makes those young people fighting mad to realize that their futures have been mortgaged by the Congress of the United States.

I mention all of this to emphasize that the Senate ought to get to work on what we are supposed to be doing, rather than wasting time on a nomination that ought never to have been made in the first place and ought not to be confirmed in any case.

If this nominee is confirmed, two fundamental principles of the Senate will be permanently undermined. I am saying this again because I have heard, three or four times, my friend from Delaware say what he thinks I am saying. I say to him with all due respect, that I can and do speak for myself. I do not want JOE BIDEN or anyone else to speak for me. I do not want anybody to speak for me. I know what my position is. JOE BIDEN may not agree with it; other Senators may not agree with it; but I insist on speaking for myself by myself.

The advice-and-consent power of the Senate, regarding Presidential appointments provided for under article II, section 2, of the Constitution, is very, very clear. I read that portion into the RECORD last night. Also very, very clear is the intent of the Founding Fathers regarding protecting the rights of the minority in the Senate, even a minority of one, in this case a minority of two.

All of this pontificating by supporters of the nominee—"Well, they just don't like Mr. Dellinger's philosophy,

they just don't like him"—it is more than that. I do not like the nominee's carelessness with the truth. And I do not like the Judiciary Committee's passing over information that should have been considered and made public, including what the former chief counsel of the Senate Judiciary Committee said about the nominee. There has been silence in seven languages on that, we will get to that during this debate.

Mr. President, what I am saying is that we are being tested by the administration in this matter involving this nominee. And it is clear now that the nominee and the administration and the chairman of the Judiciary Committee—and I say that with great affection and respect—want to see how far they can go in thumbing their noses at the U.S. Senate. I believe that the vote that will occur 50 minutes from now will indicate that in this matter, on this occasion, the Republicans will say that the administration has gone far enough.

So there are three issues. Let me reiterate them for the purposes of emphasis.

One, the administration's trampling upon the advice-and-consent clause by installing Mr. Dellinger as Acting Assistant Attorney General when their efforts failed to get him confirmed before the August recess. First, they brought him in as a consultant.

They bumped him up a notch—and then they installed him as Acting Assistant Attorney General—contrary to the U.S. Constitution.

No statutory reference will change the plain fact that the Constitution was violated. Maybe nobody worried about that except LAUCH FAIRCLOTH and me, but I hope people have taken note of it.

Then there is the flagrant disregard and the arrogance by the nominee, so evident in the cavalier way he responded to questions, refused to answer questions, and pretended to be answering questions, which he was not.

(Mrs. FEINSTEIN assumed the chair.)

Mr. HELMS. Then the third thing is the blue slip. This, Madam President, is the first blue slip I have ever returned during my nearly 21 years in the Senate. Throughout the Carter years, there were some nominees for whom I did not have the highest regard, and I made it known. The White House and I worked it out in every case. I never sent in a blue slip. But the fact is that, throughout the Carter years, there was no problem, because the Judiciary Committee and the White House would say, OK, what can we do to work this out? We worked it out every time.

Madam President, the message from the Clinton administration has been: We are going to push Dellinger through, and that LAUCH FAIRCLOTH and JESSE HELMS can just go fly a kite. Well, there is a lot of string on our

kite. We will see how far it goes. We will probably lose in the end because there may be some defections on our side.

You can bet, Madam President, that the other side is contacting and working on five or six Republican Senators who, so often, do not support the Republican cause. But the Democrat Senators vote together, unanimously, time after time after time.

As lawyers are fond of saying, here is the bill of particulars: The blue slips returned by LAUCH FAIRCLOTH and me were totally ignored. We heard all sorts of things, but not one scintilla of contact was made with me. This nomination was approved in committee, with almost no discussion, on a voice vote. And they have been trumpeting ever since, "A unanimous vote in the Judiciary Committee for Walter Dellinger."

Well, Madam President, we have voice votes all the time in the Senate, in committees, and so forth. You have heard today, ORRIN HATCH—whom the press has been advertising as supporting Mr. Dellinger—you have heard Senator HATCH say today that he is going to vote against the nominee. He said it this morning, as did Senator THURMOND, and others. So, we may lose, but at least we are making a record. I cannot believe we are going to lose this afternoon, and I do not think we are going to lose next Wednesday. In any event we are going to do the best we can to stand up for what we believe.

The administration was impatient with the pace by which the Senate has considered this nomination. So, they quietly took the unprecedented step of installing the nominee on the job in an acting capacity. I say again that the Justice Department acted quietly—nobody knew anything about it, to my knowledge—and appointed Mr. Dellinger Acting Assistant Attorney General for the Office of Legal Counsel—after bringing him in as a consultant and bumping him up to deputy assistant, and then making him acting assistant just days after the Senate declined to take up and confirm the Dellinger nomination prior to the August recess of the Senate.

The Justice Department had tried but failed to get Mr. Dellinger confirmed before the Senate went out in August. So they completely subverted the Advice and Consent clause of Article II, section 2 of the Constitution, and they put Dellinger on the job anyhow.

When asked about it, they responded sarcastically: "We got tired of waiting on the Senate." Well, that is too, too bad. That does not justify deliberately violating the Constitution of the United States.

So what is going on? Double talk all around. I heard one Senator almost tearfully say, "I do not agree with the nominee on everything, but I am going to vote for him." Why? Because Mr. Dellinger is a liberal Democrat.

I hope the Senator from Delaware realizes—and I think he does realize—that I would feel just as strongly about all of this if the shoe were on the other foot. I have told him privately—and I tell the Senate publicly—that if it ever happens the other way around, I will be right here in support of any Senator who opposes a nominee under this sort of circumstances.

So what we have here with this nomination, and all of the folderol that has gone with it, is an example of precisely what the Founding Fathers so clearly feared. They feared the tyranny of the majority in a democratic system. They said so. That is why they created the Senate, so that the rights of the minority would be protected, and so that a check imposed on the powers of the President would be there, and that is what this nomination is all about, whether the rights and prerogatives of a minority in the Senate, as set forth by our Founding Fathers, will survive.

That is what it is all about.

Perhaps the most offensive chapter in this story is the appointment of Walter Dellinger to be Acting Assistant Attorney General.

One of Senator FAIRCLOTH's aides asked the Justice Department, "How did you come to do all this?" And the official at the Justice Department said, "We were tired of waiting for the Senate to confirm Mr. Dellinger, so we just went ahead and appointed him."

How is that for arrogance? Don't you see? The Constitution does not matter. So much for article II, section 2 of the United States Constitution.

Senator FAIRCLOTH mentioned in his remarks that he and his staff inquired of the experts at the Congressional Research Service about their reaction to this high-handed maneuver at the Justice Department. Do you know what they said? They said, "To our knowledge, there is no precedent for appointing Mr. Dellinger as acting under such circumstances."

That is a fact that you will not see in the media and you will not hear in the media. Oh, every time this has been mentioned, we hear from across the aisle, "Well, the Bush administration did it," or "the Reagan administration did it." Not so. Not so, Madam President.

I expected this to be said. So I asked my staff to make careful contact with former Justice Department officials who had served in the previous administrations. There is one in particular who was in fact appointed as acting before being confirmed, and he reassured us that what the Justice Department has done in this case is a first; there had been nothing like it previously.

The Bush Justice Department designated certain officials to acting capacities prior to confirmation, but the situation was precisely opposite of what was done in the Dellinger case. There is no similarity whatsoever. The

Bush nominees were not controversial. If they had been, they would not have been made "acting".

Then the Justice Department called around to all interested Senators, to get clearance for making the acting appointment. And even with these precautions, the Justice Department of the previous administration made the appointments full well knowing that they were stepping a little bit over the bounds, that there was a possibility that their actions would meet opposition from Senators when the nomination came to the floor.

But in no case could this or any other official whom we contacted, or the Congressional Research Service, identify even one instance of elevating an individual such as Mr. Dellinger to "acting" status. Because Mr. Dellinger is controversial and that is why the administration slipped him in and up.

Efforts by the Justice Department to obtain confirmation prior to the appointment failed. So, in response to the nomination's running into trouble in the Senate, the Justice Department went ahead and installed the nominee in this acting capacity.

On top of this, we have sent a letter to the distinguished Attorney General, Janet Reno, respectfully asking that she share with us the details of how this appointment was made. We had asked for it, and asked for it, and asked for it, and the department stonewalled us.

Now, how many people signed this letter to Miss Reno? Thirty Senators signed the letter, and it is going to be very interesting to see whether we have to go through the Freedom of Information Act to get information that ought to be readily available to the U.S. Senate, and the American people.

I do not know what Dellinger is doing down at the Justice Department. I have a hunch, but I do not know. Neither does the American public know what he is doing, and that is important.

The Washington Post reported on September 23 that the Justice Department's Office of Legal Counsel—of which Mr. Dellinger is acting head—reversed a Bush administration policy which was supported overwhelmingly by both Houses of Congress, the House and Senate. It was a policy calling for the death penalty for drug kingpins, and Walter Dellinger, I presume, ordered it reversed.

I must in fairness say that until the Attorney General replies to our letter and provides the information we will not know for certain, but it sounds like Walter Dellinger's handiwork.

Later on in this debate we are going to get into what Mr. Dellinger did to run down a fine American, who was eminently qualified to serve on the Supreme Court, a man named Bob Bork. They cut him down, and I will go to my grave regretting that Judge Bork was

denied a seat that he richly deserved on the U.S. Supreme Court. And Walter Dellinger had a veiled hand in that. He did not tell the whole truth when we questioned him about it.

One of the reasons we have a blue-slip policy is to avoid situations like this where a Senator has to stand on the floor and say such things. But in any case, questions, many, many questions remain as to how forthcoming Mr. Dellinger has been in responding to questions about his record.

I first sent Mr. Dellinger a series of questions on June 30, and when he replied 2 weeks later many of his answers were either incomplete, not on point, evasive, or in direct contradiction to reliable, credible, published reports.

For example, I asked this nominee, and I am quoting myself: "Please furnish an account of the full extent of your participation in the confirmation proceedings for Supreme Court nominees Chief Justice Rehnquist, Judge Robert Bork, and Justice Clarence Thomas."

In relation to Judge Bork, here is the way Mr. Dellinger replied, and I am quoting him:

The confirmation of Judge Bork: I briefed the chairman of the Senate Judiciary Committee on the original understanding of the advice and consent clause and on the nominee's writings, and I reviewed a report and analysis of those writings. My principal participation was as a witness at the hearings.

La de da, Madam President. The nominee strummed his harp a little bit and flew off, angel that he pretends to be.

This truncated answer to a legitimate question stands in contrast to credible published reports by the former chief counsel of the Senate Judiciary Committee, and others, who assert Mr. Dellinger's role in the confirmation proceedings of Judge Bork was, in fact, much more extensive than Dellinger had said, and that, among other things, Dellinger:

First, assisted in the recruitment of law school deans and law school professors to oppose the Bork nomination;

Second, he helped arrange six panels of witnesses opposed to Judge Bork, panels which appeared before the Senate Judiciary Committee.

Third, he participated in television and radio interviews pursuant to a media plan devised by the opponents of Bob Bork; and

Fourth, he served on advisory boards of academics who advised the chairman throughout the confirmation proceedings.

And I reiterate my affection for Senator BIDEN, at the same time emphasizing that JOE BIDEN was after Judge Bork's hide, and he got it.

Now, I do not know who is pulling our leg the most, Mr. Dellinger or the former chief counsel of the Senate Judiciary Committee. But, Madam President, I have no reason to question any-

thing that the former chief counsel said, because he had nothing to gain or lose. It was separate and apart from this situation anyhow.

That issue along—and I mention it just as an example—ought to have been taken up by the Judiciary Committee, but it was not. They would not even call before the committee their own former chief counsel to determine who is telling the truth.

In any event, on July 30, I sent a followup letter to Mr. Dellinger respectfully seeking some clarification and elaboration on his response to this and a number of other questions that he failed to answer or answer adequately.

Even after his August 2 response to my followup letter, a number of questions still remained unanswered or in need of clarification. All told, I posed a total of 73 questions to Mr. Dellinger. On more than half of these questions—39—he gave answers that just absolutely were not satisfactory. They may have been satisfactory to JOE BIDEN or anybody else who is eager to push the nomination through, but they were not satisfactory to those of us who felt that we had a legitimate right to look into whether this man was telling the truth, and the whole truth.

He gave deficient responses time and time again. He either did not answer, gave a nonresponsive answer, a nonconclusive answer, or, as I said earlier, an answer contradicted by reliable, credible sources on record.

Questions about Mr. Dellinger's candor, or lack of it, regarding his participation in the confirmation proceedings of Judge Bork's nomination ought to be of interest to all Senators. But instead, we hear Senators say: "He might have some views that I do not agree with," as I heard one Senator say this morning, "but the President has a right to have around him the people he wants to have."

Well, not under the Constitution. The Senate has an obligation, under the advice and consent clause to use its own judgement. So it is not accurate to say the President has an unqualified right to make appointments to whomever he so pleases.

But the point, Mr. President, is that if Senators cannot rely on Mr. Dellinger's answers to questions prior to his confirmation, what can we expect after he is confirmed?

Madam President, I am going to have more to say on this subject as days go by, because I remain convinced that we need to explore this partisan political activist who has torpedoed decent people who happened to disagree with Mr. Dellinger's liberalism. He has been active behind the scenes in North Carolina. I am told that he may have worked on me. But if he did, it did not work. I am still in the Senate.

Madam President, I yield the floor.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

THE SITUATION IN SOMALIA

Mr. COATS. Madam President, I rise to speak on the situation as it currently exists in Somalia.

This Senate and Congress has been grappling with this issue now for several days and weeks; grappling, unfortunately, because there is a lack of definitive leadership from the administration as to what our policy is and what it should be.

I think in exploring that, it is important to go back somewhat to examine what our original mission was and how it was defined to both the Congress and the American people.

On December 4, 1992, President Bush announced his intention of sending United States forces into Somalia. He, at that time, articulated the object of the mission—create a secure environment for the distribution of food. The conditions of that involvement were clear: Combat forces were equipped and authorized to take any steps necessary to accomplish the humanitarian mission and to defend themselves in the process. U.S. troops were guaranteed the support of any additional U.S. force necessary to accomplish the mission. U.S. forces were not to engage in factional fighting.

Secretary Cheney, just recently on NBC news in an interview this week, stated:

I think it is important to remember that when we went in, we went in with a very narrowly defined, very specific mission of creating a situation in which the humanitarian organizations could feed starving Somalis. And then it was our intention, as soon as we had done that, to turn the operation over to the United Nations and withdraw U.S. forces. We resisted then the pleas from the United Nations and others to broaden the mission.

Within 5 days of the President's announcement in December, United States combat forces entered Somalia with a very clear military objective—secure the airport and port at Mogadishu so that supplies could once again begin flowing to starving Somalis and secure the routes necessary to deliver those supplies.

Within 5 weeks, the U.S. force had reached a total of 25,800 people. And within 7 weeks, food and medicine were being delivered to all starvation-threatened areas and a drawdown of the force was already beginning.

President Bush said he hoped, optimistically, that he could bring the troops home by Christmas but that it might take a little bit longer than that. And it did, but not much. Because on May 4, 5 months after our engagement began, Operation Restore Hope was ended. In fact, all the feeding stations operated by humanitarian organizations were closed in August.

While this operation was not without risk, it succeeded because there was a clear understanding of the limits to our purpose in engaging troops in Somalia.

As Secretary Cheney said:

What appears to have happened now is that the administration has allowed the United Nations, in effect, to rewrite the mission so that it is now much broader and involves what appears to be an open-ended military commitment.

And it is that broadening of the mission that occurred not by design, not by defining a policy for the American people and for the Congress and for the American military, but seems to have evolved by allowing drift, by inattention, by a failure to exercise decisive leadership; it seems to have evolved into a mission which is pursuing a military role in Somalia that is substantially, substantially, broader than the original mission.

This mission today, still not clearly defined, includes Somali reconciliation and rehabilitation, warlord hunting, nation building, police force training, and who knows what else. And all of this, ironically, is to be accomplished with a small force, which has been drawn down from that maximum of 25,800 to a force now below 5,000.

So, while the Bush administration responded and our military responded in a way I think we should when we commit U.S. troops—and that is with significant numbers and significant force to accomplish the mission, while, at the same time, minimizing the risk to our armed services personnel—while we reached that maximum of 25,800 to accomplish a narrowly defined mission, we now find ourselves with a force of less than 5,000 who have now been taking on a much broader mission.

That force is composed of military personnel who are essentially logistical and support personnel, not combat personnel. Yet much of the mission we now found ourselves engaged in involves the need for combat personnel.

President Bush defined a minimum commitment accomplished through maximum troop strength. President Clinton has given us a much broader, much more difficult commitment, with minimum troops who are severely constrained, without adequate support, without adequate backup.

We have been frustrated here in Congress because we have been unable to get a grasp even of what this mission is supposed to be. As late as this past Sunday evening, the Secretary of State said on CNN:

President Clinton and the administration have reaffirmed their goal of ending the U.S. mission as soon as possible.

Excuse me, that was a statement from the Wall Street Journal quoting administration sources saying the President and administration officials are reaffirming their goal of ending U.S. involvement and the U.S. mission as soon as possible.

At the same time, the Secretary of State, Warren Christopher, was stating on CNN: "In the face of these kinds of attacks"—the attacks over the week-

end that tragically took the lives of 12 Americans and wounded 78 other soldiers—"In the face of these kinds of attacks," Secretary Christopher said, "it is a time for Americans to be very steady in our response and not talk about getting out. Our forces will stay until their mission of establishing a secure environment has been fulfilled."

No wonder there is confusion. We turn on the television and the Secretary of State is saying we are going to renew our commitment; we are going to stay here as long as it takes.

We pick up the paper the next morning and the administration officials are saying we are going to get out of here as soon as possible.

With that, the Congress rightfully said: Will you come down and tell us what you are going to do, what our mission is? So both the Secretary of State and Secretary of Defense traveled here to Capitol Hill to meet in a combined private meeting of Members of the House of Representatives and the U.S. Senate in what has been described by Members on both sides of the aisle as a disastrous meeting. There was a total lack of a policy.

Secretary Christopher remained silent, no word at all from him as to what our policy would be. Secretary Aspin, the Secretary of Defense, floundered in terms of trying to answer questions from Members, both Republicans and Democrats. What are we doing? What is our goal? What is our mission? How do we solve this problem? What happened? Answers were not forthcoming, and we have been floundering since.

The President this morning called the leadership to the White House. Yet no definitive answer is before us. The American people are wondering where are we going? What are we doing? Why are we still there? I thought our troops were going to be home last Christmas. I thought we were there to feed starving Somalis. We are now told they are fed. Why are we hunting down warlords? Why are we fighting urban guerrilla warfare in the streets of south Mogadishu with troops who are not equipped and do not have equipment to effectively accomplish that task?

Now we hear the disturbing reports that, because of confusion in command, because we are not sure whether Boutros Boutros-Ghali is calling the shots or the President of the United States is calling the shots, we cannot assemble the quick-reaction force to get in and rescue marines and U.S. Army Ranger personnel caught in the crossfire.

What we are looking for is a policy. What we need is a leader who will define that policy. Foreign policy is not easy. The questions are not easy to answer in terms of what we need to do. But it requires leadership. That is why we have a President who is designated as Commander in Chief.

On March 21, it was reported in the Los Angeles Times the President said:

I have had to take a good deal of time off to deal with foreign policy responsibilities.

He said it almost apologetically, perhaps the first time a President of the United States, the Commander in Chief, the Chief Executive Officer, has ever described dealing with international affairs as "time off."

Reports out of the White House over the weekend express frustration that the President is not able to continue with his domestic message, that it was swallowed up by world events.

Mr. President, I am sorry you do not have more time to spend in Jimmy's Diner and townhall meetings in California, but sometimes world events require your attention. Sometimes they overcome the agenda that you have set for yourself. While health care and other domestic issues are important, sometimes world events do not allow Presidents the luxury of solely focusing on those items, because the President is also Commander in Chief, and as Commander in Chief, he is expected to define a policy in terms of utilization of U.S. troops overseas. That is his responsibility.

Because we cannot get a defined policy, because we have not seen that leadership, it now falls to Congress to write that policy, which is exactly the wrong thing to do. We are going to have 535 Secretaries of State and Commanders in Chief trying to define military policy and foreign policy for the United States because there is a vacuum; it is not being defined. So we are all rushing to the floor with our ideas. What should we do?

None of the choices are good ones, because we have found ourselves, now, in a situation where there are really no easy ways out. There are no policies that can accomplish all we want to do.

Some suggest immediate withdrawal. Immediate withdrawal is very tempting, given the lack of policy coming out of the White House. But it is not without risk. The most important risk and concern is that of one or more American military personnel that are hostages. I am not about to endorse a policy that puts our troops on helicopters and ships and leaves, while those hostages are still held captive. We need, as a Nation, to do everything we can to secure their release. We cannot think of leaving until that release is secured.

Mr. KENNEDY. Will the Senator yield for a brief question?

Mr. COATS. I will be happy to yield.

Mr. KENNEDY. I understand we have about 10 minutes left before the vote. Just as a matter of a point of information, I had some brief remarks about Mr. Dellinger.

Had the Senator planned to speak up until the time of the vote?

Mr. COATS. I had been waiting on the floor since 12 to speak. I do not

necessarily want to take any more time than is necessary.

I will be happy to try to leave some time to the Senator to speak on this before the vote.

Mr. KENNEDY. I thank the Senator.

Mr. COATS. I will do my best to get to that point.

That immediate withdrawal option also carries with it implications for future U.S. involvement and affects our policy and our relations with our allies. Others say we ought to deploy massive force, go back in, clean up the situation. That may be an open-ended commitment that lasts an awfully lot longer, and obviously exposes American forces to considerable peril.

Others say we need a quick show of force to secure the situation, and then accomplish the task and pull out.

Others say let us have incremental involvement until we get our mission accomplished, whatever that might be.

Senator NUNN came to the floor last evening and outlined some intriguing possibilities.

Again, I say the policy should not be defined by the Congress. Congress is being forced to define that policy because it is not being defined by the administration.

It is incumbent on the President as Commander in Chief to come forward and decide what he wants to do. I believe it is appropriate to present that to Congress. I believe he will not be successful unless the American people support it. But someone has to take charge, and it falls constitutionally to the President to lead.

People forget, despite the great success in the Persian Gulf, there was a very divided house here in terms of how we ought to proceed. President Bush was firm in his commitment, he was firm in his outline of what we ought to do. He presented it to the Nation, he presented it to the Congress, and he said, "I will take the heat, I will take the leadership, I will define the policy."

Fortunately, he defined the right policy and our success was evident.

It is hard to contradict the verdict of Newsweek magazine when they said the President looks like a student who has crammed on the economy and prayed that international relations would not come up on the final exam. It is like walking into the final exam and, to your horror, discovering that the test includes a question on something that you had not prepared for. Well, Mr. President, it is time that you prepared for it. We are waiting for your answer; we are waiting for your leadership.

Madam President, I think it is important that we step back just a little bit from the immediate situation and look at some of the parameters of how we ought to be making decisions in terms of involving U.S. troops. It is clear that the decisions that are going to be made

have broader implications for us. They raise broader questions. The questions being: When are American casualties justified by America's aims?

We are questioning now whether these casualties are justified. It is difficult for me to call the family of Sergeant Martin in Indiana to explain to his family that his death was justified, and other Members have had to face the same thing. So it is important we ask this question so that these injuries and deaths will not be in vain, as tragic as they are.

American power and prestige today are unparalleled, but they are not unlimited. We are required by reality to be selective in our attention to the injustices of the world precisely because, as a superpower, we have great responsibilities that must not be compromised. Limited resources require a hierarchy of interests and values, a set of priorities: How do we make these choices?

First, we have to be committed to vital American interests and defending those interests. This is an open-ended pledge involving whatever force is necessary to meet the objective. These commitments cannot be compromised. But, second, we need to understand there is a different standard for interventions that engage our moral or humanitarian concerns but not our direct national vital interests.

In these cases, we must decide to support them only when they do nothing to undermine those vital interests. That means, I think, in general, that we have to have goals of minimal casualties, clear objectives, and limited timetable because when we enter hopeless and endless humanitarian missions, we squander two very important things: First, we waste lives, and that is a burden that we should not bear or accept; but second, we squander the will of the American public to intervene in the future, even when such interventions are important to our vital interests.

Today we face weapons of mass destruction and ballistic missile technology proliferation that have changed our threats. To defend our interests in the future, we will be forced to intervene in situations to shape a security environment that does not hold visions of horror and holocaust, and if we compromise that mission with misguided conflicts that undercut our credibility and our national willingness to intervene in other situations, we have done nothing for the cause of peace and/or the stability of the world.

When our vital interests are clear, commitment of our troops and even the tragic consequences of fatalities may not be too high a price. But when our goals are uncertain, one death is too many. This is not weakness, it is the careful defense of American power and a healthy respect for the complexities of history.

Many of these humanitarian missions involve complexity of history. They involve ethnic and religious and cultural conflicts that American troops and American best intentions are not going to be able to solve.

I hope we are learning some lessons from this. I hope that as we look at Somalia, we also think of Bosnia and the potential commitment of 25,000 United States troops, one-half of a U.N. force, perhaps under a U.N. command, and ask ourselves: Have we learned anything from Somalia? We are talking about Bosnia, a situation far more complex, far more vast in area, in complexity, in history than we are looking at in Somalia, a commitment that may have no end and no guarantee of resolution.

The history of the problems in Bosnia go back at least to 1389, 600 years. We need to understand that history before we make that commitment. If Somalia serves any purpose, let it be the purpose of utilizing the lessons learned there before we make policy committing troops to Bosnia. Perhaps it will be seen as an inexpensive lesson, although the loss of life can never be classified as inexpensive. It is a tragic lesson. But let us not compound it, let us not compound the tragedy by failing to learn the lessons we need to learn in formulating policy relative to future involvement of U.S. troops.

Madam President, there is more I could say. I would like to leave some time for the Senator from Massachusetts to make his comments before the vote. With that I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

NOMINATION OF WALTER DELLINGER, OF NORTH CAROLINA, TO BE AN ASSISTANT ATTORNEY GENERAL

The Senate continued with the consideration of the nomination.

Mr. KENNEDY. Madam President, it is a privilege to support the nomination of Walter Dellinger as Assistant Attorney General for the Office of Legal Counsel.

The Office of Legal Counsel assists the Attorney General in providing legal advice to the President and to the agencies and departments of the executive branch. The person heading that office must be a lawyer's lawyer, with outstanding legal skills, unquestioned integrity and sound judgment.

Walter Dellinger easily meets this high standard. As a professor of constitutional law at Duke University Law School, he has earned a distinguished reputation as one of the Nation's preeminent legal scholars. He has demonstrated an extraordinary understanding of the Constitution, its history, and its fundamental role in our national life.

In recent years, Professor Dellinger has been an impressive and throughout

commentator on contemporary legal and constitutional issues. He has appeared as a witness before the Senate Judiciary Committee on many occasions, and his testimony has consistently—and often courageously—assisted us in clarifying the most important and difficult challenges facing us.

Over the years, most of us on the committee have come to know Professor Dellinger personally, and our respect for him has become even greater. He is a wise and compassionate man, of unquestioned character and integrity. It is no surprise that his nomination was reported—and reported without dissent by voice vote—by the Judiciary Committee in July.

It is unfortunate that Professor Dellinger's nomination has been delayed in this way by the two Senators from his home State of North Carolina. There are sound historical and practical reasons for giving home-State Senators a clear opportunity to object to nominees from their State. But in the last 15 years, we have moved away from giving home-State Senators a veto over nominees who will serve in their States, let alone over nominees who will serve the whole Nation by taking high positions in Cabinet departments and agencies in Washington. The blue slip is an anomaly and an anachronism, and it is no longer an automatic veto.

When I served as chairman of the Judiciary Committee in 1979 and 1980, we established a blue-slip procedure that would specifically bring a home-State Senator's objections against a nominee to the attention of all the members of the committee, so that they could decide whether or not to proceed with the nomination. In fact, we were always able to work with home-State Senators, so that they never objected to a nominee in those 2 years.

A similar practice has continued under Senator THURMOND as chairman of the Judiciary Committee from 1981 through 1986, and under Senator BIDEN as chairman since 1987. When a home-State Senator objects to a nominee, the committee should be informed of the Senator's objections, and the Senator should have the opportunity to provide the committee with the reasons for those objections. The members of the committee then decide for themselves how much weight to give to the objections.

That is the procedure followed by the committee in this case, and it has afforded amply opportunity for all Senators, including the Senators from North Carolina, to raise the objections and have them considered by the committee and by the full Senate.

President Clinton deserves the opportunity to select his own team to manage the Department of Justice—without giving any Senator a veto power over those appointments.

The fact that Professor Dellinger is now serving as Acting Assistant Attor-

ney General is no basis to oppose his confirmation. His immediate predecessor in the Bush administration, Timothy Flanigan, was also Acting Assistant Attorney General when he was confirmed by the Senate in 1992.

As one of the Nation's most highly respected constitutional scholars, Professor Dellinger is unquestionably and exceptionally well-qualified to perform the important responsibilities of that office. This is not the time to refight the Battle of Bork or any other battles of the past.

Professor Dellinger deserves credit for one other reason—for being willing to come down into the arena and participate in those major battles, and he should not be punished now for doing so.

I believe that a large bipartisan majority of the Senate is now prepared, after this long and unreasonable delay, after hearing all the objections of Professor Dellinger's opponents, to advise and consent to his nomination, and we should have the opportunity to do so.

I commend the President for this excellent nomination. I urge the Senate to end this unfortunate and unwarranted filibuster and confirm Professor Dellinger.

Mr. LEAHY. Mr. President, I rise today in support of Prof. Walter Dellinger, who has been nominated to be Assistant Attorney General for the Office of Legal Counsel. Professor Dellinger is supremely qualified for this position. His experience as a scholar and advocate make him qualified beyond question.

His career as a scholar is impressive. He has served as associate professor of law, professor of law, associate dean and acting dean of the law school at Duke University, one of our Nation's finest universities. While attending Yale Law School, he was an editor of the esteemed Yale Law Journal. After that he clerked on the Supreme Court for Hugo Black, a justice renowned for his free-thinking and dedication to civil liberties. Furthermore, his articles on the law have been published by countless magazines and newspapers.

Professor Dellinger is also widely recognized as an experienced and talented litigant. He has argued cases before State-level appeals courts and the Supreme Court, and his successes are well-known. Indeed, Supreme Court scholars point to his 1990 argument for the Virginia Hospital Association—which benefited hospitals and nursing homes and the low-income and elderly people serviced by them—as a classic example of how to present a case effectively before the Supreme Court. He has argued cases on behalf of numerous nonprofit organizations, and has testified before Congress on many occasions.

He has also dedicated much of his energy to pro bono work in his local community and on the national level, from

efforts with the local PTA to arguing cases on behalf of State governments. He has also volunteered to help needy North Carolinians in efforts like the Meals on Wheels Program.

The Senate has a responsibility to advise and consent on Department of Justice and other executive branch nominations. And we must always take our advice and consent responsibilities seriously because they are among the most sacred. But I think most Senators will agree that the standard we apply in the case of executive branch appointments is not as stringent as that for judicial nominees. The President should get to pick his own team. Unless the nominee is incompetent or some other major ethical or investigative problem arises in the course of our carrying out our duties, then the President gets the benefit of the doubt. There is no doubt about this nominee's qualifications or integrity. This is not a lifetime appointment to the judicial branch of government. President Clinton should be given latitude in naming executive branch appointees, people to whom he will turn for advice. I should also note that his nomination went through the Judiciary Committee—by no means a rubberstamp—unanimously.

The recent debate over Walter Dellinger is another instance of people putting politics over substance. Yes, he has advised and spoken out about high-profile constitutional issues of the day. I would hope that an accomplished legal scholar would not shrink away from public positions on controversial issues, as it appears his opponents would prefer. One can question Professor Dellinger's positions and beliefs, but not his competence and legal abilities.

Mr. SASSER. Mr. President, I rise in support of the nomination of Walter Dellinger to be Assistant Attorney General. I know Professor Dellinger, and know him to be a first-rate lawyer and constitutional scholar. I commend the President for nominating him to head the Office of Legal Counsel, a job for which he is well qualified and well suited, and I fully support his confirmation.

Professor Dellinger is a graduate of the University of North Carolina, and received his law degree from the Yale Law School. He clerked for former Senator and then-Justice Hugo Black on the U.S. Supreme Court. Thereafter, Professor Dellinger came to Duke Law School, where he has taught law since 1969. For at least part of that time, Professor Dellinger has also served as the dean of Duke Law School.

I have had the occasion to read some of Professor Dellinger's writings and hear his testimony before the Committee on the Budget. He appeared before the committee on June 4 of last year, at the invitation of Senator DOMENICI

and myself, during the Budget Committee's hearings on the balanced budget amendment to the Constitution.

We invited Professor Dellinger to testify before our committee because we viewed him to be among the first tier of constitutional scholars in the Nation. In my assessment, his testimony before the Budget Committee confirmed why he holds that status.

His analysis of the issue before our committee was thoughtful and well-reasoned. His testimony displayed logic and intelligence. Many of the members and others present at that hearing that June morning and afternoon remarked as how they had rarely seen a more impressive discussion of the issue than occurred that day.

Now there will be some that will find fault with Professor Dellinger because he pointed out some of the difficulties in implementing a balanced budget amendment to the Constitution. Let me say three things in his defense on that score.

First, that is what we asked him to talk about when he came before the Committee.

Second, anyone who believes that the balanced budget amendment will be a piece of cake to implement has another thing coming. Even those of us who favor deficit reduction and have worked long and hard to cut the deficit see grave difficulties in crafting such an amendment to work correctly.

And that gets to my third point in response to such criticism: Among constitutional scholars, skepticism about the implementation of a balanced budget amendment to the Constitution is not limited to liberals or conservatives. No less a conservative scholar than Robert Bork has written persuasively of the myriad difficulties in implementing such an amendment.

In his testimony before our committee, Professor Dellinger ably addressed the questions that Senator DOMENICI and I addressed of him: What would be the role of the courts in interpreting the amendment? What would be the consequences of the amendment for the separation of powers? What other constitutional consequences might we expect? In his testimony in each of these areas he demonstrated his keen powers of analysis and explanation.

Mr. President, the position for which the President has nominated Professor Dellinger, to head the Office of Legal Counsel in the Justice Department, is the closest thing there comes to the President's own constitutional lawyer. This is the official to whom the President will likely turn when he needs a ruling on what the basic law of the land holds. This is an office for which Professor Dellinger is particularly well suited, as a premier constitutional scholar.

It is also an office for which the Senate should afford the President great deference in his choice. The President

should be able to pick his own constitutional lawyer. The next President will pick his, or hers.

In sum, Mr. President, I strongly support the President's nomination of Walter Dellinger to be Assistant Attorney General. I urge all my colleagues to join me in voting for his confirmation.

Mr. SIMPSON. Mr. President, some Members who have come to the floor to discuss the Dellinger nomination to be Assistant Attorney General have discussed the blue slip procedure. That procedure allows Senators to express their opposition to nominees to Federal positions in their home State, such as U.S. attorneys, judges, and marshals. I understand that this nominee does not fall into that category. However, the policy of the blue slip was originally based on the need for comity in the Senate. The process leading to the consideration of this particular nominee on the floor has not been what I would call "fraught with senatorial courtesy"—or comity.

To compound the problem, someone in the administration has done what I consider to be a most arrogant act, in view of the controversy surrounding this nomination. Mr. Dellinger has now been named as Acting Assistant Attorney General for the Office of Legal Counsel. He was never a sure thing—there was always strong opposition to his nomination. Sure, other persons in other administrations have been designated as acting—but never in my memory when they were facing such opposition. This designation allows him to make all normal day-to-day decisions—and all this before being confirmed by the Senate. That crosses the line of good judgment and propriety and it severely minimizes the role of the Senate and the confirmation process. That action was taken, notwithstanding the controversy surrounding this nominee. It has exacerbated the feelings of many of us on this side of the aisle.

It is my understanding that both Senators from North Carolina made every effort to seek to be notified of the hearing dates for Mr. Dellinger. It is my understanding that they were not so notified. They may have wanted to testify themselves on this nomination, or to present others to testify against the nominee. They brought their concerns to the attention of the Republican conference. I can fully understand those concerns.

What has thoroughly convinced me that this nomination needs to be slowed is the recent action by the administration to name Mr. Dellinger as acting Assistant Attorney General. There were enough problems within the Senate concerning this nomination, without the administration pouring additional fuel on this flame. Based on that wholly inappropriate decision to name Mr. Dellinger as Acting Assistant

Attorney General, I will most assuredly vote against invoking cloture on this nomination.

CLOTURE MOTION

The PRESIDING OFFICER (Mrs. MURRAY). Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on Executive Calendar No. 288, the nomination of Walter Dellinger to be an Assistant Attorney General:

Harlan Mathews, Russell D. Feingold, Tom Daschle, Harry Reid, Dianne Feinstein, Barbara Boxer, John Glenn, Patty Murray, David Pryor, Jim Sasser, Wendell Ford, Harris Wofford, Max Baucus, Paul Wellstone, Edward M. Kennedy, Daniel K. Akaka, Joe Biden.

CALL FOR THE ROLL

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on Executive Calendar No. 288, the nomination of Walter Dellinger, to be an Assistant Attorney General, shall be brought to a close?

The yeas and nays are required. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Florida [Mr. MACK] and the Senator from Alaska [Mr. MURKOWSKI] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 59, nays 39, as follows:

[Rollcall Vote No. 307 Ex.]

YEAS—59

Akaka	Feinstein	Mikulski
Baucus	Ford	Mitchell
Biden	Glenn	Moseley-Braun
Bingaman	Graham	Moynihan
Boren	Harkin	Murray
Boxer	Heflin	Nunn
Bradley	Hollings	Packwood
Breaux	Inouye	Pell
Bryan	Jeffords	Pryor
Bumpers	Johnston	Reid
Byrd	Kennedy	Riegle
Campbell	Kerrey	Robb
Conrad	Kerry	Rockefeller
Danforth	Kohl	Sarbanes
Daschle	Lautenberg	Sasser
DeConcini	Leahy	Shelby
Dodd	Levin	Simon
Dorgan	Lieberman	Wellstone
Exon	Mathews	Wofford
Feingold	Metzenbaum	

NAYS—39

Bennett	Durenberger	Lugar
Bond	Faircloth	McCain
Brown	Gorton	McConnell
Burns	Gramm	Nickles
Chafee	Grassley	Pressler
Coats	Gregg	Roth
Cochran	Hatch	Simpson
Cohen	Hatfield	Smith
Coverdell	Helms	Specter
Craig	Hutchison	Stevens
D'Amato	Kassebaum	Thurmond
Dole	Kempthorne	Wallop
Domenici	Lott	Warner

NOT VOTING—2

Mack Murkowski

The PRESIDING OFFICER. On this vote, the yeas are 59, and the nays are 39. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. MITCHELL addressed the Chair. The PRESIDING OFFICER. The majority leader is recognized.

SCHEDULE

Mr. MITCHELL. Madam President, a second vote to invoke cloture on the pending nomination will occur next Wednesday one hour after the Senate convenes.

For the remainder of the day, debate will continue on the pending matter. As was announced last night, and I restate for the information of Senators, votes are possible, including rollcall votes on procedural matters, at any time that the Senate is in session throughout the day today, and for the remainder of this session.

Senators should be on notice that votes may occur at any time, without prior notice, and Senators should be prepared to come to the Senate floor within 20 minutes to make those votes.

I thank my colleagues for their cooperation.

Mr. JOHNSTON addressed the Chair. The PRESIDING OFFICER. The Senator from Louisiana is recognized.

THE TRANSPORTATION APPROPRIATIONS BILL

Mr. JOHNSTON. I wanted to engage in a brief colloquy with the senior Senator from Mississippi about an amendment we attached to the Transportation bill which, in effect, said that I-69, when and if authorized—that the route should be from Indianapolis to Memphis through Arkansas and Louisiana to Houston, TX. The importance of this amendment, Madam President, was to make eligible for feasibility studies any of the proposed routes which would necessarily have to come through Louisiana and Arkansas. And the significance of it for the State of Louisiana is that there are four competing routes for study, and we wanted all of them to be considered—and we thought should be considered—on an equal basis. I do not know how many routes there are in Arkansas competing for study, but this was simply to clear up any misconception that there would be about the availability of the routes to be studied.

I understand that my friend from Mississippi was concerned about the State of Mississippi and what this meant for them.

Mr. COCHRAN. If the distinguished Senator will yield, I appreciate him taking the time to discuss the intent of the amendment offered to the Transportation appropriations bill.

My inquiry at this point is to assure the Senate that there is no intent in that amendment to exclude any routes that might be decided would be appropriate through the State of Mississippi, the States of Arkansas and Louisiana, or the possible route from Memphis to Houston for I-69.

Mr. JOHNSTON. Mr. President, the Senator is absolutely correct. One of the routes I have seen laid out on a map—I do not know how much engineering support it has, but I have seen it laid out on a map—comes through Greenville, MS, across the State of Arkansas, and through the Shreveport area. There are probably a number of different routes through Mississippi, and certainly a number—at least four—through Louisiana, and a number through the State of Arkansas. And this in no way excluded Mississippi, either from having the route studied, or from later being authorized. Really, this is not an authorized project. What we are talking about now is preliminary studies for the location of a route, and they in no way exclude the State of Mississippi.

Mr. COCHRAN. If the Senator will yield further, I thank him for his explanation of the intent of the amendment. I hope, as the bill goes to conference, we can further clarify, with a statement of the managers, language to the effect that Mississippi is certainly eligible to be considered as a possible place where a route for I-69 can transit. I thank the Senator for his assurance.

Mr. JOHNSTON. I thank the Senator. Mr. COATS. Madam President, will the Senator from Louisiana yield just for a question?

Mr. JOHNSTON. I yield.

Mr. COATS. I wanted to confirm that the beginning point of this study starts in Indianapolis, IN; is that correct?

Mr. JOHNSTON. The I-69 route begins in Indianapolis, and I think the people from the Indianapolis area were the ones who got the movement started for I-69.

Mr. COATS. It was in Evansville, IN, with help from our friends in Kentucky.

Mr. JOHNSTON. Yes.

Mr. COATS. I want to make sure, as to the questions that were asked by the Senator from Mississippi about various routes that may go through some Southern States, that the amendment in no way affected the initiation of that route starting in Indiana and going south.

Mr. JOHNSTON. That is right. All the references always name Indianapolis as the starting point.

So, yes; it not does not include Indianapolis but it reinforces Indianapolis. Mr. COATS. I thank the Senator.

NOMINATION OF WALTER DELLINGER, OF NORTH CAROLINA, TO BE AN ASSISTANT ATTORNEY GENERAL

The Senate continued with the consideration of the nomination.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Madam President, I make an inquiry: What is the pending matter before the Senate?

The PRESIDING OFFICER. The pending business is the nomination of Walter Dellinger.

UNANIMOUS-CONSENT AGREEMENT

Mr. EXON. Madam President, I ask unanimous consent that the pending matter be set aside for a point of personal privilege, and I make this request in behalf of the Senator from Nebraska, the Senator from New York, and the Senator from Hawaii.

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

Mr. EXON. Madam President, I ask unanimous consent that we be allowed to continue for 3 minutes in behalf of the Senator from Hawaii, 5 minutes in behalf of the Senator from New York, and 5 minutes in behalf of the Senator from Nebraska, as if in morning business.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. EXON. Madam President, I yield myself the 5 minutes allotted to this Senator.

A VICIOUS DOCUMENT

Mr. EXON. Madam President, I have before me, and will shortly enter into the CONGRESSIONAL RECORD, the most despicable piece of political literature that perhaps I have ever seen in my life, and I have seen a great deal of that kind of material.

Members of both political parties constantly bemoan the fact that politics has shrunk to a new level, an all-time low, and we are in a place to pledge today do something about it.

The existence of this document that I hold before me in the Senate today is concrete evidence that some are not practicing what they preach. I bring before the Senate a fundraising letter received by a gentleman in New Jersey from the so-called College Republican National Committee. The return address is a mysterious post office box here in Washington, DC. However, I further determined their headquarters is a mere four blocks from this point.

The letterhead bears a replica of an elephant, and the words "College Republican National Committee." I suspect and I hope that there is no direct

connection or affiliation with the Republican National Committee. It would be appropriate for some on the other side of the aisle to so state and deplore such tactics.

The thrust of this vicious document is to attack my colleague, Senator BOB KERREY, for his vote in favor of the recently passed deficit reduction bill. I have no quarrel with the opponents of this legislation who base their opposition on factual disagreements. I voted for the bill, and I am glad I did. But at least I understand the arguments on the other side of this issue.

But let me read some of the libelous statements made in this letter, and I quote:

In America, treason was once punishable by hanging—so despicable was the offense of betrayal—you and I need to let Senator KERREY know that his betrayal is still despicable—still deserving of punishment.

The fundraising letter further goes on to say that Senator KERREY voted against his oath to represent the people of Nebraska. It further states that Senator KERREY betrayed our Nation. The author of the letter, an individual named Bill Spadea, who is chairman of the so-called College Republican National Committee, of course attempts to cover his legal hindquarters by saying that he is "not saying that Senator KERREY committed treason," just that he betrayed his country.

Madam President, I cannot begin to tell you how low these tactics are.

The letter goes on to say that our President has a term which is "built on lies." The letter also goes on to say that we have been condemned "to a 4-year sentence in hell. Because hell is surely what you and I have in store for us."

Finally, Senator KERREY is accused of betraying "everything that you and I believe in" and "every ideal that America is based on."

I believe I have now given the Senate an accurate summary of the filth that has obviously been peddled nationwide by the so-called College Republican National Committee. I do not know who Bill Spadea is, and I quite frankly do not care. It is one thing to disagree on issues; it is quite another to accuse BOB KERREY of treason and betrayal. I do not think I need to remind the Senate about BOB KERREY's background. But maybe I need to remind the American people and the hatemongers around the country what BOB KERREY is all about.

The Congressional Medal of Honor is our Nation's highest award for valor. That must not mean anything to those who peddle lies for their own selfish purposes.

I have known BOB KERREY for more than a decade, and although we do not agree on every issue, I have always admired his courage, even on those occasions when we have disagreed. I dare say that no one who knows BOB

KERREY would question his courage, his integrity, or his honor.

To accuse this Medal of Honor winner, devoted father, fantastically popular Governor, successful businessman, and now courageous and influential U.S. Senator of treason and betrayal is a direct affront, not only to all decent Americans and his colleagues on both sides of the aisle here, but specifically to Nebraskans, who have elected him twice to statewide office.

As you know, and I think you would expect, Madam President, this disgusting letter has an obvious purpose larger than simply attacking BOB KERREY. It will come as no surprise to any Senator that the end of the letter contains a plea for funds. Surprise, surprise, surprise. It may well be that this individual is misusing the Republican Party name and symbol only for his own personal gain. But it would be nice to hear this from a recognized and responsible Republican source.

In closing, I simply want to send the message loud and clear that the time for distortion, hate, and lies in politics must come to an end, and it must end now. Enough is enough.

Madam President, I ask unanimous consent that the letter to which I have referred be printed in the RECORD.

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

COLLEGE REPUBLICAN NATIONAL
COMMITTEE,
Tenafly, NJ.

"President Clinton, if you're watching now, as I suspect you are, I tell you this: I could not and should not cast a vote that brings down your Presidency."—Senator Bob Kerrey, August 6, 1993, Floor of the United States Senate.

No, Mr. ———.
It was far easier for Senator Kerrey to bring you down rather than Bill Clinton.

It was far easier for Senator Kerrey to vote for a tax hike that he doesn't believe in than side with you.

Betraying you was easier, Mr. ———!
Senator Kerrey's cynicism is astounding, even by "Washington Standards"!

Just consider this for a moment . . .
The American people (by a clear majority) were and are against Bill Clinton's Economic Package.

Senator Kerrey was against it, Mr. ———!
Senator Kerrey even went so far to say, "I don't think he [the president] likes it."

But in the end, when it really mattered, Senator Kerrey voted for it.

Voting against his conscience.
Voting against his oath to represent the people of Nebraska.

And voting against you, Mr. ———.
Today, you and I need to let Senator Kerrey know that this betrayal will not go unnoticed. Self betrayal—the betrayal of the people of his state—and the betrayal of a nation.

Senator Kerrey took an oath to represent the people of his state and to faithfully enact legislation, for the good of the nation, Mr. ———.

And yet, even though the people of the state of Nebraska clearly were against Bill Clinton's Economic Package . . .

Even though Senator Kerrey was certain that Clinton's Economic Package was far from being good for our nation . . .

Senator Kerrey voted in favor of it. Sacrificing the good of our nation for the good of Bill Clinton.

Think about that, Mr. ———.
In America treason was once punishable by hanging—so despicable was the offense of betrayal.

I am not saying that Senator Kerrey committed treason.

But still, Mr. ———, you and I need to let Senator Kerrey know that his betrayal is still despicable—still deserving of punishment.

Because immediately after Senator Kerrey voted in favor of Bill Clinton's tax package, he was rewarded!

It is now understood that Bill Clinton will make Senator Kerrey Chairman of the Budget Cuts Commission.

Please, Mr. ———, help me at least take action to ensure that Senator Kerrey's betrayal is not rewarded.

Sign the Republican Petition to Bill Clinton and tell him in no uncertain terms that you do not want a wavering, weak-willed Senator to Chair this vital Commission.

At this point, there is little else you and I can do to prevent the tax hikes that Senator Kerrey has voted for us.

But we can take this decisive action and show Senator Kerrey that he should have voted with his conscience and with the majority of America—

And voted no!
You and I are the ones who are going to be punished for his betrayal because you and I are the ones who are going to have to pay for Senator Kerrey's gross lack of conscience.

Because Senator Kerrey sold out to "save" a presidency doomed for failure, you and I will suffer . . .

Suffer from an economic package that Senator Kerrey himself said would produce "Disdain, Distrust, and Disillusionment."

Disdain for a Congress that would pass an economic plan that calls for the highest tax hike in the history of the world—and DISDAIN for a Congress that just six months ago voted in favor of a pay raise for themselves.

Distrust for a president whose term is built on lies—and distrust for a liberal-controlled Congress and Senate who blatantly ignore the will of the people and legislate disaster.

Disillusionment in gridlock ever being broken as long as liberal wheelers and dealers continue to sidestep justice, ignore fairness, and condemn you and me to a four year sentence in hell.

Because Hell is surely what you and I have in store for us, Mr. ———.

What else can you call \$240 billion in tax hikes?

What else do you call an additional \$887 billion in debt in the next four years? (The debt increase that the Democrat-controlled House Budget Committee is expecting!)

What can you possibly call another five and a half million people who will be forced to pay additional Social Security taxes?

Please, Mr. ———, don't misunderstand me . . . I never really thought that Senator Kerrey could be trusted.

I never thought that you and I could count on this noted Democrat, Mr. ———.

But I never expected this!
When it came down to voting for his conscience, constituency, and for America . . .

He caved in, Mr. ———.

In a pathetic display of partisan politics, Senator Kerrey pledged his allegiance to the liberal agenda and to a presidency that even he has been violently opposed to.

And in that single unforgivable action, he betrayed everything that you and I believe

in—everything you and I hold sacred, Mr. ———— and every ideal that America is based on.

For what?
To save a President who has put America's economy on the road to ruin.

Of course, afterwards, Senator Kerrey dismissed the notion that his voting against the President would have ruined the administration, but you yourself read his words—the disgusting quote I wrote at the top of this letter.

He didn't want to "Bring down" the presidency. But, Mr. ————, how on earth could Senator Kerrey bring down an administration that is already at an all time low?!

In his diatribe, Senator Kerrey even pleaded with Bill Clinton—urging Clinton to "Get back to the high road."

I think you and I know something that Senator Kerrey doesn't . . . Bill Clinton doesn't even seem to know where the road is, let alone the high road.

Right now I ask that you sign your name to our Republican Petition to prevent Bill Clinton from rewarding Senator Kerrey for his betrayal. Then return your signed Petition in the enclosed postage paid envelope so that I can immediately forward it to the White House before any action is taken.

Please be sure to include your most generous \$25 or \$35 contribution as well.

I need your \$25 to continue to fight Bill Clinton's destructive agenda, Mr. ————.

I need your \$35 to continue to fight to support Republican Senators who go into the trenches day after day to wage battle against the liberal tax-and-spend lackeys.

For the sake of truth rather than betrayal—justice rather than unjust taxing—and the American values you and I hold sacred, please don't let the Senate and House Republicans down now, Mr. ————.

God bless you,

BILL SPADEA,
Chairman.

Mr. EXON. Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUE. Madam President, I wish to associate myself with the strong remarks of my colleague from Nebraska in condemning this extraordinary fundraising letter.

Madam President, I am a very privileged person. I have had the great honor and privilege of serving in this body for three decades, and I have been a politician for over 40 years.

So like all of my colleagues, I am well aware that we should anticipate and at times expect to be condemned and criticized. It is one of the most cherished rights in our Constitution for citizens to stand up and criticize their leaders, and we all support that.

But like anything else, like every right in the Constitution, even the freedom of speech, there are limits. I believe that this letter has gone beyond that limit.

As my colleague, Senator EXON, has pointed out, to associate the word "traitor" with BOB KERREY is so obscene that I find it difficult to find words to describe my thoughts, because he and I have one thing in common: We served in the military. As one who served in the military, I look at him each day and salute him.

There are not too many of us in the United States with the Medal of Honor. In fact, in this body, he is the only one; and, I believe, in the whole Congress, he is the only one. I believe that there are less than 100 in the whole United States.

To pick our Nation's hero and associate the word "traitor" with him is not only obscene, it is despicable.

So, Madam President, I hope that the people of Nebraska will read this letter carefully and do what is right: Join us in condemning this attempt to smear the good name of BOB KERREY.

Thank you very much, Madam President.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Madam President, I, in turn, rise to associate myself with the remarks of the distinguished Senators from Nebraska and Hawaii, and to comment on the reference of the Senator from Hawaii to the Congressional Medal of Honor.

It may not be generally known in the civilian public, but so long as a winner of the Medal of Honor remains in uniform, he is saluted by any other person in uniform, regardless of rank. If he should be a coxswain in the Navy, admirals salute. When he comes aboard ship, he is piped aboard ship. He is given the honors of a most especial person.

To have such a letter sent out about such a person simply hurts us as individuals and requires that we respond as Senators.

The charge is made of betrayal, treason, and also the charge that Senator KERREY voted against his oath to represent the people of Nebraska, voted against his oath and was rewarded by being made chairman of the Budget Cuts Commission—rewarded. The charge is made that, in return for violation of his oath and treason and betrayal—those words—he was rewarded.

This is more than obscene. The oath in the U.S. Senate requires him to uphold and defend the Constitution of the United States against all enemies, foreign and domestic. And few persons would understand with any greater depth that oath than Senator BOB KERREY.

He rose on this floor—I will not ever in my time here forget listening to him as he stood over there about 9 o'clock at night and said, "Mr. President, if you are listening to me, if you are watching me, as I expect, let me tell you, I am going to vote for this legislation"—legislation I was largely responsible for as chairman of the Finance Committee. And he said, "It does not ask enough of the American people. You have given more things to people who threaten not to vote for you if they did not get this or did not get that."

I would like to quote from the speech. He said:

Mr. President, I know how loud our individual threats can be. But I implore you, Mr. President, say no to us. Get us back on the high ground where we actually prefer to be. This legislation will now become law. As such, it represents a first step. But if it is to be a first step toward regaining the confidence of the American people and their Congress and their Federal Government, then we must tell the Americans the truth. And the truth is, Mr. President, to spend less means someone must get less.

I do not know if more honorable words have ever been spoken on this floor in the course of the protracted fiscal crisis of the past decade.

A man of honor, a recipient of the Congressional Medal of Honor spoke truth on this floor, earned the deep respect of his colleagues, deserves the great regard of the Nation, even as this letter from the College Republican National Committee deserves contempt.

I can only hope, Madam President—because I know that there is no person on that side of the aisle, no person, who in any way associates himself or herself with this letter—I hope some effort will be taken by the Republican National Committee to repudiate this insupportable and insufferably self-interested letter.

BOB KERREY rose to say Americans had to sacrifice more for their Nation, as he has done. And the College Republican National Committee is prepared to blaspheme, if I may use that term in the general sense, to send out this obscenity in order to get money.

I regret that Mr. Palmer, who got the letter, ever did. I am sure he does.

I hope now it can be put behind us. But that will take a positive action by members of the other party, which I am sure they will be willing to take, as I hope we would do in similar circumstances.

Thank you, Madam President.

Mr. COHEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

Mr. COHEN. Madam President, I would like to take the floor just briefly to associate myself with the remarks of the three preceding speakers.

It has been said that silence sometimes becomes so loud it becomes a sound in itself. I did not want to let this occasion pass so that there would be silence on this side of the aisle which might be construed as a sound that in any way endorsed that letter.

I think it was Thomas Jefferson who once wrote a letter in which he said: "Politics is such a torment. I would advise everyone I love never to mix with it," which is, of course, advice he proceeded to ignore for himself as he continued to mix with it.

But more than 1 or 2 or 10 of us have taken this floor on many occasions to point out that there seems to be a breakdown in civility that is taking place, not only out in the streets in terms of the commerce between people, but right here in this Chamber.

This is exactly the kind of tactic, a fundraising tactic, that is contributing to the greater disenchantment on the part of Members from wanting to be involved in politics. It is tough enough to go out and campaign on the basis of one's record and votes without having one's character called into question and, more than character in this particular case, honor.

I remember not long ago the distinguished Senator from Hawaii [Senator INOUE] also was the object of considerable attack, racial in nature, hateful in content, despicable by any account. It was my good friend Senator Rudman who took to the floor to denounce that sort of political terrorism.

So I hope that my colleagues on this side of the aisle would join with the Senators from New York, from Hawaii, and from Nebraska in expressing not only our objection, but our absolute sense of outrage that a Member who has as distinguished a record as Senator KERREY would come under this sort of attack.

We need not stoop to conquer. There are enough legitimate issues that separate us to merit a legitimate, civilized debate in the political system. We need not stoop to tarnish a man of this integrity and honor.

I think BOB KERREY made it very clear he did not like the President's program. He wanted to do much more. But he also said he felt an obligation as a Democrat, as a Senator, to do what he thought would be necessary to save the Presidency.

Some of us might disagree that the Presidency was at stake. That was his judgment.

None of us—none of us—should ever endorse a type of tactic, fundraising tactic, that would involve tarnishing, besmirching this man's character and honor.

So I want to associate myself with the Senators who have taken the floor and preceded me.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The minority leader.

Mr. DOLE. Madam President, I just visited with the distinguished Senator from New York earlier about this, and I received a copy from Senator BOB KERREY.

I just indicate, this certainly does not reflect anybody's view in this Chamber or anybody's view in the Republican Party, as far as I know.

I know how direct mail operates sometimes. I know how it is put together by a lot of people—faceless, nameless people—and sometimes you find your name on it.

In any event, I just suggest that this is not the way that politics ought to be. I share the views already expressed on the floor.

As I said, I just received a copy from the Senator from New York, and I was back in my office and I received a copy

from my friend, Senator KERREY, from Nebraska.

This goes beyond the pale. I think we will probably get the same response from the people it is mailed to.

Mr. WARNER. Will the distinguished Republican leader allow me to identify myself with his remarks.

To such an extent as it might be helpful, I was recently targeted on Republican National Committee stationery by the Republican National Committeeman from my State. I would hope we would all take due note that this official stationery which bears the logos of these respected national organizations is being abused by some individuals with their own agendas which do not necessarily reflect the official agendas of the organization.

It is incumbent upon the chairman of the Republican National Committee, and he is acting on my request, to put some control on the use of the logo. It is also incumbent on the National Young Republicans to put some control on their logo. So I hope that responsibility is accepted by the leadership to curtail the indiscriminate use by some persons of official logos.

Mr. DOLE. Madam President, I think the Senator makes a good point. I think it is not only the young who get carried away. I was subjected to a rather severe judgment by my former colleague, Senator Cranston, in Rolling Stone here a few weeks ago. Nobody jumped up in my defense, but I thought it was beyond the pale, too. I might suggest my colleagues read that. It is not just the young Republicans, sometimes it is the old Democrats, too.

The PRESIDING OFFICER. Who seeks recognition? The Senator from Delaware.

Mr. ROTH. Madam President, first of all, let me say I want to associate myself with the remarks that have been made in connection with the distinguished Senator KERREY. There is no question but what the most precious asset one has is his reputation. It pains me to see anyone who serves this country honorably, attacked in the manner that Senator KERREY was.

Mr. SPECTER. Mr. President, I associate myself with the remarks made this afternoon concerning the letter written about Senator BOB KERREY—the remarks made by the distinguished Senator from Hawaii [Mr. INOUE]; the distinguished Senator from Maine [Mr. COHEN]; and others who commented upon the inappropriateness of that kind of a letter.

Senator INOUE said, very eloquently on the subject, that the right to criticize public officials is a treasured right in America but there are limits, and that letter passed the limits.

Madam President, the great English statesman, Edmund Burke, once outlined what he believed were just causes for combat. He said, "The blood of man should never be shed but to redeem the

blood of man. It is well shed for our family, for our friends, for our God, for our country. * * * The rest is vanity; the rest is crime."

We have all been moved by the bloodshed and loss of life in Somalia, especially the wounds, imprisonments and deaths of our own young soldiers—brave Americans who first entered Somalia on a mission of mercy. These men and women went ashore in that starving country to feed children, to relieve suffering and provide medical attention to a land ravaged by famine, mobsters, and civil unrest.

Now, with American deaths entering the dozens, with soldiers missing in action or imprisoned, the words of CWO Michael Durant, who is the one known hostage held by a lawless warlord, hauntingly remind us that in Somalia we have lost our objective.

On a video tape that I know disturbed most Americans as much as it disturbed me, Michael Durant said simply, "I'm a soldier. * * * I have to do what I'm told. * * *" What a reminder to the leaders of nations of the incredible moral responsibility they have when first they determine to put countrymen in harms way. These are soldiers, they do what they are told. Consequently, leaders have a moral obligation to be certain, and I can not emphasize that word strongly enough, to be certain that what these young men and women are told to do is governed by objectives that are concrete, definable, understandable, and worthy of the risks they are asked to take.

Frankly, these objectives just do not exist, not now, not for us, not in Somalia. Going back to the words of Edmund Burke, Michael Durant's life is not hanging in the balance to provide safety for his family; he is not there to protect the security interests of his friends, or his country; not is he there to guarantee our freedom to worship God. Rather, he is the hostage of an outlaw for a reason that those who placed him in harms way have yet to define. Likewise, those who have already been killed—and those who continue to die—because of America's participation in the United Nations forces are doing what they are told without a clear, understandable and worthy objective. For this reason, I am calling for our troops to now be pulled out of Somalia as quickly as possible, consistent with their safety and the welfare of any and all United States hostages.

I am concerned that the policy taken by the White House is currently moving us in the wrong direction. Placing thousands of more troops and tons of heavy materiel into Somalia risks turning that crisis into a quagmire. It risks increasing numbers of American lives, hardens the resolve of Mohamed Farah Aided and his supporters, and places hostages and potential prisoners like Michael Durant at grater risk as they become pawns in an international

crisis that, frankly, should not be. Likewise, committing more U.S. troops takes the autonomy of our armed forces one more dangerous step toward entrenchment within the ranks of the United Nations. And this, alone, concerns me.

While I have long supported the United Nations, and understand its role in promoting peace and stability throughout the world, I am concerned by any attempt—deliberate or otherwise—that renders American autonomy subservient to that organization. While all eyes are on Somalia right now, I need not remind my colleagues that even as we debate America's place in the crisis of that nation, there are more than 80,000 U.N. peacekeepers deployed in 17 current missions throughout the world. Some of these missions, such as that involving India and Pakistan, began almost 50 years ago and continue to drain human and financial resources. Two new U.N. missions were launched even last month, and U.N. Secretary-General Boutros Boutros-Ghali has ominously predicted that more than 100,000 troops may be involved in U.N. missions by the end of the year.

I believe many of these missions are important, just as I believe the United Nations plays an important role in the global political community. But I am adamant in my position that America cannot give a blank check to a multinational coalition—a blank check that places its interests, lends its troops, and offers financial commitments to U.N. objectives that have little, if any, relevance to U.S. security.

When our soldiers go into battle, when our precious resources are committed to any conflict, we must have four clear, well-defined guidelines.

First, we must know what vital interests are at stake. Seldom, if ever, will we see all Americans support any U.S. commitment to battle; but our reason for being in that battle must be understandable, if not agreeable, to all Americans. When those vital interests involve an ally, or a coalition of nations of which we are a part, we must be in agreement concerning to what degree we are willing to commit our forces and resources.

Second, we must know who the enemy is and what kind of threat the enemy poses to our security forces. Only in this way can we be certain that our soldiers are properly equipped and able to carry out their objective.

Third, we must have a plan about how we can bring the mission in which we are engaged to a successful conclusion in the most efficient and effective manner possible. Our men and women should never be in harm's way even a day longer than is absolutely necessary.

Fourth, American interests under any circumstances, should never be subservient to the interests of any international coalition without the consent of Americans.

With the increasing activity of the United Nations, and as America is central to the success and support of the United Nations, I am concerned that these four objectives may not be considered as United States troops are committed to conflicts and crises like the one that now involves us in Somalia. Consequently, I shall be offering a resolution stating that U.S. forces cannot be placed in combat by the United Nations without the consent of a majority in Congress. I believe that only in this way can we be assured that American troops will remain safely within the stewardship of leaders elected by Americans. Only in this way can we be assured that the criteria outlined by Edmund Burke are met. Only in this way can we be assured that our men and women will not be swallowed up by an international organization that might more readily offer American blood and American lives for reasons and interests that may have nothing to do with America.

Madam President, I yield the floor.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER (Mr. KOHL). The Chair recognizes the Senator from New York.

SOMALIA

Mr. D'AMATO. Mr. President, I am going to speak to the same issue my distinguished friend and colleague, the senior Senator from Delaware, spoke to. Let me refer to an Associated Press article today. I am just going to read parts of it. If one were to just follow parts of this, it should be obvious that what is taking place is that decisions that should be based on military necessity, unfortunately, are being made on political judgments, politics.

This article is written by Donald M. Rothberg, Associated Press, Washington, AP:

General Colin Powell was rebuffed twice last month when he recommended sending tanks and armored vehicles, along with additional troops, to Somalia, a military source added.

It goes on to say:

Pentagon officials said Powell and Aspin spoke twice about the request.

But then the official who speaks in anonymity attempts to cloak this. He said, well, this really was not a request, this is not really something the general wanted. The military leadership was not pushing Aspin to do this.

How dare they, behind anonymity, attempt to cloak it that this was not really serious. Oh, no. The fact is that Powell, as a result of General Montgomery, who is the deputy commander of the United Nations and who is the United States general in charge in Somalia and made this request twice, his request went to the Marine Gen. Joseph Hoar, because this came from General Montgomery, the commander for the region. His request reached the

Pentagon in early September. It came up through the channels to Powell who took it to Aspin with—I quote—"a favorable recommendation."

Let us not let the political bureaucrats and hacks attempt to becloud the issue. They are famous at that—obfuscation, and that is where we are at now.

Powell renewed the request later in the month. Now we hear that the administration has decided against pulling out U.S. troops and that they settled on a plan that will send 1,500 to 2,000 more soldiers there with the equipment that was initially requested last month, in September.

Let us go over this business about what was done and what was not done. We have to understand that when a request, which is called an action, reaches the Secretary of Defense, it comes with a recommendation from the Chairman and the Joint Chiefs. It is either concur or nonconcur. General Powell clearly concurred on the action, or it would have stopped at his level. In fact, Powell reportedly asked for approval twice.

Let me suggest that this is abhorrent. Are we sending young men to do a job, which is dangerous in its very nature, with the deck stacked against them? How dare we get this report back that the Secretary was concerned that there might be a backlash from Congress about sending equipment to defend our boys in the carrying out of their job, our men and women.

I believe that Secretary Aspin has let us down by turning a military decision into a political decision. That was wrong, and he must be removed. I yield the floor.

Ms. MIKULSKI. Mr. President, I rise today to voice my concern and that of my constituents concerning our continued presence in Somalia.

When our Armed Forces were first sent to Somalia they were provided a clear, understandable mission. They were there to feed the hungry, care for the sick, and protect humanitarian workers. The American people were proud to support our Armed Forces and their mission.

But not we find ourselves drifting from our original humanitarian purpose into something far more complex and dangerous. I worry that we now find ourselves in a position which is neither desirable, sustainable, nor enforceable.

Mr. President, I call on the administration to define both our purpose and our presence in Somalia. I supported the Byrd amendment to the Defense authorization because I believed our policy was drifting away from its original, humanitarian purpose into a murky military adventure.

Now, we have last Sunday's ambush of American rangers, the tragic loss of our servicemen's lives, the desecration of our dead, and the taking of U.S. hostages. The people of the United States

and the Congress, demand that we have clear criteria and objectives for our continued involvement:

Why we are there?

What makes us stay?

And under what conditions will we get out?

Without a clear statement of objectives and criteria, Congress should not authorize our continued presence in Somalia, and the troops should be returned home immediately.

Finally, Mr. President, I want to express my deep sadness over the deaths of United States soldiers in Somalia. My thoughts and prayers go forth to the families and comrades of those who were slain. In these turbulent times, the example they have set, their devotion to duty, and their patriotism are examples for us all. I also want to state my heartfelt support and appreciation to the men and women who are now valiantly serving in Somalia. They, who have been serving in harm's way, are performing magnificently. May our leadership and actions be worthy of them.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

THE SENATOR FROM NEBRASKA—BRAVE, NOBLENES OF PURPOSE

Mr. PELL. Mr. President, I would like to associate myself with the remarks made earlier concerning the Senator from Nebraska. There is no doubt in my mind, and I am sure in the mind of any here, as to the ability, the bravery, and nobleness of purpose of the Senator from Nebraska. It is acknowledged by Members on both sides of the aisle.

Accordingly, I associate myself with the remarks that have been made on this subject earlier this afternoon.

REDEFINING OUR POLICY IN SOMALIA

Mr. PELL. Mr. President, I am troubled and saddened by the continued death toll of United States soldiers in Somalia. In the last 24 hours we have witnessed additional United States casualties in Mogadishu as 2 of our soldiers have died and another 11 were wounded in an attack on that city's airport.

While I believe that we must bring in the troops necessary to protect our soldiers and the U.N. forces in Somalia, we should not use those troops to continue the present campaign with its huge emphasis on General Aideed. It has been a miscalculation to focus on capturing Aideed rather than on isolating him. We should concentrate on the successes achieved in reestablishing local government in northern Mogadishu and in the rest of Somalia. Above all, we should pursue a political solution backed by a strong U.N. mili-

tary presence rather than engaging in high risk attacks on Aideed and his forces.

Despite our earlier errors, I believe that we would be committing an even greater mistake by forcing a precipitous withdrawal from our current commitment in Somalia. That is why I spoke before the Senate earlier this week to urge that the administration be given a chance to change course, rather than forcing them to immediately withdraw our forces by cutting off funding.

As I have said before, I support the U.N. operation in Somalia, and I support United States participation in it, particularly since we provided only about one-sixth of the forces. The administration has been working with the United Nations to improve the efficiency and effectiveness of its peacekeeping operations. Some of the reforms that are needed were detailed in reports of our Foreign Relations Committee entitled "Reform Of United Nations Peacekeeping Operations: A Mandate For Change" and in the final report of the U.S. Commission on Improving the Effectiveness of the United Nations, on which I served. With the expansion on U.N. peacekeeping operations in Cambodia, Somalia, and the former Yugoslavia, the need for reform has proved to be even more urgent.

I have come from a morning meeting with the President and his advisers and I applaud the President's efforts to consult with Congress and redefine our policy in Somalia. Those of us who attended expressed varying viewpoints, but in a civil and rational way.

I support the President's commitment to providing safety for our troops and other U.N. troops in Somalia, as well as to achieving our humanitarian goals in Somalia and concluding our commitment there.

Like many Members of Congress, I remain concerned about the circumstances and military tactics that led to last Sunday's tragedy. We must ask the administration for answers concerning the decisionmaking process that led to the weekend raid. There is no more urgent task at hand than to assure that the casualties of the last few days will not be repeated.

I commend the President for consulting closely with Members of the Congress in formulating a response to the changed situation in Somalia. Soon the President will set out the full context of the country's policy in Somalia. I have invited the Secretary of State to testify before the Foreign Relations Committee so that the committee and the Senate can have an opportunity to discuss the administration's policy in Somalia prior to its consideration by the Senate next week.

I yield the floor.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Mexico [Mr. DOMENICI].

GRAZING FEES AND LAND USE REFORM

Mr. DOMENICI. Mr. President, I will not take very much time of the Senate, but in my State there is a very genuine interest on a local issue. Obviously, we have all been speaking on the situation in Somalia or the situation in Russia.

But I choose this evening to try to tell the people in my State, and perhaps the States around New Mexico, in a part of the West and Southwest, the current state of affairs, as I understand them, with reference to the conference on the Interior appropriations bill as it pertains to the moratorium that the Senate voted 59 to 40 to adopt with reference to changing not only the grazing fees but a moratorium for 1 year on changing the rights and privileges and ownership and vested interest and the like with reference to the basic nature of the permits that permit ranching families and ranching interests to graze on the public domain which has been going on for so many decades now under various laws.

Let me first state that there are two parts to what is going on that I will try to indicate to the people in my State have been resolved not by any Republican because Republicans did not participate at all in the supposed settlement of this issue, but there are two parts and they are very distinct and very different.

One. What should we do about increasing grazing fees? We have all—western Senators on that side, western Republicans—said let us change the grazing fees. Let us raise them somehow. Let us look for a new formula. We have been ready to do that. We are prepared to do that. We will negotiate on that.

In fact, now that we know what the Democratic leadership on that committee wants to do, we will tell them early next week what we recommend on that aspect of this very serious issue.

Now, if you listen to the media and those who say get on with something, you would think that is all there is to this issue. And you would think for those 59 Senators, 39 of which were Republicans, who said hold on now, let us give these ranching communities and these ranching families a year to sort this out and have some hearings, the issue was only grazing fees.

I have just stated it is a little part of this problem which is before that committee that was going to be before this Senate but should be before the authorizing committee.

The other part is a series of reforms, so-called reforms. They are changes in the relationship of the user of that public land, that is, the ranchers, men and women, families. It is changing their rights, their privileges, their vested rights, their property rights, and it is that portion of what the Secretary of the Interior had planned to execute without Congress, by Executive order and through rulemaking,

that is causing some severe, severe problems in that Appropriations Committee and will cause severe, serious problems in this Chamber because the very way of life, the property rights, what a ranch is worth, what you can borrow on it, what happens when you make improvements to it, who has the right to close you down and what are your appeal rights, those and many more like them were going to be decided under the rubric of changing the grazing fees.

Now, Mr. President, there is no gridlock with reference to changing the land user privileges and rights because there is nothing to gridlock. This is the first time this whole series of issues has been placed on the table by this Secretary of the Interior and the ranching community, and the Senators from those States are being told we are going to change them all without any hearings, without any law; we are just going to change them. And trust us, the Department of the Interior and those who work for them; we are going to do right.

Mr. President, in my case, I have thousands of ranching families who use the public domain along with their own land, along with State land and make a living in rural New Mexico. I am not prepared today, tomorrow, next week, if I am here for 20 more years, to say to the Department of the Interior you just take care of all this because you are going to do right by these ranching families.

I do not believe that for a minute, and anyone who thinks we are going to sit by and watch all of this get changed without an authorizing committee having hearings on it—and I am not talking about grazing fees. So to those who do not understand or refuse to listen when we say it is not the grazing fees that are in issue, it is what will our house on this ranch be worth next month or next year? Will we be able to borrow on the land and the permits as a unit or are you going to change it so that the value is down, the rancher's interests are changed without a committee of this Congress even holding a hearing on it?

Now, we are going to hear this over and over until it sets in, that we are not going to let anyone change these interests in any cavalier manner. We know best. We have looked at it. It is a compromise after all.

Well, that does not do the job because that is not the issue. The issue is should you do these things to thousands of ranching families? And let me tell you how serious it is. The occupant of the chair will understand this. Ranching families borrow money to operate. And that is understood. The occupant of the chair has been in business. You borrow money for your day-to-day operation and your overhead and you borrow money on your ranch house which is on your own land.

Well, let me tell you, the banks are saying no loans for operation. While this whole series of changes is to be made by the executive branch without a congressional hearing, without a change in the law, they are saying, while those are around, no money will be loaned.

Why do you think they are saying that? They are saying that because these changes are so significant that they render the property rights of the ranching family, the permittee—in some cases it will cut the value in half.

Now, I just ask, would we busy ourselves by letting an executive branch of this Government overnight by fiat change the value of houses across this country, by a rule that they would promote in the executive branch? Would we let them change the mortgage deduction by rule? Of course not. We would say that affects the value of the houses, that affects the carpenters who build houses.

The ranching communities are dependent upon the rights and privileges associated with this ranch house as a ranching unit with public domain permits. So it is enough to just tell you they are not going to lend money for everybody to understand there must be something dramatic happening.

Yes, there is. And do you know how it is going to happen if we do not put that moratorium on? It is going to happen by executive fiat, with no input from the Congress other than perhaps writing your letters of recommendation or suggestion.

That means that on this side of the aisle—and I hope on that side of the aisle, because I cannot believe that every Democrat from Western America has agreed to the proposal, which we have not seen yet in writing but which was given to us orally by the Senator who negotiated it, a good friend, Senator REID, who negotiated it with the House authorizing committee, not the Senate authorizing committee.

In fact, MALCOLM WALLOP, the ranking member of the authorizing committee, was not talked to. PETE DOMENICI, who works on this as much as he can probably be working on it, as long as anyone here now, I was not part of this so-called resolution of this problem. It was done in long distance with the House members on the authorizing committee, who we all know have been just kind of waiting around to do the ranchers in. In fact, they represent some constituencies that do not think we even ought to use the public domain for livelihood as ranchers, and raise beef cattle and other things.

So the solution that is being proposed here is a new grazing fee. We want to work on that. We will bring a grazing fee proposal also to be looked at that will be multiyear and will solve the problem that everybody is talking about on gridlock.

But what is being suggested now is that about two-thirds of these land use

changes, these vested right changes, it is now being proposed—and I assume there are votes to support it, with not a single Republican involved there—about two-thirds of these dramatic, drastic changes are not going to even wait for public hearings. They are going to be written into an appropriations bill.

Let us get rid of it, people are saying. Let us write it right here in this appropriations bill, no hearings. The ranching community spent hundreds of thousands of dollars writing their version, their view, and sent it to the Secretary so they could be filtered into this process. It does not matter. We are going to write it into an appropriations bill.

And what an anomaly. The U.S. House, I say to my friend from Pennsylvania, with the authorizing committees right out front, they are turning down appropriations bills one at a time by saying: Are you authorizing on this appropriations bill? If you are authorizing, take the authorizing out. But not when it comes to ranchers. Authorize it right in the appropriations bill; change their livelihood; change their rights and their privileges, because we cannot afford to have this issue around any longer.

Mr. President, I am fearful that we are going to have it around for awhile. Anybody that wants to read into what I am saying, read whatever they like. But I can tell you right now that I pride myself in being a constructive Senator. I pride myself in working things out. I do not pride myself in causing gridlock around this place. But I will tell you that on this one, I am prepared to do that.

I truly believe it is unfair to change these kinds of rights, privileges, rules, and responsibilities in an appropriations bill without hearings, and we are going to hear responses next week saying we have been at this forever. I repeat: We have been at grazing fees issues for quite a while.

But we have not had in our authorizing committee, the Senate Energy Committee, a bill that changes such things as who owns the water rights; such things as who owns the improvements if they are made; such things as who is going to make the improvements in the future; such things as how do you cancel a permit permanently and irrevocably; what kind of appeal do the ranchers have; what kind of input do they have as an advisory group to what is going on? Those are just a few of the issues.

I do not believe this Senate, when it finally understands this, is going to agree—or I must say, should not agree—that we do this without any public hearings, without a thorough analysis. Let me tell you, the rule of unintended consequences when it comes to these kinds of relationships is front and center. The rule of unintended consequences is going to take

hold if we do business this way. And my constituents by the hundreds are going to find out when it is too late that this was not done right. Or they might find out the year after next that there is no value left in what they spent 20 or 30 years putting together, maybe even a second generation doing, and doing it well.

Nobody is complaining about how they have maintained it, maintained the public domain. But they do not have any value left because what we have changed, without public hearing, without input, without analysis, is saying to them: What you thought you owned has changed. You really do not own it. What you thought you had in equity and value, that you could go to the bank for years and borrow money to keep your family going, and buy a new—buy whatever you need for the year that is coming, maybe it is just not worth anything anymore.

We have already disposed of the idea, I believe, at least for my State—I looked at it carefully—that this is a bunch of rich cattle people. Some call them corporate cowboys. That is not my State. My State has nearly 4,000 of these ranching permits, and the overwhelming proportion are small family ranchers, families who are living there to stay in their rural communities and participate in a lifestyle that has been kind of sort of the real blood and strength of rural communities.

So I guess I come here tonight as much out of sorrow and concern, as I am about to engage on a real crusade where I have some kind of angle about it. I am here to suggest that we ought to be fair, even if it is only 30,000, 40,000, or 50,000 ranching families, or the 4,000 in New Mexico. There are many Senators who have none of those. But if we can just vote kind of cavalierly, since it only hurts a few, then I think we are coming very, very close to pitting one part of this country against another part of this country.

Frankly, I do not like to see that happen. But I will not sit by without doing my share to let everybody in this place know that this is a basic thread of fairness, and you ought to give that to everybody. You ought to give it to minorities; you ought to give it to immigrants; you ought to give it to small business; and you ought to give it to the community called the ranching community of America.

Fairness demands that you not change their livelihood and their resources and the value of their estates and their farms in an appropriations bill with a whole batch of new laws, with unintended consequences, that are just waiting to come out of the woodwork. But when they come out, it is people they hurt, not woodwork.

I yield the floor.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Pennsylvania [Mr. SPECTER].

PRESIDENT CLINTON'S PROPOSED HEALTH CARE PROGRAM

Mr. SPECTER. Mr. President, I have been looking for a quiet moment on the Senate floor to speak relatively briefly about the administrative aspects of President Clinton's proposed health program.

I saw one of our colleagues on television recently being asked about whether the Senator had read the report, and I noted some embarrassment in the failure to give an affirmative answer. So I took a copy and found it was 239 pages long, and I proceeded to read this lengthy report, for those who may be watching on C-SPAN 2, here it is.

There is a great deal in this report which is going to require study and analysis. It is, on its face, only a preliminary report. "This document represents a preliminary draft of the President's health reform proposal." That is the first sentence on the front page. We have yet to receive the legislation which, according to the way legislation customarily follows a draft report, is likely to be a good deal more involved and obviously more specific, and most probably more complicated.

I inquired as to whether any Senator had put this report in the CONGRESSIONAL RECORD and was surprised to hear that none had. I believe that it has not been put in the RECORD on the House side either. I wonder, commenting on that, whether that reflects to any extent the reading by our colleagues who are Members of the Congress.

I intended to submit this preliminary report to be printed in the CONGRESSIONAL RECORD. However, I am advised by the Joint Committee on Printing that it would cost \$12,000 to print and thus I will refrain from doing so.

People need to read it—Members of Congress and others—to understand what is happening as we look toward a very substantial debate on health care reform.

I share the objectives of President Clinton to provide comprehensive health care for all Americans. During my 12 years plus in the Senate, I have served on the Appropriations Committee for Health and Human Services and have been heavily involved in the work of the Congress. I have proposed extensive legislation in this field, going back almost a decade, when I first proposed legislation dealing with low-birth-weight babies, and since have proposed comprehensive legislation and tried to bring this issue to the floor in the summer of 1992.

It seemed to me that with some 1,500 health bills pending, we did not have to wait any longer, that we could legislate on the subject, very much as we did on the Clean Air Act, where we brought a complicated question to the floor and broke up into task forces and finished the product and made substantial improvements. That effort on my

part was not successful and was defeated largely along party lines. This spring I made another effort in the same direction when it appeared that the President's proposal was going to be substantially delayed, and the estimate was in May and then June and July and a speech to the joint session in September, and still we do not have the legislation.

I have felt keenly the need for legislating in this field. The one subject I want to comment about specifically—and many things are to be commented about, and it is going to take a long time to analyze the proposal—involves the administration, or the bureaucracy, or the boards, or commissions, which are set forth in this program. I candidly was very surprised when I saw all of the new administrative agencies.

So I asked my staff member, Sharon Helfant, a very able young woman, to make a list. After she made the list, she made a chart, and charts have become more numerous on the Senate floor in recent days. They tell quite a story without so many words. Sometimes the Senate floor can use fewer words—and that goes for me as well.

I ask that the camera pan the chart, if it would. On color coding, the existing governmental agencies are marked in green. They spend the money. The new agencies are marked in red, which is where we may end up if we have this much bureaucracy and administration.

I was surprised, Mr. President, to find that in this grouping there are 77 new entities, agencies, commissions, councils, and advisory groups which are marked in red. And there are at least 54 existing entities which will have new or expanded responsibilities or other changes in their present functions.

We all know how expensive—I meant to say expansive, but I could say expensive and expensive—our governmental agencies are, which are marked in green; but they are dwarfed by the new ones, which are marked in red. They cover many new subjects.

For example, there will be a national health board overseeing the entire program with enormous powers, which have yet to be fully delineated. One of them is the authority to preclude someone from traveling, hypothetically, from Camden, New Jersey to Philadelphia, going from one State to another to get specialized medical treatment, say, at the hospital of the University of Pennsylvania. There are very complicated health alliances which are set up, and in many States there will be many of them.

There is a national council on prescription drug programs. There is a new agency for malpractice dispute resolutions. There is a national health information system. There is a national privacy council. There is an advisory committee for the risk adjustment formula. There is an advisory

commission for premium adjustments. There is a national health data advisory council. There is a national quality management program. There is a national guarantee fund. There is an advisory council on long-term care insurance. There is a national system of electronic claims management. There is a national trust fund for academic health centers. There is a commission on health benefit and integration demonstration programs. And there is a breakthrough drug committee, and on and on and on.

I know a colleague has come to the floor to seek recognition, so I will be relatively brief, Mr. President.

I ask unanimous consent at this juncture that the full text of a memorandum from my staff assistant, Sharon Helfant, to me dated October 6, 1993, be printed in the CONGRESSIONAL RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.
(See exhibit 1.)

Mr. SPECTER. This memorandum sets forth the minimum of 77 new entities, and the minimum of 54 existing entities with newer expanded functions. The descriptions in this memorandum will enable those who care to read the CONGRESSIONAL RECORD to see a summary of what is to be involved.

In reviewing those programs and in looking over the work which the Subcommittee on Labor, Health, Human Services and Education does on the Appropriations Committee—where Senator HARKIN is the chair and I am ranking Republican member—I see the bureaus, agencies and advisory commissions that will be set up, which will have to be paid for. And I see the difficulty of allocating the existing funds within existing programs on the National Institutes of Health, where we have maintained increases on research, or on cancer programs—prostate cancer kills one out of nine men, and breast cancer kills one out of eight women—and our efforts to increase those funds. It is a source of considerable concern to me as to where the funds will come from for these new agencies and administration issues.

We are all concerned about the potential of big government and the problem with big government. We do want to be sure that the 37 million Americans now not covered are covered. We want to be sure that when a man or woman changes jobs, that person will be able to have health coverage in the new jobs and portability between jobs. And we want to be sure that the costs are reduced where they are spiraling out of sight.

But we have to be certain in this whole process that we do not unduly impact or harm the existing health care system we have, which does cover 86 percent of the American people, and which is the best health care system in the world.

We had heard in the years gone by a great deal about the Canadian system and its virtues. As time passed, we found there are enormous problems. We learned when people in Canada really need health care they come to neighboring United States cities, Seattle, Detroit, or Buffalo.

These are issues we have to study very carefully. When I found this document of 239 pages was not in the CONGRESSIONAL RECORD—this kind of administrative complex—it seemed worthwhile to reproduce the chart and set forth the summary of the documents, which I have asked to be included in the CONGRESSIONAL RECORD.

There will obviously be much more to be said, but this is a matter where we need input from all interested parties. There is enormous interest in this subject by the American people. I go hardly anywhere where people on the street do not say to me, "Be sure you get comprehensive health care which covers everybody." And on the trains people tell about their own individual problems, and people in the delivery system raise issues and concerns about what is going to happen.

I say to all of those who ask me, "Await the legislation, take a look at the legislation, identify issues which you think are problems, be specific, give specific recommendations as to what you would like to see changed."

I am not about to give blank checks to anybody when people ask me about these issues. But if there are solid problems and if I agree with the problems and agree with the improvements, the recommendations for amendments, we can take care of them on the Senate floor.

So this is a matter which requires considerable study. I hope that my comments today and the inclusion in the CONGRESSIONAL RECORD of this chart will be of assistance in the next stage of debate as America takes a look at the President's proposal, to see what really has to be done to achieve the objective of universal health care for all within sensible and reasonable parameters.

I thank the Chair and yield the floor.

EXHIBIT 1

Memorandum:

To: Senator Specter.

From: Sharon Helfant.

Date: Wednesday, October 6, 1993.

Subject: President's health care plan outline: newly created entities and functions; existing entities with new functions.

Below are lists of both the new entities and their functions and existing entities with new responsibilities. There are also numerous new responsibilities for various existing persons (such as the Secretary of HHS) and agencies (such as the Health Care Financing Administration (HCFA)) not specified below. In addition to this list and corresponding chart, such numerous responsibilities will call for expanding existing entities and will add significantly to the size of the present bureaucracy and administrative costs.

Clinton's health plan outline specifies a minimum of 77 new entities (agencies, com-

missions, councils) and a minimum of 54 existing entities with new or expanded responsibilities, or other changes in present function. These numbers are low estimates since certain entities will be multiple between, and often within, states (such as the Health Alliances and Health Plans).

I. NEW ENTITIES

1. National Health Board: The Board is responsible for:

- (1) oversight of the state system;
- (2) interpret and update the nationally guaranteed benefit package and issue regulations;
- (3) oversee and enforce the national budget for health care spending;
- (4) establish and manage quality performance of health plans;
- (5) oversee the pricing of breakthrough drugs and make public declarations regarding the reasonableness of launch prices.

2. Health Alliances: Established by states to contract with health plans in providing coverage for businesses with less than 5,000 employees, Medicaid eligible individuals and families, self-employed, unemployed, part-time employed, government employees, and possibly early retirees and Medicare beneficiaries. Alliances are also responsible for:

- (1) representing the interests of consumers and purchasers of health care services;
- (2) structuring the market for health care to encourage the delivery of high-quality care and the control of costs; and
- (3) assuring that all residents in an area who are covered through the regional alliance enroll in health plans that provide the nationally guaranteed benefits.

(4) negotiate and certify all health plans and adjust payments for each plan based upon cost characteristics of the enrolled plan.

3. Health Plans: Such health insurance plans (newly created and existing) provide coverage of the "nationally guaranteed benefits package" through contracts with regional or corporate alliances. Such plans must be state-certified and meet newly created federal requirements involving enrollment, community rating, fiscal soundness, consumer information to alliances and consumers, grievance procedures, arrangements with providers, marketing practices, verification of provider credentials, consumer protections, confidentiality, utilization management, and data management and reporting.

4. National Council on Prescription Drugs Program: Established under the National Board to develop a universal drug claim form.

5. Malpractice/Dispute Resolution models: Developed under the National Board to be used by health plans in establishing an alternative-dispute resolution process for consumers.

6. Payment transfer system: Established under the National Board for the Alliances use when formulating payments to each plan.

7. Program to report on ability of disabled persons to receive quality care in managed care plan (related to Medicaid): To be used by states in assessing Medicaid's ability to cover such persons under a managed care plan.

8. National Health Information System: Established under National Board to collect patient information in creating a national data bank (related to the creation of the Health Security Card to be carried by all Americans).

9. National privacy panel: Established under the National Health Information System to protect individuals' medical records.

9/10. Community based health information systems and regional centers: Established under the National Health Information System to collect patient information for a national system.

11. Advisory committee for risk-adjustment formula: Under the National Board to develop risk-adjustment formula for Health Alliance's payments to health plans.

12. Advisory Commission for premium adjustments: Under the National Board to assess differences among premiums between health plans.

13. National Health Data Advisory Council: Under the National Board to oversee the information and data activities, including standard setting and privacy collection.

14. Demonstration projects: The National Board contracts out research and oversees demonstration projects in meeting designated responsibilities.

15. National Quality Management Program: Established under the National Board monitor, assess and report on quality of health care under new system.

16/17. Regional centers and demonstration projects: Established under the National Quality Management program to assist in meeting designated responsibilities.

18. National Guarantee Fund: Created under the Department of Labor as a financial safeguard for the self-insured plans and other plans that are outside of the Health Alliances.

19. Formula grants to states for high-risk school districts: Depts of HHS and Education to administer a new grants program for health care at high-risk schools.

20. Long-Term Care Insurance Advisory Council: Established under the Dept of HHS to monitor the long-term care insurance market and to advise the Secretary of HHS on such matters.

21. Medical liability pilot program: Established under the Dept of HHS and based on practice guidelines adopted by the National Quality Management program (under the Board) to determine the effect of using practice patterns in certain specialty areas.

22. All-Payer Health Fraud and Abuse Program: Established under the Depts of HHS and Justice which creates a trust fund to develop and implement stronger law enforcement against fraud and abuse in the health care industry at federal, state and local levels.

23. Safety zones/antitrust exemptions: Administered by the Justice Dept and the Federal Trade Commission to establish areas where hospitals and other health institutions can freely share expensive technology without fear of breaking antitrust laws.

24. Demonstration programs to improve enforcement of long-term care insurance: A new program administered by the Dept of HHS to improve enforcement of laws regarding long-term care insurance practices.

25. Demonstration program re. integrated models of acute and long-term care services for disabled and chronic illness: Administered by the Dept of HHS to assess the feasibility of integrating different types of care with the goal of being more efficient and less costly for such persons.

26. Home and Community-based long-term care program: A new program under Title XV of the Social Security Act administered by HHS to encompass: (1) expanded home and community-based services; (2) improvements in Medicaid coverage for institutional care; (3) standards to improve the quality and reliability of private long-term care insurance and tax incentives to encourage people to buy it; (4) tax incentives that help individ-

uals with disabilities to work; and (5) a demonstration study intended to pave the way toward greater integration of acute and long-term care.

27. New community health program: Established under the new Home and Community-based Long-Term Care program, services are provided through a new state program.

28. Combined new state program: Authorizes states to combine current Medicaid community long term care and institutional care with the new community health program as a combined new state program.

29. New outpatient prescription drug benefit: Expanded benefits under Medicare which will cover outpatient prescription drugs after a \$250 deductible is met. The government will pay 80 percent and beneficiaries 20 percent, of the cost of each prescription with an annual limit on out-of-pocket expenditures of \$1,000.

30. National system of electronic claims management: The Secretary of HHS establishes this national system as the primary method of determining eligibility, processing and adjudicating claims, and providing information to the pharmacist about the patient's drug use under the Medicare drug program.

31-41. Regional centers: The Secretary of HHS establishes ten regional centers under an expanded National Council on Graduate Medical Education to allocate training slots among individual residency training programs.

42. Grants for research on the impact of health care reform: An expanded health services research program to be administered by the Office for Research and Demonstrations within the Health Care Financing Administration (HCFA) and the Agency for Health Care Policy Research within the Public Health Service.

43. Medicare technical advisory group on Hospital Administrative issues: A new advisory council under the Health Care Financing Administration (HCFA) to streamline the process for settling cost reports under the Medicare program.

44. New grant programs for enhancing access to health care in rural underserved areas: To be administered by the Public Health Service (PHS) financed by savings as achieved through PHS programs which the plan expects to happen as persons presently being served by such programs receive coverage through Health Alliances.

45. National trust fund for academic health centers and affiliated teaching hospitals: A new pool of funds will be collected through Medicare and a surcharge on health plan premiums to fund the additional expense involved in academic research centers and teaching hospitals.

46-55. Residency programs: primary care-new physicians, continuing education and re-training/minority training programs/rural health/nurse practitioners/nurse mid-wives/physician assistants: Creates and/or expands programs in these areas. Funded through existing federal programs and a surcharge on health plan premiums.

56-61. Government subsidies: businesses (including self-employed and part-time)/individuals and families/unemployed/early retirees ("under review"): The federal government will subsidize all or part of the cost of the health plan premium.

62. Alternative Dispute Resolution program: all health plans must establish such a program for consumers.

63-64. Commission on Health Benefit and Integration/Demonstration program: Study the feasibility and appropriateness of trans-

ferring the financial responsibility for all medical benefits (including coverage through workers' compensation and automobile insurance) into the new health system.

65. Ombudsman program: Established under Health Alliances to provide assistance to consumers in an Alliance.

66. Consumer Advocacy program: Established under the state government and related to consumers of all health plans.

67. Technical Assistance program: Established under the state and administered through a designated organization to provide a variety of activities related to the Quality Management Program established under the National Board.

68. Demonstration projects for enterprise liability: Federal funds support states in establishing such projects designed to determine whether substituting physician liability with liability on the part of the health plan leads to improvements in the quality of health care, reductions in defensive medicine and better risk management.

69-76. New grant program to ensure access to health care for low-income, underinsured, hard to reach and otherwise vulnerable populations: includes programs in transportation/child care/advocacy and follow-up services/supplemental services: Through States such grant programs are to be used for above specified purposes in getting all persons into the health care system.

77. Breakthrough Drug Committee: Established under the National Board to assess the pricing of breakthrough new drugs and make public declarations regarding the reasonableness of prices.

II. EXISTING ENTITIES/NEW RESPONSIBILITIES

1-3. The Work Group For Electronic Data Interchange/National Institute of Standards and Technology under the Department of Commerce/American National Standards Institute: Assist the National Board in developing and implementing national standard forms for insurance transactions.

4-6. Consumer Product Safety Commission/National Highway Traffic Safety Administration under the Department of Transportation/National Institute of Standards and Technology under the Department of Commerce: Advise and assist the National Board with developing and revising privacy protection safeguards in national system related to administrative simplification.

7. Department of Treasury: If a State fails to comply with Federal requirements, the National Board informs the Secretary of the Treasury who will impose a payroll tax on all employers in the State. The tax will finance the Federal Government in providing health coverage to all individuals in the State and related administrative costs.

8. Department of Labor/the Employee Retirement Income Security Act of 1974 (ERISA): The Department oversees plans operating under ERISA and outside of Health Alliances. This includes corporations with over 5,000 employees, rural electric and telephone cooperatives, Taft-Hartley plans over 5,000 and the U.S. Postal Service.

9. Veterans Administration: Continues to provide health care to veterans. The Secretary shall determine if VA health centers should extend care to dependents of veterans. The VA must also assist the National Board with administrative simplification.

10. Department of Defense: Continues existing health programs and permits the Secretary to "coordinate the military system with national health reform." Also assists the National Board with administrative simplification.

11. Department of Health and Human Services: Expansion of programs within the Department of Health and Human Service's jurisdiction are listed below—numbers 12 to 38. In addition, HHS is to coordinate with the Department of Education on developing a state grant program for high-risk schools, and the Department of Justice on a new fraud and abuse program and assists the Board with administrative simplification. The Secretary is to report to the President on the extent to which each sector of the health care industry is voluntarily restraining costs and has the authority to collect related information.

12. Health Care Financing Administration (HCFA): Expansion of programs within HCFA's jurisdiction. This includes: Medicare, Medicaid and each of their related new and existing programs, and the Office for Research and Demonstrations. Please note expansions of such programs coincides with \$238 billion in cuts over the next seven years—\$124 billion in Medicare and \$114 billion in Medicaid.

13. Medicare: Medicare continues to exist. Current and future beneficiaries may choose to be covered through a Health Alliance. Benefits are expanded to include an out-patient prescription drug benefit and home and community-based long-term care as detailed in under Section I: New Entities (listed above). The plan also calls for savings in the Medicare program of \$124 billion over the next seven years (1994–2000).

14–16. Medicaid/Medicaid community long-term care/institutional care: A state may integrate beneficiaries into the Health Alliance. States also may create a new program to include existing Medicaid community long-term care and institutional care with a newly created home and community-based long-term care program. The plan also calls for savings in the Medicaid program of \$114 billion over the next seven years (1994–2000).

17–18. Office for Research and Demonstrations under HCFA/Agency for Health Care Policy and Research under the Public Health Service: Administer newly created grants both within their agency and contracted out to determine the impact of health care reform.

19–20. Graduate Medical Education/National Council on Graduate Medical Education: Presently funded under Medicare, Graduate Medical Education funding is to continue with additional funds from health plans.

21. Public Health Service: Expansion of responsibilities for existing programs under the Public Health Service's jurisdiction are detailed below—numbers 22 to 37.

22. Health Services Research Program: Within the Public Health Service (through NIH and other entities) expansion of health services research related to the development of quality and outcome measures and consumer decision making within the Public Health Service (within NIH and other PHS entities).

23. National Institutes of Health: Expansion of prevention and human services research.

24–28. Family Planning / maternal infant health block grant / community health centers / health care for the homeless program / Indian Health Service: Continue to exist with the eventual goal of integrating individuals receiving care through these entities in to the new health care system. Savings are to be reallocated to a new grant program for enhancing rural underserved areas.

29–37. Residency training programs for: rural health including the National Health

Service Corps / minority training programs / primary care (new physicians, continuing education and retraining), nurse practitioners, nurse mid-wives, and physician assistants): Expansion of such training programs in areas where they presently exist. Such programs are created where they do not exist and are to replace medical specialty residency positions in areas that are deemed to have too many.

38. National Practitioner Data Bank: Under the Dept of HHS to establish rule for public access to information on malpractice records of providers nationwide.

39. Department of Education: Authorized to work with the Dept of HHS to develop a new grant program to states for health in high-risk schools.

40–41. Department of Justice / Federal Trade Commission: Work together to establish "safety zones" for anti-trust exemptions in encouraging hospitals and other health institutions in the same community to share expensive technology.

42. State government: Assume primary responsibility for ensuring that all eligible individuals have access to a federally qualified health plan. If a state fails to do so, the federal government will assume such responsibilities to be funded by a payroll tax from all residents in the state. A state may create a single-payer system or create regional Health Alliances which contract with health plans. States also must: (1) administer subsidies for individuals and employers; (2) certify health plans; (3) regulate financing of plans within an overall budget; (4) administer data collection, quality management, and program improvement; and (5) establish and govern health alliances.

43–44. Federal, state, and local law enforcement: Under the All-Payer Health Fraud and Abuse program administered by the Depts of Justice and HHS, will receive additional funds to implement new and existing law enforcement of health care fraud and abuse.

45. Health Plans: Health insurance plans continue to exist but must meet federal requirements as specified directly by insurance market reforms and the guaranteed benefits plan in the text of the plan and as created by the National Board.

46. Government workers: federal (FEHBP), state, and local: Such health plans must also comply with federal requirements and are rolled in to the Health Alliances.

47–52. United States Postal Service / Taft-Hartley plans / Rural Electric and Telephone Cooperatives / self-insuring corporations (over 5,000 employees): Continues to self-insure members and employees in compliance with federal requirements for qualified health plans and premium limits as set forth under this plan.

53–54. Supplemental plans / workers compensation / auto insurance health component and auto insurers: Such plans may continue to exist, however, workers compensation and auto insurance must roll in their health component to the basic health plan. This is applicable to both corporate and regional alliances.

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

Mr. NICKLES. Mr. President, I compliment my friend and colleague from Pennsylvania for his statement.

ARMED FORCES PERSONNEL IN CERTAIN INTERNATIONAL OPERATIONS

Mr. NICKLES. Mr. President, when the Senate takes up consideration of

the Department of Defense appropriations bill, I plan on offering an amendment that would prohibit U.S. combat forces from serving under foreign command in U.N. operations, unless authorized by Congress.

Mr. President, I might just mention a couple of things.

One, I have heard a couple of people refer to my amendment as dealing with Somalia. My amendment does not mention the word Somalia. I will tell my friends and colleagues that this amendment was contemplated far and long before the debacle and tragedy that happened earlier this week in Somalia.

As a matter of fact, I had this amendment drafted and prepared to offer on the foreign operations appropriations bill and decided to offer it on the Department of Defense appropriations bill because that is where we fund peacekeeping forces.

My interest in offering this amendment came not so much from Somalia, but from two other real concerns. One, repeated reports that this administration is contemplating committing 25,000 troops to Yugoslavia. Second is a draft Presidential Decision Directive, called PDD-13, which as reported may result in significant U.S. commitments to an international peacekeeping standing armed force. I have serious reservations about that proposed policy.

Mr. President, this amendment is very simple. I have it ready and am going to enter it into the RECORD so people can look at it. I am not saying it is perfect, but the thrust of it is very clear. It says we will not commit U.S. combat forces to any standing international armed force—which could be with the United Nations—nor to a U.N. operation which is under foreign command, unless authorized by Congress.

I might mention, too, this amendment in no way ties the President's hands. As a matter of fact, I think it clarifies his role as Commander in Chief.

The amendment also gives the President emergency authority. If he felt it was in the national security interest to do so, he can place combat forces under foreign command. Yet Congress would have to authorize this within 30 days. We state that the President would have to submit a report to Congress which specifies the role and the mission of such forces, the estimated cost, the probable maximum size, and probable duration of such commitment to the appropriate committees, and then the committees would have time to review, then we would have to pass a joint resolution authorizing the placing of such forces.

We also state that no funds shall be used to commit U.S. combat forces as any part of a standing international armed force.

Some people have talked about the desire and—I started to say the wisdom—I would say the lack of wisdom of

putting U.S. combat forces under an international standing army to respond as called upon under foreign command.

I think that would be a serious, serious mistake, and I do not want to see us drawn into those kinds of conflicts without clearly knowing what was in our national security interests.

So that is the purpose of my amendment.

Again, Mr. President, let me just state: The word "Somalia" is not in this amendment. This amendment was drafted well before the tragedy in Somalia, but I think it is very pertinent. It is very important.

I might mention that this amendment does not affect medical, logistics, communications, humanitarian, training, or temporary observer or liaison activities.

So, we are directing this toward combat troops, and we are saying we do not want U.S. combat troops to be in U.N. operations under a foreign commander, unless authorized by Congress.

So, if the President, the Commander in Chief, would like to see that happen, he is going to have to request this shift to foreign command of Congress, and clearly state their mission. He is going to have to sell Congress and the appropriate committees, and then Congress is going to have to pass a joint resolution authorizing that, which I think is clearly constitutional.

I want to avoid some potentially tragic mistakes.

Again, Mr. President, I deeply regret the tragedy that has recently happened this week in Somalia. This amendment was not drafted to cure that problem. This amendment has been in the works for a long time, but it is drafted to try to, hopefully, avoid pitfalls where we would commit U.S. combat forces to an international body and find ourselves entangled in foreign obligations which we are not prepared, or at least not authorized to do so by Congress.

Mr. President, I ask unanimous consent to print in the RECORD an amendment offered by myself.

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

On page 12, line 17, insert immediately after "installations," the following:

RESTRICTION ON USE OF UNITED STATES ARMED FORCES IN CERTAIN INTERNATIONAL OPERATIONS

(a) PROHIBITION.—None of the funds appropriated or otherwise made available by this Act or any other Act may be used to support United States Armed Forces personnel, other than those engaged in medical, logistics, communications, humanitarian, training, temporary observer or liaison activities, after March 1, 1994, when such forces are:

(1) under United Nations command if such forces would be under the command of foreign officers, unless prior to that date the President has submitted a report to Congress which specifies the role and mission of such forces, the estimated cost, their probable maximum size and the probable duration of such a commitment to the appropriate con-

gressional committees, and such committees have had 30 days to review the consequences of such a commitment of U.S. Armed Forces, and a Joint Resolution authorizing the placing of such forces under foreign command has been enacted; or

(2) a part of any standing international armed force.

(b) The prohibition described in subsection (a)(1) shall not apply if the President determines that (1) national security interests justify a waiver of subsection (a), and (2) the President declares an emergency exists, and he immediately informs the Congress of his action and the reasons therefor, and (3) within 30 days there must be enacted a Joint Resolution of Congress authorizing that such actions are in the national security interests of the United States.

(c) SENSE OF THE CONGRESS.—It is the sense of the Congress that the President should notify the Speaker of the House of Representatives and the President of the Senate when there is pending in the United Nations Security Council any resolution that might entail the commitment of United States military personnel, and should seek the advice of the Chairmen and Ranking Members of the appropriate congressional committees prior to instructing the United States Permanent Representative to the United Nations regarding such a pending resolution.

(d) DEFINITION.—For purposes of this section, the term "appropriate congressional committees" means the Committees on Appropriations, Armed Services, and Foreign Relations and Select Committee on Intelligence of the Senate and the Committees on Appropriations, Armed Services, and Foreign Affairs and the Permanent Select Committee on Intelligence of the House of Representatives.

Mr. NICKLES. I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

APPOINTMENT BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 101-194, appoints Shepard Lee of Maine to the Citizens' Commission on Public Service and Compensation, vice Walter B. Gerken of California.

LT. COL. FRANK WILLIAM CURTIS

Mr. NICKLES. Mr. President, 12 years ago, Lt. Col. Frank Curtis assumed the difficult challenge of bringing order to the Senate Service Department. That opportunity, if you want to call it that, was given to Frank by our distinguished former majority leader Howard Baker.

Not only was Frank an Oklahoman from Waynoka, but a friend and acquaintance here in the Senate. During

that time, I had the occasion to know Frank and listen and learn from his colorful style and character.

As an Air Force officer, Frank was a logistics wonder. Beginning in the 1950s, he pioneered the B-36 fly away kits, used in atomic bomb tests. Later he became the logistics manager of the famed U-2 reconnaissance plane; and in Vietnam, he guided support troops for our combat aircraft. In short, he was a talented and gifted individual with a knack for developing a top-notch product and winning over doubters with his Oklahoma wit and charm.

On July 15, Frank Curtis succumbed to diabetes at the age of 62. Frank will be remembered for his abilities and contributions to his country, including the U.S. Senate. But, perhaps, his greatest contribution was to his family which he counted as his greatest logistical feat. He will be deeply missed by his wife, Janet, his twin daughters, Katy and Leslie, as well as his six grandchildren.

In keeping with the honor due him, he was buried with full military honors at Arlington National Cemetery in July. On behalf of all those in the Senate, I give my condolences to the Curtis family and extend my heart-felt thanks for the years they shared him with us.

Mr. President, I yield the floor.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Nevada [Mr. REID].

SENATOR BOB KERREY

Mr. REID. Mr. President, when I was growing up, I remember how I used to read about Audie Murphy, who won a Congressional Medal of Honor. A young 18- or 19-year-old man in the European theater, he not only won a Congressional Medal of Honor, he was the most decorated soldier in the Second World War.

As a young boy growing up in a very small town in Nevada, I never thought that I would be able to meet someone that won a Medal of Honor, let alone work with him every day in my profession.

I have had that opportunity. As a Member of the U.S. Senate, I have had the opportunity to serve with a man who won a Congressional Medal of Honor. Senator BOB KERREY, of Nebraska, is a national hero. On a dark night in Vietnam, on an island off the coast of Vietnam, as a commander of a Seal unit, he was very courageous. What he did was deserving of the Congressional Medal of Honor, something that is rarely received. In the process, BOB KERREY lost his leg. BOB KERREY wears an artificial limb.

I am very proud to serve with BOB KERREY. He is a close, personal friend of mine. There is no one in the U.S. Senate that I respect more than BOB KERREY.

When I received a copy of a letter from the College Republican National Committee and its chairman, I was sick to my stomach. This man, by the name of Bob Spadea, says a number of things about my friend BOB KERREY, Congressional Medal of Honor winner.

Today, you and I need to let Senator Kerrey know that this betrayal will not go unnoticed. Self-betrayal—the betrayal of people of his state—and the betrayal of a nation.

The letter goes on a number of sentences later:

In America treason was once punishable by hanging—so despicable was the offense of betrayal.

Another paragraph:

Sign the Republican Petition to Bill Clinton and tell him in no uncertain terms that you do not want a wavering, weak-willed Senator * * *.

This wavering, weak-willed Senator is walking on an artificial limb as a result of being a hero for this country.

I have read this letter. It is trash. This man is trying to raise money, as he says in the letter. I hope he does not raise the money that pays for the postage. I hope he has personally signed a note for the postage. I hope he cannot pay it. I hope they file a law suit against him and assess costs and attorneys fees and garnish his wages, if he works. I hope they take his bank account. I hope they take his car to pay for the postage for this trash.

I feel—as the notes that have been prepared for me say—that I should go into how the letter was obviously written by someone who should not be in college. There is not a complete sentence; certainly not a paragraph in the whole letter.

But I am not going to go into the personal degradation of the person that wrote the letter, other than to say that this man should go to bed this night and think about what he has said and what he has done.

Our country is better than raising money politically by trashing somebody like BOB KERREY. Our country is better than having somebody trying to raise \$25 or \$35, as he says in this letter, by calling BOB KERREY a traitor to his country.

I hope this man, when he goes to bed tonight, will look at himself inwardly and recognize he has made a mistake and that he should apologize to BOB KERREY and send a letter to everybody that he sent one to originally and apologize to them for what he has done to defame the name of BOB KERREY.

THE GRAZING FEES COMPROMISE

Mr. REID. Mr. President, I come to the floor for a reason this evening. The reason I am here is that I watched—and I was not able to see it all because my staff did not come to me soon enough and I was in a conference—my friend, the senior Senator from New

Mexico, on the floor recently talking about the conference that is going on now with the Interior Appropriations Subcommittee.

He said, among other things, that the compromise that has been negotiated with the House is bad for the ranchers; that he cannot believe how it came about. So I would like to take a little bit of time to educate, hopefully, my friend from New Mexico as to how the compromise came about and why it was necessary to compromise this issue dealing with grazing fees.

I have, since I came to the Congress of the United States, both in the House and in the Senate, worked very hard for rural Nevada interests.

When I served in the House of Representatives, I did not represent rural Nevada. I represented metropolitan Las Vegas; basically, a metropolitan area. But I always felt that I represented all of the State of Nevada.

When I served in the House of Representatives, my stationery, even though I represented a congressional district, said Nevada. It did not say First Congressional District. And when I was in the House of Representatives, I fought hard for rural Nevada interests.

Since I have come to the Senate, specifically, Mr. President, I have worked very hard for rural Nevada interests, as everyone in this Chamber, I think, knows.

Because of my position on the Appropriations Committee, I have been in the forefront of the mining and grazing fight for 7 years. I think that my credentials for protecting the West are beyond dispute.

I am not going to talk about mining, but I am this afternoon, because of my friend from New Mexico going to talk about grazing.

For years, prior to my coming to the Senate, grazing has been a contentious issue. Every year we, through the appropriations process, are able to hold up any reforms dealing with grazing. And all the western Senators, including the Senator from Nevada, walk out and declare victory. Victory for gridlock? I hope not. I hope we were declaring victory for fairness and that we would get something done. But now we are going on the seventh year involved in this and still nothing has been done.

Mr. President, you will remember as other Senators will remember, when there was an issue that came up when the interior bill was on the floor, chaired by the President pro tempore of the Senate, when that bill came before the Senate, there was an amendment offered by Senators DOMENICI and REID to establish a moratorium on grazing reform.

Many of my colleagues in the Senate, both Democrats and Republicans—mostly Democrats, but Senators on both sides of the aisle—said to me, we are willing to vote with you on this

moratorium, but will you give us your word you will try to resolve this? We are sick of it. We want something done to resolve the issue. And I told those people who said that to me that I would do what I could to try to put to rest this contentious issue.

I was glad to try to do that because this issue is one that needs to be resolved for a number of interests. The most important interests that need this issue resolved are the ranchers. They need stability. They need to put an end to the looming threat of sky-high hikes like we have gotten from the House of Representatives over the years. Some of them passed the House with over 500-percent increases. So, above all, the ranchers needed this issue put to rest.

My friend from New Mexico said, among other things, property values would be destroyed. I think it is about time we stop talking hypotheticals and start talking facts. I know ranchers have called this Senator and have said,

Senator, will you do something to get this issue resolved? I cannot sell my ranch because people are afraid to buy it because they do not know if the grazing fees are going to be \$1.86 or \$10.86 next year. I cannot borrow money anymore. Or, if I can borrow money, I cannot borrow as much as I used to. It is really affecting the way I operate my ranch.

The compromise that has been submitted to the conference is fair, equitable, and reasonable. It is not a perfect solution to the problem because they do not make them. As I told that conference, prior to my coming to the U.S. Senate I was a trial lawyer. I worked with people's problems. There were times when you could not settle the case and you would have to go to court and a jury would decide it.

I always knew, though, when we had a good settlement. That was when all the parties walked out unhappy. Everybody was unhappy. And that is what we have here. The ranchers are not real happy with the settlement we have obtained. Secretary Babbitt is not happy with the settlement we have obtained. The House Members that are interested in this issue, who have been sending over the 500-percent increases and 600-percent increases over the years, they are not happy. The environmentalists are not happy. But it is a compromise and that is what the art of legislation is; it is compromise. This is a good compromise.

Under this proposal, the grazing fee will be increased about 40-odd percent less over 3 years, rather than 2 years, than what Secretary Babbitt put in his proposed rule. We have done a number of other things that will make grazing fees more realistic. And, keep this in mind, make sure this is on the record: The actual cost of administering the grazing fee program throughout the Western part of the United States would cost, per animal unit month, about \$3.70. In 3 years, we are only

going to go up to \$3.45. In 3 years we do not even cover the cost.

I am willing to do that because I believe the ranching community contributes to the well-being of the public lands through some of the riparian work they do, and have done, and will continue to do, and other things. So I think that is OK. I am willing to accept that. But this is not a significant increase.

For anyone to talk about the Federal Government being burdensome on ranchers regarding the grazing fee that is proposed in the next 3 years, it will not even cover costs because then, costs will probably be more than they are now.

This also allows the ability not to increase or decrease the grazing fee as suggested by Secretary Babbitt by 25 percent a year but, rather, limits it to 15 percent up or down.

There are other things, I think, that are important. It eliminates the grazing advisory boards and the district advisory councils and substitutes resource advisory councils. This steers us away from advisory boards that are focused only on single land use and is more consistent with what we talk about now, overall management of the land.

We have given the Secretary discretion in use of range improvement funds. This is good for the ranchers. And it is good for the Bureau of Land Management.

We have also made the rules that guide the BLM which this legislation does not cover, comparable to what the Forest Service does. That is the way it should be. You should not have one set of rules on Forest Service lands and one on BLM. They can be right next door to one another.

Unauthorized use: Current regulations require monetary compensation even on range damage that is unintentional. Here is something that certainly helps the ranchers. This change allows ranchers to use nonmonetary settlements in correcting mistakes. You could not do that before. That is what will happen if this compromise is accepted. There is also something that relates to disqualification. This condition allows the BLM to prohibit livestock operators who have had permits canceled due to prior performance from obtaining another permit for a period of 3 years.

That certainly does not seem anything that burdensome or unfair. There is nothing draconian about that. If someone has a grazing permit canceled for a willful violation—not a violation, but a willful violation—they should not be able to get a grazing permit, not forever, but for 3 years. That does not sound unreasonable to me.

There are certain acts, as I have indicated, that are prohibited. I talked about those.

Suspended nonuse: This refers to a situation where it was found that a

particular allotment could not support the number of animal unit months specified in the associated permit. This will allow the number of allowable AUM's to be adjusted down and the balance suspended.

Subleasing: Under this provision, the Government will collect a surcharge from permittees who sublease to third parties. We have, throughout the West, and it is one reason grazing gets a lot of bad press, is we have people who obtain permits from the Federal Government and never operate the permits. They do not operate the ranch. They just are in the rental business. They rent their ranches. This would still allow the ranches to be rented, but there would be a surcharge for having done so.

Range improvement ownership: During the tenure of James Watt, he set up the Bureau of Land Management in grazing so it did not track with the Forest Service. One of the things he did was to say if somebody built something on the land, it was his or hers forever.

Let us follow this through logically. If someone in this Senate Chamber rents a home and they decide they want to build a bathroom in that home, when their lease is over with, they cannot take the bathroom with them. That is part of the house.

So all we have done here is, in the future, range improvements will not be those of the permittee. It will be just like the Forest Service. Anyone who has built something during the Watt era, because of his regulation, they will be able to have full ownership and title to that. That is their property forever. That seems fair and reasonable.

Water rights? Also during the Watt years, contrary to what they do on Forest Service lands, if somebody wanted to prove up water in the BLM, they would obtain the water rights. They would own the water rights.

So we have said, "Fine; you own the water rights. We are not going to take anything away from you, but in the future, water rights will be treated like they are on the Forest Service lands." That is the way I think it should be. Valid existing water rights held by committees will be honored under this provision. They can sell them, give them away; they can do anything they want with the water rights.

There are a number of other provisions that are in this proposed change, and I am not going to take more time to discuss them in detail, Mr. President, other than to say that this proposal is a good proposal; it is one that will put this thing to rest once and for all. Next year, we will not be hearing about this issue. I think what we should do, rather than trying to frighten the ranchers about how bad this is, I think we have to be realistic and tell them how good it is.

I think one reason certain people are concerned and upset is that by working

out this compromise, a political issue has been put to rest. People will not be able to say that President Clinton is a bad guy; the West should never have voted for him. President Clinton is the first Democratic President in decades who carried significant Western States. I think with this compromise by his Secretary of Interior, he will stand in good stead in the Western United States.

This is fair, and it is reasonable, and I think it shows how the President cares, not only about his part of the country, the Arkansas area—East—but also the Western United States.

We are bringing the Bureau of Land Management regulations and laws into compliance with what we have on Forest Service land. I think this is important.

So I am sorry that a political issue has been taken away from some people on this issue; that they will no longer be able to bad-mouth the Secretary of Interior on this issue. I am sorry that people feel that way. This has been an issue that we have been trying to resolve since I came to the Senate.

I feel that it is important for the Western United States that this matter be put to rest. I hope on Wednesday, when the conference reconvenes, that it will be put to rest, because it is something that has been needed to be done for a long time. It will end the gridlock and demagoguery on this issue, and we should go on and tell the ranchers that they are stewards of the land, and they should treat it the way they have in the past, and they will be in good shape.

This gives land management the added tools they did not have before, and there is nothing wrong with that. A few bad apples—and we know who they were—is enough to spoil the barrel. And if people are good stewards of the land, as 99 percent of the grazing permittees, everything will be fine. If they are not, I think there is going to be some trouble. I think it is time this issue be put to rest. Ranchers now have stability to plan without the looming threat of sky-high hikes we have gotten from the other body.

I hope that, rather than frighten the ranchers, we will work toward promoting their businesses so they can continue to be a significant part of the Western United States and of this country.

I yield the floor.

Mr. CRAIG addressed the Chair. The PRESIDING OFFICER (Mr. WOFFORD). The Senator from Idaho.

Mr. CRAIG. Mr. President, the Senate is currently in what order?

The PRESIDING OFFICER. The Senate is in executive session on the nomination of Mr. Dellinger.

The Senator is recognized.

GRAZING RIGHTS

Mr. CRAIG. Mr. President, this afternoon while this body was discussing

this most important nomination, another issue that the Senator from Nevada just addressed began to unfold in the Senate Appropriations Subcommittee for the Interior, an issue that is extremely important to western grazing States—some 16 States and some 17,800 grazers who seek permission through a permit system to graze their livestock on public lands.

We know that some time, this has been an issue of great concern to this body and to the other body and to a variety of groups across this country who believe that, for some reason, those who seek this permission to graze on public lands were not paying a just and appropriate fee for doing so, and that the action of livestock on public lands was in some form causing land and its values and its resource to deteriorate in such a way as not to be good for the ecosystems of the public grazing lands of the West.

We have debated that issue for a good time—the Senator from Nevada and I and others—over an extended period of time of a good number of years.

We have largely concluded, at least some of us have, that the public land policy so crafted by the Congress of the United States and administered primarily by the BLM, but also by the Forest Service, had continued to improve the environment in such a way as to cause it to be better than it had been in a good number of years; that if it was then not a matter of the environment, what was the reason that some groups had begun to argue that livestock grazing on public lands no longer had its place?

Out of those groups grew a slogan called "Cattle-Free by 93." That slogan echoed across the West, and concerned a lot of citizens who made their livelihood both in small and large ranching by grazing on those public lands. Bumper stickers were attached to the bumpers of trucks and pick-ups across the West that expressed that concern.

None of us believed that it could happen or would happen. There was no basis for it. One of the appropriate uses of our public lands was to graze livestock under the current public policy. Yes, many of us did argue that fees ought to be considered and possibly changed because they may not be at the rate they ought to be, compared with private grazing, although there had been numerous studies to demonstrate that when you graze on public lands versus private lands, there was a good deal more than the ranchers who grazed those livestock had to pay and, therefore, public grazing was as expensive to the individual operator.

We call public grazing, in terminology of the permit, AUM, or animal unit month. That is how the BLM and the Forest Service so determine the charge or the value of an animal unit grazing month on public lands. It is from that basis that this concern has developed.

What we did find in a variety of those studies was that oftentimes grazing on public land, because so much more of the individual rancher's time had to be utilized in moving the cattle, checking the water systems, putting salt out—doing all of the kinds of things that a wise steward of the land ought to do—was costing them \$8 or \$9 more per animal unit than they were being charged by the Forest Service or the BLM.

So that public graze really was costing the individual who gained that permit \$7 or \$8 per animal unit, and many of us argued that was enough. That, in many instances, was equal to private graze and, therefore, it was justifiable at the current rate under the current formula; but many disagreed.

That has been the substance of the debate or the basis of the debate on this issue for a good number of years. How did cattle or sheep affect the public land? Were they environmentally sound in the practices and policies under which they graze? Was the fee the proper fee that should be charged so that the public was gaining a reasonable return from this public resource?

Those of us in the West who find a good many of our constituents grazing on public land, and it makes up an awfully important part of the economy of rural Western States, said that those fees were adequate; that there was a formula in place that evaluated the market conditions and applied a grazing fee formula. Others, and especially those in the national environmental movement who really did not believe that cattle and sheep ought to be on public land, said something different.

Well, we debated that for a good number of years, and, of course, we know that in the past year since November things have changed in Washington. To town came a new President, and he brought with him a new administration, new Cabinet people, to administer public policy or to change public policy where they could or felt they should to conform with those principles and issues in which this President believed.

It was not very long after this new administration came to town and Secretary Babbitt was appointed Secretary of the Interior, that this document appeared on the streets of Washington, called "Rangeland Reform 1994."

In it, although it was argued to be a grazing fee increase, was substantive policy change, change that ought not come about unless we in the Congress or the appropriate authorizing committees actually sat down and looked at the policy and held public hearings and took public input upon the consequences of this kind of action.

But, of course, we did not do that, and the reason we did not do that was because we have not yet had time to do so. The grazing industry, though, of the

public land, those 16 States of the West, did meet with Secretary Babbitt and Jim Baca, the Director of the BLM, and they said, "Let us work together. Let us see if we cannot strike a compromise. Let us try the reasonable grazing fee increase, and we will address some of those ecological concerns that you have under your rangeland ecosystems management approach."

Those meetings took place, and out of those meetings was crafted a piece of legislation, a bill that is now in the Energy and Natural Resources Committee of this Senate under the authorship of Senator CAMPBELL of Colorado and Senator WALLOP of Wyoming. It increased grazing fees, and it dealt with a variety of other environmental concerns that had been expressed by the Secretary of the Interior. We have not had hearings on it yet. We have not had the opportunity because this proposal only came out in August, and, of course, the bill was proposed in August.

Why, then, is the Senator from Nevada in the 11th hour of negotiations dark into the night proposing massive, sweeping changes in grazing fees and grazing policy in this country before the Interior Subcommittee of Appropriations at this time, not having consulted with any other western Senators, only negotiating with, interestingly enough, authorizing members from House committees, not from Senate committees?

Well, I am not sure why. You heard the Senator a few moments ago argue stability, we need stability in the public land communities of the West. You are darned right we need stability, Mr. President. This document proposed by the Secretary of the Interior threw the Western States' small ranching communities into absolute chaos. Why? Because the Secretary of the Interior was talking about taking away private water rights under Federal law, was talking of changing grazing tenures.

What does that mean? Well, it simply means that a ranching family who had a grazing permit for 50 or 60 years could have it taken away from them, and, therefore, the value of their ranch would be destroyed and the banker would say, "Hey, I am calling your note because you no longer have the capacity to graze 500 cows; you have the capacity only now to graze zero under your amount of private land because the Secretary of the Interior has taken away something that you viewed, and I as your banker, viewed as a value and the IRS itself viewed as a value."

It is a phenomenally complex issue. Oh, on the streets of America it is the big cattle barons of the West somehow getting more for less. There are not 17,800 cattle barons or sheep ranchers in the West, but there are thousands and thousands of small family operators living in communities of 200 or 300

who are barely making a living from the public land, who use it wisely and responsibly under public policy, who are taking their directions today from the BLM in the management of those lands.

Where then is this crisis of urgency that the Senator from Nevada talks about? Where is all of the need for phenomenal changes proposed in the document of "Rangeland Reform 1994"?

I am not sure. The authorizing committee has not had a chance to meet. The Senators have not had a chance to hold public hearings to see what the impact of these policies are going to be. But we now know that in the dark of night, last night and early this morning, was negotiated a major fee increase of well over 100 percent in 3 years, that subleasing and temporary nonuse and advisory boards that these ranching families were members of to advise the BLM on the wise management of the land, and that water rights and tenure would all be wiped away by a simple act in a committee that had not held hearings, had not asked the affected parties to come in and sit down and show them what it was all about.

We are really talking about small town U.S.A., about families, small operations, the buying of goods and services, a dramatic impact upon the economy of a region.

I was in Bruneau, ID, the weekend before last, a community of about 50 people, ranching families who have made their living for over two generations from the land. There were no sleek black Cadillacs pulled up to the parking meter because there are no parking meters and there are no sleek black Cadillacs in Bruneau, ID. There were some dusty pickups and there were a lot of young men and women who had driven in from their ranches 30 and 40 and 50 miles away out in the public lands, and they were saying to me, Senator, what is Bill Clinton doing to us? Why does he want us off the land? Why is he and his Secretary of Interior Bruce Babbitt proposing to take away water rights that I own? Is that not a Federal taking? Am I going to have to now use the limited amount of money I make to sue the Federal Government in court because they are taking away from me my property?

That is what the Senator from Nevada has now just proposed to do. I hope that the Appropriations Committee will not do that. I cannot believe that any Senator would want to stand in this Chamber and take away a property right. We have never done that at the Federal level unless we compensated for it. And yet water rights in every Western State is a property right, and we know that. And it was granted by the State. It is something you take to the bank and you bank on, because it has value like the home you own in the suburbs.

Those are the tough issues we are going to have to deal with here. I cannot believe that this administration would declare war on the West. They have done it now in grazing. They are doing it in mining. They are attempting to do it by no desire to deal effectively with the Endangered Species Act. It is a fragile balance we have in large public land States like Idaho where over 64 percent of the total State of Idaho is owned by the citizens of this Nation and not by private landholders. It is Federal land. And we take very seriously our rights to use that land, and the public policy that should be determined in the appropriate authorizing committees as to how that land ought to be managed is important to Idaho and Western States.

So why now is there a back-door approach toward solving what is a problem, what deserves to be addressed, and the industry has come forward with a very comprehensive bill and has proposed to change? Why not allow the authorizing committees to go forward, to hold the hearings, to adjust the grazing fee to make sure that those cattle remain on the land in a responsible fashion?

Those are the issues at hand. I must tell you that I have grown extremely disturbed and frightened that this administration does not believe that the West is for people; that it is some kind of rural playground where Easterners can go and spend their money and see the sights and recreate on the land. That is a tragic attitude if in fact that is the attitude that exists. But when I see "Rangeland Reform 1994," I have to believe that that is the attitude, that they were unwilling to sit down and talk out the differences and work up a reasonable compromise. They will start taking land and taking rights and taking values and destroying what for well over 100 years has been a responsible and reasonable fashion for the management of public lands and for the effective utilization of their resources.

Two weeks ago I stood here on the floor and I offered an in-house memo that was from a group of employees in the Department of the Interior to Secretary Babbitt and his Director of BLM, Jim Baca.

In their own language, they said grazing fee increases are but a straw man. What is more important is the policy change.

Well, if it is the policy change that is more important, then, Secretary Babbitt bring that policy change before the Energy and Natural Resources Committee, let us have hearings on it, let us see what the impact is going to be. Let you not sit at your desk behind closed doors and arbitrarily decide how you are going to change major law.

I now find out why the Reid-Miller-Babbitt compromise deals with so much substance. Because even though the Secretary of Interior thought by

executive order he could change law, he found he could not. That is why it is not just a fee increase. He found out now he has to use us. I use the word loudly when I say use "us", not for hearings, not for public notice, not for public dissemination to reaction, but quickly, through the Interior Appropriations Subcommittee, to get his way for this President in their assault and their war against the West.

It is a tragic and sad day if this is their approach that this administration will use in the formation of public policy.

I yield the remainder of my time.

NOMINATION OF WALTER DELLINGER OF NORTH CAROLINA, TO BE AN ASSISTANT ATTORNEY GENERAL

The Senate continued with the consideration of the nomination.

Mr. KERRY. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The Senate is in executive session considering the nomination of Mr. Dellinger.

ORDER OF PROCEDURE

Mr. KERRY. Mr. President, I ask unanimous consent that I be permitted to proceed as if in morning business.

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

SOMALIA

Mr. KERRY. Mr. President, this has been a tumultuous week in some respects in Washington because of the situation in Somalia. Not just tumultuous, it has been a very difficult week for all of us as Americans because we have had a lot of *deja vu* about Vietnam, about Lebanon, about the soldiers killed. We feel a sense of confrontation and impotence simultaneously. The situation in Somalia elicits a lot of different feelings from Americans.

This week has also been difficult because we lost 12 young American soldiers, another 75 or more have been wounded. And one young brave American pilot, Michael Durant, who hails from my region of the country, from our neighboring State of New Hampshire, is now being held hostage by a warlord, Mohamed Farah Aidede, who seeks power at any and all costs, including the lives of innocent Somali women and children. Five more soldiers are reported missing, and this morning's news suggests that more American servicemen may be wounded or dead as a result of another attack yesterday on the airport in Mogadishu.

Like every American, I was saddened and angered, deeply, deeply angered, and hurt, by the pictures of Somalis dragging a dead American soldier through the streets. The blatant disrespect for human life, which is such a

contradiction to the mission that we went there for, that we put our soldiers at risk for, is difficult for all Americans to deal with. It is unconscionable, and clearly it demands a response.

But, Mr. President, I must say I have also been jarred by the reactions of many of our colleagues in the U.S. Senate and in the Congress. I am jarred by the extraordinary sense of panic that seems to be rushing through this deliberative body, and by the strident cries for a quick exit, an immediate departure notwithstanding the fact that what we are doing in Somalia does not bear any resemblance to Grenada, to Panama, to Iraq, and most importantly, to Vietnam.

This is not a Vietnam. It is not a potential Vietnam. This is a very different kind of operation. This reality does not excuse the lack of debate in this country. It does not excuse the failure to explain the mission, or to ensure that the mission is clear. None of that is excused. But, Mr. President, I do not believe that appropriate reaction is the reaction that we have heard from so many of our colleagues.

The choice for the United States of America is not between two alternatives only: staying in or getting out. There are many other choices in between which better reflect the aspirations and hopes of our country and, most importantly, better reflect the reasons that those 12 young Americans who gave their lives went to Somalia in the first place.

Mr. President, there is no question that some people think we have no business being in Somalia. There is no question that some people can legitimately make the argument that the mission has so changed that we should not be there now. Just moments ago, the President addressed some of these feelings.

But I am convinced, Mr. President, that sober reflection and careful analysis of the stakes, of the choices, and of the risks would bring us to concur with what the President of the United States has just announced to the Nation.

We must recognize that any decision that we make about Somalia is not just a decision to get our troops home. It is not just a decision about looking out for the interests of the United States.

There are extraordinary ramifications attached to the choice that we make in the next days in the Congress and in this country. What we choose to do will certainly affect the fate of Michael Durant. It will certainly affect the fate of other hostages, if there are other hostages. It will send a signal to other renegade elements throughout the world about American resolve under fire.

Over the years, we have spent countless dollars and sustained loss of life to influence disparate elements and the

course of history in other countries, for example Vietnam. I want to emphasize that there is no similarity between the stakes in this mission and those that were presented in the course of arguments about Vietnam—a war that was the longest in American history and that most Americans supported for a good 7 or 8 years before a consensus developed to take a different course of action.

What we choose to do now will affect the Somali people and the future of this particular U.N. operation in extraordinary ways.

But it will also have deep implications for the projected peacemaking operation in Bosnia. It will influence the role that the United States can play as the one remaining superpower in the world and that we intend to play in the international community, and in future multilateral peacekeeping operations.

Mr. President, we have heard much rhetoric on this Senate floor about transitions in the world, about the so-called new world order, which we all know is long on new and short on order today.

But the fact is that nothing we choose to do will be the same as it was in the course of that bipolar, East-West struggle of the last 50 years. So as we decide in Somalia, we should consider carefully what impact our decision will have on the new order and on the operational capacity of the United Nations, of NATO, or of other international organizations to maintain stability in the world.

I believe, Mr. President, that the choice we make will have extraordinary ramifications. I also submit that because the President set a withdrawal date of 6 months from now, he has relieved the agony of that choice. It is not half as difficult as it might have been were there not a finality to the engagement of American troops in Somalia. But, Mr. President, because of the importance of the commitment we have made to international order over these last 50 years, we should consider carefully how these next days play out with respect to Somalia.

First of all, we should not let our outrage over events overtake our ability to make a rational and sensible decision that the American people can understand and support. I believe the President of the United States has offered that kind of rational decision.

It was President Bush who made the decision last December to involve the United States of America in Somalia. It was a decision produced in large part by television diplomacy. Nevertheless it was a decision that we, in our sense of conscience, as a nation, made. And it was made, I might add, with considerable national consensus. We went over there to relieve a desperate humanitarian situation. By that time, 300,000 Somalis had died from the famine and

from civil war, hundreds of thousands more were at risk. We can truly say today that perhaps 1 million are alive who might not have been were it not for our effort.

By last December, Somalia had fallen into a state of literal chaos, racked by factional fighting and marauding armed bandits. The economy had collapsed. Civil authority ceased to function. The U.N.-brokered cease fire among Mogadishu's warlords had broken down. As a result the United Nations' peacekeeping operation, UNOSOM I, failed in its mission to provide adequate security for the delivery of relief supplies.

So in response to that situation, in the full light of day, the United Nations Security Council, on December 3, authorized the use of "all necessary means", including force, to establish "as soon as possible a secure environment" for the humanitarian relief operation in Somalia. Six days later, American troops began to be deployed to Somalia under Operation Restore Hope, in support of the Security Council's decision to intervene.

Before dispatching United States troops to Somalia, President Bush spelled out the mission in a televised address to the Nation. He said: "Make no mistake about it, we and our allies will make sure that aid goes through."

That was the mission. That has been the fundamental mission with some exceptions and unfortunate aberrations.

The following day, Defense Secretary Dick Cheney, told the American people: "We are prepared for hostilities, should they occur * * * and if necessary, to take preemptive action."

Everybody supported that. I did not see many of our Republican colleagues running down to the Senate floor to say, wait a minute, Secretary Cheney, what do you mean we are going to take preemptive action, that we are prepared for hostilities?

We know there was a risk, Mr. President.

A few days later, President Bush reiterated that point in a letter to Congress:

We do not intend that U.S. Armed Forces deployed to Somalia become involved in hostilities. Nonetheless, these forces are equipped and ready to take such measures as may be necessary to accomplish their humanitarian mission and defend themselves, if necessary * * *.

As to the duration of the mission, the President's letter indicated that American forces would remain in Somalia "only as long as necessary to establish a secure environment for humanitarian relief operations." That is what we signed on to, and that is what the American people expected. We would then turn over those operations, as President Clinton has just said we will do, to the United Nations' peacekeeping force assigned to Somalia. In his letter President Bush went on to say:

"While it is not possible to estimate precisely how long the transfer of responsibility may take, we believe that prolonged operations will not be necessary." And so again, I believe President Clinton's decision today is in keeping with the original intent.

The American people and both Houses of Congress through separate resolutions supported the deployment of American troops to Somalia because the purpose of the mission was clear and it was acceptable and the duration of the mission was supposed to be relatively limited.

Our forces were sent to Somalia for one and one purpose only, Mr. President: to pave the way for the delivery of humanitarian relief. We understood that the mission was not without risk. Somalia was, and continues to be, a hotbed of guns and heavy weapons, many of which we and our Soviet adversary supplied during the cold war in the competition for influence in the Horn of Africa. We are the ones who put the weapons there that are now being fired at us.

We knew that American soldiers might be wounded in Somalia and that there might be casualties. But at the time we were willing to accept that risk because we saw the mission in legitimate, circumscribed terms, the force was deemed to be sufficiently large to minimize the possibilities of confrontation, and the operation was under our control.

In the last few days, Mr. President, many of our colleagues, particularly those on the other side of the aisle have chastised the present administration for its failure to bring the boys home before the casualties ensue. If our troops had faced a blaze of bullets at that now-famous landing on the shores of Mogadishu in December instead of the glare of CNN cameras or if shortly thereafter there had been an enormous confrontation, I am not sure my colleagues would have been so quick to criticize the situation. I think they would have registered support for the President at that moment, and there would have been a greater opportunity to try to examine what the alternatives were.

As far as I am concerned, Mr. President, we made the right decision when we went into Grenada and into Panama, even though we knew casualties were a possibility. I believe, the previous administration made the right decision when it sent our forces to Somalia last December. Operation Restore Hope was a reflection of America at its best. It demonstrated the depth of our humanitarian spirit and the critical role of the United States in multilateral actions. With our participation and command, the U.N. task force in Somalia [UNITAF] was able to achieve its objective. Ports, Airports, and other corridors for the delivery of international relief were opened. Food

began to move and the threat of famine began to ebb.

I think that the President today made the right decision to try to establish a process which will maintain the capacity of our forces, protect them, and to disengage while simultaneously upholding the mission we have set out to accomplish.

UNITAF's mission ended 4 months ago, in May, but American forces remain in Somalia as active participants in a U.N. operation which is distinctly different and more far-reaching than the one we originally signed up for. The American people understand this full well. They know that American soldiers and pilots are being wounded and killed for objectives which the present administration has until today failed to spell out or to restrain. That is why we are now mired in this debate over Somalia. That is why the calls for withdrawal resonate through this Chamber.

Seven months ago, at the end of March, the U.N. Security Council adopted a resolution expanding the U.N. mission in Somalia from establishing the conditions for the delivery of humanitarian relief to creating conditions for economic and political rehabilitation and recovery. The United Nations set out to lay the foundations for economic and political stability in Somalia through a multi-faceted operation that includes political reconciliation, political and administrative institution building, economic recovery and development, refugee repatriation, and security. The estimated length of time for this operation, called UNOSOM II, was 2 years.

Mr. President, the United States, through our representative to the United Nations, endorsed and voted for this operation. In fact, the Clinton administration agreed to leave some 3,000 American troops in Somalia to perform logistics for the other units under U.N. command and to make the 1,300-man Rapid Reaction Force, under United States command, available to the United Nations to provide rapid support for other U.N. units under attack. The Reaction Force was subsequently supplemented by an Army Ranger unit. As a result, U.S. forces have been on the front lines of the United Nation's efforts to establish security in southern Mogadishu and to capture Aideed.

Mr. President, I think one of the reasons that we are so torn about what has happened in recent days, frankly, is that we did not adhere to one of the painful lessons of the Vietnam period which is, a President should not send American forces into harm's way without a genuine national consensus.

Unfortunately, in candor, I must say the present administration failed to seek that consensus when it agreed to allow our forces to participate in UNOSOM II, an operation that has gone awry.

I believe that extensive consultation on and explanation of this issue several months ago would have benefited everybody and made it much easier to deal with the questions we face now or might have enabled us to avoid them altogether.

The American people and the United Nations and certainly the administration would have avoided the confrontation that we now find ourselves in.

I believe that the administration should have explained UNOSOM's objectives and the rationale for American participation in it. Had that occurred we would have been in a position to make a far more reasoned decision, absent the outrage that has been brought on by the events of the last days.

The fact of the matter is that did not happen. We are in Somalia and we have learned the hard way that there are real tangible costs to that involvement. We are now confronted with difficult questions. Should we leave? If so how and when? For however long we stay, what are the conditions under which we stay? Some will say 6 months is too long. Some will say it is not long enough. Some will say that there is no chance whatsoever for any of the objectives to be achieved and that we still ought to move faster to get out.

I recognize that UNOSOM II has had difficulties, but we ought to acknowledge also that, apart from about a 15-square mile area within Mogadishu, in the rest of Somalia UNOSOM II has had some extraordinary successes. With our help and that of the Ethiopians and the Eritreans, the United Nations has been able to forge an agreement among a broad range of Somalia parties for a transitional government at the national level and for governing structures at the regional and local levels. This agreement could provide the basis for further reconciliation. In some parts of Somalia, regional councils are already being set up. Security has been reestablished in most of the country with the exception, as I say, of that one southern portion of Mogadishu where there are a certain number of followers of Mr. Aideed.

With U.N. assistance, the Somali police force that was widely respected among all Somalis prior to the civil war has begun to be reconstituted. Initiatives are being taken to rebuild Somalia's judicial system.

I might ask my colleagues to look back quickly to a place called Cambodia. Japan took casualties and there was a hue and cry to get their troops out. But Japan hung in there, and the result was that there was an election, and a new government. Something good came out of that peacekeeping effort.

Notwithstanding the encouraging signs that I just articulated about Somalia, serious mistakes have been made in the U.N. operation to date. The military component has dominated

the rest of the operation and none of us intended that. The United Nations Secretary General Boutros-Ghali and his appointed head of the operation in Somalia, Adm. Johnathan Howe, frankly seem to have become obsessed with capturing Aided.

It should not have been hard for reasonable people to make a judgment about the difficulty or the odds against capturing Aided successfully without a sound intelligence network on the ground and without a structure to support that kind of operation.

All the United Nations has succeeded in doing is raising Aided's stature among those who support him and frankly enhancing his power, and, I might add, in making U.S. forces the best recruiting ticket that Mr. Aided ever had.

A far more prudent course of action would have been and clearly now is, as the President has articulated, to isolate Aided by working through the many Somalis who support the U.N. presence and have a vested interest in rebuilding Somalia and by working with other countries in the region that have a far better understanding of Somali history and society.

It is also very clear, Mr. President, that the U.N. operation needed to be redirected even before this week's result. Now it is an imperative and I think the President has appropriately made that clear. In addition, President Clinton has set a specific deadline, and he has told U.N. officials that the United States must build up the capability of its forces in Somalia, reinvigorate the political process directed toward the establishment of some form of working governmental structure and involve neighborhood African countries in that process.

I would applaud the fact that the President is guaranteeing the protection of the troops who are now there and that he has sent Ambassador Oakley back—an individual whose competence and experience in the region is obvious.

Mr. President, given Somalia's history, I am personally very skeptical that the United Nations can truly succeed in laying the cornerstones for a stable Somalia. Had that been the choice before we put the troops in, I am convinced that most Senators here would have said that that should not be the mission.

The President's chosen course of action makes it clear to Aided and to others in the international community that the United States is not simply walking away from its responsibilities because the operation has become difficult. It strengthens the capacity of the U.N. force in the short term while simultaneously putting the United Nations on notice that we do not intend to stay in Somalia indefinitely. I believe it provides the best combination of our message. It provides the United

Nations with a reasonable period of time to marshal other forces and to redirect its operation to enhance the prospects for success.

Mr. President, for years we have lamented the inability of the United Nations to act. With the demise of the Soviet Union and the end of the cold war, the United Nations finally has the opportunity to meet the aspirations of its creators. As the one remaining superpower, we have the opportunity to play a critical role in this process. And I applaud the President for choosing to try to do that. The way we handle our involvement in Somalia will be key to the ability of the United Nations to undertake peacemaking efforts in the future. Let us be clear that we understand what UNOSOM is at this point in time and what it is not. UNOSOM is not a warming effort. And Somalia is not Vietnam. We are not in Somalia to fight an ideology or an enemy nation. The country is not overrun by guerrillas jumping out at our forces at every turn.

The present U.N. operation in Somalia ought to be limited to those objectives we can reasonably expect to achieve. We should bend over backwards to say that it is, in these next few months. To end the suffering of the Somali people at the hands of their own warlords, I believe it is appropriate for us to try—and I emphasize try—to afford them an opportunity to break the cycle of famine and war and to build a foundation for a more stable country.

We cannot guarantee that outcome Mr. President. We have never been able to. But we have joined with other nations in a bold and noble effort, to try to do that for humanitarian purposes.

I applaud the President for now choosing to help to put us back on that humanitarian track.

One of the stated objectives of UNOSOM II is to establish a sufficient level of security to allow other activities—humanitarian, economic and political—to continue.

There is no doubt in my mind that the U.N. strategy for establishing security in Mogadishu has been a failure. But that is not a sufficient reason for the United States to withdraw at this moment, to cut and run. What we need to do is to get the United Nations back on track.

We need to adopt a military strategy that limits the risks, not only for our forces but for those of other participating nations. We need to abandon the chase for Aided and concentrate, instead, on marginalizing him through diplomatic and political means. We need to ensure that there is sufficient United States manpower and equipment in Somalia to shore up our forces in the short term while making plans to replace them over the longer term. Judging from the information I have seen to date, U.S. and U.N. forces were

poorly equipped for the operation they undertook last weekend, and the backup plan was sorely inadequate, to say the least. We need to insist that the actual deployment of U.S. forces on the ground minimizes, as much as possible, the potential for hostage taking. Finally, we need to force the United Nations to reinvigorate the other components of the operation particularly the political elements of the peacemaking process. If we do these things which the President now says we will then it makes sense to keep our forces in Somalia until the end of March.

Mr. President, we are in a situation now where withdrawal would send the wrong signal to Aidid and his supporters. It would encourage other nations to withdraw from the U.N. effort in Somalia and no doubt would result in the total breakdown of the operation and possibly the resumption of the cycle of famine and war which brought the United States and other members of the international community to Somalia in the first place. Rightly or wrongly, the Bush administration committed us to this operation. We, as a nation, have accepted this responsibility. We should not panic and flee when the going gets rough. If we are going to withdraw, we have an obligation to do so in a responsible manner, in a way that does not undermine the operation or leave the Somali people to a worse fate. I think the President's plan, as currently outlined, will allow us to step aside responsibly.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. DASCHLE. Mr. President, I have not had the opportunity to hear the entire statement of the Senator from Massachusetts, but I must say, what I heard, was stated with thoroughness and the courage. The insight that he continues to provide this body with regard to a number of issues relating to foreign policy is respected and deeply appreciated.

I, for one, would like to call attention to the fact that he has made a very important contribution with his statement this afternoon.

You know, Mr. President, the urge to generate money is a powerful one.

It can unleash amazing creativity. It has built great enterprises and accomplished wonderful feats.

But the urge to make money has its dark side, too. Since time immemorial people have lied, stolen, and treated one another in the most despicable ways—all for the sake of money.

And rarely, Mr. President, has there been a more graphic demonstration of the depths to which people are willing to sink to raise money than the fundraising letter sent out recently by the chairman of the College Republican National Committee.

This is a letter which all but accuses one of our Nation's most decorated war

heroes of treason. The ugliness pours from the pen of its writer. Despicable, wavering, weak, betrayal, treasonous. All of these words are used in this letter attacking our colleague, BOB KERREY.

And toward what end is this torrent unleashed against a man whose stature makes the words used against him just a ridiculous irony? We know what the answer is. The answer is to raise money.

That's right, someone has somehow managed to convince himself no name in the book is too awful to be laid next to the name of BOB KERREY, so long as it will help him convince people to give his organization money.

The transgression for which the author of the letter imagines Senator KERREY has gone from war hero to traitor overnight is the vote. BOB KERREY cast for the deficit reduction proposal presented to the Congress by the President of the United States. He made a tough call on an important, very controversial issue.

There were those that night and those today who agree or disagree with the position that Senator KERREY took. But that, Mr. President, is what is now called Senator KERREY's transgression—doing his job.

Frankly, Mr. President, it is really not necessary for me to defend BOB KERREY against this sort of episode. His abilities, his record, his decency, and leadership defend themselves.

But once in awhile it is necessary to stop for a moment and label trash and greed for what they really are. This letter attacking our colleague, BOB KERREY, is trash. It is motivated by greed and hyperpartisanship. I hope it will be promptly and thoroughly repudiated by responsible Republican leaders.

PRESIDENT CLINTON'S SPEECH ON SOMALIA

Mr. MITCHELL. Mr. President, I would like to make a brief statement with respect to the situation in Somalia.

Mr. President, the President has stated his intention to remove American forces from Somalia by no later than March 31 and hopefully before then.

The initial American effort involved 28,000 U.S. troops. It was the proper and genuine desire to return American troops to this country as promptly as possible and replace them with forces from other nations that led to an increasing U.N. presence and participation. The establishment of a secure environment within which to make a successful humanitarian effort was successful until June, when an attack was made upon U.N. forces.

Unfortunately, as a result of that and succeeding events, the political effort, the effort to bring about a political set-

tlement which would permit the continuation of the American withdrawal and their replacement by troops of other nations, was deemphasized in favor of a military effort.

The President has now reemphasized the importance of a political settlement, with the active assistance of other African nations and the participation of additional troops from other United Nations countries. He has appointed Ambassador Robert Oakley to return to the region to advance the diplomatic process.

The President indicated determination to work for the security of all Americans missing or held captive. This is important for all Americans. There can be no consideration of complete American withdrawal so long as a single American is held captive. Any American in that position must be treated properly and released or there will be the most severe consequences. There are differences of opinion among Members on this subject as there are differences of opinion among Members of Congress.

But I want to say to my colleagues that I have talked to a number of my constituents who called about this matter. Several of them said "We want immediate withdrawal." When I asked them, "Do you mean immediate withdrawal and leave Americans there?" They say, "No, that is not what I mean by 'immediate.' I just mean some time in the near future."

Mr. President, that is what the President of the United States has proposed. He has proposed to do this in an orderly way that will permit us to build upon the success that occurred prior to June and that will result in a continuation of the downward trend of the number of American troops in Somalia which peaked at 28,000 and is now below 5,000 in a way that will enable us to withdraw under circumstances that do not result in a reversal of the previous humanitarian efforts and that permit the possibility of a successful diplomatic process. I commend the President for his statement.

I also, Mr. President, thank and commend Senator DOLE for his positive statement made, following the President's remarks. It was a constructive comment, and I look forward to working with him and other Senators as the Senate debates this matter next week.

HEALTH CARE REFORM

Mr. DASCHLE. Mr. President, let me just briefly comment on a piece of legislation introduced by some of our colleagues in the House of Representatives. Congressmen COOPER and GRANDY and a number of Republicans and Democrats have put their collective work together in a health care reform bill introduced yesterday.

I, for one, want to applaud that effort. I applaud the contribution they

made and their continued interest and involvement in what is going to be clearly one of the most important issues that we, in this Congress, will face; in my view, health reform will be a landmark piece of legislation; one of those hallmark legislative efforts that we will look back on decades from now, hopefully with pride and some satisfaction.

I applaud them for their effort and their cooperation and their work.

And I also hope that they, like we, will continue to work together on this matter.

I had the opportunity to examine the legislation this morning, and I must say I am concerned about a number of the shortcomings in the bill that I hope we can address. Their desire, like mine and many others, is to achieve universal access.

I believe the bill, as it is now written, falls short in guaranteeing everyone will have health care that is always there regardless of one's employment, regardless of one's economic situation, regardless of one's health status.

Universal coverage has to be a fundamental building block upon which we build health care reform. And I think, in this particular case, as well intended as this legislation is, it falls short.

I am also concerned, Mr. President, about the bill's failure to detail the basic benefits that will be covered. It is critical that we all agree upon what the benefits ought to be. I think there is general agreement that there should be a core benefits package for which we in Congress take responsibility. We cannot delegate that responsibility to someone else.

That, too, is an issue that I think we have to address in the coming months and an area in which I believe this bill falls short.

The third concern is one of portability and the problems of job lock that we have talked about so much about. It is not only job lock, it is employment lock.

Businesses have told me in recent months that they are troubled by the fact that they cannot hire employees at times because their health insurance company tells them that that particular employee has a preexisting condition, or a family member has therefore their insurance rates would rise so dramatically that it would not be economically advantageous to hire that particular employee. The President and the First Lady have attempted to address that very serious problem in their legislation. The bill introduced by my colleagues in the House fails, in my view, to address that problem as seriously and adequately as I think we must.

I think we have to agree on a set of principles, a set of goals that we want to achieve through health reform. The President has said there are six goals,

and I think those are appropriately delineated. I hope we can assess all legislation, in both the House and the Senate, against those six goals.

For example, universal coverage and effective cost containment are goals the House version fails to adequately address. We really cannot be confident that this legislation, as currently written, will contain costs. But the means of achieving that goal is something upon which I think there can be a good deal of compromise and future collaborative effort.

I think it is important we do work together and I certainly recognize the contribution made by all of our colleagues who have seen fit to put their names on that bill. I look forward to working with them in the weeks and months ahead.

I yield the floor.

The PRESIDING OFFICER (Mr. ROBB). The Chair recognizes the Senator from Arizona [Mr. DECONCINI].

Mr. DECONCINI. Mr. President, I know my distinguished colleague and friend, Senator BOREN, wants the floor here, too, and I will not be long. I appreciate his indulgence while I make some remarks about the situation in Somalia.

SOMALIA

Mr. DECONCINI. Mr. President, like all Americans, I was horrified to watch on CNN the film footage of the body of an American soldier being dragged through the streets of the Somali capital, Mogadishu. I was sickened to read about the casualties among the 100 elite U.S. soldiers who were trapped by Somali militiamen during the search and seizure mission. These men were sent into a politically dangerous situation without an adequate backup plan and were pinned down for at least 4½ hours before U.N. troops were able to come to their assistance.

While the problems with that particular mission may not be entirely attributable to the United Nations, the tragic loss of American lives points to the regrettable course of events which has led the United States to involve our soldiers in an expanded mission, far beyond the humanitarian initiative envisioned by former President Bush and our military leaders last December which had the overwhelming support of this body and of the American public.

How did we go from the praiseworthy mission of ensuring the delivery of food and medical aid to save the lives of starving Somalis to placing American soldiers under the command of the United Nations and charging them with the task of nation building and political reconciliation in clan-torn Somalia?

Over the past year we have strayed greatly from participating in humanitarian relief efforts to getting bogged down in a multinational effort which

increasingly appears focused on hunting down a criminal warlord and local thug.

While I believe these criminals should be brought to justice, that is not part of the United States mission and it is not what the public was told we were going to do in Somalia.

It is not our responsibility to set up a government for the Somali people or to involve ourselves in their internal political struggle. That is the responsibility of the Somalis. The President pointed out today he is prepared to help. But our policy must not be to use American soldiers to achieve this for the Somali people. We can, however, assist this process by other means. The President indicated today that he is sending Ambassador Oakley back to that part of Africa to work with the Ethiopians and Eritreans to bring about political stability.

But building political institutions is not what Congress and the American people strongly supported when we were debating Operation Restore Hope.

Our initial operation, in which U.S. troops led multinational forces to allow humanitarian relief to reach the Somali people, ended on May 4 of this year. That operation literally saved the lives of hundreds of thousands of Somalis who were denied food and medical assistance by rival warlords. The American people properly responded to the tragic events which put so many Somalis on the brink of starvation by supporting Operation Restore Hope. It is a mission of which we can be justifiably proud.

I was in Mogadishu in April. I saw the successes of our mission. I saw the Somali people thanking the United States military for delivering the humanitarian relief that saved their lives and that of their families.

However, since the United Nations took over command of the U.S.-led multinational humanitarian mission, the political objectives sanctioned by U.N. Resolution 814 have taken total precedence over our efforts to relieve the heart-wrenching conditions of the Somalis.

In my view this was the mistake. The U.N.-led multinational mission, operating under U.N. Resolution 814, has far wider objectives than those of the original U.S. mission. U.N. Security Council Resolution 814 authorized the use of force, not only for relief purposes, but also to promote and advance political reconciliation and to reestablish national and regional institutions and civil administration throughout Somalia.

These are objectives greatly different from those contained in prior U.N. resolutions. They are objectives which belong to the Somali people. They do not belong to the U.S. Armed Forces. It is not our responsibility to use U.S. soldiers to pursue such goals, and certainly not under U.N. command.

There are two objectives which the President must reaffirm—which he did today—along with others. First and foremost, he must commit to do everything necessary to protect the safety of the American soldiers who are currently in Somalia and to use whatever means necessary to secure the release of any Americans being held hostage.

In order to do so, the President is prepared to commit additional forces. The announcement today that an additional 1,700 soldiers will be sent to Somalia may not be enough because of the conditions that have developed and the rivaling warlords.

The American people, I believe, expect us to do everything to get the hostages out. I think the President made very clear this afternoon that this is his objective. He is not going to rest until that occurs. Anybody who harms an American soldier, or an American, is going to be held responsible.

Once the security of U.S. soldiers is achieved, the United States must return to the purely humanitarian relief effort. Our mission should be based either offshore or in areas that are secure, not in the streets of Mogadishu. Our mission should be to remain ready to provide support to U.N. troops if humanitarian operations come under siege, but not to pursue a wider U.N. objective.

Americans are proud of the heroic efforts of our soldiers who have saved countless lives. I believe most Somalis, too, recognize the great humanitarian service our country has performed. We must return to the original mission—and we must do so without delay.

The President this afternoon made it very clear that our objective is to get out of Somalia as soon as possible. Our immediate objective is to secure the release of all American soldiers being held hostage. We are not going to stand by and permit hostages to be held indefinitely.

In the White House meeting today, the President went through the history of Operation Restore Hope and our mission in Somalia. Having met with the President this morning, I believe he was very up front. We have made some mistakes in Somalia. Now we have the responsibility to restore to the humanitarian mission which we did so well and of which we can be proud.

Mr. President, I think the President stood well. I hope the Nation will stand behind him. I truly believe that he is sincere in extracting U.S. troops as soon as possible. He even set a date, which I do not believe is the wisest thing to do because then people will say, "Oh, you didn't make it, so you are a failure," if you are 1 week later. But the President was up front about establishing a time and a process of how to get out of Somalia.

I think it is the right thing to do. I hope this body, as we debate this next week, will come to the same conclusion. To cut and run is not the answer.

Those who say, "I'm not talking about cutting and running, I'm talking about getting out in 30 days, 45 days, 90 days," in fact, that is what it amounts to. You just cannot pick up and leave, and leave soldiers and military people there who are unprotected, some of them held hostage today—and there may very well be confirmation that there is more than just one as time goes on.

Mr. President, it is a great challenge for our country. I think President Clinton is up for it. I think he has laid out a plan. I believe it is very clear. It was not a long statement. He is very determined on getting the United States out of there and with doing the job right. I think that is paramount of what this is all about.

I thank the Chair and I yield the floor.

Mr. BOREN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

A SINGLE VOICE

Mr. BOREN. Mr. President, I want to compliment my colleague from Arizona for the remarks he just made. He serves the Senate well on the Select Committee on Intelligence. I had the privilege of working with him on that committee—and I had the privilege of assuming those responsibilities prior to his becoming chairman—during the 6 years I chaired that committee.

One of the things that I learned from that responsibility—and I learned it again and again and I think we have to learn it as a nation—it seems over and over again, as we look back at the history of this country and our involvement in international affairs and, indeed, the involvement of other nations, the one lesson we have learned is that whenever it is possible, it is far better for this country at a time of crisis to be able to speak to other nations and to the rest of the world with a single voice. We only confuse matters when all of us try to speak; 535 Members of Congress cannot be Commanders in Chief. We cannot be negotiators. We cannot be Secretaries of State or Secretaries of Defense. There is but one Commander in Chief in this country, and that is the President of the United States. The more he is able to speak with clarity to the rest of the world, with the authority of our Government behind him in critical situations, the better off we are.

That is why, whether we have been in Democratic administrations or in Republican administrations, I have often pleaded with my colleagues for expressions of bipartisan support to a President in the midst of a crisis so that he can do just that.

I do so again today. I listened to the President's remarks this afternoon. They were clear, they were direct, they could not be mistaken in terms of their

meaning, and they were logical in terms of the process that he followed in reaching the decisions that he has made.

The President has indicated to us that this is a complex situation. All of us understand that it is a complex situation. And he has appealed to us, particularly those of us in the Congress, to give him the time to put in place the appropriate steps to extricate ourselves and our military personnel from Somalia; to bring our troops home, but to bring them home in a way that will bring all of them home, that will bring all of them home safely so that those who remain in the intervening time are not put under greater risk, and to bring all of them home in a way that will not make it more likely that American troops will be put at risk at some future time in Somalia or somewhere else.

What a message we would send to the rest of the world, not only now, not only in this situation, but in situations that we cannot now even imagine in other parts of the world where Americans might be involved or put at risk, if it appears that we react with such shortsightedness and emotionalism, that the moment we run into a trouble situation, we immediately cut and run as some said. That is a message to those in the future to simply try to inflict harm on Americans and Americans will move out of the way and no longer be there and no longer be an impediment to whatever those people want to do. What a terrible precedent that would set.

We also understand that we are living in a very different kind of world in which the United States cannot be the policemen to the rest of the world. We cannot do it all by ourselves. For one thing, we cannot financially afford to bear the burdens of maintaining order and peace and tranquility in all of the regions of this world all by ourselves. And, therefore, we must and we should involve ourselves in multilateral action so that other nations can help us bear the burden.

When we looked at what happened in Somalia, the American people were confronted on the news—and let us think back to how it looked 2 years ago or 1½ years ago when we saw on television the faces of starving people, we saw innocent children dying in the streets. The American people said, we want something done, but at the same time, the American people said, We cannot afford to do it all by ourselves and we should not have to take the risks all alone. This is a worldwide responsibility. That was a sensible approach then, and it is a sensible approach now.

If we are going to be confronted time and time again with the choice of doing nothing when we are confronted with a situation like this, or doing it all by ourselves, we are going to find our-

selves making a choice that is unacceptable either way we go. If we can develop a mechanism in which other nations of the world with their financial resources help us shoulder not only the financial burden but even, more importantly, the human risk involved in such intervention, it is a much fairer approach, as far as Americans and American young people and American taxpayers are concerned.

So, Mr. President, this is not a time for us to move without thinking things through. All of us saw those terrible scenes depicted on television. We saw what was happening to young Americans halfway around the world. Every single one of us was outraged. Every single one of us had the thought of what if that young person were my son, how would I feel about it?

We should feel that sense of responsibility as Members of the Senate, as trustees of this institution, our political institutions and as participants in these kinds of difficult decisions. But we have a responsibility to not only think in the short-term or to react with our emotions or to allow ourselves to reach out in anger without thinking about the consequences, because if we reach out in anger with an unwise retaliation, for example, we could find ourselves even more deeply embroiled in what, in essence, is a civil war in that country raging among several factions, and we could lead ourselves into a situation that would cost even more American lives, unnecessarily and tragically.

If we pull out immediately, if we do it next week without resolving the fate of those Americans who have been taken prisoner, what do we say in terms of our responsibility to them? If we pull out precipitously without putting additional forces in to protect those troops that are there, we could cause more casualties simply because we reacted with emotion and we have reacted with anger instead of with full thought and logic.

If we pull out without at least in some way giving the forces at work a chance to establish a framework that might lead to some kind of disarmament and order in the society, at least some hope for it, we pull out in a way that will almost assure that a few months from now or a year from now we are, once again, going to be confronted on the evening news with those scenes of starving people and innocent children dying in the streets all over again. And then what do we say as Americans? Do we care less about that now than we did 2 years ago? We will be torn all over again about what to do.

So it is not a simple matter, Mr. President. It is not a matter just of Somalia; it is a matter of how the United States is going to conduct itself in this new post-cold-war era. It is a matter that may well determine as a precedent

whether or not we have effective multi-lateral responses where other nations bear their fair share in dealing with crises in the future. How we handle this situation may well determine whether the United States will have the moral authority or the leadership ability to get other nations to do their part in the future.

So it is a time to stop and think about that because the decision we make here may affect the course of our foreign policy and the course of international relationships in the world not only for now or this month but for this decade and well into the next century. It calls for wisdom, not immediate reaction, because we have the lives not only of those at stake in Somalia now but we have the lives of unnamed, perhaps as yet even unborn, young Americans in the future potentially at stake if we do not think this through in the right way and set up a framework not only now but for the future for dealing with these situations.

The first order of business ought to be for the Congress of the United States, after commenting upon the President's address, to not seek to legislate on this matter now. We ought to allow the President to speak with a single voice as long as he is speaking sensibly, as he did today, and we ought to at least give him the flexibility of managing this situation rather than writing down in every single detail what the President is going to be ordered to do hour by hour. It would be like playing in a card game with someone holding cards close to the vest and legislating that a mirror should be put up behind the President who is playing our hand.

Now, I know we all like to weigh in on these matters, and I know all of us share the outrage and we are overcome with emotion just as our constituents are, but there is a time when we have to exercise some responsibility as Members of the Senate and do it in a bipartisan way and to think beyond tomorrow morning, to think into next year and into the next century.

Mr. President, there is no doubt that mistakes have been made. There is no doubt that we need to get our mission back on track and to redefine it. The American people are right in demanding that and Members of this House who would demand it are correct. The President has indicated that he is on the road to doing just that.

Four or 5 days after our troops first landed in Somalia, Senator LEVIN, representing the Armed Services Committee, Senator PELL, the chairman of the Foreign Relations Committee, and I, as chairman of the Intelligence Committee, at that time went to Mogadishu. We were the first Members of the U.S. Congress from either House to be there. The Marines were still sleeping in open air. There were no facilities for them. They had literally just arrived.

In those first few hours, they had already established a secure situation. The fighting had stopped, and it was within a week that the relief personnel were able to move in and start the delivery of food. That happened because, as I said at the time, we had a uniquely talented, well-qualified team that knew what their mission was and were working together in a completely integrated fashion to achieve it.

We had the intelligence community sitting right with the commander of our American troops, Gen. Robert Johnston, an exceptional military leader, seated for at least half the day, spending at least half the hours of the working day with Ambassador Bob Oakley, our chief diplomatic representative. And because we had the diplomatic, military, and intelligence leadership in representation of this country working hand in glove with no space between them, literally glued to each other each working day, working as a team, we were able to have remarkable success in the early weeks and months of our operation in Somalia.

Most of the members of that team then departed, General Johnston and, of course, Ambassador Oakley. From that point in time we began to lose our focus. The United Nations and other nations and individual commands began to drive the operation.

One of the absolute hallmarks of that early period insisted upon by Ambassador Oakley and General Johnston was that we were not there to take sides between warring factions. I recall Ambassador Oakley stating he would not even meet with one of the warlords without the others being present because he did not want anybody to have a suspicion that he was saying one thing to the leader of one faction and something different to another.

And so we sought to be absolutely evenhanded, and we did it with great care and we did not engage ourselves as protagonists in that civil war. And because of that perceived fairness and evenhandedness, we were able to bring about to a large degree, at least temporarily, a disarmament of some of the warring factions, and we were able, with safety and with a minimum of casualties and injuries, to deliver that humanitarian relief and even start the process of political dialog between the factions.

Now, somewhere along the way—and since I have no longer been involved in those responsibilities in the Intelligence Committee I have not followed it day to day, but somewhere along the way clearly we lost our way from that good beginning and we began to lose our credibility as being an evenhanded force that was there to help the people with no other ax to grind and no other secret or hidden agenda of favoring one faction over another.

Mr. President, it is time I think to recreate that team. One of the wisest

things the President did today was to ask Ambassador Oakley to come back into the service and to be dispatched to Somalia to look into the situation. He can give the President of the United States and the Congress better advice on this matter than any other person I know available to us in the United States.

It is my hope that, likewise, the President might see fit to ask Gen. Robert Johnston, who commanded those marines who first landed, to also go, as he has asked Ambassador Oakley to go, to examine for him as a personal adviser to the President the military situation there to make sure we can bring the military situation back as it should be, serving the mission as it was originally defined.

I would hope that the assets of the intelligence community, as they were being very effectively in the beginning, could be drawn together into one coordinated program again.

So the President has set forth the right guidelines. The President has asked us to give him time. The President has asked us to let him speak for the United States of America. We should give him time, and we should not attempt to legislate in ways that tie his hand. We should let him speak with clarity for the United States. That is the best thing we can do, to assure the safety and security of the young people who are there on the ground wearing our uniform. That is the best thing we can do in terms of establishing sound precedence for multi-lateral actions in the future in areas of the world that we do not even yet imagine, where we cannot even predict.

That is the best thing we can do in terms of establishing a situation in Somalia where we have an opportunity perhaps to leave in a way that a year from now we will not be back to the same situation with the mass starvation which took us into that country in the first place.

So, Mr. President, let us on both sides of the aisle unite behind the proposition the President should be given a chance to deal with this situation along the lines he set out in his speech today.

I again urge the President to put back together that good team. You have tapped Ambassador Oakley. Ask Gen. Robert Johnston to go back with him simply to look at the situation, to advise, make sure those who were there in the early stages from the intelligence community go back, to put back that exceptional team to offer you an evaluation of what that situation is now.

We learned another lesson. Several of us for a long period of time urged that President Truman's original conception of establishing a standing military force that would train together under the auspices of the United Nations should be accomplished. President

Bush at one time offered the possibility of Fort Dix or some other installation that would no longer be utilized actively by American forces could be used for such training.

I am not getting into the argument of what forces should take over the command structure, whether American troops should be under the command of someone not an American or any of the rest of them.

However we resolve that issue, I know one thing. If we have troops that are identified in advance from the various countries that are donated to multilateral forces, if those troops have an opportunity to train together, get communications equipment that will enable them to talk to each other in emergency situations, get an agreed upon mode of procedure, an order of battle, a response rule that is common to all, a common way of approaching different situations by virtue of training together and working together when we get into these situations, rather than creating harm or dangers inadvertently sometimes for troops from other nations because they follow such different military policies and tactical procedures, we will be able to go into these situations with much more cohesion, with military officers knowing each other, with troops who trained together who have the same procedures for acting in emergency situations, that is bound to improve the security of multilateral forces that are involved in any kind of engagement of this kind in the future.

I hope that will be done. I hope we have also learned that lesson. We do not know how long we are going to have the opportunity to have the nations of the world join together in a way to try to create a new world order. We do not know how long we will have to put some flesh on the bones of that kind of concept, whether or not it is an international inspection regime to stop the proliferation of dangerous weapons and in which all of the leading nations of the world abide by responsible behavior participate or whether it is the development of some kind of effective multinational response where all of us are clearly watching to make sure that the mission does not stray off course. Whether we do that, we do not know how long we have to create this kind of mechanism or this kind of structure.

We were reminded just last week that the window of opportunity could close overnight without warning. We saw that with what happened in Moscow. We are the first generation of Americans out of the last four that is living in a world in which we are not burdened by superpower confrontation or the threat of massive wars of retaliation between superpowers hanging over our heads.

We have been given an opportunity to creatively build a new structure, a whole new set of institutions, perhaps

better dealing with the lack of order and dangers and proliferation of weapons in the rest of the world.

That is the time to think. That is the time to think long range. That is the time to behave logically because we do not know how long we will have the opportunity. It is a task we should be moving on, and we have been moving on all too slowly.

The last thing we should do in the midst of a totally changed world situation with new opportunities never given to any generation is to act hastily and without thought in a way that would undermine the reputation and credibility of this Nation, in a way that would cast in doubt the ability of this country to ever lead or participate in multinational operations in the future, in a way that would likely lead to a return to the same conditions of starvation and mass disorder that was present in Somalia before we ever entered so that the sacrifices would be made would be sacrifices tragically made in vain because the same situations of starvation would return and we must not act in haste in a way that would endanger the lives of our American troops and those being held prisoner at this moment.

It is time for calm deliberation. That is in the national interest. It is a time for the Congress to stand aside and not legislate at this moment but instead give the President of the United States the bipartisan support he deserves, to give our Commander in Chief time to deal with this situation—flexibility to deal with this situation in a sound way.

As I said in the beginning, there cannot be 535 Commanders in Chief. There cannot be 535 military commanders or diplomatic negotiators. There can only be one in the United States. If we are going to have any chance to thread through this difficult and complex situation where there are no easy answers, we need to give the President of the United States that opportunity to lead. The soundness and the logic of his remarks today should merit our giving him that opportunity.

I see the distinguished minority leader just came on the floor. Let me commend him as he and I have worked together on so many occasions often with a Republican President with me as a Democrat saying allow a Republican President to have the opportunity to lead and speak for the Nation.

I compliment the Senator from Kansas on the remarks which he made earlier indicating that he is among the number of those who want us to think this through carefully, to do it in a bipartisan way, to do it in a cooperative way with our Commander in Chief as prudence would dictate. I compliment him on that.

I hope the rest of us in the Senate of the United States on both sides of the aisle will have the good sense to also follow that path.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Rhode Island [Mr. CHAFEE].

VIOLENCE AGAINST WOMEN ACT OF 1993

Mr. CHAFEE. Mr. President, I am pleased today to join as cosponsor of S. 11, Violence Against Women Act of 1993, which was introduced by my friend and colleague, Senator BIDEN.

Since its introduction in the Senate in the beginning of this session, I have been taking a close look at this comprehensive piece of legislation. I have followed the Judiciary Committee's deliberations carefully and have reviewed the committee's report which was presented to the full Senate on September 10. After thorough consideration, I am pleased to note that there are a number of improvements that have been made to this act. I want to give it my wholehearted support.

The problem of violence against women has many ugly faces. Women encounter violence on the streets, on college campuses, in our public transit systems, and sadly, even in their own homes. The statistics in the United States really are mind-numbingly familiar—every week, 21,000 women in the United States of America report to the police that they have been beaten in their homes; a woman is raped every 6 minutes; 20 percent of adult women have been sexually abused.

Listen to this statistic, Mr. President. According to the Surgeon General, violent attacks by men represent the number one health risk to adult women in America. Think of it—not breast cancer, not car accidents, not AIDS, but violent attacks exceeds all of those as the number one problem against women, the number one health risk. It is a shameful situation. I am hopeful that this bill will help address it.

I would like to take a moment to touch on the particular issue of gun violence. In my opinion, we will not begin to deal with violence against women, or violence in general, for that matter, until we do something about the prevalence of guns in our society, particularly handguns.

Given the dangers that they face every day, many women in our society understandably live in fear of being attacked. In order to assuage their fears, they take a variety of precautionary measures—and we are familiar with what they do wisely. They avoid walking alone at night. They stay away from certain neighborhoods. A growing number are unfortunately turning to handguns for their protection.

Everything we know about handguns kept in the home tells us that handguns are not the answer to violence against women. Indeed, a study published yesterday by the New England

Journal of Medicine reaffirmed earlier findings that a gun kept for self protection is much more likely to cause the death of a friend or a loved one than to deter any intruder.

Mr. President, I would like to read from today's Washington Post which reports on this study which I referred to, the study conducted by the New England Journal of Medicine.

This is the article:

Challenging the common assumption that guns protect their owners a multi-state study of hundreds of homicides has found that keeping a gun at home nearly triples the likelihood that someone in the household will be slain there.

There is a three times greater chance that someone in the household will be slain if a gun is kept right in the household.

The study, published in today's edition of the New England Journal of Medicine, found no evidence—

No evidence, Mr. President—

that guns offer protection, even against intruders into the home. Instead, guns are much more likely to cause the death of a member of the household than they are used to kill in self-defense, the study reported. Most often the homicides are committed by a family member or close friend.

This is a quote from the study.

"Clearly, the evidence from this study and previous work shows that the risks outweigh any possible benefit of guns in the home," said Frederick P. Rivara of the University of Washington, one of the authors of the study.

Again, quoting from the study.

"The majority of people who have a handgun keep it at home and the majority have it specifically for self-protection," Rivara said. "The study showed no evidence of a protective effect" compared with death rates in comparable households without guns.

"Even when there was forced entry and a struggle against an assailant," Rivara said, "guns offered virtually no protection because they often were used against the homeowner or prompted the intruder to use another gun."

And so it goes, Mr. President.

I ask unanimous consent that this article be printed in the RECORD.

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

(From the Washington Post, Oct. 7, 1993)

HOMICIDE RISK FOUND TO OUTWEIGH BENEFIT
OF GUN FOR HOME PROTECTION
(By Barbara Vobejda)

Challenging the common assumption that guns protect their owners, a multi-state study of hundreds of homicides has found that keeping a gun at home nearly triples the likelihood that someone in the household will be slain there.

The study, published in today's edition of the New England Journal of Medicine, found no evidence that guns offer protection, even against intruders into the home. Instead, guns are much more likely to cause the death of a member of the household than they are to be used to kill in self-defense, the study reported. Most often, the homicides are committed by a family member or close friend.

"Clearly, the evidence from this study and previous work shows that the risks outweigh any possible benefit of guns in the home,"

said Frederick P. Rivara, of the University of Washington, one of the authors of the study.

"The majority of people who have a handgun keep it at home and the majority have it specifically for self-protection," Rivara said. "The study showed no evidence of a protective effect" compared with death rates in comparable households without guns.

Even when there was forced entry and a struggle against an assailant, Rivara said, guns offered virtually no protection because they often were used against the homeowner or prompted the intruder to use another gun.

The same research team found in a previous study that the risk of suicide increases fivefold in homes where guns are kept.

In an accompanying editorial in today's issue of the journal, editor in chief Jerome P. Kassirer calls for more stringent restriction of handguns and assault weapons and "routine warnings about this risk by physicians and other health workers."

"In parts of the country we've reached a killing threshold," where the escalation of firearm deaths has increased public support for gun control, Kassirer said in an interview. "But the lawmakers are still cowed by the NRA," he said, referring to the National Rifle Association.

Led by Emory University professor Arthur L. Kellermann, the research team studied the records of three populous counties: King County, Wash., which surrounds Seattle; Cuyahoga County, Ohio, containing Cleveland; and Shelby County, Tenn., around Memphis. Rivara said the counties offered a sample representative of the entire nation because of the mix of urban, suburban and rural communities.

Although 1,860 homicides took place during the study period, the team looked only at those that took place in the homes of the victims—about 400 deaths. The homicides took place from 1990 to 1992 in Cuyahoga County and from 1987 to 1992 in the two other counties.

For each case, the researchers identified the neighborhood, sex, age and race of the homicide victims; then they conducted interviews to find a matching group of control subjects with nearly identical descriptions. They compared lifestyles, alcohol and drug use, violence and other characteristics of the paired groups to determine the factors that distinguished homicide households.

The researchers found that homicides are much more likely to be committed in households where there has been previous violence and where a household member uses drugs or has been arrested previously.

Even when those and other variables, such as the safety of the neighborhood, were factored out, members of households with guns were found to be 2.7 times more likely to experience a homicide than those in households without guns.

In nearly 77 percent of the cases, victims were killed by a relative or someone they knew. In only about 4 percent of the cases were victims killed by a stranger. In most of the remaining cases, the identity of the persons who committed the homicides could not be determined.

Jim Mercey, acting director of the division of violence prevention at the Centers for Disease Control in Atlanta, said the study was "a great leap forward in our understand of his problem" because it was the first to quantify how gun ownership affects individuals risks. Previous studies have shown how the availability of firearms in a city, for example, increases homicide rates in that city.

Paul Blackman, research coordinator at the National Rifle Association, dismissed the

study, saying it was "seriously flawed" because most of the homicides that took place in those counties did not take place in homes and because of its focus only on homicides, and not on other incidents as well involving guns.

"Absolutely nothing can be learned about the protective value of firearms by studying homicides," Blackman said, citing surveys and other studies indicating that "99.8 percent of the protective uses of guns are nonfatal."

Mr. CHAFEE. Despite this and other previous studies, Mr. President, the insidious myth persists that a handgun will make you safer. Look at this advertisement from the July 1992, Ladies Home Journal. What a tender scene. A mother tucking her child into bed. There is the mother tucking the child into bed with the child holding a doll. Underneath are two handguns: The compact Colt 380 and the new Colt All-American. The caption above reads: "Self-protection is more than your right * * * it is your responsibility."

The message is clear: To neglect the purchase of a handgun is to fail in your job as a parent. "Self-protection is more than your right, it is your responsibility." It is an ad by Colt Manufacturing Co.

Sadly, Mr. President, this advertising campaign is working. Women handgun owners are rapidly growing as a group. Five years ago, only 5 percent of those who signed up for the National Rifle Association introductory personal protection course were women. Today, instructors say the number stands between 50 and 75 percent of those in the courses.

In my view, preying on the fears of women in this manner is absolutely unconscionable. We know beyond a doubt that in the vast majority of instances, handguns do not deter violence, they foster it. Yet, companies like Colt, and Smith and Wesson—which sells the ever popular Lady Smith handgun—continue to cash in on the false security that handgun ownership suggests.

That is why the Rhode Island Coalition Against Domestic Violence, which has voiced strong support for the Violence Against Women Act, has also endorsed my Public Health and Safety Act. My bill, S. 892, would ban the sale, the manufacture, and possession of handguns in the United States, except for selective units such as the police, military, licensed guards, and so forth.

Mr. President, I thank the sponsors of the Violence Against Women Act for developing and refining this thoughtful legislation. That is the legislation I previously referred to, authored by Senator BIDEN's committee. I thank them for taking the time to respond to my questions about its many provisions.

I am hopeful that the Senate will act on it in the near future, so that we can take the first step toward dealing with this horrible problem of violence against women.

I thank the Chair.

The PRESIDING OFFICER. Who seeks recognition?

Mr. BOREN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

UNANIMOUS-CONSENT AGREEMENT

Mr. BOREN. Mr. President, on behalf of the majority leader, I ask unanimous consent that the cloture vote scheduled for Wednesday, October 13, may be vitiated; that on Wednesday, October 13, beginning at 11:30 a.m., there be 1 hour for debate on the nomination, equally divided between Senators BIDEN and HELMS; that upon the use or yielding back of that time, the Senate stand in recess until 2:15 p.m., and that a vote occur without any intervening action or debate on the nomination of Mr. Dellinger at 2:15 p.m. on Wednesday, October 13.

Mr. DOLE. Mr. President, reserving the right to object. I will just make a brief statement.

This agreement has been discussed with the senior Senator from North Carolina [Mr. HELMS] and the junior Senator [Mr. FAIRCLOTH]. Both have agreed that they do not want the Senate to engage in any further delay in considering Somalia.

The Senators had hoped to proceed yesterday with considering the Defense appropriations bill. Since we did not do that, they are prepared not to object to this consent agreement.

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

ARTICLE ABOUT SENATOR DOLE

Mr. CHAFEE. Mr. President, I just want to say this while the Republican leader is on the floor. I understand there was, I guess you could label it a scurrilous article written in Rolling Stone magazine about the Republican leader. I have not seen it, but I am sure it is as I heard it described. It is something that should not have been written. It attacks motives rather than actions.

I think we have too much of that going on in this Nation, Mr. President. I saw the article that Bill Spadea, national chairman of the Young Republicans, a letter he distributed about Senator KERREY. All we can do is say that youth errs, and we have to give some kind of absolution, for I can only assume that Mr. Spadea is a young man who wrote this article about Senator KERREY. Where he describes Senator ROBERT KERREY as a wavering, weak-willed Senator, this is the only Senator in the U.S. Senate who won the Congressional Medal of Honor.

I think it is time that we toned down this political rhetoric. Former Senator Cranston, as I understand it, wrote the article dealing with our Republican leader.

But Mr. Spadea should go back and rethink his letters. Apparently, in your fundraising letters, you meant to make them 4 pages long and you meant to attack somebody. Mr. Spadea said that. I read his comments, and I think he ought to reconsider something that really is not very dignified.

Mr. DOLE. Mr. President, I thank the Senator from Rhode Island. The bottom line is that whether young or old, you can get carried away sometimes and say things you probably do not mean.

In any event, I have commented on that earlier, and I have written Mr. Spadea a letter suggesting that they ought to hire a new direct mail operative and somebody else to write the letters. I know it sometimes is right on the edge of how far you can go in this direct mail business. You get people excited enough to send in money. But I do not think anyone would send money in based on the letter I read today. I hope they will make that correction.

Mr. President, the Senator from Rhode Island was talking about the Biden domestic violence bill. I think what happened there, there has been a couple of domestic violence bills, one Republican bill I have introduced, along with others, and Senator BIDEN's bill. I think what we have been doing is trying to work out a compromise, and I hope we have just about reached that point where we would have a bipartisan approach to domestic violence.

It is not a partisan issue, as the Senator from Rhode Island pointed out. We hope we can reach an agreement and take up that bill sometime in the next 2 or 3 weeks.

Mr. CHAFEE. I commend the Republican leader for his work on that, and I certainly hope and look forward to joining in that effort, because we all want to do something about it.

I am sure that the input of the distinguished Republican leader will be very, very helpful to it.

Mr. DOLE. I yield to the Senator from Louisiana.

VISIT TO THE SENATE BY THE PRIME MINISTER OF THAILAND

Mr. JOHNSTON. Mr. President, it is with a great deal of pleasure that I introduce to the Members of the United States. Senate Prime Minister Likphai Chuan, of Thailand. Thailand, as we all know, is a very great friend of the United States, and the Prime Minister, of course, is very well known and well regarded in this country and all over the world.

We are especially fortunate to have him here in our country. We are glad to have him, and I welcome him.

I yield the floor.

REMEMBERING GEN. JAMES H. DOOLITTLE

Mr. DOLE. Mr. President, September 27 was a sad day for all Americans.

Last Monday, as I am sure many here know, Gen. James H. Doolittle passed away at age 93. This past Friday afternoon, General Doolittle was memorialized at the Fort Myer Memorial Chapel and buried at Arlington National Cemetery. I think it only appropriate that we take a minute to honor this true American hero.

General Doolittle had a long and distinguished military career. In 1922, he completed the first one-stop, cross-country flight from Pablo Beach, FL, to San Diego, CA. In 1929, he made the first ever blind flight, relying only on instruments to take off, fly a set course, and land.

However, General Doolittle is best remembered for his service during World War II. On April 18, 1942, just 4 months after the attack on Pearl Harbor, he led a squadron of 16 B-25 bombers from the deck of the aircraft carrier U.S.S. *Hornet* on the first aerial raid on the Japanese mainland.

A string of Japanese victories had followed the attack on Pearl Harbor, and the morale of the American people was at an all time low. All of that changed with General Doolittle's attack on Tokyo. Following his raid on the Japanese mainland, the spirit of the Nation soared, and America's morale received a boost when it was needed most.

For his actions over Japan, General Doolittle was awarded the Nation's highest military decoration, the Medal of Honor. But his service did not end there. He went on to serve in the European theater. As Commander of the 8th Air Force, he directed the strategic bombing of Germany until the end of the war.

General Doolittle's life was marked by courage, dedication, and sacrifice. He was a man who loved his country and served it well. We would all do well to emulate Gen. James H. Doolittle, a true American hero who will be greatly missed.

TRIBUTE TO FRED B. ANSCHUTZ

Mr. DOLE. Mr. President, I rise to pay tribute today to Fred B. Anschutz, a son of my hometown of Russell, KS, as his family gathers today in Denver to mourn his loss.

Fritz, as we knew him, brought his wisdom and good luck in oil exploration to new ventures throughout the Western United States—in minerals exploration, ranching, and transportation.

Yet, this fine gentleman will be remembered equally as a compassionate man whose first priority was his family and whose first concern was those in need. Further, his support for endeavors which enhanced our quality of life is broader than we may realize.

LUCK AND SAVVY

In northwestern Russell County, during the height of what was known as

the oil boom, Fritz drilled an untapped pool of oil. This and several subsequent successes in the Great Plains and Wyoming made him an important player in oil exploration.

In an atmosphere of untamed good times with major successes and major disappointments, those were the days when a person's word was his promise and when deals were consummated with a handshake.

We view Fritz Anschutz and these men as important to the history of Russell and to stimulating confidence in exploration of the rich minerals beneath the Great Plains.

Today, Fritz, along with his son, Phil, and daughter, Sue, have parlayed their hard work and good fortune into oil development, ranching, and railroads in Colorado, Utah, Wyoming, and California.

PHILANTHROPIST AND HUMANITARIAN

Throughout his lifetime of risk taking, this modest and unassuming man saw to the needs of those in the Colorado area through the Anschutz Foundation. On the campus of the University of Kansas, our alma mater, his endowment of academic scholarships and funding of athletic facilities and programs is deeply appreciated as critical to the health and success of this major academic institution.

CHERISHED HIS FAMILY

Fritz and his late wife, Marian, carefully nourished and protected their son and daughter while at the same time teaching them to be smart business people, good parents, and humanitarians.

And as his family gathers today in Denver to pay its final tribute to Fred B. Anschutz, this Senator from Kansas joins in honoring the great heritage that Fritz has left us and extends heartfelt sympathy to his children, Phil and Sue, and to his grandchildren and great grandchildren.

We have lost a true entrepreneur and a true humanitarian.

SOMALIA

Mr. DOLE. Mr. President, I do believe that President Clinton deserves our support on a bipartisan basis in the efforts now in Somalia. He has indicated just a couple of hours ago that he does plan to withdraw all except a few hundred troops no later than March 31. I believe there is a specific plan, and I was encouraged by the fact that it seems to be an American plan, not a United Nations plan.

One thing that frustrates average Americans is that they seem to believe that the United Nations are directing our forces and we are the force taking the risk, suffering the casualties and suffering the death of good Americans in Somalia, and it is hard for the American people to accept. It is not that we do not respect the United Na-

tions, but I do believe that the average American—and I think with justification—feels that they do not have the competence to direct the military operations.

So now the President said today—he used the word “we” time after time after time—we will do this and we will do that and we will do this. I believe with those several statements the United States will be in charge, in control, and will certainly make our task much, much easier in Somalia.

There are still some humanitarian efforts being undertaken, and this is necessary to protect our forces there. Most Americans agree we should not make any hasty withdrawal as long as there is one American held captive. He is, I guess, referred to under the rules as a detainee, but he is, in fact, a prisoner of war. So until that brave young man is released and any other that might be held—I think there are five Americans missing in action—I doubt any Americans, if at all, would suggest we beat a hasty retreat.

Finally, we had the experience during the Gulf crisis, some of it quite partisan. It is my hope that can be avoided. The last thing we need is a big partisan debate after the President submitted his plan and suggested a date for withdrawal. It may be earlier, or he may have to come to us next year and say maybe we cannot do it by that specific date.

But at least there is a plan. It is specific. It is an American plan, and I hope that we will have a broad bipartisan support giving the President the flexibility that he may need. The President has all the information—we have some of it—but he has the information on a daily basis, on an hourly basis, on a minute-by-minute basis. And I believe he has the force structure to make the proper decision.

I urge my colleagues that this is not a time to pick a partisan fight over the issue of Somalia. There will be other partisan debates. We will have our disagreements. Keep in mind that this was on the President's doorstep when he assumed the office of the Presidency.

If it is Bosnia, I might have a different view, because we have not yet injected American troops into that area of the world. But on this particular issue, it is my view that that President has earned the day and deserves our support. I hope it will be broad and across the aisle in both the House and the Senate.

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

The PRESIDING OFFICER (Mr. FEINGOLD). The clerk will call the roll. The legislative clerk proceeded to call the roll.

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

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

NOMINATION OF WALTER DELLINGER, OF NORTH CAROLINA, TO BE AN ASSISTANT ATTORNEY GENERAL

The Senate continued with the consideration of the nomination.

Mr. BIDEN. Mr. President, I ask unanimous consent that a list of appointed acting officials be printed in the RECORD.

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

Name	Appointed "acting"	Nominated	Confirmed and appointed by President
SOME RECENT "ACTING" OFFICIALS NOMINATED FOR PAS POSITIONS			
Webster L. Hubbell	4/8/93 (Assoc. AG)	4/7/93	5/28/93
George J. Terwilliger I	11/22/91 (Deputy AG)	2/18/92	4/13/92
Wayne A. Budd I	3/27/92 (Assoc. AG)	3/3/92	4/13/92
Robert S. Mueller III	3/31/90 AAG/Crim.	9/1/90	10/12/90
Vicki A. O'Meara	7/9/92 AAG/ENR	3/13/92	
SOME "ACTING" AAGS FOR OLC NOMINATED FOR AAG/OLC			
Timothy E. Flanigan	10/17/91	4/9/92	8/12/92
J. Michael Luttig	5/25/90	6/28/90	10/12/90
Douglas W. Kmiec	7/15/88 (as of 7/8/88)	7/27/88	10/17/88
John M. Harmon	3/3/77 (as of 2/4/77)	5/5/77	6/29/77

¹ Previously confirmed in PAS position as U.S. Attorney.

Mr. SIMON. Mr. President, I strongly support the nomination of Walter Dellinger to head the Department of Justice Office of Legal Counsel.

There are two critical requirements, in my mind, for this position. The Assistant Attorney General must be an outstanding legal scholar and must have integrity.

Walter Dellinger more than meets these requirements. He is renowned for the brilliance of his legal analysis. Indeed, for this reason he has been called upon by the Judiciary Committee numerous times since I have served on the committee.

I don't always agree with Mr. Dellinger. For example, he has often expressed misgivings about the effect of the balanced budget amendment, something I care very deeply about, on our constitutional system. But whether or not one agrees with all his views, one thing is clear: Mr. Dellinger has brought an enormous sense of integrity and wisdom to his legal work. Let me give you an example.

Mr. Dellinger wrote a series of articles, a few years back, about the dangers of amending the Constitution to criminalize flag burning. It would have been easy for him to remain silent in the midst of widespread public opinion against flag burning. But maintaining silence would not have been a wise course. Flag burning is an abhorrent practice, but it can not be used to justify abridging rights under the first amendment. Walter Dellinger has provided important legal analysis on this and many other issues. He stood tall and let his voice be heard.

And this, ultimately, is why I endorse him—he is a man who has been

unafraid to apply his extraordinary legal capabilities to the most difficult issues of the day. He is a man who believes, as our Founding Fathers did, in the ideal of civic courage.

One of Walter Dellinger's heroes, I know, is Justice Brandeis. In his brilliant concurring opinion in *Whitney versus California*, Justice Brandeis wrote these stirring words:

Those who won our independence by revolution were not cowards. They did not fear political change. Those who won our independence believed that the freedom to think as you will and to speak as you think are means indispensable to the discovery and spread of truth * * * that the greatest menace to freedom is an inert people; that political discussion is a political duty; and that this should be a fundamental principle of American government.

I am proud to endorse Walter Dellinger because he is a man who is unafraid to speak his mind about some of the most vexing public issues of the day—a man, in other words, of real civic courage.

MORNING BUSINESS

NATIONAL CHILDREN'S DAY BELONGS IN OCTOBER

Mr. PRESSLER. Mr. President, I would like to raise several concerns regarding Senate Joint Resolution 139, legislation that would change the date of "National Children's Day" from the second Sunday in October to the Sunday before Thanksgiving. I raise this issue as the author, 4 years ago, of the first resolution giving congressional recognition to this special day.

My first concern is that changing the date is insensitive to the volunteers who work nationwide on National Children's Day activities. For many who give their time to properly celebrate this day, the proposed change has come as a shock.

In my home State, Father Robert J. Fox, who is the national chairman of National Children's Day for the Catholic Church, informed me that pamphlets and literature have already been printed with the traditional date, which is this coming Sunday. In fact, regardless of what action Congress may take, Father Fox said he will continue to observe National Children's Day on the traditional second Sunday of October.

Second, I am concerned that a late November date is a poor choice for children. In my State of South Dakota, as in many States across the Nation, the frequently inclement weather in late November deters outdoor activities. Early October has milder weather, often beautiful Indian summer days, and is generally a better time for those planning events to honor our Nation's young people.

Third, celebrating National Children's Day in October has become an

established tradition. To change that would end this growing tradition. Governors have issued State proclamations. Children's events have become annual occurrences. Many impoverished children are made to feel special because of this commemorative day.

In addition, changing the date is not what the late Dr. Patrick and his wife, Mary McCusker, had in mind when they founded Children's Day 45 years ago on the campus of Notre Dame University. Mary, now in an Omaha nursing home, is upset with the pending change. Mary McCusker and Father Fox's purpose, as is mine, is to establish one day, now and hereafter, to honor our Nation's children.

Mr. President, National Children's Day should remain in October. I hope that the proponents of changing the date would respect the wishes of those who made this day a reality—from Mary McCusker to Father Fox—and keep National Children's Day where it is.

POLICY OF FEDERAL FINANCING BANK

Mr. HEFLIN. Mr. President, for several years, I, and many of my colleagues, have actively supported a change in the policy of the Federal Financing Bank [FFB] to allow REA borrowers to refinance high interest loans.

I was very pleased that the Reconciliation Act included refinancing authority and I am also pleased that H.R. 3123 permits REA borrowers to pay a fee and obtain a 7-percent cap on the interest rate on these financed loans. This cap will enable REA borrowers to select short term interest rates while guarding against future increases above the 7-percent level.

REA borrowers will pay hundreds of millions of dollars in penalties in order to refinance FFB loans. By contrast, foreign governments were not required to pay any penalty at all when they refinanced more than \$8 billion in FFB loans.

Mr. President, section 306(c) of the Rural Electrification Act provides for three types of penalties: First, penalties on post-1983 FFB loans; second, penalties on pre-1983 loans that have reached a 12-year maturity date for repricing as specified in the loan agreements; and third, penalties on pre-1983 loans which have not reached the 12-year maturity point.

In the case of this third category, it is my understanding that the penalty formula has been designed so that the FFB obtains the same value in the penalty payment as it would receive if the borrower waited until the 12-year period to refinance the loan. In order to do this, section 306(c) specifies that the penalty in the case of these loans will be the present value of 1 year of interest on the loan, plus the present value of the difference between two loan pay-

ment streams. In calculating this penalty it is extremely clear to me that the reason that section 306(c) refers to the present value of 1 year of interest is that borrowers are to be charged 1 year of interest discounted to present value based on the period between the refinancing date and the 12-year maturity date. In the case of these loans, treasury will receive the 1-year interest penalty before the 12-year maturity has elapsed, and so the provision specifies that there must be a present value determination to account for this early payment.

It would be contrary to both the plan language of section 306(c) and the intent for FFB to interpret the present value of 1 year of interest as authorizing FFB to charge a borrower 1 year of interest without discounting this amount to present value based on the difference between the refinancing date and the 12-year maturity date.

I have every expectation that FFB will implement section 306(c) in the manner I have outlined and as intended by Congress.

HELEN KAMER

Mr. LUGAR. Mr. President, I note with sadness the passing of Helen Kamen, a native of Sellersburg, IN, who since 1961 provided outstanding service to her country as a secretary in the State Department.

Helen Kamen represented the best of Government workers. She was a tireless achiever who maintained a special sense of humor under the most pressured situations. Her contributions to American interests in the Middle East and elsewhere should not be underestimated.

While Presidents, Secretaries of State and Ambassadors receive public acclaim for achievements, it is not often recognized that their successes are dependent upon many hours of professional and devoted work of others. No person exemplifies these professionals better than Helen Kamen.

Helen was on Secretary Kissinger's airplane when, through shuttle diplomacy, the disengagement agreements were negotiated between Egypt and Israel and between Syria and Israel. She was at Camp David in 1978 and supported the efforts of the American diplomatic team in facilitating the peace accords between President Sadat and Prime Minister Begin. Working out of a temporary trailer, Helen was one of three secretaries who worked day and night to produce drafts, talking points, statements and dozens of other documents essential to the search for peace.

After Camp David, Helen remained a part of the process which implemented peace between Israel and Egypt. She was chief assistant and secretary to the U.S. Ambassador in Cairo when the last phase of the Egyptian-Israeli peace agreement was implemented.

Presidents and Secretaries of State came and went, as did special Middle East peace negotiators, but Helen remained, tirelessly promoting American interests by working for peace. Helen Kamer was one of the unsung heroes of America's search for peace in the Middle East.

In 1975, Helen was named the State Department's "Secretary of the Year." She set a standard of professionalism and commitment to which all Americans can aspire. This Hoosier remains an outstanding example of those who commit themselves to tirelessly and professionally serve their country.

EDITORIAL BY HARRY S. DENT,
OCTOBER 7, 1993

Mr. THURMOND. Mr. President, some of our colleagues no doubt remember my good friend, Harry S. Dent, from when he was my administrative assistant during the 1970's. Harry is a man who has devoted his life to helping others and has rendered many great services to the people of South Carolina and the United States. Harry served as a special assistant to President Nixon and in the Ford and Bush administrations. He now devotes his life to serving God through his Columbia, SC-based ministry.

As one of my State's most prominent religious leaders, Harry often is called upon to contribute to the public debate on leading social issues. Just this past weekend, the State newspaper published an article by Harry that I thought was particularly insightful and I would like to share it with each of you. I ask unanimous consent that excerpts of this article be inserted into the RECORD following my remarks.

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

EXCERPTS OF EDITORIAL

(By Harry S. Dent)

In today's America, even in the Bible Belt, most people do not appreciate God's teachings against destruction of the family.

Sure, we can do what we please in America! But, our emphasis on rights over responsibilities is devastating Americans and our families.

When God created humans, He commanded obedience. Also, He provided freedom of choice and judgment. Adam and Eve fell for the siren song of the serpent: Don't obey God; you can live by your own rules. This is America today; situation ethics, moral relativism, "but it won't happen to me!"

Yet, God has a special plan for the family. Pop and Mom are to be "one," not two. Pop is designated as the spiritual leader and role model for leading the family as to what is right versus wrong. So, the first training ground for righteousness is the nuclear family: Pop, Mom and the kids.

Today about half of the nuclear families are exploding in selfishness (our sin nature) by today's Adams and Eves. *The Wall Street Journal* reports that "70 percent of the juvenile offenders in long-term correctional facilities grew up without a father in the

household." . . . Even the liberal *Atlantic Monthly* bemoaned the destruction of the American family in a cover story, "Dan Quayle Was Right!"

We all need to be concerned for America and our kids and grandkids. *Newsweek*, says we are bequeathing to them huge financial, moral and social deficits. But God has a big heart. He provides for forgiveness and a new start. . . .

U.S. News & World Report writes that a majority of parents would rather enjoy the pleasures of the world than a stable family. . . .

But, there is hope where there is faith. The Bible is packed with reality and common sense for guiding us past the siren songs of life. Why? Because there is love. Through the Bible, God is showing us how to avert destruction of ourselves and our posterity through unconditional love, nurture and training righteousness for families. St. Paul says it best in II Timothy 3:16: "All Scripture is given by inspiration of God and is profitable for teaching, rebuking, correcting, and training in righteousness. . . ."

Oh how we need to get into God's Book! It's in our own interest and that of America and our precious posterity.

MILITARY ORDER OF IRON MIKE
AWARD

Mr. WARNER. Mr. President, each year the Marine Corps League presents the Military Order of Iron Mike Award. This award recognizes an individual who has made an exceptional contribution to the U.S. Marine Corps and to the Nation. The award is named after the landmark statue, Iron Mike, located at the Marine Recruit Depot, Parris Island, SC. This bronze rendering of a World War I vintage marine figure is instantly recognizable to every marine. He is symbolic of iron will and uncompromising spirit that characterizes the Corps.

The list of recipients of the Iron Mike Award is indeed distinguished. It includes former Commandants like Lew Walt and Lou Wilson; former Senate colleagues like Dewey Barlett and Steve Symms; entertainment personalities like Bob Hope and John Wayne.

The recipient of this year's award is not as famous as Hope or Wayne. He has not won as many elections as Barlett or Symms. Moreover, he has not served as long as Walt or Wilson. But no recipient ever deserved it more. This year's recipient is Arnold Punaro. He is one of the unsung heroes that makes the U.S. Senate work. He is known to all of us as the staff director of the Senate Armed Services Committee.

The award was presented to him at the annual meeting of the Marine Corps League in Washington last month.

His gracious acceptance speech reveals the influence his experience as a combat marine has had on the sense of commitment that characterizes his service to the committee, the Senate, and the Nation. This same sense of commitment that we witness each day

won for him the Bronze Star for Valor and the Purple Heart over 23 years ago in a jungle stream in the Que Son Mountains of Vietnam. Mr. President, the Armed Services Committee is proud of Arnold and his achievements. I know I speak for most members of the committee when I express congratulations.

Mr. President, Arnold Punaro's speech as well as the citation accompanying this award and General Carl Mundy's introduction deserves the attention of the Senate.

Accordingly, Mr. President, I ask unanimous consent that they be printed in the RECORD.

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

CITATION FOR MR. ARNOLD PUNARO, 1993 RECIPIENT OF THE NATIONAL MARINE CORPS LEAGUE "MILITARY ORDER OF THE IRON MIKE AWARD"

The National Marine Corps League takes pleasure in conferring the "Military Order of the Iron Mike Award" on Arnold Punaro for service as set forth in the following citation:

As a Marine, as the Staff Director of the Senate Armed Services Committee and a Patriot, Arnold Punaro has demonstrated his unwavering commitment to insuring a United States capable of protecting its worldwide interests and a strong Marine Corps prepared to act as the nation's expeditionary force in readiness. As one of the Corps' strongest advocates on the Hill, he has successfully worked for legislation supporting a strong national defense. During his more than 20 years of tenure on the Senate Armed Services Committee, he has compiled an unequalled record as a proponent of his country and Corps. He has been instrumental in the successful approval in Congress of hundreds of proposals and budget activities crucial to the Marine Corps. These have included making the Commandant a permanent Member of the Joint Chiefs of Staff and the Assistant Commandant a permanent four star billet. Also, insuring approval of dozens of weapons systems essential to the Corps to include the LSD-41 Class Ships, the Landing Craft, Air Cushioned Program, the AV8-B Harrier, the Light Armored Vehicle, the V-22 Osprey, Hospital Ships, and WAMP Class Amphibious Ships. His work on legislative proposals that support military personnel and their families is without parallel. It includes the Nunn-Warner Benefits Package of 1978, the Variable Housing Allowance, Additional Pay and Benefits related to the Persian Gulf Conflict, the Special Joint Duty Credit Program, and separation initiatives related to the draw down of the Armed Forces.

Further, he has been a leader in their fight to keep the active Marine Corps at an end strength of 177,000, the Marine Corps Reserve at 42,000, and to insure amphibious assault and maritime prepositioning shipping to support at least 2 and 1/2 Marine Expeditionary Brigades.

Arnold Punaro's exceptionally outstanding service reflects great credit upon himself and is in keeping with the highest examples of leadership in government service.

Given under my hand, this 25th day of August, in the year of our Lord, one thousand nine hundred and ninety three. Signed, Frank Meakem, National Commandant.

REMARKS OF GENERAL CARL MUNDT, COMMANDANT OF THE MARINE CORPS, IN INTRODUCING ARNOLD PUNARO TO RECEIVE THE 1993 MILITARY ORDER OF THE IRON MIKE AWARD

When a Marine serves his country in uniform every day, he serves somewhat in the spotlight. But wearing the uniform of a citizen Marine or Reserve Marine means service to the country and to the Corps which oftentimes goes unnoticed. I can assure you that it's never unappreciated by those of us who know what the people in the Total Force side of our Corps do that some call the Reserve side that I would prefer to simply call Marines. Tonight the spotlight deservedly shines on Colonel Arnold Punaro, United States Marine Corps Reserve. As I said earlier, when I began this evening, a pillar, literally a pillar of those who raise and provide Armies and maintain Navies, Marine Corps, and Air Forces.

After Spring Hill College in Mobile, Alabama, graduated him in 1968 he was Commissioned as a 2nd Lieutenant of Marines. He was awarded the Bronze Star for Valor and a Purple Heart for wounds received as a Platoon Commander in Vietnam. Arnie then left the active component and has worked for Senator Sam Nunn, the distinguished Chairman of our Senate Armed Services Committee in its national security matters since 1973. Laboring tirelessly behind the scenes for over two decades, Arnold Punaro can count among his many achievements most of the major programs which will help to define the Marine Corps' combat readiness and power projection into the next century. Literally, as I said to you, I know of no one who has contributed or on a day-to-day basis, contributes more to our Corps than this great American.

So tonight I take pride in introducing a combat veteran from LIMA three-seven, the veteran Staff Director of the Senate Armed Services Committee, a friend to all Marines and certainly to me, Colonel Arnold Punaro, United States Marine Corps Reserve, who is the recipient of the Military Order of the Iron Mike Award.

REMARKS BY ARNOLD L. PUNARO, RECIPIENT OF THE MILITARY ORDER OF THE IRON MIKE AWARD AUGUST 25, 1993

Thank you.
General and Mrs. Mundy, General Gray, other General Officers, Commandant Meakem, my wonderful wife, Jan, and my son, Joe, fellow Marine Corps Leaguers and Marines and friends of the Marine Corps.

Twenty three years ago in a jungle stream, in the Que Son Mountains of Vietnam a young Marine Corporal dashed from a totally safe position to help a seriously wounded Second Lieutenant.

Cpl. R.L. Hammonds had been in Vietnam over 12 months and would—within five days—rotate back to his home in Texas.

What made Cpl. Hammonds choose danger over safety? Choose his fellow Marine over his personal welfare?

Perhaps Cpl. Hammonds possessed the raw courage of the Marines at Belleau Wood who stormed into withering German machine gun fire. When dusk came, the Marines had captured the objective taking more casualties than in the first 143 years combined.

Perhaps Cpl. Hammonds recalled a porkchop shaped island in the Pacific that was the nastiest death trap ever prepared by the Japanese. This epic of human bravery translated into Nimitz's legendary quote that on Iwo Jima "uncommon valor was a common virtue."

Perhaps Cpl. Hammonds looked back to the "attack in another direction" of the 7th

Marines who faced devastating cold and 100,000 Chinese in Korea's fiercest fighting. Historian Allan Millett said the Chosin Reservoir withdrawal remains one of those military masterpieces that occur when skill and bravery fuse to defy rational explanation.

Perhaps Cpl. Hammonds looked ahead to the liberation of Grenada and Panama; to the lightning-fast breach of mine fields, barbed wire, and fire trenches to free Kuwait; or to the alleviation of human suffering in Northern Iraq, Bangladesh or Somalia—or to those Marines poised today offshore at the tinderbox of the world—the Balkans.

Marines like Cpl. Hammonds were ready because of a seamless web of character, courage, commitment and success in combat that defines and describes the United States Marine Corps.

Today, however, there are forces at work that would rip and tear at this seamless web—forces that, if successful, could significantly reduce the Corps ability to meet the nation's tasking in the future.

These forces may be more dangerous than the frontal assaults on the Corps' existence in the late 40s because: they are subtle—not direct; they are incremental—not revolutionary; they occur over time—not immediately; they are led by budget bureaucrats—not warriors.

Let me mention four major areas of concern. They relate to the fighting size of the Corps, the speed and lift of the Corps, the power of the Corps and the values of the Corps.

In terms of the size, there are forces that would slash the Corps to below 160,000—the smallest since before the Korean War, despite increased operational commitments. A determined fight to keep the active Marine Corps at 177,000 and the Marine Reserve at 42,000 has enlisted the shock troops of the Marine Corps League and the many other Marine organizations and friends of the Corps. So far, Congress has supported the higher levels—yet key decisions will be made next month. One final push is needed. Now is the time to fix bayonets and take the Hill—Capitol Hill.

In terms of the speed and the lift of the Corps—that is the ability to get Marines to the fight quickly with the right gear and sustainability—there are forces who would eliminate the revolutionary descendant of vertical envelopment pioneered in 1946. Thank goodness the same pencil pushers who tried to kill the V-22 were not around when the helicopter was invented. For the first time in three years, Congress will not have to have to add money for the V-22—it is in President Clinton's budget. The challenge now is a year-to-year effort to insure a cost-effective development, a successful flight test program with adequate funding levels and the earliest operational deployment.

In a related area, there are forces that would cut back the needed assault or amphibious shipping. Marines can do a lot of things but they can't walk on water to reach the battlefield. As part of a smaller surface Navy, we must fight to retain a modern amphibious fleet with 12 big decks like the Wasp and with the new LX class ship to provide the needed combat footprint and sustainability.

In terms of the power of the Corps; the ability to prevail once reaching the battlefield—equipment deficiencies identified in Desert Storm such as night fighting, communications and intelligence, mine countermeasures, and aviation upgrades are being corrected. One only has to look around at

the marvelous technology on display here to see the tremendous support available—and Congress must provide the funding to buy it.

But one key area is not 100% certain—the advanced amphibian assault vehicle—the "skip a generation" triple a-v which is the essential teammate of the V-22, the landing craft air cushion, V-STOL aircraft and the LX.

The success of the Marine Corps in the future will depend on a combination of a fighting Corps of 177,000 backed up by a reserve of 42,000, with the speedy V-22 flying off new assault ships alongside AV-8Bs with LCAC's skimming over the beaches and the triple A-V keeping pace—all with realtime intelligence and command and control to rapidly adjust during the assault.

Our actions today will determine into the next century: the fighting size of the Corps, the speed and lift of the Corps, and the power of the Corps.

These are the winning combination of punches needed for "operational maneuver from the sea"—the ability of the Corps to do it better, quicker and cheaper far beyond today's horizon.

We can be encouraged in all these areas by the strong leadership and support at HQMC and the receptive ear of Secretary Aspin and his new team who are longstanding Marine supporters. But we must all fight those forces that would push these decisions in the wrong direction.

We must also take on the preservation of core values—that is both Corps as in Marine Corps and core as in fundamental.

The first Corps—the Marine Corps—must continue to spin that seamless web of combat power and courage while adapting to changing circumstances. That shouldn't be hard for a Corps that has always cut against those who insist on the "conventional wisdom."

Before World War II, conventional wisdom scoffed at the idea of amphibious assault from the sea.

Before Korea, conventional wisdom suggested the helicopter had little military value.

Before Vietnam, conventional wisdom denigrated the Marine's intense focus and training in combined arms, jungle and mountain warfare.

Before the 1980s, conventional wisdom snickered when the Marine decided to emphasize quality and high school graduates—rather than quantity—accompanied by the recruiting slogan of "we didn't promise you a Rose Garden."

Before the Persian Gulf War, conventional wisdom questioned the Marine's revitalization of the Marine Air Ground Task Force and maneuver warfare, the purchase of Maritime Prepositioning ships, and the light armored vehicle.

And I am sure conventional wisdom today is second-guessing the Marine's examination of new roles and missions, special MAGTFs, joint task forces, adaptive force planning, and combat development systems—while always keeping the focus on the Marine's expeditionary character as well as the "911" force in readiness at bargain basement prices.

We must also fight to maintain core or fundamental values that put the mission first, the unit second and the individual third. The proposal to open the ranks of the military to homosexuals is inconsistent with this approach.

In this fight in the halls of Congress, no one stood more resolute than my boss, Senator Sam Nunn.

In this fight in the corridors of the Pentagon, no one was more steadfast—no one displayed more courage under significant pressure than our Commandant, General Carl

Mundy, General Mundy—your Corps and your country salutes you.

But in the fights ahead on the size of the Corps, on the speed and lift of the Corps, on the power of the Corps and on the values of the Corps, we must insure that our leaders do not stand alone—that men and women like Cpl. Hammonds answer the call to protect the Corps' future.

But someone will have to fill in for Cpl. Hammonds for, not far from here, on the hallowed grounds of the Vietnam Memorial, you will find his name chiseled in stone along with 13,072 of his fellow Marines. Cpl. Hammonds died in that jungle stream 23 years ago helping the wounded Second Lieutenant.

I was that Second Lieutenant whom Cpl. Hammonds shielded from additional bullets and harm, and I stand before you tonight deeply grateful for this award but fully realizing that no one person can take credit for the accomplishments in the citation. Whatever any of us do is made possible by Marines like Cpl. Hammonds who choose danger over safety and who put their fellow Marines first and their own personal welfare second.

Let each and every one of us tonight make that same choice and each and every day in our own way help a fellow Marine and his or her family provide a better Marine Corps and one that will be ready twenty-three years from now with the needed size, speed and power and anchored in bedrock values.

And while these fights might seem as distant from this room as a rifle's crack and a muzzle flash, as a radio's squawk, or the growl of a light armored vehicle, to the Marine on the cutting edge in the fleet Marine Force, it is part of their everyday existence.

And when we, the Marines of today, make that final muster with the Marines of Belleau Wood, of Iwo Jima, of the Frozen Chosin, of Desert Storm, of Somalia, and with Cpl. Hammonds—and they ask the question—what did you do in this fight: did you waiver? did you falter? did you fail?

We must all answer and report: Not on my watch.

God Bless our Corps and our country; Semper fidelis Cpl. Hammonds, and thank you Marine Corps League.

NEW AID PROGRAM FOR EAST TIMOR

Mr. PELL. Mr. President, I am very pleased to announce today that the United States Agency for International Development [USAID] has decided to initiate a substantial 3-year program in East Timor. The aid program will focus on strengthening local representative organizations, promoting productive employment, and improving the quality of life for the Timorese.

The situation in East Timor is deplorable. For many years I have expressed my concerns over the human rights situation there, resulting from the actions of the Indonesian Government that invaded East Timor in 1975. The Indonesian Government repeatedly has used as an excuse for its occupation of East Timor the effort it has made to improve the lives of the East Timorese following centuries of Portuguese colonial rule.

If only the Indonesians had improved East Timor as much as the rest of Indonesia. Out of 27 provinces, East Timor is the poorest. Annual per capita

income in 1989 was \$181, compared to a national average of \$448. Infant mortality is the second highest in Indonesia with 100 deaths per 1,000 births, caused in part by low rates of immunization, lack of clean water, nutritional problems from vitamin and protein deficiencies, and shortages of medicine and trained medical personnel. In the capital city of Dili less than 40 percent of the households receive piped water.

In terms of education East Timor has also been neglected. Over 60 percent of the work force have never attended school. Only 13 percent have completed primary school. With only one university and one polytechnical school, enrollment is below the national average. Those who do graduate have limited employment opportunities.

East Timor's economy is largely based on agriculture, employing 90 percent of the population. The main crops of rice, corn, cassava, sweet potato, and coffee have low yields. Increasing employment opportunities need to be found in other industries, but the Indonesian military indirectly exercises monopoly control of the economy, depressing prices for products while receiving the profits from trade. Indonesians staff most of the positions in the provincial government and any large businesses. The East Timorese are thus caught in a vicious hold of enforced deprivation.

Key aspects of the new American aid program include:

Supporting non-governmental organizations [NGO] to promote conservation farming and to encourage diversified cropping, to develop water systems and to provide health and nutrition education;

Supporting the development of indigenous nongovernmental organizations by establishing an institutional and human resource center to provide management and financial training;

Supporting an Asian Foundation program to provide training and technical assistance to local governments and to provide training and resources for local journalists;

Allocating resources to educational facilities in East Timor to strengthen local faculties;

Expanding United States assistance in improving basic infrastructure in East Timor, in particular providing a substantial portion of housing loans under the United States Housing Guarantee Program to East Timor cities;

Using funds available under the Public Law 480 title II commodity program to provide additional funding for community-based programs for shelter, infrastructure, urban environmental improvement, microenterprise development, and NGO capacity building; and

Conducting an ongoing research program in the needs of the East Timor community.

This program, as the administration notes in its report to me, "will bring

with it greater USG [United States Government] presence which will help ensure attention to the human rights issue in East Timor."

I enthusiastically welcome this new program for that reason. However, I know the capacity for abuse and misdirection in aid programs to politically sensitive areas, such as East Timor. I intend to monitor closely the implementation of this program to ensure, first, that the East Timorese directly benefit; second, that East Timorese institutions are strengthened, and third, that the Indonesian authorities do not influence the recipients of this assistance.

I would hope, for example, in developing specific projects USAID will consult closely with representatives of the East Timorese, especially with the Catholic Church in East Timor, led by Bishop Bello.

As Margaret Carpenter noted during her confirmation hearing to be Assistant Administrator for Asia and Near East of the U.S. Agency for International Development, in response to a question by me, "Institutional and human resource development is crucial to fostering development and ensuring that the Timorese people have a say in defining their needs and means for their economic development." Unfortunately, the Indonesians have allowed them little voice to date. I hope our new program will.

STATEMENT ON THE NOMINATION OF MORTON H. HALPERIN TO BE ASSISTANT SECRETARY OF DEFENSE FOR DEMOCRACY AND PEACEKEEPING

Mr. KENNEDY. Mr. President, the nomination of Morton H. Halperin to be Assistant Secretary of Defense for Democracy and Peacekeeping is currently pending before the Armed Services Committee. I welcome this nomination, and look forward to Dr. Halperin's confirmation.

Those of us who have worked with Mort Halperin in the past know that our Nation will benefit from having such an intelligent, creative, hard-working individual in this important leadership post.

The position for which Dr. Halperin has been nominated, Assistant Secretary of Defense for Democracy and Peacekeeping, is a new position created in the Defense Department to deal with the dramatic global changes since the end of the cold war. With the fall of communism, the long-term security of our Nation will depend heavily on our success in promoting democracy and stability in the international community.

Dr. Halperin has the experience and the knowledge to play a key role in developing a sensible policy for conducting and supporting peacekeeping operations, providing humanitarian assistance, and formulating new means for

promoting democracy, thereby preventing threats to the United States before they develop.

Mort Halperin has outstanding career credentials that attest to his ability to serve in the position for which he has been nominated. Currently a senior associate at the Carnegie Endowment for International Peace, Dr. Halperin is also Baker professor in the Elliot School of International Affairs of the George Washington University. He has taught at Harvard, Yale, Columbia, and MIT, and he has written extensively on defense policy, international affairs, and arms control.

Dr. Halperin has served in the Government as senior staff member of the National Security Council under President Nixon, and prior to that as Deputy Assistant Secretary of Defense for International Security Affairs under President Johnson, for which he won the Meritorious Civilian Service Award from the Department of Defense.

Despite his credentials, despite his impressive service to our Nation in the past, and despite the confidence expressed in him by the President and the Secretary of Defense that he will serve the Nation proudly, some Members of this body have chosen to oppose the nomination of Dr. Halperin before he has even had this hearing in the Armed Services Committee, without knowing all the facts, and without allowing Dr. Halperin an opportunity to answer questions about his record and his views.

An example of this situation occurred on the floor today. The Senator from South Carolina cited press reports, based on an unnamed source, stating that Dr. Halperin had advised Secretary Aspin against sending armored forces to Somalia to reinforce our troops there over the past month. The Senator went as far as to assign partial blame to Dr. Halperin for the tragedy in Somalia this past weekend.

After the Senator's statement this afternoon, a member of my staff spoke to Dr. Halperin, and questioned him directly on the reports about advice he provided to the Secretary. Dr. Halperin stated categorically that he had been in no way involved in the decision as to whether the Department of Defense would order additional armored forces to Somalia.

To me, this fact is a stunning example of why all Members deserve to hear the full story about Dr. Halperin straight from Dr. Halperin. The Armed Services Committee will give him that opportunity, and I urge all Senators to await the committee's action. In the meantime, Senators should be aware that Dr. Halperin has the strong support of many eminent Americans and I ask unanimous consent that a list of these individuals, leaders in the field of American security, may be printed in the RECORD.

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

MEMBERS OF THE DEFENSE AND INTELLIGENCE COMMUNITIES WHO HAVE ENDORSED MORTON H. HALPERIN

Former Secretaries of State: Cyrus Vance, Edmund P. Muskie.

Former Secretaries of Defense: Robert S. McNamara, Clark Clifford, Elliot Richardson, Harold Brown.

Former Deputy Secretary of Defense and Ambassador Paul H. Nitze.

Former Directors of Central Intelligence: William E. Colby, Admiral Stansfield Turner (USN Ret.).

Former Deputy Director of CIA for Intelligence (and former Director of the Department of State Policy Planning Staff) Robert R. Bowie.

Former Special Assistant to the President for National Security Affairs McGeorge Bundy.

Former Deputy Special Assistants to the President for National Security Affairs: Carl Kaysen, Francis M. Bator.

Former Head of the Institute for Defense Analyses General W. Y. Smith (USAF Ret.). Lieutenant General Robert E. Pursley (USAF Ret.).

Former Ambassadors: Raymond Garthoff (to Bulgaria), Donald F. McHenry (to the United Nations), James F. Leonard (to the United Nations), Ralph Earle II (to Salt II and Director of ACDA), Arthur Hartman (to the Soviet Union), Jonathan Dean (to MBFR Talks).

Congressman Howard L. Berman (Chairman, Subcommittee on International Operations of the Committee on Foreign Affairs).

Former Congressman Stephen Solarz.

Former Undersecretary of the Navy David E. McGiffert.

Former Undersecretary of the Air Force (and Deputy Assistant Secretary of ISA in DoD) Townsend Hoopes.

Former Assistant Secretaries of Defense: Lawrence J. Korb, Ambassador Paul C. Warnke (and Director of US ACDA).

Former Deputy Assistant Secretaries of Defense: Richard C. Steadman, Laurence S. Finkelstein.

Former Deputy Director, US ACDA, Spurgeon M. Keeny, Jr.

Former Assistant Director of the US ACDA (and Chairman of the Board, The Henry L. Stimson Center) Barry Blechman.

Former Senior Staff Member, National Security Council, Jan M. Lodal.

Editor, Foreign Policy Magazine, Charles William Maynes.

President, The Henry L. Stimson Center, Michael Krepon.

Professor, U.S. Naval Academy, George Quester.

ADJOURNMENT OF THE TWO HOUSES OVER THE COLUMBUS DAY HOLIDAY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of House Concurrent Resolution 161, a concurrent resolution providing for adjournment of the House and Senate, just received from the House, that the concurrent resolution be agreed to, and the motion to reconsider laid upon the table. And I am authorized to state this request has been cleared with the Republican leader.

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

So the concurrent resolution (H. Con. Res. 161) was agreed to, as follows:

H. CON. RES. 161

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Thursday, October 7, 1993, or Friday, October 8, 1993, pursuant to a motion made by the majority leader or his designee, it stand adjourned until noon on Tuesday, October 12, 1993, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns at the close of business on Thursday, October 7, 1993, pursuant to a motion made by the majority leader or his designee, in accordance with this resolution, it stand recessed or adjourned until noon on Wednesday, October 13, 1993, or at such time as may be specified by the majority leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

EXECUTIVE SESSION

THE EXECUTIVE CALENDAR

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the following nominations: Calendar Order Nos. 367, 377, 378, 379, 380, 381, 382, 403, 404, 406, 407, 408, 409, 410, 412, 416, 417, 418, 419, 421, 422, 430, 431, 432, 444, 445, 446, 447, 448, 449, 450, and all nominations placed on the Secretary's desk in the Coast Guard and Foreign Service.

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; and that the President be immediately notified of the Senate's action.

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

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF ENERGY

Tara Jeanne O'Toole, of Maryland, to be an Assistant Secretary of Energy (Environment, Safety and Health), vice Paul L. Ziemer, resigned.

DEPARTMENT OF STATE

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.

EXECUTIVE OFFICE OF THE PRESIDENT

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.

U.S. INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Margaret V.W. Carpenter, of California, to be an Assistant Administrator of the Agency for International Development.

Carol J. Lancaster, of the District of Columbia, to be Deputy Administrator of the Agency for International Development.

ASIAN DEVELOPMENT BANK

Linda Tsao Yang, of California, to be U.S. Director of the Asian Development Bank, with the rank of Ambassador.

DEPARTMENT OF ENERGY

Daniel A. Dreyfus, of Virginia, to be Director of the Office of Civilian Radioactive Waste Management, Department of Energy.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Mary Jo Bane, of Massachusetts, to be Assistant Secretary for Family Support, Department of Health and Human Services.

Shirley Sears Chater, of Texas, to be Commissioner of Social Security.

THE JUDICIARY

Herbert L. Chabot, of Maryland, to be a judge of the U.S. Tax Court for a term expiring 15 years after he takes office. (Reappointment)

DEPARTMENT OF STATE

Roger R. Gamble, of Virginia, a career member of the Senior Foreign Service, class of minister-counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Suriname.

William Dale Montgomery, of Pennsylvania, a career member of the Senior Foreign Service, class of counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Bulgaria.

Richard A. Boucher, of Maryland, a career member of the Senior Foreign Service, class of counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Cyprus.

Peter F. Romero, of Florida, a career member of the Senior Foreign Service, class of counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Ecuador.

Parker W. Borg, of Minnesota, a career member of the Senior Foreign Service, class of minister-counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Iceland.

Thomas Michael Tolliver Niles, of Kentucky, 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 Greece.

Edward Joseph Perkins, of Oregon, 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 Australia.

William Lacy Swing, of North Carolina, 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 Haiti.

Richard W. Teare, of Ohio, a career member of the Senior Foreign Service, class of minister-counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Papua New Guinea and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to Solomon Islands and Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Vanuatu.

Theresa Anne Tull, of New Jersey, a career member of the Senior Foreign Service, class of minister-counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Brunei Darussalam.

PEACE CORPS

Carol Bellamy, of New York, to be Director of the Peace Corps, vice Elaine L. Chao, resigned.

DEPARTMENT OF COMMERCE

David J. Barram, of California, to be Deputy Secretary of Commerce.

DEPARTMENT OF LABOR

Anne H. Lewis, of Maryland, to be an Assistant Secretary of Labor.

Katharine G. Abraham, of Iowa, to be Commissioner of Labor Statistics, U.S. Department of Labor, for a term of 4 years vice Janet L. Norwood, term expired.

NATIONAL SCIENCE FOUNDATION

Neal F. Lane, of Oklahoma, to be Director of the National Science Foundation for a term of 6 years.

DEPARTMENT OF STATE

Madeleine Korbel Albright, of the District of Columbia, to be a Representative of the United States of America to the Forty-eighth Session of the General Assembly of the United Nations.

Edward S. Walker, Jr., of Maryland, to be an Alternate Representative of the United States of America to the Forty-eighth Session of the General Assembly of the United Nations.

Victor Marrero, of New York, to be an Alternate Representative of the United States of America to the Forty-eighth Session of the General Assembly of the United Nations.

Karl Frederick Inderfurth, of North Carolina, to be an Alternate Representative of the United States of America to the Forty-eighth Session of the General Assembly of the United Nations.

Sam Gejdenson, U.S. Representative from the State of Connecticut, to be a Representative of the United States of America to the Forty-eighth Session of the General Assembly of the United Nations.

William F. Goodling, U.S. Representative from the State of Pennsylvania, to be a Representative of the United States of America to the Forty-eighth Session of the General Assembly of the United Nations.

NOMINATIONS PLACED ON THE SECRETARY'S DESK IN THE COAST GUARD, FOREIGN SERVICE

Coast Guard nominations beginning Malcolm D. Stevens, and ending Patrick M. Gorman, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 7, 1993.

Coast Guard nominations beginning Gordon D. Garrett, and ending Joseph R. Castillo, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 14, 1993.

Coast Guard nominations beginning Jon D. Allen, and ending Robert M. Dean, IV, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of October 4, 1993.

Foreign Service nominations beginning Paul Snow Carpenter, and ending James G. Wallar, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 14, 1993.

STATEMENT ON THE NOMINATION OF DR. TARA J. O'TOOLE

Mr. JOHNSTON. Mr. President, the members of the Committee on Energy and Natural Resources have carefully examined the background and qualifications of Dr. Tara J. O'Toole, who has been nominated by President Clinton to be Assistant Secretary of Energy for Environment, Safety and Health.

There were some initial misgivings about memberships that Dr. O'Toole had listed on the official papers she provided to the committee. Dr. O'Toole met with many members of the committee, as did Secretary O'Leary. The vast majority of the committee was satisfied with Dr. O'Toole's explanations and impressed with her credentials. After a thorough hearing, the committee voted 18 to 2 to recommend her confirmation to the Senate.

Dr. O'Toole indicated in her Senate papers that she had been a member of a group that was referred to before Dr. O'Toole joined as Marxist-Feminist Group I. In the late 1970's this informal women's discussion group changed its name to Northeast Feminist Scholars. Dr. O'Toole did not join the group until several years later when she was in her medical residency at Yale. Having heard this explanation, most of the members of the committee were convinced that while it might have been smarter for Dr. O'Toole to list this group by its current name, she clearly is not a Marxist.

What Dr. O'Toole is, however, is highly qualified for this job.

The Assistant Secretary for Environment, Safety and Health is responsible for ensuring the health and safety of the public and the workers involved in the cleanup of the nuclear weapons complex.

Dr. O'Toole is a medical doctor with a speciality in occupational health. She received her medical degree from George Washington University, completed her residency at Yale University, and received a masters of public health from Johns Hopkins University.

For the past 4 years, Dr. O'Toole has studied the problems of the cleanup program of the Department of Energy as a senior analyst at the Congressional Office of Technology Assessment. She was a principal author of the study Complex Cleanup, outlining the problems of nuclear weapons complex cleanup. Dr. O'Toole was project director for the followup study, Hazards Ahead, about worker safety in the cleanup.

The cleanup of the nuclear weapons complex is one of the most costly and difficult jobs facing America today. Dr. O'Toole's specialized medical training and her professional background combine to make her a most qualified person to tackle the public health and occupational safety aspects of this problem.

STATEMENT ON THE NOMINATION OF TARA O'TOOLE

Mr. LOTT. Mr. President, today, we consider the nomination of Tara O'Toole, to be the Assistant Secretary for Environment, Safety and Health at the Department of Energy. It is a position of great importance and responsibility.

The nominee will be responsible for the nuclear safety policies and practices for 20,000 Federal workers and

146,000 DOE contractor employees. The nominee will establish and oversee all worker protection programs at DOE and investigate all serious accidents.

The power of the position is substantial. The nominee has the authority to determine and shutdown unsafe operations, at DOE military and civilian facilities. Moreover, the nominee independently oversees DOE compliance with State and Federal environmental laws.

The nominee will have substantial access to and influence over sensitive U.S. military and civilian nuclear programs.

It is a position directly related to national security. I want to emphasize that point to my colleagues. This nomination—to this position—should not be taken lightly. We should discharge our duties very, very carefully.

For the RECORD, the following insert outlines the responsibilities and authority of the Assistant Secretary of Environment, Health and Safety as described by the Department of Energy.

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

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

THE OFFICE OF THE ASSISTANT SECRETARY
FOR ENVIRONMENT, SAFETY AND HEALTH

The Office of the Assistant Secretary for Environment, Safety and Health:

Establishes occupational health and safety policies, including nuclear safety policies and practices, for 20,000 federal workers and 146,000 DOE contractors employees.

Provides independent oversight of the adequacy of Department of Energy (DOE) field office and contractor environment, health and safety programs at DOE facilities.

Is the only organization that independently oversees the adequacy of worker protection programs at DOE. (DOE is exempted from inspections and enforcement of regulations by the Occupational Safety and Health Administration by virtue of its authority under the Atomic Energy Act of 1954.)

Investigates all serious accidents at DOE facilities.

Has authority to shutdown unsafe operations at DOE facilities.

Provides independent oversight of DOE compliance with state and federal environmental laws.

Mr. LOTT. Mr. President, in this context, we need to examine the nominee's experience and the organizations to which she joined as a member. We need to understand the nominee's views on nuclear energy and how she will carry out her responsibilities.

I have very serious reservations over the qualifications of the nominee. There are three serious shortcomings. First, the nominee's lack of managerial experience.

Second, in a position so critical to national security, her membership and participation with certain groups cause great concern.

And third, her memberships in environmental organizations which oppose any form of nuclear energy and ac-

tively practice civil disobedience to oppose nuclear energy and storage. This leads me to additional questions on the nominee's agenda and objectivity.

I believe that it is critical that the Senate and the American public understand the nominee's background, experience, and views which will affect our national policy and security.

I would also like to address what appears to be the administration's attempts to silence legitimate discussion concerning this nomination. The following is an excerpt from the administration:

Spurious charges have been leveled against Dr. Tara O'Toole that harken back to the McCarthy era.

There we have the defense but no real informative discussion. Anyone who raises legitimate questions concerning the nominee is smeared by the McCarthy label. It is a time-honored tradition, but brought to a new high in the era of political correctness—such charges stop needed, healthy debate. In this case, it is clearly an attempt to stifle any debate on policy implications and national security—it is an undignified diversion.

Having said that, I would like to take this opportunity, for the record, to outline my concerns over this nominee. The first is over the nominee's ability to manage the size of the organization for which the nominee will be responsible.

No one questions the nominee's academic qualifications, her credentials as a physician or as a researcher. However, this position requires extensive managerial skill and expertise which is not reflected in the material submitted to the committee. The Assistant Secretary for Environment and Health is directly responsible for managing and administering an organization of approximately 400 employees—which in turn oversees and affects the policies and practices of 20,000 DOE employees and 146,000 contract employees.

The nominee comes to the Department at a time when the ability to create effective organizational structures and systems is critical to successfully meet the complex challenges of cleaning up DOE facilities.

However, the area which causes me the greatest concern is not the lack of managerial experience, but the nominee's memberships in various organizations and the positions and views of those organizations.

We define ourselves by the groups or organizations to which we belong. If one joins the Republican or Democratic Party, for the most part, it is because of a shared set of political beliefs with one of the parties. If a person joins a church, it is because they share a common set of beliefs or faith with members of that church. At the same time, people usually do not join a group or organization if they disagree or do not share its views or beliefs.

As a result, this body has, on many occasions, concluded that membership in certain organizations is an important consideration in determining whether a nominee is fit for office or confirmation. For example, if someone belongs to an organization or club which discriminates on the basis of religion, race, or gender, it is assumed that such association reflects that nominee's views. If such views are at odds with our stated national policies and objectives, it can serve to disqualify that person from holding a public position.

I believe it is reasonable to continue looking at one's memberships in trying to determine whether a nominee is right for the job.

I ask unanimous consent to print in the RECORD the committee form which the nominee filled out listing her various memberships.

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

U.S. SENATE COMMITTEE ON ENERGY AND
NATURAL RESOURCES

Addendum to Statement for Completion by
Presidential Nominees.

Nominee: Tara O'Toole.

Position to which nominated: Assistant Secretary of Energy for Environment, Safety and Health.

EMPLOYMENT RECORD

Occupational Medicine Fellow, Johns Hopkins University School of Public Health, Johns Hopkins Hospital, Baltimore, Maryland: 7/88-7/89.

Senior Analyst, U.S. Congress Office of Technology Assessment, Oceans and Environment Program, 600 Pennsylvania Avenue, S.E., Washington, D.C.: 8/89-Present. Analyst and contributing author responsible for those aspects of 1991 OTA report "Complex Cleanup" that dealt with potential off-site health impacts of contamination at DOE facilities. Project director of "Hazards Ahead," 1993 OTA report that addressed health and safety threats faced by cleanup workers at DOE facilities. Member of team conducting OTA study of environment, safety and health aspects of nuclear weapons dismantlement in U.S. and in Russia. (This report will be released in Fall 1993.)

Professional Memberships (all memberships—no offices held): American Public Health Association: 1977-present; Association of Occupational and Environmental Health Clinics: 1989-present; Society for Occupational and Environmental Medicine: 1989-present; American College of Occupational and Environmental Medicine: 1987-present; Society for Research and Education in Primary Care Medicine: 1984-87; American College of Physicians: 1984-87; American Association for the Advancement of Science: 1988-present; American Medical Women's Association: 1992-93.

Social, Charitable and Civic Memberships (all memberships—no offices held): Women's Housing Coalition, Baltimore, Maryland: 1990-present; Natural Resources Defense Council: 1989-present; Greenpeace: 1989-1992; Sierra Club: approx. 1990-91; Environmental Defense Fund: approx. 1990-92; National Abortion Rights Action League: 1989-present; Central American Health Network: 1988-1992; Marxist/Feminist Group: present; Physicians for Social Responsibility: 1979-

present; Physicians for Reproductive Health: 1990-92; George Washington University School of Medicine Alumni Fund: 1991-present; Physicians for a National Health Care Plan: 1990-present; WETA: 1990-present.

Mr. LOTT. Mr. President, in filling out the forms for the confirmation process, the nominee submitted, that she belonged to an organization called the Marxist/Feminist Group. No one else wrote that down. It is not something others cooked up. Moreover, she listed herself as a present member.

According to the nominee's affidavit, the nominee joined the group in 1981 and continued as a member through 1993. It is not something the nominee did back in the hey day of the late 1960's or early 1970's—or in period of youthful idealism. No, she listed herself as a current member.

The administration's defense is that the name of this group had changed 3 years prior to the nominee joining the group in 1981. If that is the case, why did the nominee not submit the name of the group as the Northeast Feminist Scholars [NFS] instead of the Marxist/Feminist Group?

In truth, the group continued to go by the name the Marxist/Feminist Group—if not formally, at least informally.

Now, the nominee claims that even though she joined an organization called the Marxist/Feminist Group, she did not endorse marxism nor did she assume anyone else in the group endorsed marxism.

My question is, if one does not believe or never believed in marxism to some degree, why would anyone join anything called the Marxist/Feminist Group?

For the record, the White House response to Senators JOHNSTON and WALLOP, Dated July 6, 1993, makes some rather unbelievable statements.

For example:

Dr. O'Toole has never endorsed marxist theory, nor has she ever had the impression that any other members of the Northeast Feminist Society [NES] (Marxist/Feminist Group) held such beliefs.

Dr. O'Toole never assumed that membership in NFS (Marxist/Feminist Group) would suggest to anyone that she endorsed marxism.

In this case, it is hard to believe that she, at some time, did not believe, to some degree, in marxism. The administration's defense seems disingenuous at best. It strains reasonable credibility.

It would be more credible to say:

Yes, I did try marijuana and I did inhale, or yes, I once believed in marxism, but now I neither smoke marijuana nor believe in marxism.

The nominee also submitted that she belonged to an organization called the Central American Health Network from 1988 through 1992. The nominee's membership in this organization, combined with her membership in the marxist feminist organization, raise additional questions, as to her underlying

beliefs and views in relation to national and public policy.

It also begins to establish a pattern of the nominee joining organizations which oppose and disagree with U.S. military and nuclear policy.

The Central American Health Network was established in 1983, in large part due to the group's opposition to United States policy in Nicaragua, Guatemala, and El Salvador.

The network was nonprofit and humanitarian. It delivered medical supplies and helped upgrade primary care in these three countries.

I do not question the nature of what the organization was trying to do. However, the group's bias and judgment is open to question.

The organization worked through the Sandinista Ministry of Health in Nicaragua from 1983 to the present time. However, in Guatemala and El Salvador, the health network refused to work with the governments of either country. Their position is understandable considering the human rights violations of Guatemala and El Salvador during that period.

However, it is hard for me to understand why the human rights abuses and violations in Guatemala and El Salvador are any less offensive than the gross abuses and violations occurring during that same period in Nicaragua.

The network's cooperation and work through the Sandinista government prior to free elections appears to be an implicit endorsement of that regime and rejection of U.S. policy. Likewise, their refusal to work with the anti-Marxist governments and ministries in El Salvador and Guatemala is a condemnation of both countries and the United States alliance with those countries.

In my view, if their objective was only humanitarian, a more appropriate position would have been to condemn the abuses occurring in all three countries and to work only through non-governmental entities.

However, it appears, based on its actions and from discussions with the Central American Health Network, that the organization was more favorably inclined to support the Marxist regimes and movements of the region—and to oppose both U.S. policy and the regional nonmarxist governments.

In addition, I have strong reservations of confirming someone to this position who has belonged to an organization which opposes all forms of nuclear energy and the storage of nuclear waste.

The nominee lists membership in Greenpeace from 1989 to 1992. During that period of time, Greenpeace so strongly opposed nuclear energy and storage that it practiced civil disobedience in opposition.

There is probably no greater issue of national importance at the Department of Energy than the resolution of

how to safely store the Nation's military and civilian nuclear waste. I am greatly concerned that the nominee may come with such biases that these efforts could be jeopardized.

And so a legitimate question is, How can this nominee objectively approach the very complex issues of nuclear weapons, power, and cleanup without a bias or agenda which may work against the national security interest.

In summary, these memberships, not only the ones I have mentioned, but the other memberships listed by the nominee, suggest a predisposition for extremism and radicalism. In my view, this position is too sensitive, too complex, and the risks too high to confirm such a nominee.

I do believe that the nominee has noble intentions; however, I fear the nominee would approach her assignments from a fundamentally flawed framework.

Consequently, I cannot support or consent to this confirmation. My purpose today is to establish the record as to why I am opposing this nominee.

I hope I am proven wrong. The Secretary of Energy strongly supports the nominee as do other members of the Energy Committee. These are endorsements on which I place great value.

But, ultimately, the President and the Secretary of Energy are responsible and will be held accountable. They must ensure that our energy policy promotes the Nation's energy and security interest—they must ensure that this nominee carries out such policies and not an agenda which would work against the Nation's best interest.

STATEMENT ON THE NOMINATION OF DANIEL A. DREYFUS

Mr. WALLOP. Mr. President, I rise in support of the nomination of Dr. Daniel Dreyfus to be Director of the Office of Civilian Radioactive Waste Management for the Department of Energy.

We are fortunate indeed that such a talented and dedicated public servant is willing to take on the difficult and controversial task of overseeing the long-term management and disposal of this Nation's nuclear waste. Dr. Dreyfus' engineering training, his familiarity with the scientific issues which will be facing him, and his ability to deal with the political obstacles that exist, uniquely qualify him for this position.

Dr. Dreyfus has had a long career in the area of energy policy and planning. His years of Government experience, both with the Senate Energy and Natural Resources Committee and with the Department of the Interior, as well as his private sector experience, have prepared him well to take on the extremely important and challenging responsibilities of the Office of Civilian Radioactive Waste Management.

Mr. President, I believe Dan Dreyfus will be a great asset to the Department of Energy, and I urge my colleagues to support his nomination.

STATEMENT ON THE NOMINATION OF DAVID R. BARRAM

Mr. HOLLINGS. Mr. President, I am pleased that the Senate is considering the nomination of David R. Barram for the position of Deputy Secretary of Commerce. The Committee on Commerce, Science, and Transportation held Mr. Barram's confirmation hearing on September 15, 1993, and reported his nomination on October 6, 1993.

Traditionally, the Deputy Secretary of Commerce has served as the Department's chief operating officer, or its internal manager. Management of the Department of Commerce [DOC] operations covers a wide range of complex activities, from the development of trade, technology, and telecommunications policy to oceans and atmospheric issues. While directing DOC has always been challenging, the Department's diverse programs are particularly important today as the world focuses more closely on economic competition and new international alliances.

On the edge of the 21st century, DOC stands as the lead Federal agency for major economic and technology initiatives. The operation of these diverse programs with tighter budgets requires an innovative and experienced manager.

Mr. Barram has such experience. He has a long and distinguished career managing world-class high-technology companies such as Apple Computer, Silicon Graphics, and Hewlett-Packard. His accomplishments and talents are familiar to many of my colleagues in the Senate.

Most recently, Mr. Barram held the position of vice president and chief financial officer of Apple Computer, Inc. During his tenure, he was involved in several reorganizations of the company intended to ensure that the company could compete in the ever-changing high-technology marketplace. Prior to his position with Apple Computer, Inc., Mr. Barram served as the first chief financial officer of Silicon Graphics.

In addition, Mr. Barram has demonstrated a commitment to advancing educational goals and is a member of the board of directors for the National Center on Education and the Economy, a nonprofit organization. He has served on the State of California Schools Operations Committee and has authored articles on education and business.

Mr. Barram graduated from Wheaton College with a bachelor of arts in 1965 and received his master's degree in business administration from Santa Clara University in 1973.

Mr. Barram's expertise in managing premiere high-technology firms will be an asset to DOC and to the administration. Therefore, I urge my colleagues to support the President's nomination of David R. Barram to be the Deputy Secretary of Commerce.

DEPARTMENT OF THE ARMY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the following nomination reported today by the Armed Services Committee: Gen. George A. Joulwan, to be general; I further ask unanimous consent that the nominee be confirmed; that any statements appear in the RECORD as if read; that upon confirmation, the motion to reconsider be laid upon the table; that the President be immediately notified of the Senate's action; and that the Senate return to legislative session.

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

The nomination, as confirmed, is as follows:

IN THE ARMY

The following named officer for reappointment to the grade of general while assigned to a position of importance and responsibility under title 10, United States Code, section 601(a):

To be general

Gen. George A. Joulwan, xxx-xx-xxxx U.S. Army.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now resume legislative session.

REPEALING OF REQUIREMENT THAT UNDER SECRETARY FOR HEALTH IN THE DEPARTMENT OF VETERANS AFFAIRS BE A DOCTOR OF MEDICINE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 1534, relating to a repeal of a requirement that the Under Secretary for Health in the Department of Veterans Affairs be a doctor of medicine, introduced earlier today by Senators ROCKEFELLER and MURKOWSKI; that the bill be read a third time and passed; that the motion to reconsider be laid upon the table; and that any statements relative to the passage of this item appear at the appropriate place in the RECORD.

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

So the bill (S. 1534) was deemed read three times and passed, as follows:

S. 1534

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPEAL OF REQUIREMENT THAT UNDER SECRETARY OF VETERANS AFFAIRS FOR HEALTH BE A DOCTOR OF MEDICINE.

(a) REPEAL.—Subsection (a)(2) of section 305 of title 38, United States Code, is amended—

(1) in the matter preceding subparagraph (A), by striking out "shall be a doctor of medicine and"; and

(2) in subparagraph (A)—

(A) by striking out "in the medical profession,"; and

(B) by striking out the comma after "policy formulation".

(b) TECHNICAL CORRECTION.—Subsection (a)(1) of such section is amended by striking out "a Under Secretary" and inserting in lieu thereof "an Under Secretary".

QUALIFICATIONS FOR VA'S UNDER SECRETARY FOR HEALTH

Mr. ROCKEFELLER. Mr. President, I am delighted that the Senate is acting on this bill which I introduced, along with my good friend, the ranking minority member on the Committee on Veterans' Affairs, Senator MURKOWSKI. This legislation would modify current law so as to allow the Under Secretary for Health of the Department of Veterans Affairs to be other than a medical doctor. Under current law, section 305 of title 38, United States Code, which dates from 1946, the Under Secretary for Health must be a doctor of medicine.

Mr. President, proposals to change this current law limitation have been discussed for a number of years but have never moved forward. I believe that there are two compelling reasons for now taking action on this proposal—one immediate and one more long term.

Mr. President, the longer term and more important, reason for supporting this change in law is related to the future of the VA health care system as we embark upon national health care reform. I am satisfied that the President's proposal, under which VA will be allowed to compete with other providers for patients from among the veteran population, is the right way for VA to go. Were VA to remain outside of the future health system, I believe that it would be very detrimental to the system's long term survival. However, for VA to be competitive in the coming competitive environment, there will have to be some significant changes in how the system is managed and marketed.

As Secretary of Veterans Affairs Jesse Brown said in his letter transmitting this legislation, which I will place in the RECORD at the conclusion of my remarks, "The position of Under Secretary for Health is that of an executive. An individual serving in the position must possess health care management skills, and must be capable of developing and directing implementation of health care policy." I agree completely with this view and also agree with Secretary Brown's further statement that "[m]any very capable and experienced persons who have these skills do not also possess the degree of doctor of medicine."

Mr. President, the more immediate reason for making this change relates to the compelling need to find a highly qualified candidate to fill the currently vacant position of Under Secretary for Health. The process to find someone for this position began early this year. The

search committee that was established to find a candidate screened a large number of applications from M.D.'s, but, of the four individuals finally selected, none was available for nomination to the position.

Mr. President, while I am satisfied that the search process was carried out in an appropriate manner and that there were some highly qualified candidates among those screened by the search committee, the fact is that there is no nominee for this critical position many months after it was known that the position would be open. The process must go forward as soon as possible to identify further candidates.

As consideration has been given to how to proceed further with this search, VA proposed amending the law so as to remove the requirement that the Under Secretary be an M.D., thereby allowing VA to solicit applications from a wider pool of potential applicants. The anticipation is that this change will generate interest in the position from among VA non-M.D. managers as well as non-M.D.'s involved with other health systems.

Mr. President, although I would think that it would be clear, let me state unequivocally that I am not antiphysician nor should this legislation be viewed this way. I have the highest regard for those who are doctors of medicine and would be quite happy to have the President nominate an M.D. to be the next Under Secretary for Health. At the same time, I do not believe that only a physician can fill that position.

Mr. President, I plan to work, along with Senator MURKOWSKI, other members of our committee, and our colleagues in the House, to gain final enactment of this legislation in the near future.

Mr. President, I ask unanimous consent that the September 16, 1993, letter from Secretary Brown, which transmitted this legislation to the Senate, be printed in the RECORD.

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

SECRETARY OF VETERANS AFFAIRS,
Washington, September 16, 1993.

Hon. AL GORE,
President of the Senate, Washington, DC.

DEAR MR. PRESIDENT: We are transmitting a draft bill, "To amend title 38, United States Code, to delete a requirement that the Under Secretary for Health in the Department of Veterans Affairs be a doctor of medicine."

The Under Secretary for Health in the Department of Veterans Affairs is the head of VA's Veterans Health Administration, and is responsible for administering a health care system consisting of 171 medical centers, 371 outpatient clinics, 131 nursing homes, and 36 domiciliaries. The Veterans Health Administration employs over 200,000 individuals, and its budget for Fiscal Year 1993 was just under \$15 billion. The position of Under Secretary for Health is that of an executive. An individual serving in the position must possess

health care management skills, financial management and budgeting skills, and must be capable of developing and directing implementation of health care policy. Many very capable and experienced persons who have these skills do not also possess the degree of doctor of medicine, and are excluded from serving as the Under Secretary. Such persons include the heads of many large health care institutions. This draft bill would permit consideration of those individuals.

VA estimates that there would be no cost associated with enactment of the draft bill.

The Office of Management and Budget advises that there is no objection from the standpoint of the administration's program to the submission of this legislative proposal to the Congress.

Sincerely yours,

JESSE BROWN.

Mr. MURKOWSKI. Mr. President, I am pleased to join with the chairman of the Committee on Veterans' Affairs, Senator ROCKEFELLER, in introducing legislation which would allow a non-physician to serve as VA's Under Secretary of Health.

Current law requires that the position be filled by a medical doctor. This bill would eliminate that requirement and instead allow the President to appoint, and the Senate to confirm, a woman or man who is not a physician. Of course, the legislation would not preclude the nomination, confirmation and service of a physician should the President select a physician for the office.

The Under Secretary for Health is responsible to the Secretary of Veterans Affairs, the President, the Congress, and ultimately the American people for the health care provided to America's veterans by the Department of Veterans Affairs. He or she will serve as the head of the Veterans Health Administration, an organization of 200,000 health care providers operating through a system of 171 medical centers, 371 outpatient clinics, 131 nursing homes, and 36 domiciliaries. He or she will be given stewardship of a budget of approximately \$16 billion in the year to come. Each day finds approximately 85,000 veterans as patients in a VA facility. Each year, VA provides over 23 million outpatient visits.

The Under Secretary for Health faces one of the most challenging missions in the Federal Government. Many, perhaps most, of these challenges are not just the challenges of medicine. They are instead the challenges inherent in the leadership of such a widespread, complex organization. To be sure, some of the challenges are the challenges of the clinical practice of medicine. To be successful, the Secretary of Veterans Affairs must be able to call upon a VA leadership team with expertise and skill in both medicine and management.

This legislation will allow the President and Secretary to decide for themselves if the medical expertise is most needed at the under Secretary level as well as throughout the Veterans

Health Administration. This legislation would allow VA the same freedom that private health care systems have to select the best possible person for their top leadership. This legislation would be one step toward implementing the goals of the Vice Presidents' effort to reinvent government by reducing statutory micromanagement of Federal personnel decisions. I urge my colleagues to join me in support of this legislation.

HIGHER EDUCATION TECHNICAL AMENDMENTS OF 1993

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 218, S. 1507, the Higher Education Technical Amendments bill; that the bill be read a third time and passed; that the motion to reconsider be laid upon the table; and that any statements thereon appear in the RECORD at the appropriate place, as though read.

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

So the bill (S. 1507) was deemed read three times and passed, as follows:

S. 1507

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the "Higher Education Technical Amendments Act of 1993".

(b) REFERENCES.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

SEC. 2. EFFECTIVE DATE FOR PELL GRANTS FOR INCARCERATED INDIVIDUALS.

Section 410 of the Higher Education Amendments of 1992 (20 U.S.C. 1070a note) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and
(2) by inserting after paragraph (1) the following new paragraph:

"(2) that the changes made in section 401(b)(8)(B), relating to Federal Pell Grants for incarcerated individuals, shall apply to the awarding of Federal Pell Grants for periods of enrollment on or after July 1, 1996."

SEC. 3. BASIC EDUCATIONAL OPPORTUNITY GRANTS.

The second sentence of section 401(a)(1) (20 U.S.C. 1070a(a)(1)) is amended by inserting "except that this sentence shall not be construed to limit the authority of the Secretary to place an institution on a reimbursement system of payment" before the period.

SEC. 4. EARLY INTERVENTION APPLICATION.

Section 404G (20 U.S.C. 1070a-27) is amended—

(1) in the first sentence, by striking "an appropriation" and inserting "to be appropriated"; and

(2) by striking the second sentence.

SEC. 5. INTEREST RATES FOR NEW BORROWERS AFTER OCTOBER 1, 1992.

The matter preceding subparagraph (A) of section 427A(e)(1) (20 U.S.C. 1077a(e)(1)) is

amended by inserting "(other than a loan made, insured or guaranteed under section 428A)" after "this part".

SEC. 6. FORBEARANCE CLARIFICATION.

Subparagraph (A) of section 428(c)(3) (20 U.S.C. 1078(c)(3)(A)) is amended by striking "for the benefit of the student borrower serving in a medical or dental internship or residency program".

SEC. 7. UNSUBSIDIZED LOAN INTEREST RATES.

Paragraph (4) of section 428H(e) (20 U.S.C. 1978-8(e)(4)) is amended by striking "427A(e)" and inserting "427A".

SEC. 8. PRESERVATION OF BORROWER CLAIMS AS DEFENSES.

Paragraph (1) of section 432(m) (20 U.S.C. 1082(m)(1)) is amended by adding at the end the following new subparagraph:

"(E) PRESERVATION OF BORROWER CLAIMS AS DEFENSES.—

"(i) The promissory note prescribed by the Secretary shall include the following provision:

"ANY HOLDER OF THIS NOTE IS SUBJECT TO ALL CLAIMS AND DEFENSES WHICH I COULD ASSERT AGAINST THE SCHOOL IF (1) THIS LOAN IS MADE BY THE SCHOOL OR (2) THE PROCEEDS OF THIS LOAN ARE USED TO PAY TUITION AND CHARGES OF A SCHOOL THAT REFERS LOAN APPLICANTS TO THE LENDER, OR THAT IS AFFILIATED WITH THE LENDER BY COMMON CONTROL, CONTRACT OR BUSINESS ARRANGEMENT. MY RECOVERY UNDER THIS PROVISION SHALL NOT EXCEED THE AMOUNT I PAID ON THIS LOAN."

"(ii) For purposes of this subparagraph—

"(I) an institution shall be considered to refer loan applicants to a particular lender if the institution urges, suggests, or otherwise recommends that loan applicants borrow from the lender and the lender is on notice of such recommendation by the institution at the time the loan is made, unless the institution does no more than identify the lender as an available source of student loans; and

"(II) a business arrangement exists if the lender and the institution agree to engage in cooperative activity with regard to the making of loans for students in attendance at the institution, except for activity specifically and expressly required by this Act or regulations issued by the Secretary.

"(iii) Notwithstanding the provisions of section 433.2 of title 16, Code of Federal Regulations, the provisions of clauses (i) and (ii) shall apply to all loans made, insured or guaranteed under this part."

SEC. 9. COHORT DEFAULT RATE.

(a) FINDINGS.—The Congress finds that—

(1) many institutions of higher education with high cohort default rates have avoided or sought to avoid loss of eligibility under the Federal Family Education Loan Program by alleging improper servicing or collection of the defaulted loans taken into account in determining their default rates;

(2) institutions of higher education bear a fair share of the blame for the increased level of defaults in such program;

(3) since a borrower remains responsible for paying on a loan even if there is improper loan servicing or collection it would not be fair to forgive the institution of higher education for the default based on such errors, and exclusion of such loans would result in a misleading cohort default rate which is not reflective of the institution's performance;

(4) providing institutions of higher education with access to servicing or collection records relating to loans taken into account in determining the institution's cohort default rate, for the purpose of appealing the loss of eligibility, would frustrate the statutory purpose of reducing student loan defaults because collection and review of the

records could not be completed within the statutory time frames for such review; and

(5) it is unnecessary to afford institutions of higher education such access to loan records because the statutory threshold percentages for loss of eligibility due to high cohort default rates are substantially above the preferred level of such rates for eligible institutions.

(b) SIMPLIFICATION OF DEFINITION OF COHORT DEFAULT RATE.—Subparagraph (B) of section 435(m)(1) (20 U.S.C. 1085(m)(1)(B)) is amended by striking all beginning with "and," through "calculation of the cohort default rate".

(c) EFFECTIVE DATE AND SAVINGS PROVISION.—

(1) EFFECTIVE DATE.—The amendment made by subsection (b) shall be effective on the date of enactment of this Act and shall apply to all determinations made by the Secretary under section 435(m)(1)(B) of the Higher Education Act of 1965 on or after that date, including determinations made on or after such date for fiscal years for which the Secretary made determinations under such section prior to such date.

(2) SAVINGS PROVISION.—The amendment made by subsection (b) shall not affect a determination of institutional eligibility made before the date of enactment of this Act.

SEC. 10. FEDERAL WORK-STUDY PROGRAMS.

Paragraph (5) of section 443(b) (20 U.S.C. 2753(b)(5)) is amended to read as follows:

"(5) provide that the Federal share of the compensation of students employed in the work-study program in accordance with the agreement shall not exceed 75 percent for academic year 1993-1994 and succeeding academic years, except that the Federal share may exceed such amounts of such compensation if the Secretary determines, pursuant to regulations promulgated by the Secretary establishing objective criteria for such determinations, that a Federal share in excess of such amounts is required in furtherance of the purpose of this part."

SEC. 11. COST OF ATTENDANCE.

Section 472 (20 U.S.C. 10871) is amended—

(1) in paragraph (10), by striking "and" after the semicolon;

(2) in paragraph (11), by striking the period and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(12) for a student who receives a loan under part B or D of this title (or on whose behalf the parent of such student receives a loan under section 428B or part D), an allowance for the actual cost of any loan fee, origination fee, or insurance premium charged to such student or such parent on such loan, or the average cost of any such fee or premium charged by the Secretary, eligible lender, or guaranty agency making or insuring such loan, as the case may be."

SEC. 12. CLARIFICATION REGARDING IRS FILINGS.

Section 479 (20 U.S.C. 1087ss) is amended—

(1) in subsection (b)(3)—

(A) in subparagraph (A), by inserting "(including any prepared or electronic version of such form)" before "required"; and

(B) in subparagraph (B), by inserting "(including any prepared or electronic version of such return)" before "required"; and

(2) in subsection (c)—

(A) by amending subparagraph (A) of paragraph (1) to read as follows:

"(A) the student's parents were not required to file an income tax return under section 6012(a)(1) of the Internal Revenue Code of 1986; and"

(B) by amending subparagraph (A) of paragraph (2) to read as follows:

"(A) the student (and the student's spouse, if any) was not required to file an income tax return under section 6012(a)(1) of the Internal Revenue Code of 1986; and"

SEC. 13. DISCRETION OF STUDENT FINANCIAL AID OFFICER.

Section 479A (20 U.S.C. 1087tt) is amended by adding at the end the following new subsection:

"(c) ADJUSTMENTS FOR SPECIAL CIRCUMSTANCES.—

"(1) IN GENERAL.—A student financial aid administrator shall be considered to be making an adjustment for special circumstances in accordance with subsection (a) if—

"(A) in the case of a dependent student—

"(i) such student received a Federal Pell Grant as a dependent student in academic year 1992-1993 and the amount of such student's Federal Pell Grant for academic year 1993-1994 is at least \$500 less than the amount of such student's Federal Pell Grant for academic year 1992-1993; and

"(ii) the decrease described in clause (i) is the direct result of a change in the determination of such student's need for assistance in accordance with this part that is attributable to the enactment of the Higher Education Amendments of 1992; and

"(B) in the case of a single independent student—

"(i) such student received a Federal Pell Grant as a single independent student in academic year 1992-1993 and qualified as an independent student in accordance with section 480(d) for academic year 1993-1994, and the amount of such student's Federal Pell Grant for academic year 1993-1994 is at least \$500 less than the amount of such student's Federal Pell Grant for academic year 1992-1993; and

"(ii) the decrease described in clause (i) is the direct result of a change in the determination of such student's need for assistance in accordance with this part that is attributable to the enactment of the Higher Education Amendments of 1992.

"(2) AMOUNT.—A financial aid administrator shall not make an adjustment for special circumstances pursuant to this subsection in an amount that exceeds one-half of the difference between the amount of a student's Federal Pell Grant for academic year 1992-1993 and the amount of such student's Federal Pell Grant for academic year 1993-1994.

"(3) ACADEMIC YEAR LIMITATION.—A financial aid administrator only shall make adjustments under this subsection for Federal Pell Grants awarded for academic years 1993-1994, 1994-1995, and 1995-1996.

"(4) SPECIAL RULE.—Adjustments under this subsection shall only be made in fiscal year 1993 if an Act that contains an appropriation for fiscal year 1993 to carry out this subsection is enacted on or after the date of enactment of the Higher Education Technical Amendments of 1993."

SEC. 14. CORRESPONDENCE RULE WAIVER.

Subparagraph (B) of section 481(a)(3) (20 U.S.C. 1088(a)(3)(B)) is amended by inserting "except that the Secretary, for good cause as determined by the Secretary, may deem a nonprofit institution that provides a 4-year or 2-year program of instruction for which such institution awards a bachelor's or associate's degree to be in compliance with the provisions of this subparagraph" before the semicolon.

SEC. 15. WAIVER OF ABILITY TO BENEFIT RULE FOR CERTAIN SCHOOLS.

Subparagraph (D) of section 481(a)(3) (20 U.S.C. 1088(a)(3)(D)) is amended by inserting "except that the Secretary, for good cause

as determined by the Secretary, may deem an institution that has entered into a contract with a Federal, State or local government entity to serve students described in section 484(d) to be in compliance with the provisions of this subparagraph" before the period.

SEC. 16. DEFINITION OF ACADEMIC YEAR.

Paragraph (2) of section 481(d) (20 U.S.C. 1088(d)(2)) is amended by inserting ", except that the Secretary may waive the 30-week requirement described in this paragraph for good cause as determined by the Secretary" before the period.

SEC. 17. TREATMENT OF UNCOMPENSATED FINANCIAL AID APPLICATION PREPARERS.

Subsection (f) of section 483 (20 U.S.C. 1090(f)) is amended by striking "the preparer of such financial aid application" and inserting "any individual who receives compensation from an applicant or an applicant's family for the purpose of preparing such financial aid application, and nothing in this paragraph shall be construed to require an individual who does not receive such compensation to include such information on such application".

SEC. 18. STUDENT ELIGIBILITY FOR FORMER TRUST TERRITORIES.

Subparagraph (B) of section 484(a)(4) (20 U.S.C. 1091(a)(4)(B)) is amended by inserting ", except that the provisions of this subparagraph shall not apply to students from the Republic of the Marshall Islands, the Federated States of Micronesia, or the Republic of Palau" after "number".

SEC. 19. DISCLOSURE OF COMPLETION OR GRADUATION RATE.

Subparagraph (A) of section 485(a)(3) (20 U.S.C. 1092(a)(3)(A)) is amended by striking "beginning on July 1, 1993, and each year" and inserting "within 270 days after the date on which the Secretary issues final regulations implementing the provisions of this paragraph and each July 1".

SEC. 20. INDEPENDENCE OF ACCREDITING AGENCIES.

Subparagraph (A) of section 496(a)(3) (20 U.S.C. 1099b(a)(3)(A)) is amended by striking "subparagraph (A) of paragraph (2)" and inserting "clause (i) of paragraph (2)(A)".

SEC. 21. OPERATING PROCEDURES FOR ACCREDITING AGENCIES.

The matter preceding paragraph (1) of section 496(c) (20 U.S.C. 1099b(c)(1)) is amended by inserting "determining an institution of higher education's eligibility to participate in programs under" after "purpose of".

SEC. 22. FINANCIAL RESPONSIBILITY STANDARDS.

Subsection (c) of section 498 (20 U.S.C. 1099c(c)) is amended—

- (1) in paragraph (3)—
 - (A) in the matter preceding subparagraph (A)—
 - (i) by striking "may" and inserting "shall"; and
 - (ii) by inserting "that provides a 2-year or 4-year program of instruction for which the institution awards an associate's or bachelor's degree" before "to be"; and
 - (B) by amending subparagraph (C) to read as follows:
 - (C) such institution submits a report to the Secretary from an independent certified public accountant that certifies that the institution has sufficient resources to ensure against the precipitous closure of such institution, including the ability to meet all of such institution's financial obligations (including refunds of institutional charges and repayments to the Secretary for liabilities and debts incurred in programs administered by the Secretary); or"; and

(2) by adding at the end the following new paragraph:

"(6)(A) In carrying out the provisions of this subsection the Secretary shall establish financial responsibility standards that include requiring an institution of higher education to maintain an asset-to-liability ratio of 1:1.

"(B) For the purpose of computing an asset-to-liability ratio described in subparagraph (A) and paragraph (2), an institution—

- (i) may count as a current asset the equity (the difference between book cost and the mortgage owed) in facilities (land and buildings) owned and occupied by such institution and used to provide education and training services described in such institution's official publications;
- (ii) in the case of an application for recertification under this section, shall take into consideration the depreciation and current value of such facilities determined in accordance with a professional appraisal; and
- (iii) shall use the lesser value between the equity value and the current value of such facilities."

SEC. 23. NATIONAL BOARD FOR PROFESSIONAL TEACHING STANDARDS.

Section 551 (20 U.S.C. 1107) is amended—

- (1) in paragraph (1) of subsection (b), by striking "the Federal share of";
- (2) in subparagraph (B) of subsection (e)(1), by striking "share of the cost of the activities of the Board is" and inserting "contributions described in subsection (f) are"; and
- (3) by amending subsection (f) to read as follows:

"(f) MATCHING FUNDS REQUIREMENT.—

- (1) IN GENERAL.—The Secretary shall not provide financial assistance under this subpart to the Board unless the Board agrees to expend non-Federal contributions equal to \$1 for every \$1 of the Federal funds provided pursuant to such financial assistance.
- (2) NON-FEDERAL CONTRIBUTIONS.—The non-Federal contributions described in paragraph (1)—

- (A) may include all non-Federal funds raised by the Board on or after January 1, 1987; and
- (B) may be used for outreach, implementation, administration, operation, and other costs associated with the development and implementation of national teacher assessment and certification procedures under this subpart."

SEC. 24. COOPERATIVE EDUCATION.

The matter preceding paragraph (1) of section 802(b) (20 U.S.C. 1133a(b)(1)) is amended by inserting "the Secretary shall reserve such amount as is necessary to make payments in such fiscal year, in accordance with section 802 of the Higher Education Act of 1965 (as such Act was in effect on July 22, 1992) to each institution of higher education that was, on the date of enactment of the Higher Education Amendments of 1992, operating a cooperative education program under such section pursuant to a multiyear award. Of the remainder of the amount appropriated in such fiscal year" after "fiscal year".

SEC. 25. PACIFIC REGIONAL EDUCATIONAL LABORATORY.

The matter preceding paragraph (1) of section 101A(b) of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2311a(b)) is amended—

- (1) by striking "Center for the Advancement of Pacific Education, Honolulu, Hawaii, or its successor entity as the Pacific regional educational laboratory" and inserting "Pacific Regional Educational Laboratory, Honolulu, Hawaii"; and
- (2) by inserting "or provide direct services regarding" after "grants for".

SEC. 26. DISTRIBUTION OF FUNDS TO POST-SECONDARY AND ADULT PROGRAMS.

Section 232 of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2341a) is amended—

- (1) in subsection (a)—
 - (A) in the first sentence, by inserting "or consortia thereof" before "within"; and
 - (B) in the second sentence—
 - (i) by inserting "or consortium" before "shall"; and
 - (ii) by inserting "or consortium" before "in the preceding";
 - (2) in subsection (b)—
 - (A) in paragraph (1), by inserting "or consortia" after "institutions"; and
 - (B) in the matter preceding subparagraph (A) of paragraph (2), by inserting "or consortia" after "institutions"; and
 - (3) in subsection (c)—
 - (A) in paragraph (1), by inserting "or consortium" after "institution"; and
 - (B) in paragraph (2), by inserting "or consortia" after "institutions".

SEC. 27. GRADUATE PROGRAMS.

Notwithstanding any other provision of law, if an individual received multiyear fellowship assistance under part B, C, or D of title IX of the Higher Education Act of 1965 in fiscal year 1992, then the Secretary of Education shall apply the provisions of such parts (as such parts were in effect on July 22, 1992) for the remainder of the duration of such multiyear fellowship assistance.

SEC. 28. PATRICIA ROBERTS HARRIS FELLOWSHIP PROGRAM.

The Secretary of Education may use funds made available to carry out part B of title IX of the Higher Education Act of 1965 (20 U.S.C. 1134d et seq.) for fiscal year 1994 to carry out the provisions of section 27 for individuals eligible for multiyear fellowship assistance under part B (as such part was in effect on July 22, 1992) in fiscal year 1993.

DESIGNATING THE WOODROW WILSON PLAZA

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 219, S. 832, a bill to designate the Woodrow Wilson Plaza in Washington, DC; that the bill be deemed read three times, passed, and the motion to reconsider laid upon the table; and that any statements relating to this measure appear in the RECORD at the appropriate place, as though read.

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

So the bill (S. 832) was deemed read three times and passed, as follows:

S. 832

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the plaza to be constructed on the Federal Triangle property in Washington, DC as part of the development of such site pursuant to the Federal Triangle Development Act (Public Law 100-113) shall be known and designated as the "Woodrow Wilson Plaza".

RESOLUTION AUTHORIZING REPRESENTATION OF MEMBERS OF THE SENATE

Mr. MITCHELL. Mr. President, on behalf of myself and the distinguished

Republican leader, Mr. DOLE, I send to the desk a resolution to direct the Senate legal counsel to represent Members who have been named in a lawsuit pending in the U.S. District Court for the District of Columbia, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 150) to authorize representation of Members of the Senate in the case of Douglas R. Page v. Robert Dole, et al.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. MITCHELL. Mr. President, a lawsuit has been filed in the U.S. District Court for the District of Columbia challenging the constitutionality of rule XXII of the Standing Rules of the Senate. Under rule XXII, debate on a pending matter may be limited by a vote of three-fifths of the Senators duly chosen and sworn or, in the case of an amendment to a Senate rule, a vote of two-thirds of the Senators voting, a quorum being present.

The plaintiff asserts that rule XXII is unconstitutional because, in his view, the Constitution requires that the Senate act by majority vote, except in those limited instances, not applicable here, where the Constitution specifies otherwise. The plaintiff further contends that rule XXII diminishes the influence of his vote for Members of the majority party, who the plaintiff claims are deprived, under rule XXII, of the power to bring legislation to a vote.

The plaintiff has named as defendants all but one of the current Members of the Senate, together with a former Senator. He seeks a declaration that rule XXII is unconstitutional and an injunction requiring that the Senate in the future limit debate by a simple majority of a quorum.

The resolution at the desk would authorize the Senate Legal Counsel to represent all the defendants in this case and to move to dismiss the complaint, which faces several threshold legal barriers.

First, the plaintiff lacks legal standing to request that a court review his challenge to the constitutionality of the Senate's rule. The Senate Legal Counsel's motion will describe why the plaintiff's assertion of the generalized interest of all citizens, or of a speculative injury to the plaintiff's right to vote, is not sufficient to confer standing on the plaintiff.

Second, the lawsuit is barred by the speech or debate clause of the Constitution, which provides that "for any Speech or Debate in either House, [Members] shall not be questioned in any other Place." The clause protects Members from questioning, whether in the form of a civil or criminal case

brought by the executive branch or a civil action brought by a private individual, about conduct within "the 'sphere of legitimate legislative activity.'" *Eastland v. United States Servicemen's Fund*, 421 U.S. 491, 501 (1975) (citations omitted). Here, the lawsuit challenges a rule about the length of debate, a matter which is within the sphere of protected legislative activity, and seeks an order from the court directing Senators to close debate by a rule to be prescribed by the court, namely, a vote of a simple majority of a quorum.

Finally, the lawsuit raises general separation of powers concerns, in addition to the specific proscription of the speech or debate clause, that have in the past led courts to decline to review congressional rules of procedure. The Constitution assigns to the Senate the power to "determine the Rules of its Proceedings," and it is difficult to imagine a more intrusive judicial action than an injunction, like the one sought by the plaintiff, that would dictate how the Senate should regulate the length of its debates.

Indeed, the rules for determining the length of debates are complex and the subject of development and reconsideration over the course of time. At the time a cloture rule was adopted in 1917, the Senate, as President Wilson observed, had "no rules by which debate can be limited or brought to an end, no rules by which dilatory tactics of any kind can be prevented. A single Member can stand in the way of action if he has but the physical endurance." The rule adopted in 1917 provided for a two-thirds vote of Members present to limit debate. In 1975, the Senate adopted the current requirement of a three-fifths vote of the membership of the Senate to limit debate. Senator BYRD, in his illuminating addresses on the history of the Senate, stated that "the current cloture rule is the product of decades of trial and experience aimed at curbing the extremes in the use of filibusters to block Senate action."

In addition to rule XXII, the Senate employs a variety of other methods to control debate. For the conduct of much of its business, the Senate is governed by unanimous consent agreements of its Members. In addition, several statutes control the timing of debate on legislation relating to particular subjects, including two of the most significant pieces of legislation that have been or will be addressed this Congress. Debate on the Omnibus Budget Reconciliation Act of 1993 (Pub. L. No. 103-66) was governed by the limitations on debate set forth in a provision of the Congressional Budget Act of 1974, as amended, 2 U.S.C. 641(e), which restricts debate in the Senate on budget reconciliation measures to not more than 20 hours. Debate on the North American Free-Trade Agreement will be subject to the fast-track procedures

of the Trade Act of 1974, which limit debate in the Senate on bills implementing trade agreements to no more than 20 hours. 19 U.S.C. 2191(g).

Nor is rule XXII the only instance in which the Senate has required more than a simple majority to alter a legislative procedure. For example, the inclusion of extraneous matter in budget reconciliation bills is prohibited, 2 U.S.C. 644, but three-fifths of the Members duly chosen and sworn may waive this prohibition. 2 U.S.C. 621 note. Other requirements under the Congressional Budget Act similarly may be waived by three-fifths of the Senate membership. 2 U.S.C. 621 note.

The Senate has in the past vigorously debated, and will, I am sure, debate with equal vigor in the future, the merits of rule XXII, including the question presented by the plaintiff's complaint of whether a majority of the Senate should be permitted to end debate. Serious issues, rooted in fundamental questions about democratic governance, have been and will continue to be raised about the Senate's cloture rule. The burden of a Senate brief in this case will be only to demonstrate that the Senate is the proper place for the resolution of that debate. As the Supreme Court observed in *United States v. Ballin*, 144 U.S. 1, 5 (1892), a case involving a challenge to a congressional quorum rule, "[n]either do the advantages or disadvantages, the wisdom or folly, of such a rule present any matters for judicial consideration."

The PRESIDING OFFICER. Without objection, the resolution and the preamble are agreed to.

The resolution (S. Res. 150) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 150

Whereas, in the case of Douglas R. Page v. Robert Dole, et al., No. 93-1546, pending in the United States District Court for the District of Columbia, the plaintiff has named ninety-nine Members of the Senate, and a former Member, as defendants;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. 288b(a) and 288c(a)(1), the Senate may direct its counsel to defend present and former Members of the Senate in civil actions relating to their official responsibilities: Now, therefore, be it

Resolved, That the Senate Legal Counsel is directed to represent the present and former Members of the Senate who are defendants in the case of Douglas R. Page v. Robert Dole, et al.

Mr. MITCHELL. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

RESOLUTION TO AUTHORIZE THE PRODUCTION OF RECORDS

Mr. MITCHELL. Mr. President, on behalf of myself and the distinguished Republican leader, Senator DOLE, I send to the desk a resolution on authorization of the production of Senate records and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 151) to authorize the production of records by the Committee on Foreign Relations.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. MITCHELL. Mr. President, in connection with a pending investigation, the Department of Justice has requested copies of records of the investigation of the Subcommittee on Near Eastern and South Asian Affairs of the Foreign Relations Committee into allegations relating to delays in the release of American hostages held throughout 1980 in Iran.

The Department of Justice is reviewing a referral to it of testimony taken by the panel conducting a similar investigation in the other body, the House Task Force To Investigate Certain Allegations Concerning the Holding of American Hostages in Iran in 1980. In its final report, the House Task Force made public a joint recommendation of the majority and minority members of the task force that the Department of Justice be asked to review sworn testimony taken by task force staff to determine if some witnesses had committed perjury. The Department of Justice believes that records of the Senate investigation may aid in determining whether any witnesses perjured themselves in congressional testimony.

In keeping with the Senate's customary practice with regard to similar requests, this resolution would authorize the chairman and ranking minority member of the Committee on Foreign Relations, acting jointly, to provide to the Department of Justice records of its subcommittee's investigation of allegations relating to the release of the hostages.

The PRESIDING OFFICER. Without objection, the resolution and the preamble are agreed to.

The resolution (S. Res. 151) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 151

Whereas, in 1992 the Subcommittee on Near Eastern and South Asian Affairs of the Committee on Foreign Relations conducted an investigation into allegations relating to the release of American hostages held in Iran;

Whereas, in the course of reviewing testimony taken by the staff of the House Task Force To Investigate Certain Allegations Concerning the Holding of American Hostages in Iran in 1980 to determine whether certain witnesses committed perjury, the Department of Justice has requested access to records of the related Senate investigation;

Whereas, by the privileges of the Senate of the United States and rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That the Chairman and Ranking Minority Member of the Committee on Foreign Relations, acting jointly, are authorized to provide to the Department of Justice records of the investigation of the Subcommittee on Near Eastern and South Asian Affairs of allegations relating to the release of American hostages held in Iran.

Mr. MITCHELL. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Mr. Thomas, one of his Secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE PRESIDENT

RELATING TO THE NAVAL PETROLEUM RESERVES—MESSAGE FROM THE PRESIDENT—PM 51

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Armed Services:

To the Congress of the United States:

In accordance with section 201(3) of the Naval Petroleum Reserves Production Act of 1976 (10 U.S.C. 7422(c)(2)), I am informing you of my decision to extend the period of maximum efficient rate production of the naval petroleum reserves for 3 years from April 5, 1994,

the expiration date of the currently authorized production period.

The report investigating the necessity of continued production of the reserves as required by section 201(3)(c)(2)(B) of the Naval Petroleum Reserves Production Act of 1976 is attached. Based on the report's findings, I hereby certify that continued production from the naval petroleum reserves is in the national interest.

WILLIAM J. CLINTON.

THE WHITE HOUSE, October 7, 1993.

MESSAGES FROM THE HOUSE

At 1:58 p.m. a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House disagrees to the amendments of the Senate to the bill (H.R. 2750) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1994, and for other purposes; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. CARR, Mr. DURBIN, Mr. SABO, Mr. PRICE of North Carolina, Mr. COLEMAN, Mr. FOGLETTA, Mr. NATCHER, Mr. WOLF, Mr. DELAY, Mr. REGULA, and Mr. MCDADE as managers of the conference on the part of the House.

The message further announced that the House has passed the following bill; without amendment:

S. 1508. An act to amend the definition of a rural community for eligibility for economic recovery funds, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolutions:

H. Con. Res. 160. A concurrent resolution to correct the enrollment of H.R. 3123.

H. Con. Res. 161. A concurrent resolution for an adjournment of the House from Thursday, October 7, 1993, or Friday, October 8, 1993, to Tuesday, October 12, 1993 and an adjournment or recess of the Senate from Thursday, October 7, 1993, to Wednesday, October 13, 1993.

At 5:13 p.m. a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks announced that the House agree to the amendments of the Senate to the bill (H.R. 2517) an act to establish certain programs and demonstrations to assist States and communities in efforts to relieve homelessness, assist local community development organization, and provide affordable rental housing for low-income families, and for other purposes.

The message also announced that the House agrees to the committee of conference on the disagreeing votes of the two houses on the amendments of the Senate 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; it recedes from its disagreement to the amendments of the Senate numbered 25, 28, 29, 45, 48, 51, 53, 56, 59, 60, 70 and 120; and that the House recedes from its disagreement to the amendments of the Senate numbered 6, 11, 15, 23, 24, 34, 41, 49, 54, 57, 58, 65, 68, 69, 74, 92, 104, 108, 111, 117, 123, 124, 129, and 133, and agrees thereto, each with an amendment, in which it requests the concurrence of the Senate.

ENROLLED BILLS SIGNED

At 5:30 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. 1508. An act to amend the definition of a rural community for eligibility for economic recovery funds, and for other purposes.

H.R. 2685. An act to amend title 5, United States Code, to extend the Federal Physicians Comparability Allowance Act of 1978, and for other purposes.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, October 7, 1993, he had presented to the President of the United States the following enrolled joint resolution:

S.J. Res. 102. Joint resolution to designate the months of October 1993 and October 1994 as "Country Music Month."

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-1595. A communication from the Chairman of the International Trade Commission, transmitting, pursuant to law, report on the impact of the Caribbean Basin Economic Recovery Act on U.S. industries and consumers; to the Committee on Finance.

EC-1596. A communication from the United States Trade Representative, transmitting, pursuant to law, a notice relative to the Trade Act of 1974; to the Committee on Finance.

EC-1597. A communication from the Assistant Legal Adviser (Treaty Affairs), Department of State, transmitting, pursuant to law, a report of the texts of international agreements and background statements; to the Committee on Foreign Relations.

EC-1598. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-108 adopted by the Council on September 21, 1993; to the Committee on Governmental Affairs.

EC-1599. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-109 adopted by the Council on September 21, 1993; to the Committee on Governmental Affairs.

EC-1600. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-110 adopted by the Council on September 21, 1993; to the Committee on Governmental Affairs.

EC-1601. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-111 adopted by the Council on September 21, 1993; to the Committee on Governmental Affairs.

EC-1602. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-112 adopted by the Council on September 21, 1993; to the Committee on Governmental Affairs.

EC-1603. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-113 adopted by the Council on September 21, 1993; to the Committee on Governmental Affairs.

EC-1604. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-114 adopted by the Council on September 21, 1993; to the Committee on Governmental Affairs.

EC-1605. A communication from the Comptroller General of the United States, transmitting, pursuant to law, reports and testimony for August 1993; to the Committee on Governmental Affairs.

EC-1606. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report of a review of the retained earnings of the District of Columbia Water and Sewer Enterprise Fund; to the Committee on Governmental Affairs.

EC-1607. A communication from the Director of the Office of Personnel Management, transmitting, a draft of proposed legislation entitled "Federal Workforce Restructuring Act of 1993"; to the Committee on Governmental Affairs.

EC-1608. A communication from the Chairman of the Merit Systems Protection Board, transmitting, pursuant to law, a report entitled "The Changing Face of the Federal Workforce: A Symposium on Diversity"; to the Committee on Governmental Affairs.

EC-1609. A communication from the Secretary of Transportation, transmitting, a draft of proposed legislation entitled "Transit Benefit Program Act of 1993"; to the Committee on Governmental Affairs.

EC-1610. A communication from the Executive Director of the District of Columbia Retirement Board, transmitting, pursuant to law, a report of financial disclosure statements for Board Members for calendar year 1992; to the Committee on Governmental Affairs.

EC-1611. A communication from the Acting Chief Judge, United States Claims Court, transmitting, pursuant to law, a report of a review panel relative to the claim of Spalding and Son, Inc.; to the Committee on the Judiciary.

EC-1612. A communication from the Assistant Attorney General, transmitting, a notice relative to the Freedom of Information Act; to the Committee on the Judiciary.

EC-1613. A communication from the Secretary of Education, transmitting, pursuant to law, a report of final regulations—School, College, and University Partnerships Program; to the Committee on Labor and Human Resources.

EC-1614. A communication from the Secretary of Education, transmitting, pursuant to law, a report of final regulations—Na-

tional Institute on Disability and Rehabilitation Research; to the Committee on Labor and Human Resources.

EC-1615. A communication from the Secretary of Education, transmitting, pursuant to law, a report of final funding priorities—Program for Children with Severe Disabilities; to the Committee on Labor and Human Resources.

EC-1616. A communication from the Secretary of Education, transmitting, pursuant to law, notice of final priority for Special Projects and Demonstrations for Providing Supported Employment Services to Individuals with the Most Severe Disabilities and Technical Assistance Projects; to the Committee on Labor and Human Resources.

EC-1617. A communication from the Secretary of Education, transmitting, pursuant to law, a report of final funding priorities—Secondary Education and Transitional Services for Youth with Disabilities Program; to the Committee on Labor and Human Resources.

EC-1618. A communication from the Secretary of Education, transmitting, pursuant to law, a report of final regulations—Training Program for Federal TRIO Programs, Upward Bound Program, and the Student Support Services Program; to the Committee on Labor and Human Resources.

EC-1619. A communication from the Secretary of Education, transmitting, pursuant to law, a report of final funding priorities—Services for Children with Deaf-Blindness Program; to the Committee on Labor and Human Resources.

EC-1620. A communication from the Secretary of Education, transmitting, pursuant to law, a report of final funding priorities—Early Education Program for Children with Disabilities; to the Committee on Labor and Human Resources.

EC-1621. A communication from the Comptroller General of the United States, transmitting, a report of the financial audit of the financial statements of the Pension Benefit Guaranty Corporation for 1991 and 1992; to the Committee on Labor and Human Resources.

EC-1622. A communication from the Acting Director of Communications (Legislative Affairs), Equal Employment Opportunity Commission, transmitting, pursuant to law, the annual report of the Office of General Counsel for fiscal year 1992; to the Committee on Labor and Human Resources.

EC-1623. A communication from the Assistant Comptroller General, General Accounting Office, transmitting, pursuant to law, notice of a delay relative to a report on the regulation of dietary supplements; to the Committee on Labor and Human Resources.

EC-1624. A communication from the Commissioner of the Office of Educational Research and Improvement, Department of Education, a report entitled "Dropout Rates in the United States: 1992"; to the Committee on Labor and Human Resources.

EC-1625. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Health, United States, 1992 and Healthy People 2000 Review"; to the Committee on Labor and Human Resources.

EC-1626. A communication from the President of the Capitol Historical Society, transmitting, pursuant to law, the annual report for the fiscal year ending January 31, 1993; to the Committee on Rules and Administration.

EC-1627. A communication from the Administrator of the Small Business Administration, transmitting, pursuant to law, the annual report for fiscal year 1992; to the Committee on Small Business.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-293. A concurrent resolution adopted by the House of Representatives of the State of Texas relative to the use of processed food stamps; to the Committee on Agriculture, Nutrition, and Forestry.

"HOUSE CONCURRENT RESOLUTION 127

"Whereas, Numismatics, the study or collection of currency, is a hobby with a long and distinguished history that is practiced by millions of individuals all over the world; and

"Whereas, By collecting and cataloging rare coins, tokens, paper money, and other related objects, these individuals are helping to preserve the symbols of economic exchange throughout the world, thus allowing future generations a glimpse into history; and

"Whereas, Like other collectors, numismatists are particularly interested in colorful, unique specimens that may be valued for their artistic merit as well as their historical significance; and

"Whereas, Food coupons, commonly referred to as "food stamps," distributed by the United States Department of Agriculture meet these criteria and, as a medium of exchange used to pay for goods or services rendered, fall into the general category of objects collected by numismatists; and

"Whereas, Under the terms of The Food Stamp Act of 1964, as amended, redeemed food stamps are remitted to the federal reserve, which destroys the cancelled coupons to prevent their further use; this Act specifies that food stamps may be issued only to households that have been certified as eligible and prohibits the disposal of cancelled coupons outside authorized channels, thus preventing numismatists from adding these specimens to their collections; and

"Whereas, At a time when millions of Americans are committing themselves to reducing waste and pollution by recycling and eliminating unnecessary paper and plastic products, this continuous cycle of creating and destroying paper food stamps seems to be unconscionably inefficient; by allowing collectors to purchase cancelled food coupons for a fraction of the face value, the government could reduce waste and, at the same time, create a source of revenue for the United States Department of Agriculture; and

"Whereas, This type of exchange would not be unprecedented, since current federal laws and federal regulations allow numismatists and other hobbyists to purchase U.S. Military Payment Certificates (MPC's) and ration coupons from the 1940's; like food stamps, MPC's were to be used only by authorized persons, in this case within the confines of U.S. military establishments, and were not intended for circulation among the general public, but the historical value of these certificates was soon recognized and they have become collectors' items; and

"Whereas, By clearly endorsing the used food coupons with the word "void," "used," or "cancelled," or by devising some other way to cancel coupons without destroying their artistic value, the United States Department of Agriculture could prevent fraudulent uses of these coupons while allowing legitimate hobbyists to enjoy them as part of their collections; and

"Whereas, At this time, several states are experimenting with a plastic debit card, similar to a credit card, that could eventu-

ally render the current paper food stamp system obsolete; and

"Whereas, By acting now to remove the restrictions against the collection of cancelled food stamps, Congress could create a huge market that would absorb the surplus coupons and simultaneously provide a new source of revenue; in doing so, elected officials would demonstrate dedication to streamlining government waste and would allow numismatists around the world an opportunity to add this unique form of American currency to their collections; now, therefore, be it

"Resolved, That the 73rd Legislature of the State of Texas, Regular Session, 1993, hereby memorialize the Congress of the United States to enact legislation to authorize the United States Department of Agriculture to sell processed, previously-redeemed, discontinued, and no-longer negotiable food stamps to the public for numismatic purposes; and, be it further

"Resolved, That the Texas secretary of state forward official copies of this resolution to the president of the United States, the president of the senate and speaker of the house of representatives of the United States Congress, and all members of the Texas delegation to the Congress, with the request that this resolution be entered in the CONGRESSIONAL RECORD as a memorial to the Congress of the United States."

POM-294. A concurrent resolution passed by the Legislature of the State of Texas relative to the use of processed food stamps; to the Committee on Agriculture, Nutrition, and Forestry:

"HOUSE CONCURRENT RESOLUTION 127

"Whereas, Numismatics, the study of collection of currency, is a hobby with a long and distinguished history that is practiced by millions of individuals all over the world; and

"Whereas, By collecting and cataloging rare coins, tokens, paper money, and other related objects, these individuals are helping to preserve the symbols of economic exchange throughout the world, thus allowing future generations a glimpse into history; and

"Whereas, Like other collectors, numismatists are particularly interested in colorful, unique specimens that may be valued for their artistic merit as well as their historical significance; and

"Whereas, Food coupons, commonly referred to as "food stamps," distributed by the United States Department of Agriculture meet these criteria and, as a medium of exchange used to pay for goods or services rendered, fall into the general category of objects collected by numismatists; and

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"Whereas, At a time when millions of Americans are committing themselves to reducing waste and pollution by recycling and eliminating unnecessary paper and plastic products, this continuous cycle of creating and destroying paper food stamps seems to be unconscionably inefficient; by allowing collectors to purchase cancelled food coupons for a fraction of the face value, the gov-

ernment could reduce waste and, at the same time, create a source of revenue for the United States Department of Agriculture; and

"Whereas, This type of exchange would not be unprecedented, since current federal laws and federal regulations allow numismatists and other hobbyists to purchase U.S. Military Payment Certifications (MPC's) and ration coupons from the 1940's; like food stamps, MPC's were to be used only by authorized persons, in this case within the confines of U.S. military establishments, and were not intended for circulation among the general public, but the historical value of these certificates was soon recognized and they have become collectors' items; and

"Whereas, By clearly endorsing the used food coupons with the word "void," "used," or "cancelled," or by devising some other way to cancel coupons without destroying their artistic value, the United States Department of Agriculture could prevent fraudulent uses of these coupons while allowing legitimate hobbyists to enjoy them as part of their collections; and

"Whereas, At this time, several states are experimenting with a plastic debit card, similar to a credit card, that could eventually render the current paper food stamp system obsolete; and

"Whereas, By acting now to remove the restrictions against the collection of cancelled food stamps, Congress could create a huge market that would absorb the surplus coupons and simultaneously provide a new source of revenue; in doing so, elected officials would demonstrate dedication to streamlining government waste and would allow numismatists around the world an opportunity to add this unique form of American currency to their collections; now, therefore, be it

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"Resolved, That the Texas secretary of state forward official copies of this resolution to the president of the United States, the president of the senate and speaker of the house of representatives of the United States Congress, and all members of the Texas delegation to the Congress, with the request that this resolution be entered in the CONGRESSIONAL RECORD as a memorial to the Congress of the United States."

POM-295. A resolution adopted by the Common Council of the City of Buffalo relative to the funding of the DARE program; to the Committee on Appropriations.

POM-296. A memorial adopted by the Senate and House of Representatives of the State of Washington relative to I Corps; to the Committee on Armed Services.

"HOUSE JOINT MEMORIAL 4021

"Whereas, It is the policy of the Washington State Legislature to recognize excellence in all fields of endeavor; and

"Whereas, Our military has exhibited the highest level of excellence in sacrificially protecting our state and nation from enemies of liberty for over two hundred years; and

"Whereas, All the citizens of Washington state deeply admire and appreciate the brave men and women in uniform who valiantly and proudly serve their country so well; and

"Whereas, I Corps has played a key role in defending liberty against oppression around

the world over the past seventy-five years with distinguished service; and

"Whereas, From the trenches of Europe to the jungles of Asia, the soldiers of I Corps have fought and died to secure the freedoms guaranteed us by the Constitution of the United States; and

"Whereas, January 15, 1993, marked the seventy-fifth anniversary of the Corps since it was created in Neufchateau, France during World War I; and

"Whereas, In each of the three wars of I Corps, the Corps entered when things were going badly and performed its mission with skill and determination and emerged victorious; and

"Whereas, In 1981, the Corps was brought back to full strength at Fort Lewis, Washington Where it presently plays an active and significant role in the Pacific Rim area; and

"Whereas, I Corps has participated in more campaigns than any other corps, is the most decorated corps in the Active Army, and is the only corps every to receive the United States Presidential Unit Citation; and

"Whereas, In a dramatically altered world order, I Corps has assumed a significant and strategic role in America's armed forces poised to strike world-wide to meet any contingency; and

"Whereas, the success of I Corps is a direct result of the professionalism, dedication, and motivation of its soldiers and the support of their families, friends, and communities; Now, therefore,

"Your Memorialists respectfully pray that all the men and women of I Corps both past and present be honored and saluted, and we reaffirm our appreciation for and commitment to those who serve in military uniform on our behalf. Be it

Resolved, That copies of this Memorial be immediately transmitted to the Honorable Bill Clinton, President of the United States and Commander-in-Chief; General Colin Powell, Chairman of the Joint Chiefs of Staff; LTG Carmen J. Cavezza, I Corps Commander; the President of the United States Senate; the Speaker of the House of Representatives; and each member of Congress from the State of Washington."

POM-297. A concurrent resolution adopted by the Senate and House of Representatives of the State of Michigan relative to salvage vehicle documentation; to the Committee on Commerce, Science and Transportation.

"HOUSE CONCURRENT RESOLUTION NO. 233

"Whereas, A salvage vehicle is an automobile that has been severely damaged in an accident and, according to the insurance company, is more expensive to repair than the car is worth. Unfortunately, there are unscrupulous dealers throughout our nation who purchase salvage, or "totaled," vehicles at very low prices from insurance agencies, rebuild them, and resell them as undamaged used cars. Even though many states require words such as "salvaged" or "rebuilt" to appear on title documents, other states do not, and it is estimated that the practice of selling overpriced and possibly unsafe rebuilt salvage vehicles costs American consumers as much as \$4 billion a year; and

"Whereas, The state of Michigan has an excellent program of salvage vehicle documentation. This program has recently received considerable attention and was featured on the nationally renowned television newscast, *60 Minutes*. Public Act 255 of 1988, amending Michigan's Salvage Title Law, sets forth provisions that would thwart those who transport salvage vehicles to states with

no salvage title law to be retitled and resold; and

"Whereas, In our Great Lake State, dealers are required by law to give buyers written notice that a vehicle was once titled as salvage. In addition, the Michigan Department of State operates a special program to review Michigan title documents and notify unsuspecting used car purchasers all over the country when this review shows that the vehicles they purchased were once salvage. Moreover, Michigan law requires the licensing of all vehicle dealers. This program, if instituted nationwide, would circumvent auto theft, contribute to the safety of American motorists, restore the competitive position of true salvage vehicle recyclers and rebuilders, and have a positive effect on automobile insurance rates; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we hereby urge the United States Congress to adopt a nationwide program of salvage vehicle documentation; and be it further

Resolved, That a copy of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation."

POM-298. A concurrent resolution passed by the Legislature of the State of Texas relative to medical savings accounts; to the Committee on Finance.

"HOUSE CONCURRENT RESOLUTION NO. 145

"Whereas, Rapidly rising health care costs, which now consume 14 percent of the gross national product, threaten to destroy our nation's employment base and economic security; and

"Whereas, American workers have shown a genuine willingness to cooperate with business owners in efforts to confront the problems that are at the root of rising medical costs and health care spending; and

"Whereas, In recognition of the cooperative spirit that characterizes America's approach to the problem of health care, members of the 102d Congress have sponsored legislation that would create medical savings accounts; and

"Whereas, Built up by contributions from employees and employers, these medical savings accounts would allow complete freedom in choices of routine health care while offering protection against the costs of catastrophic illnesses; and

"Whereas, By giving American workers true control over their medical finances, administrative costs would be substantially reduced, and normal market incentives would apply to decisions in health care spending; now, therefore, be it

Resolved, That the 73rd Legislature of the State of Texas hereby request the Congress of the United States to enact the appropriate changes in the Internal Revenue Code to allow employers to set up tax-free medical savings accounts that would enable consumers to control medical care spending; and, be it further

Resolved, That medical savings accounts be included as a part of the national health care initiative being developed by the Congress; and, be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the President of the United States, to the Speaker of the House of Representatives of the United States Congress, to the President of the Senate of the United States Congress, and to all members of the Texas delegation to the Congress, with the request that

this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States.

POM-299. A resolution adopted by the Town of Pembroke, North Carolina, relative to the tobacco industry; to the Committee on Finance.

POM-300. A resolution adopted by the Ahoskie Chamber of Commerce relative to taxes on cigarettes; to the Committee on Finance.

POM-301. A resolution adopted by the House of Representatives of the State of Florida relative to Cuba and Haiti; to the Committee on Foreign Relations.

"HOUSE RESOLUTION NO. 2443

"Whereas, despite the persistent and continuing diplomatic efforts of the United States and other concerned member states of the United Nations to help bring about democracy in Cuba and Haiti, the repressive governments in those countries continue to deny their citizens the fundamental freedoms and basic human rights guaranteed under law in the United States and many other countries around the world and expressed in the Charter of the United Nations and in the Universal Declaration of Human Rights; and

"Whereas, the Congress has most recently expressed the concern of the citizens of this country for the sufferings of our neighbors living under the appalling conditions in Cuba and Haiti, which conditions are a direct result of such repression, by passing the Cuban Democracy Act of 1992 and by supporting the current embargo against Haiti imposed by the Organization of American States; and

"Whereas, the support of President Clinton was instrumental in the passage of the Cuban Democracy Act, and the President has also shown a willingness to meet with Haitian President Jean-Bertrand Aristide to explore opportunities to negotiate a settlement for the restoration of democracy in Haiti; and

"Whereas, the United Nations in recent years has determined that massive and systematic violations of human rights have constituted "threats to peace" under Article 39 of Chapter VII of its charter and has, accordingly, imposed international sanctions against such countries as the former Rhodesia, South Africa, Iraq, and the former Yugoslavia; and

"Whereas, the long-suffering citizens of Cuba and Haiti are no less deserving of international efforts on their behalf than those for whom the United States and other member states of the United Nations have already exerted themselves, now, therefore,

Be it Resolved by the House of Representatives of the State of Florida: That the members of the Florida House of Representatives, on behalf of the citizens of Florida, consider the current, repressive government in Cuba and Haiti threats to international peace as a result of their extreme political intolerance, pervasive abuse of human rights, and appalling indifference to the continuing decline in living conditions within their respective countries. Be it further

Resolved, That the members of the Florida House of Representatives, on behalf of the citizens of Florida, urge the President of the United States and the Congress to do all in their power to alleviate the sufferings of the citizens of Cuba and Haiti, beginning with support for a mandatory international embargo against the repressive governments in those countries, under the auspices of Article 39 of Chapter VII of the Charter of the United Nations. Be it further

Resolved. That a copy of this resolution be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress."

POM-302. A memorial adopted by the Senate and House of Representatives of the State of Washington relative to Bosnia; to the Committee on Foreign Relations.

"HOUSE JOINT MEMORIAL 4005

"Whereas, The rape of women in Bosnia appears to be deliberate, massive, and systematic; and

"Whereas, A fact-finding team of the European Community estimated that thirty thousand to fifty thousand Muslim women had been raped and tortured since the fighting began last April; and

"Whereas, The team concluded that the mass rapes there were a strategy of war for purposes of "ethnic cleansing," and not just crimes of opportunity for individual soldiers; and

"Whereas, All Americans should speak out against the most sadistic violence, systematic torture, and murder haunting Europe since the Nazi campaigns; and

"Whereas, United States groups seeking action on Bosnia include the American Jewish Committee, the American Muslim Council, the Anti-Defamation League of B'nai B'rith, the American Task Force for Bosnia, the National Association of Arab Americans, and the Albanian American Civic League; Now, therefore,

Your Memorialists respectfully pray that the White House condemn the rape of women in Bosnia and the ethnic cleansing and create an international war crimes tribunal. Be it

Resolved. That copies of this Memorial be immediately transmitted to the Honorable Bill Clinton, President of the United States, the Members of the United Nations, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington."

POM-303. A petition from the Susquehanna River Basin Commission relative to internal control requirements; to the Committee on Governmental Affairs.

POM-304. A resolution adopted by the Michigan House of Representatives relative to the desecration of the flag; to the Committee on the Judiciary.

"HOUSE RESOLUTION NO. 340

"Whereas, The 1989 decision by the United States Supreme Court to overturn a Texas case in which a protester had been convicted of burning the American flag has outraged the American people. In effect, this decision has made legal the burning or defiling of our country's most precious symbol. People from all parts of the country and virtually all backgrounds and party affiliations have condemned this decision; and

"Whereas, For more than 200 years, Old Glory has been a revered part of American life. It has been a source of inspiration in battles from Fort McHenry to Omaha Beach to Iwo Jima. In poem, song, and art, the Stars and Stripes has become as much a part of our culture and folklore as our history. Most recently, events in the Middle East have served once again to remind us of how precious the American flag is and to fill our hearts with pride as it was flown bravely by yet another generation of America's youth

in a face-off with a tyrant. Indeed, it is impossible for patriotic American citizens to look upon the flag without remembering the valiant men and women whose courage, blood, and lives have been spent to keep our flag flying freely; and

"Whereas, Veterans' groups, expressing the sentiment of our people, have called for action to ban the desecration of the American flag. Indeed, to ignore the effect of this decision would be an affront to everyone who has been committed to the ideals of our nation in times of war and in times of peace; now, therefore, be it

Resolved by the House of Representatives. That the members of this legislative body hereby memorialize the United States Congress to pass an amendment to the United States Constitution to prohibit the desecration of the American flag; and be it further

Resolved. That a copy of this resolution be transmitted to the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the Michigan congressional delegation."

POM-305. A resolution passed by the American Association of Law Libraries relative to the Information Access Enhancement Act; to the Committee on Rules and Administration.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. BAUCUS, from the Committee on Environment and Public Works:

Jean C. Nelson, of Tennessee, to be an Assistant Administrator of the Environmental Protection Agency, vice E. Donald Elliott, resigned.

Lynn R. Goldman, of California, to be Assistant Administrator for Toxic Substances of the Environmental Protection Agency, vice Linda J. Fisher, resigned.

Elliott Pearson Laws, of Virginia, to be Assistant Administrator, Office of Solid Waste, of the Environmental Protection Agency, vice Don R. Clay, resigned.

Robert W. Perciasepe, of Maryland, to be an Assistant Administrator of the Environmental Protection Agency, vice LaJuana Sue Wilcher, resigned.

(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.)

The following executive reports of committees were submitted:

By Mr. BIDEN, from the Committee on the Judiciary:

Doris Meissner, of Maryland, to be Commissioner of Immigration and Naturalization, vice Gene McNary, resigned.

(The above nomination was reported with the recommendation that she be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. NUNN, from the Committee on Armed Services:

Gen. George A. Joulwan, U.S. Army, for reappointment to the grade of general while assigned to a position of importance and responsibility.

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 Mrs. HUTCHISON (for herself, Mr. BROWN, Mr. BURNS, Mr. COATS, Mr. COVERDELL, Mr. DOLE, Mr. FAIRCLOTH, Mr. GRAMM, Mr. HATCH, Mr. HELMS, Mrs. KASSEBAUM, Mr. KOHL, Mr. LIEBERMAN, Mr. LOTT, Mr. MCCAIN, Mr. NICKLES, Mr. PRESSLER, Mr. SHELBY, Mr. SPECTER, Mr. STEVENS, Mr. THURMOND, Mr. WALLOP, and Mr. SMITH):

S. 1524. A bill to repeal the retroactive application of the income, estate, and gift tax rates made by the Budget Reconciliation Act and reduce administrative expenses for agencies by \$3,000,000,000 for each of the fiscal years 1994, 1995, and 1996; to the Committee on Finance.

By Mr. GLENN:

S. 1525. A bill to improve the quantity and quality of foreign language instruction offered in our Nation's elementary and secondary schools; to the Committee on Labor and Human Resources.

By Mr. INOUE:

S. 1526. A bill to improve the management of Indian fish and wildlife and gathering resources, and for other purposes; to the Committee on Indian Affairs.

By Mr. RIEGLE (for himself, Mr. D'AMATO, Mr. BRYAN, Mr. KERRY, Mr. DOMENICI, Mr. SASSER, Mr. SHELBY, Mr. CAMPBELL, Mrs. BOXER, Mrs. BOXER, Mrs. MURRAY, and Mr. SARBANES):

S. 1527. A bill to provide for fair trade in financial services; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SIMON:

S. 1528. A bill to amend the National Labor Relations Act to set a time limit for labor rulings on discharge complaints, and for other purposes; to the Committee on Labor and Human Resources.

S. 1529. A bill to amend the National Labor Relations Act to permit the selection of an employee labor organization through the signing of a labor organization membership card by a majority of employees and a subsequent election, and for other purposes; to the Committee on Labor and Human Resources.

S. 1530. A bill to amend the National Labor Relations Act to require Federal contracts debarment for persons who violate labor relations provisions, and for other purposes; to the Committee on Labor and Human Resources.

S. 1531. A bill to amend the National Labor Relations Act to impose a penalty for encouraging others to violate the provisions of the National Labor Relations Act, and for other purposes; to the Committee on Labor and Human Resources.

S. 1532. A bill to amend the National Labor Relations Act to provide equal time to labor organizations to present information relating to labor organizations, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. LOTT:

S. 1533. A bill to improve access to health insurance and contain health care costs, and for other purposes; to the Committee on Finance.

By Mr. ROCKEFELLER (for himself and Mr. MURKOWSKI):

S. 1534. A bill to amend title 38, United States Code, to repeal a requirement that

the Under Secretary for Health in the Department of Veterans Affairs be a doctor of medicine; considered and passed.

By Mr. GLENN (for himself, Mr. STEVENS, and Mr. PRYOR):

S. 1535. A bill to amend title 5, United States Code, to eliminate narrow restrictions on employee training, to provide a temporary voluntary separation incentive, and for other purposes; to the Committee on Governmental Affairs.

By Mr. INOUE:

S. 1536. A bill to amend the Federal Property and Administrative Services Act to provide an opportunity for former owners to repurchase real property to be disposed by the United States; to the Committee on Governmental Affairs.

By Mr. ROCKEFELLER (for himself and Mr. DECONCINI):

S. 1537. A bill to amend the Stevenson-Wylder Technology Innovation Act of 1980; to the Committee on Commerce, Science, and Transportation.

By Mr. DASCHLE:

S. 1538. A bill to make a technical correction with respect to the temporary duty suspension for clomiphene citrate; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MITCHELL (for himself and Mr. DOLE):

S. Res. 150. A resolution to authorize representation of Members of the Senate in the case of Douglas R. Page v. Robert Dole, et al; considered and agreed to.

S. Res. 151. A resolution to authorize the production of records by the Committee on Foreign Relations; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. HUTCHISON (for herself, Mr. BROWN, Mr. BURNS, Mr. COATS, Mr. COVERDELL, Mr. DOLE, Mr. FAIRCLOTH, Mr. GRAMM, Mr. HATCH, Mr. HELMS, Mrs. KASSEBAUM, Mr. KOHL, Mr. LIEBERMAN, Mr. LOTT, Mr. MCCAIN, Mr. NICKLES, Mr. PRESSLER, Mr. SHELBY, Mr. SPECTER, Mr. STEVENS, Mr. THURMOND, Mr. WALLOP, and Mr. SMITH):

S. 1524. A bill to repeal the retroactive application of the income, estate, and gift tax rates made by the budget reconciliation act and reduce administrative expenses for agencies by \$3,000,000,000 for each of the fiscal years 1994, 1995, and 1996; to the Committee on Finance.

REPEAL OF RETROACTIVE TAXES

Mrs. HUTCHISON. Mr. President, the pro football season began a few weeks ago. Before the season, NFL owners sat down and decided the rules by which this season's games will be played. As a result, everyone in the NFL understands the field will be 100 yards long, that there will be four quarters of 15

minutes each in a game, how penalties will be called, and so on.

Several weeks ago, the NFL kicked off its new season, and perhaps the most exciting game of the inaugural weekend was the Washington Redskins' thrilling—and I might add, very lucky—victory over the defending Super Bowl champion Dallas Cowboys. I know Redskins fans would like to change a lot of things about this season, but imagine how Redskins players, coaches, and fans would react if the rules were changed today, and their win over the Cowboys was nullified by a retroactive rules change.

Of course, NFL coaches will never let this happen, because the players would not know if they had to run 100 yards or 125 yards for a touchdown.

The Congress of the United States—2 months ago—changed the playing field for individuals and small businesses, and in a much more important context. I'm referring, of course, to the retroactive provisions of the tax bill, which go back to January in order to reach into voters' wallets.

Mr. President, today I rise to introduce legislation to right one of the most egregiously unfair acts ever committed against American taxpayers. I seek repeal of the retroactive provisions of the recently enacted tax bill.

In my view, we ought to repeal all of the \$250 billion in new taxes approved last month:

Higher taxes on Social Security, that strike at senior citizens' financial security—218,000 seniors in my State will pay an additional \$196 million;

Higher energy taxes, that will increase the costs of practically everything we buy;

New taxes on small businesses, that will slow the sector of our economy that creates more than one-half of all new jobs and is the engine of economic growth;

New taxes on corporate and individual income, that penalize productivity.

But this tax bill also had a new twist. Instead of just reaching forward with new taxes, this law reached back to impose taxes retroactively—even on dead people; that is, people who died between January 1 and August 10.

The legislation Senator SHELBY and I offer this morning will make a modest start in the other direction—the right direction. Our bill couples the repeal of an egregiously unfair new tax with a modest cut in Federal overhead spending.

The spending cuts we propose will not harm national security, nor will they subtract one penny from Social Security, nor from veterans benefits or any payments to people in need. They will not cut needed Federal investment in highways, research, nor in any programs that support job creation now and in the future.

The spending cuts in our legislation will not reduce Federal support for ag-

riculture, nor for small business creation, nor for the export of American goods. These cuts will not reduce Medicare or Medicaid payments. They will not slow delivery of the U.S. mail.

In short, Mr. President, the spending cuts we propose will not harm the American people. They will, however, slash Federal agencies' overhead and administrative spending by about \$10 billion over the next 3 years—not by cutting muscle and fiber, but by trimming away some of the fat.

Furthermore, our legislation gives to individual agency heads the power to review their own operations and to decide whether to cut travel budgets, or equipments leases, or printing, or consultants, or other administrative items in order to meet their targets.

Is this magic? No, this is simply learning from the private sector. When a business or a corporation—or a household—encounters financial adversity, the first thing it does is cut overhead. Priorities are set. That's all our legislation would do—cut Federal Government overhead, in order to repeal unfair new taxes.

Mr. President, I submit to you and to my colleagues that retroactive taxes on the American people is justice turned on its head.

When I was home during August and September, I visited with thousands of my constituents at dozens of stops across Texas. I heard from working people and their families, from Social Security retirees, from small businesses, that they are working just as hard as they can to support themselves.

My constituents told me they just cannot afford to send another penny to Washington—especially to subsidize a bloated Federal Government.

Over and over again, my constituents told me the same thing. Many struggle every day to put food on their tables, to put a roof over their heads, to clothe and care for their children, to pay for the gasoline they must have to get to work. Every day, they try to save for college and their retirements. And as a result of the action we took on the floor of this body on August 10, they are, to quote Tennessee Ernie Ford, "another day older and deeper in debt."

Every day, men and women who own small businesses work to meet a payroll, to compete in the marketplace, to build a future for their enterprises, and—hopefully—earn a profit and create new jobs for the people who are struggling to make ends meet.

But with one stroke of the congressional pen, all of their investing and planning and belt-tightening this year is for nothing. Their budgets are exploded. They now face balloon tax payments for the rest of this year that will break the bubble of our feeble economic recovery.

Nothing in our legislation would cut the higher tax bills, Mr. President,

that are on the horizon for next year. I regret that we cannot cut those, too, because we cannot tax our country into prosperity. But early action on our legislation will protect about \$10 billion from the retroactive confiscation by the Federal Government and enable small businesses to stabilize for this year and plan for the new taxes that will be due for 1994.

Every day our newspapers are filled with reports of businesses and corporations that are reducing their expenses, streamlining operations, eliminating waste, and prioritizing their budgets. Government can and must do the same.

Congress has been guilty of taxing too much, spending too much. By passing this legislation, we can in one stroke cut wasteful Government spending, give a boost to the economy, and most important, Mr. President, keep faith with the American people that we will not change the rules in the middle of the game.

Mr. President, I introduce a bill to repeal the retroactive tax increases of the Budget Reconciliation Act and to cut Government administrative expenses and ask that it be appropriately referred.

Mr. President, I would like to name the following Senators as original cosponsors of the bill: Senators BROWN, BURNS, COATS, COVERDELL, DOLE, FAIRCLOTH, GRAMM, HATCH, HELMS, KASSEBAUM, KOHL, LIEBERMAN, LOTT, MCCAIN, NICKLES, PRESSLER, SHELBY, SPECTER, STEVENS, THURMOND, and WALLOP.

Mr. President, I ask unanimous consent that a letter from the National Taxpayers Union in support of repealing the retroactive tax rate be entered into the RECORD.

I also would like to thank Senator BIDEN of Delaware for yielding the floor to me, and Senator HELMS from North Carolina as well. I yield the floor. Mr. President, thank you.

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

NATIONAL TAXPAYERS UNION,
Washington, DC, October 5, 1993.

Hon. KAY BAILEY HUTCHISON,
U.S. Senate, Hart Senate Office Building,
Washington, DC.

DEAR SENATOR HUTCHISON: The National Taxpayers Union (NTU), America's largest taxpayer organization, is pleased to endorse your proposed legislation to repeal the retroactive income, estate, and gift tax increases which were enacted as part of the 1993 Budget Reconciliation Act.

We commend you and Senator Richard Shelby, your lead cosponsor, for taking the initiative to repeal the unfair and, in some cases, unconstitutional tax rate increases that have been applied retroactively. To enact an effective date retroactive to January 1, 1993, before President Clinton and the 103rd Congress took office, is obviously wrong. Taxpayers are outraged and your proposed repeal will certainly be well received across America.

We also appreciate your thorough effort to offset the estimated revenue loss which

would result from repeal by reducing federal administrative expenses by \$10.5 billion. As you know, increased taxes have never provided deficit reduction. That will only be achieved by additional restraint in the growth of federal spending.

Again, the National Taxpayers Union is pleased to endorse your proposed legislation and to urge your Senate colleagues to join with you in working for its passage.

Sincerely,

AL CORRS, Jr.,

Director, Government Relations.

Mr. SHELBY. Mr. President, I am proud to join my colleague from Texas today in seeking the repeal of the retroactive increase on the individual income, estate, and gift taxes.

There was a lot of discussion in the conference report over the constitutionality of these provisions. Mr. President, this bill that the Senator from Texas [Mrs. HUTCHISON] has just introduced is not about what is or is not constitutional. This bill is about what is right.

The American people were outraged, and I think rightly so, to discover that the administration and the Congress had squeaked out a few extra billion dollars by rolling back the effective dates on their new tax increases. This was done all in the name of deficit reduction. I am all for deficit reduction, Mr. President, but there are more responsible, I believe, and right ways to achieve it.

This bill that the Senator from Texas introduced is budget neutral. It still achieves the deficit reduction targets called for in the budget. However, Mr. President, it relies on cuts in Government overhead costs instead of backdoor taxes to achieve them.

Mr. President, this bill is aimed simply at repealing the retroactive increases on the individual income, estate and gift taxes. By doing this, we allow taxpayers time to order their finances and plan their budgets to accommodate their new tax obligations under this legislation.

Mr. President, removing the retroactive tax increases will help small businesses and self-employed taxpayers who are hit hard by the Budget Reconciliation Act of 1993. Pushing the effective date forward to August 10, 1993 allows these taxpayers to use these revenues as they had previously planned—on investment, employee salaries, and new equipment.

Finally, it is simply absurd—medieval—to levy taxes on deceased Americans. The confusion and complexity of recalculating the tax liability of these individual's estates will be particularly onerous—not to mention painful for many families, especially small businesses.

Mr. President, this legislation is less about taxes than it is about principles. And it is critical that we define what those principles are for the American people. Fairness—our country rests on fairness, Mr. President, and retro-

activity is unfair. That is why these tax increases are wrong.

Mr. President, while all Members of this body did not agree on the President's budget as a whole, I think we all did agree on one thing—retroactive taxes are a fiscal and political mistake. I ask my colleagues to join with the Senator from Texas in pushing this legislation.

Mr. COVERDELL. Mr. President, I rise today to join Senators HUTCHISON and SHELBY in introducing a bill which seeks to repeal the retroactive tax increases contained in the recently passed Omnibus Budget Reconciliation Act of 1993, and which cuts Government administrative spending by a corresponding amount. It is no secret that I opposed the 1993 retroactive tax increases. Earlier this summer, I introduced a constitutional amendment that would prohibit the imposition of retroactive tax increases in the future. I also think the 1993 retroactive tax increases must be repealed, and that is why I strongly support this bill and urge my colleagues to do the same. In further support of this bill, I submit for the RECORD an op-ed piece regarding retroactive taxes which appeared in the Washington Times on September 7, 1993, and I ask unanimous consent that this column be placed in the RECORD immediately following my statement.

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

[From the Washington Times, Sept. 7, 1993]
TO DRIVE A STAKE THROUGH RETROACTIVITY
(By Paul Coverdell)

Vice President Al Gore sealed the passage of the Clinton tax plan with a bang of the gavel in the Senate chambers last month. But if President Clinton and Mr. Gore expected the debate over the fairness of the Clinton plan to end with their narrow victory, they were sorely mistaken.

In fact, voter anger and frustration seem to be growing. A Washington Post-ABC News poll released Aug. 10, some four days after the plan's passage in the Senate, showed a majority of Americans, who once supported the plan, now oppose the Clinton tax package.

Why is the frustration growing? Why are talk shows and news reports continuing to focus so much attention on a plan that narrowly passed both Houses of Congress more than two weeks ago? The answer can be found in one phrase—retroactive taxes. Americans are continuing to register their disapproval of a plan that not only raises taxes in the future, but also reaches back some nine months to extract extra taxes on wages and income already earned.

The retroactive tax is wrong. It is bad policy, and it is a reprehensible action on the part of the government.

Therefore, as a result of this action, I have proposed a constitutional amendment banning the U.S. government from imposing tax increases retroactively. The amendment has garnered the support of my freshman Republican colleagues, and a total of 19 senators.

There are two similar measures pending in the House of Representatives, with more than 200 cosponsors.

I do not take lightly amending the U.S. Constitution, but the notion of retroactive

taxation cuts to the rotten core of a government that can't live within the means and must change the rules of millions of Americans in the middle of the road.

Mr. Clinton doesn't just tax retroactively in his own term. He goes back to before he was even sworn in as president or before any member of Congress—the very Congress that approved the tax plan—was seated and sworn to uphold the Constitution.

The Clinton administration realizes it has created a controversy. The White House spin doctors have gone out of their way to produce lists they say bolster the cause for a retroactive tax increase.

But, in their rush to show retroactive taxation has been done before, they continue to miss the point. Retroactive taxes are wrong, no matter how many times they have been enacted under a Democratic or a Republican administration. The American people shouted in the '92 elections that they wanted Washington to change the way it does business. If we use congressional past actions as justification for the future, we betray the mandate of the '92 elections.

One of my favorite lists was put out by the U.S. Treasury Department. Its argument was that retroactive taxes had been imposed 13 times in the past. Not surprisingly, 12 of the 13 items listed occurred under Democratic administrations, and none imposed the tax in a former administration as Mr. Clinton's retroactive plan does.

Some have pointed out that, in addition to the retroactive tax increases listed in the Treasury document, four tax bills enacted under President Reagan took effect retroactively. These tax proponents fail to point out that these bills included no retroactive rate increases, only tax law changes that were often ameliorated by generous transition rules.

A second front for those in favor of the retroactive tax is to cite a handful of court cases that appear—however ambiguously—to have upheld the practice in the past. Again, no court case, however, has focused on a tax increase that became effective during a previous administration.

I believe this Congress should make it clear, once and for all, that the American people will not put up with this kind of government tyranny.

This country was founded on the fundamental principle that its citizens should not be subject to taxation without representation. In a recent article in the Heritage Foundation's Policy Review, John G. West Jr. points out that Thomas Jefferson believed that low taxes and frugal government are the most basic tenets of civil liberty. The article quotes a letter written by Jefferson to Samuel Kercheval in 1816, in which Jefferson recognized that the debate involved a choice "between economy and liberty, or profusion and servitude. If we run into such debts, that we must be taxed in our mead and in our drink, in our necessities and our comforts, in our labors and our amusements, for our callings and our creeds, as the people of England are, our people, like them, must come to labor 16 hours in the 24, give the earnings of 15 of these to the government for their debts and daily expenses; and the 16th being insufficient to afford us bread."

It was clear to Jefferson that the only way to preserve freedom was to protect its citizens from oppressive taxation. And I believe he would agree that the retroactive imposition of massive taxes is the ultimate slap in the face to the pursuit of liberty, despite the Democrats' defense that the retroactivity "only affects the rich." More than 1.25 mil-

lion small businesses nationwide that file as individuals will take a direct hit by these retroactive taxes. In the long run, the tax increase will affect everyone, because of its effect on job creation.

Jefferson also recognized that once the protection, for any group, from oppressive taxation is lost, the battle for freedom is over. Toward that end, Mr. West again notes that Jefferson wrote:

"A departure from principle in one instance becomes a precedent for a second; that second for a third; and so on, till the bulk of the society is reduced to be mere automatons of misery, and to have no sensibilities left but for sinning and suffering."

While the U.S. Supreme Court has been less than clear in its holdings on the constitutionality of retroactive taxation, one can only hope that the Clinton tax bill will be ruled unconstitutional under current law by a sensible judge. But I intend to continue to seek support for the constitutional amendment I have introduced to ensure this very basic freedom for the American people.

The voters are right to be upset. A retroactive tax is wrong.

Mr. NICKLES. As best we can tell, most Americans oppose retroactive laws of every sort, but retroactive tax increases are especially detested. All retroactive laws offend the American sense of fair play; they change the rules after the game has begun—but retroactive tax increases add insult to injury by levying a financial penalty on those who played the game honestly and fairly under the former rules.

That is why, today, I join my colleague from Texas, [Mrs. HUTCHISON] in introducing legislation to repeal the retroactive effective date of the increase in income, estate, and gift tax rates imposed by the Omnibus Reconciliation Act of 1993. It is also my intention to introduce a rules change which will prevent the Senate from considering retroactive taxes; unless waived by three-fifths of the body. This will prevent future abuses of the use of retroactive taxation.

Senators SHELBY and HUTCHISON will join me in introducing this legislation. This proposal has been supported by the National Taxpayers Union, the Tax Limitation Committee, the Association of Concerned Taxpayers, and Citizens for a Sound Economy.

When the tax bill was signed by the President on August 10, 1993, it actually rewrote tax rates for the past 8 months. This law changes the rules of the road more than halfway through the trip. I think this is wrong.

Retroactive taxes are unfair and set a dangerous precedent. They take money out of the pockets of businesses and individuals that are expanding and creating jobs. These are taxes based on earnings made even before President Clinton was sworn into office.

Retroactive taxes further erode the little trust people have in Federal Government. If the Government can impose retroactive taxes on the rich today, it can place retroactive taxes on other taxpayers tomorrow.

President Clinton's tax package increases taxes \$2 for every \$1 in spend-

ing cuts. Many of the tax increases are retroactive to January 1, 1993, while 80 percent of the spending cuts are scheduled to occur in 1997 and 1998—after the next Presidential election.

We must undo the wrong which has been done. And we must also make sure that Congress cannot so easily do it again. I will be introducing legislation which compliments Senator HUTCHISON's proposal. This legislation takes a prospective view of this unfair practice, by changing the Standing Rules of the Senate to prohibit the consideration of any retroactive tax increases unless a three-fifths supermajority waive the prohibition by roll-call vote.

To retroactively tax is to betray the trust of the people. Thomas Jefferson, in his first inaugural address said, " * * * a wise and frugal government which shall restrain men from injuring one another, which shall leave them otherwise free to regulate their own pursuits of industry and improvement, and shall not take from the mouth of labor the bread it has earned. This is the sum of good government. * * * " Mr. President, I submit that the Government's action to tax income retroactively is tantamount to taking "from the mouth of labor the bread it has earned." This is not right and should not be allowed to occur.

I encourage my colleagues in the Senate to support these two pieces of legislation, in order to return some sense of fairness and trust to the U.S. taxpayer.

Mr. STEVENS. Mr. President, I am pleased to cosponsor the legislation introduced by Senator HUTCHISON. This legislation would repeal the retroactive increase in income, estate, and gift tax rates included in the Omnibus Budget Reconciliation Act of 1993 [OBRA], also known as the tax bill.

This legislation is necessary to protect the American taxpayer from unfair tax increases. The administration's increases in the income, estate, and gift taxes retroactively increase taxes to before President Clinton took office.

American taxpayers have the right to know how much their Government will tax their earnings. This is not a temporary wartime surtax or restriction on a tax credit or deduction. The administration's actions increased tax rates on individuals for income they earned or gifts they received over the past 8 months.

Taxing individuals and corporations on financial transactions made under laws previously enacted—retroactive taxes—is inequitable. Changing the law retroactively makes sound investment decisions turn sour. Even the draft constitution of Russia prohibits retroactive taxes.

Under the administration's recently passed tax bill, Bob Persons, a restaurant owner from Girdwood, AK, and Tenny Owens, an art gallery owner

from Anchorage, AK, will find that they owe Uncle Sam additional taxes at the end of this year—taxes they had no way to know they would be expected to pay. These business owners used the money they would have set aside for taxes to build sales, to hire new people. Now, they have to go in debt to pay retroactive taxes. This is a serious problem for Bob and Tennys, for thousands of other Alaskans, and for millions of Americans who are going to have to go into debt to pay Uncle Sam.

Especially devious, and in my judgment, unconstitutional, is the tax increase on the estates of individuals who died after January 1, 1993. Their estates will have to pay higher taxes even though the tax rate increase was not part of the law on the date the deceased passed away. This is the first time in the 77-year history of the estate tax that the rates have been increased retroactively.

Approximately 80 percent of businesses in this country pay income taxes as individuals—they are the sole proprietors, partnerships, and small businesses in neighborhoods from Barrow, AK to Key West, FL. By requiring them to pay retroactive taxes, taxes they did not, and could not, plan for, these businesses are going to have to devote resources that have already been invested in hiring new employees, or purchasing new plants and equipment to pay back taxes. This will stifle economic activity. It will not boost it.

Earlier this session, I cosponsored legislation to amend the Constitution, Senate Joint Resolution 127, to prohibit retroactive tax increases. Adoption of that resolution is essential to prevent what happened in the recent tax bill from ever happening to the American taxpayer again. I believe the taxpayers in my State of Alaska understand this. They work hard for their money. They plan and save to increase their income, to send their children to college, and to eventually retire. Retroactive tax increases hurt these people the most. They are unfair, and should not be permitted.

I urge the Senate to support the legislation introduced today to repeal the retroactive increase in income, estate, and gift tax rates.

By Mr. GLENN:

S. 1525. A bill to improve the quantity and quality of foreign language instruction offered in our Nation's elementary and secondary schools: to the Committee on Labor and Human Resources.

FOREIGN LANGUAGE ASSISTANCE

• Mr. GLENN. Mr. President, I rise today to introduce the Foreign Language Assistance Act of 1993, a bill that will encourage and assist elementary and secondary schools to improve and expand instruction in one of our Nation's critical skills: the ability to speak and comprehend foreign lan-

guages and to understand foreign cultures. The world has changed dramatically since Congress enacted the Foreign Language Assistance Act of 1988. New nations, alliances, and trading partners have emerged, and our political and economic relationships with foreign countries and companies have become more complex and diverse than ever. Our country's future, to a large extent, hinges on our capacity for cooperation and competition on the world scene. In this environment of increasing interdependence, our schools can no longer afford to produce largely insular students with little or no proficiency in foreign languages and with only scant knowledge of foreign societies, economies and geography. Critical to our ability to compete successfully in the global economy and to function effectively in international affairs is our ability to communicate with and understand people from all over the world.

I would like to focus on the importance of foreign language proficiency and international awareness to our competitiveness in the world marketplace. I am certainly not the first to do so: since at least 1979, when the President's Commission on Foreign Languages and International Studies reported its findings, national commissions, associations and other groups and experts have advocated foreign language competence as an effective tool in conducting international trade. A 1989 National Governors' Association report found that our country was ill-prepared to engage in international trade because of our lack of understanding of the languages, cultures, and geographic characteristics of our competitors. The report asked: "How are we to sell our products in a global economy when we neglect to learn the languages of our customers? How are we to open overseas markets when other cultures are only dimly understood?" President Clinton echoed the NGA's concern in his address to the National Education Association on July 5 of this year:

The new global economy is based on interacting and doing business with people all over the world, understanding their economies and their languages * * * We need to know more about foreign languages than just how to order in a restaurant. Foreign languages in this era aren't simply a sign of refinement; they are a survival tool for America in the global economy.

The Department of Education, earlier this year, added foreign languages to the core subjects listed in National Education Goal No. 3. The third goal now reads: "By the year 2000 all students will leave grades 4, 8, and 12 having demonstrated competence over challenging subject matter including English, mathematics, science, foreign languages, civics and government, arts, history and geography * * *." The inclusion of foreign languages in this

goal reflects not only the value of foreign language proficiency but also the importance of beginning foreign language study at an early age—in elementary school, and continuing those studies long enough, at least through high school—to acquire a meaningful level of competency. Scientific research of the last 10 years supports what many teachers and parents have already observed, that younger children learn foreign languages much more easily than do older students. The research attributes this to a critical restructuring of the brain that takes place in children between the ages of 4 and 10. Most American students who take a foreign language, however, begin studying the language in 9th grade, age 14, and, most commonly, study it for only 2 years. To obtain higher levels of proficiency, of course, requires much longer sequences of study and a consistent, cumulative acquisition of skills.

Currently, very few students in the United States leave high schools, let alone the earlier grades, with any degree of functional competence in a foreign language. In fact, according to 1990-91 surveys conducted by the American Council on the Teaching of Foreign Languages and the Joint National Committee for Languages, less than 5 percent of elementary school students in this country receive any foreign language instruction at all, and only 10-20 percent of students are studying foreign languages in middle school. Approximately 38 percent of students take foreign language courses in high school, and less than 20 percent of those students go beyond the second level of study. There are still areas of the country where foreign language instruction is not even available at the high school level. Only 5 percent of U.S. college graduates are fluent in any language other than English.

Our economic competitors, on the other hand, regularly introduce their students to foreign languages at an early age and usually require a long sequence of foreign language study for graduation from secondary school. In 13 of the 15 developed countries surveyed by the National Foreign Language Center in January 1993, foreign language study is compulsory beginning at ages 8 to 11. In many of these countries, students may choose an additional foreign language at age 13 just before the age most students in the United States begin study of a first foreign language. In Germany, for example, all students, regardless of ability or classification, are required to take a foreign language from grade 5 until they leave school. The European Community will require fluency in two foreign languages for high school graduates by the year 2000. In Japan, nearly all students in grades 7 to 9 are required to study English for 3 years, and English is a required core subject for

students in both academic and vocational programs in grades 10 to 12. In fact, the United States is virtually alone in the world in delaying foreign language study until high school and concentrating its energies in 2-year programs. Furthermore, in the United States, instruction is seldom offered in major languages such as Japanese, Chinese, Russian, and Arabic, which take at least 4 to 6 years of study to gain competence.

I am offering my bill as an amendment to the Elementary and Secondary Education Act. The bill addresses the major problems affecting elementary and secondary foreign language education today and brings the Foreign Language Assistance Act of 1988 up to date and in line with the National Education Goals. Problems addressed in the bill include: First, the need to provide articulated sequences of foreign language study beginning in elementary school, with the goal of producing students proficient in one or more foreign languages; second, the need to recruit and train foreign language teachers at all levels of elementary and secondary education, with the goal of alleviating the severe shortage of foreign language teachers reported by many States; and third, the need to evaluate and study effective methods of teaching and learning foreign languages. The legislation authorizes \$75 million in Federal matching grants with the Federal share decreasing from 90 percent to 40 percent over 5 years as well as bonus grants to States with exemplary foreign language programs.

I have long been an enthusiastic supporter of the Eisenhower Mathematics and Science Education Program, and I am pleased that the program has received substantial funding over the years as a critical skill under the Elementary and Secondary Education Act. Certainly the advancement of knowledge in mathematics and science is crucial to our technological and economic future—and the earlier we can instill in our children an awareness of and excitement for learning those subjects, the better. Our future, however, will not be confined to what we learn or sell within our own borders; it will be closely intertwined with developments in the rest of the world. Thus, there can be no doubt that a knowledge of the world and the ability to deal with people from other countries in their own languages are critical skills, too, deserving of Federal support as comprehensive as that provided in the Eisenhower legislation—for instructional programs, teacher recruitment and training, and research and evaluation. Foreign language education is key to opening up possibilities for the future and to maximizing our advancements in mathematics, science and other fields. Global literacy is increasingly becoming a prerequisite for success in a rapidly changing, interdependent world.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD following my remarks.

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

S. 1525

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FOREIGN LANGUAGE ASSISTANCE.

Part B of title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 3001 et seq.) is amended to read as follows:

"SEC. 2101. SHORT TITLE.

"This part may be cited as the 'Foreign Language Assistance Act of 1993'.

"SEC. 2102. FINDINGS.

"The Congress finds that—

"(1) foreign language proficiency is key to our Nation's international economic competitiveness, security interests and diplomatic effectiveness;

"(2) the United States lags behind other developed countries in the opportunities the United States offers elementary and secondary school students to study and become proficient in foreign languages;

"(3) more teachers must be trained for foreign language instruction in our Nation's elementary and secondary schools, and those teachers must have expanded opportunities for continued improvement of their skills;

"(4) students with proficiency in languages other than English should be viewed as valuable second language resources for other students; and

"(5) a strong Federal commitment to the purpose of this part is necessary.

"SEC. 2103. PURPOSE.

"It is the purpose of this part to improve the quantity and quality of foreign language instruction offered in our Nation's elementary and secondary schools.

"SEC. 2104. PROGRAM AUTHORIZED.

"(a) AUTHORITY.—

"(1) GRANTS FROM THE SECRETARY.—In any fiscal year in which the appropriations for this part equal or exceed \$50,000,000, the Secretary is authorized, in accordance with the provisions of this part, to award grants to States from allocations under section 2105 to pay the Federal share of the costs of the activities described in section 2107.

"(2) STATE GRANT PROGRAM.—In any fiscal year in which the appropriations for this part do not equal or exceed \$50,000,000, the Secretary is authorized to make grants, in accordance with the provisions of this part, to State educational agencies, local educational agencies, consortia of local educational agencies, or consortia of local educational agencies and institutions of higher education, to pay the Federal share of the cost of activities described in section 2107.

"(b) SUPPLEMENT NOT SUPPLANT.—Funds provided under this part shall be used to supplement and not supplant non-Federal funds made available for the activities described in section 2107.

"(c) DURATION.—Grants or contracts awarded under this part shall be awarded for a period of not longer than 5 years.

"SEC. 2105. ALLOCATION OF FUNDS.

"(a) ALLOCATION.—From the amount appropriated under section 2113 for any fiscal year, the Secretary shall reserve—

"(1) not more than ½ of 1 percent for allocation among Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Republic of Palau (until such time as the Compact of Free Association is

ratified) according to their respective needs for assistance under this part;

"(2) not more than ½ of 1 percent for programs for Native American students served by schools funded by the Secretary of the Interior if such programs are consistent with the purpose of this part;

"(3) 10 percent for national programs described in section 2108(a);

"(4) 5 percent for evaluation and research described in section 2108(b); and

"(5) in the case of a fiscal year in which appropriations for this part equal or exceed \$50,000,000, 10 percent for bonus grants described in section 2108(c).

"(b) FORMULA.—In any fiscal year in which the appropriations for this part equal or exceed \$50,000,000, the remainder of the amount so appropriated (after meeting the requirements of subsection (a)) shall be allocated among the States as follows:

"(1) ½ of such remainder shall be allocated among the States by allocating to each State an amount which bears the same ratio to ½ of such remainder as the number of children aged 5 to 17, inclusive, in the State bears to the number of such children in all States; and

"(2) ½ of such remainder shall be allocated among the States according to each State's share of allocations under chapter 1 of title I for the preceding fiscal year,

except that no State shall receive less than ¼ of 1 percent of such remainder.

"(c) SPECIAL RULE.—The provisions of Public Law 95-134 shall not apply to assistance provided pursuant to paragraph (1) of subsection (a).

"SEC. 2106. IN-STATE APPORTIONMENT.

"(a) FUNDING ABOVE \$50,000,000.—In any fiscal year in which appropriations for this part equal or exceed \$50,000,000, each State receiving a grant under this part shall distribute not less than 95 percent of such grant funds so that—

"(1) 50 percent of such funds are distributed to local educational agencies within the State for instructional programs described in paragraph (1) of section 2107; and

"(2) 50 percent of such funds are distributed to local educational agencies within the State for teacher development and recruitment activities described in paragraph (2) of section 2107.

"(b) FUNDING BELOW \$50,000,000.—In any fiscal year in which appropriations for this part do not equal or exceed \$50,000,000, the Secretary shall award grants to State educational agencies, local educational agencies, consortia of local educational agencies, or consortia of local educational agencies and institutions of higher education, so that—

"(1) 50 percent of the funds all such entities in a State receive shall be used for instructional programs described in paragraph (1) of section 2107; and

"(2) 50 percent of the funds all such entities in a State receive shall be used for teacher development and recruitment activities described in paragraph (2) of section 2107.

"SEC. 2107. AUTHORIZED ACTIVITIES.

"A State, State educational agency, local educational agency, consortium of local educational agencies, or consortium of a local educational agency and an institution of higher education may use payments received under this part for the following activities:

"(1) INSTRUCTIONAL PROGRAMS.—Activities which establish, improve or expand elementary or secondary school foreign language programs, including—

“(A) elementary school immersion programs with articulation at the secondary school level;

“(B) content-based foreign language instruction; and

“(C) intensive summer foreign language programs for students.

“(2) **TEACHER DEVELOPMENT AND RECRUITMENT.**—Activities which—

“(A) expand or improve preservice training, inservice training and retraining of teachers of foreign languages, which training or retraining shall emphasize—

“(i) intensive summer foreign language programs for teachers; and

“(ii) teacher training programs for elementary school teachers;

“(B) recruit qualified individuals with a demonstrated proficiency in a foreign language to teach foreign languages in elementary and secondary schools, which individuals may include—

“(i) a retired or returning Federal Government employee who served abroad or a Federal Government employee whose position required proficiency in one or more foreign languages;

“(ii) a retired or returning Peace Corps volunteer;

“(iii) a retired or returning business person or professional who served abroad or whose position required proficiency in one or more foreign languages;

“(iv) a foreign-born national with the equivalent of a bachelor's degree from a domestic or overseas institution of higher education;

“(v) an individual with a bachelor's degree whose major or minor was in a foreign language or international studies; and

“(vi) a graduate of a fellowship or scholarship program assisted under the David L. Boren National Security Education Act of 1991 (20 U.S.C. 1901 et seq.);

“(C) develop programs of alternative teacher preparation and alternative certification to qualify such individuals to teach foreign languages in elementary and secondary schools; and

“(D) establish programs for individual foreign language teachers within a local educational agency in order to improve such teachers' teaching ability or the instructional materials used in such teachers' classrooms.

“**SEC. 2108. FEDERAL ACTIVITIES.**

“(a) **NATIONAL PROGRAMS.**—From amounts reserved pursuant to section 2105(a)(3) in each fiscal year, the Secretary is authorized to make grants to State educational agencies, local educational agencies or consortia of local educational agencies to pay the Federal share of the cost of model demonstration programs that represent a variety of alternative and innovative approaches to foreign language instruction for elementary or secondary school students, such as two-way bilingual immersion programs.

“(1) two-way language programs; and

“(2) programs that integrate educational technology into curricula.

“(b) **EVALUATION AND RESEARCH.**—From amounts reserved pursuant to section 2105(a)(4) in each fiscal year, the Secretary—

“(1) shall evaluate programs assisted under this part; and

“(2) through the Office of Educational Research and Improvement, shall award grants or enter into contracts for research, regarding—

“(A) effective methods of foreign language learning and teaching;

“(B) assessments of elementary school foreign language programs and student skills; and

“(C) the efficacy of secondary school foreign language programs.

“(c) **BONUS GRANTS.**—

“(1) **IN GENERAL.**—From amounts reserved pursuant to section 2105(a)(5) in any fiscal year, the Secretary is authorized to award bonus grants to States which—

“(A) require at least 3 years of foreign language study for all students graduating from secondary school in the State;

“(B) require at least 1 year of foreign language study prior to entrance into grade 9 in the State;

“(C) have at least 40 percent of the elementary school students in the State enrolled in foreign language instruction programs; or

“(D) have at least 70 percent of the secondary school students in the State enrolled in foreign language instruction programs.

“(2) **AMOUNT.**—Each State eligible to receive a grant under paragraph (1) in a fiscal year shall receive a grant in such fiscal year in an amount determined as follows:

“(A) 50 percent of such amount shall be determined on the basis of the number of children aged 5 to 17, inclusive, in such State compared to the number of such children in all such States.

“(B) 50 percent of such amount shall be determined on the basis of such State's share of allocations under chapter 1 of title I compared to all such States' share of such allocations.

“**SEC. 2109. APPLICATIONS.**

“Each State, State educational agency, local educational agency, consortium of local educational agencies, or consortium of a local educational agency and an institution of higher education, desiring assistance under this part shall submit an application to the Secretary at such time, in such form, and containing or accompanied by such information and assurances as the Secretary may reasonably require.

“**SEC. 2110. PAYMENTS; FEDERAL SHARE; NON-FEDERAL SHARE; WAIVER.**

“(a) **PAYMENTS.**—The Secretary shall pay to each eligible entity having an application approved under section 2109 the Federal share of the cost of the activities described in the application.

“(b) **FEDERAL SHARE.**—

“(1) **IN GENERAL.**—The Federal share—

“(A) for the first year for which an eligible entity receives assistance under this part shall be not more than 90 percent;

“(B) for the second such year shall be not more than 80 percent;

“(C) for the third such year shall be not more than 60 percent; and

“(D) for the fourth and any subsequent year shall be not more than 40 percent.

“(c) **NON-FEDERAL SHARE.**—The non-Federal share of payments under this part may be in cash or in kind, fairly evaluated, including equipment or services.

“(d) **WAIVER.**—The Secretary may waive, in whole or in part, the requirement to provide the non-Federal share of payments for any State, State educational agency, local educational agency, consortium of local educational agencies, or consortium of a local educational agency and an institution of higher education, which the Secretary determines does not have adequate resources to pay the non-Federal share of the program or activity.

“**SEC. 2111. PARTICIPATION OF CHILDREN AND TEACHERS FROM PRIVATE SCHOOLS.**

“(a) **PARTICIPATION OF PRIVATE SCHOOL STUDENTS.**—To the extent consistent with the number of children in the State or in the school district of each local educational

agency receiving assistance under this part who are enrolled in private nonprofit elementary and secondary schools, such State or agency shall, after consultation with appropriate private school representatives, make provision for including services and arrangements for the benefit of such children as will assure the equitable participation of such children in the purposes and benefits of this part.

“(b) **PARTICIPATION OF PRIVATE SCHOOL TEACHERS.**—To the extent consistent with the number of children in the State or in the school district of a local educational agency receiving assistance under this part who are enrolled in private nonprofit elementary and secondary schools, such State or agency shall, after consultation with appropriate private school representatives, make provision, for the benefit of such teachers in such schools, for such training and retraining as will assure equitable participation of such teachers in the purposes and benefits of this part.

“(c) **WAIVER.**—If by reason of any provision of law a State or local educational agency is prohibited from providing for the participation of children or teachers from private nonprofit schools as required by subsections (a) and (b), or if the Secretary determines that a State or local educational agency has substantially failed or is unwilling to provide for such participation on an equitable basis, the Secretary shall waive such requirements and shall arrange for the provision of services to such children or teachers, subject to the requirements of this section. Such waivers shall be subject to consultation, withholding, notice, and judicial review requirements in accordance with section 1017 of this Act.

“**SEC. 2112. DEFINITIONS.**

“For the purpose of this part—

“(1) the term ‘articulation’ means the continuity of expectations and instruction from year to year and level to level within foreign language study;

“(2) the term ‘content-based foreign language instruction’ means instruction in which portions of subject content from the regular school curriculum are taught or reinforced through the medium of a foreign language;

“(3) the term ‘foreign language instruction’ means instruction in any foreign language, with emphasis on languages not frequently taught in elementary and secondary schools;

“(4) the term ‘immersion’ means an approach to foreign language instruction in which students spend one-half or more of their school day receiving instruction in the regular school curriculum through the medium of a foreign language;

“(5) the term ‘intensive summer foreign language program’ means a program in which participants are immersed in the foreign language for the duration of the activity;

“(6) the term ‘State’ means each of the 50 States, the District of Columbia and the Commonwealth of Puerto Rico; and

“(7) the term ‘two-way language program’ means a foreign language program in which native speakers of English are brought together with approximately equal numbers of speakers of another language and in which content instruction, reading and language arts are taught in both English and the non-English language, with the goal of producing students who have high levels of proficiency in English and the non-English language, appreciation for other cultures, and academic achievement at grade level expectation or above.

"SEC. 2113. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated \$75,000,000 for fiscal year 1994, and such sums as may be necessary for each of the 4 succeeding years, to carry out this part." ●

By Mr. INOUE:

S. 1526. A bill to improve the management of Indian fish and wildlife and gathering resources, and for other purposes; to the Committee on Indian Affairs.

INDIAN FISH AND WILDLIFE RESOURCES MANAGEMENT ACT

● Mr. INOUE. Mr. President, I rise today to introduce the Indian Fish and Wildlife Resources Management Act of 1993.

This bill is designed to provide statutory authority for the fish and wildlife resources programs operated by the Department of the Interior for which organic legislation presently does not exist. Ongoing program operations are conducted under the general authority of the 1921 Snyder Act (25 U.S.C. 13). Most fish and wildlife programs on Indian reservations are contracted to tribes under Public Law 93-638, enabling tribal governments and inter-tribal fish and wildlife organizations to carry out programs that would otherwise be administered by the Federal Government.

This legislation will create a comprehensive statutory basis for these programs by providing congressional recognition of the associated resource management roles and responsibilities of tribal governments. It will provide statutory authority for tribal fish hatchery programs, an education in fish and wildlife resource management program, a tribal bison conservation and management program, and provide for Native Hawaiian community-based fisheries demonstration projects.

Mr. President, since time immemorial Indians and native Hawaiians have developed life styles, cultures, religious beliefs and customs around their relationships with fish and wildlife resources. Generations of native peoples have used these resources to provide food, shelter, clothing, tools and artifacts which were bartered for a variety of goods. These resources continue to provide a base of sustenance, cultural enrichment and economic support for many tribes, and help maintain tribal social structure and stability by permitting gainful employment in traditional and desirable occupations.

Indian reservations throughout the United States account for millions of public-use days of hunting, fishing, and related outdoor activities. Tribal fish and wildlife program activities are being conducted on more than 125 reservations in 23 states which contain millions of acres of lakes and impoundments and thousands of miles of streams and rivers. On some reservations, fish and game codes, ordinances, and regulations are in place and ade-

quate management personnel are available. However, the majority of reservations are in need of revised codes and updated fish and game codes. Almost all are in need of assistance to fully implement and enforce codes and ordinances, to monitor hunting and fishing activities and to manage associated resources.

Further, Mr. President, approximately 100 facilities located on more than 30 Indian reservations coast-to-coast are engaged in fish production programs. Salmon and steelhead releases from tribal hatcheries in the Pacific Northwest benefit Indian and non-Indian commercial and sport fisheries in the United States and Canada. Returning spawners help satisfy subsistence and ceremonial needs, and are frequently distributed to the elderly and the poor. Recreational opportunities created by the stocking of trout, walleye and other species attract sport fishermen, and help promote tribal economies.

In August 1992 and again in January and June of 1993, the Committee on Indian Affairs sponsored meetings with tribal representatives to explore the need for development of legislation designed to protect and enhance Indian fish and wildlife resources. Tribal input on the need for such legislation was also received by the House Subcommittee on Native American Affairs in February 1993. Based upon the views expressed at these meetings, and the comments received and testimony taken at the committee's June 1993 hearings, I am pleased to introduce this important legislation.

I ask unanimous consent that the bill be printed in the RECORD immediately following my remarks.

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

S. 1526

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Indian Fish and Wildlife Resources Management Act of 1993."

(b) TABLE OF CONTENTS.—

TITLE I—GENERAL PROVISIONS

Sec. 101. Findings.

Sec. 102. Purpose.

Sec. 103. Definitions.

TITLE II—INDIAN FISH AND WILDLIFE PROGRAMS

Sec. 201. Management of Indian Fish and Wildlife and Gathering Resources.

Sec. 202. Education in Indian Fish and Wildlife Resource Management.

Sec. 203. Indian Fish Hatchery Assistance Program.

TITLE III—INDIAN BISON CONSERVATION AND MANAGEMENT

Sec. 301. Indian Bison Conservation Program.

Sec. 302. Indian Bison Ranching Demonstration Projects.

TITLE IV—NATIVE HAWAIIAN COMMUNITY-BASED FISHERIES DEMONSTRATION PROJECTS

Sec. 401. Findings.

Sec. 402. Purpose.

Sec. 403. Definitions.

Sec. 404. Native Hawaiian Community-Based Fisheries Demonstration Projects.

TITLE V—AUTHORIZATION OF APPROPRIATIONS

TITLE VI—MISCELLANEOUS PROVISIONS

Sec. 601. Regulations.

Sec. 602. Severability.

Sec. 603. Trust Responsibility.

Sec. 604. Treaty Obligations.

TITLE I—GENERAL PROVISIONS

SEC. 101. FINDINGS.

(a) The Congress finds and declares that—
(1) the United States and Indian tribes have a government-to-government relationship;

(2) the United States has a trust responsibility to protect, conserve, and manage Indian fish and wildlife and gathering resources consistent with the treaty rights of Indian tribes;

(3) the United States' trust responsibility extends to all federal agencies and departments and absent a clear expression of congressional intent to the contrary, the United States has a duty to administer federal fish and wildlife conservation laws in a manner consistent with its fiduciary obligation to honor and protect the treaty rights of Indian tribes;

(4) federal statutes and regulations affecting Indian fish and wildlife resources and tribal resource management activities shall be interpreted in accordance with the trust responsibility set forth in this Act;

(5) fish and wildlife resources located on Indian lands, in adjacent regional resource management areas, and on ceded territory on which treaty rights have been retained continue to provide sustenance, cultural enrichment, and economic support for Indian tribes, and support the maintenance of economic stability by enabling gainful employment in resource management occupations;

(6) Indian tribal governments retain jurisdiction over hunting and fishing activities on Indian lands;

(7) Indian tribal governments serve as co-managers of fish and wildlife resources with other tribal governments, state governments and the federal government, sharing management responsibilities for fish and wildlife resources as a function of treaties, statutes, and judicial decrees;

(8) since time immemorial, Indian cultures, religious beliefs and customs have been centered around their relationships with fish, wildlife and gathering resources, and Indian people have relied on these resources for food, shelter, clothing, tools and trade;

(9) Indian fish and wildlife resources are renewable and manageable natural resources that are among the most valuable tribal assets and which are vital to the well-being of Indian people;

(10) Indian lands contain millions of acres of natural lakes, woodlands, and impoundments, thousands of perennial streams, and tens of millions of acres of wildlife habitat;

(11) Indian fish and wildlife programs contribute significantly to the conservation and enhancement of fish, wildlife and gathering resources, including those resources which are classified as threatened and endangered;

(12) federal, state, and tribal fish hatcheries produce tens of millions of salmon,

steelhead, walleye and other fish species annually, benefitting both Indian and non-Indian sport and commercial fisheries in the United States and Canada, and serving Indian subsistence and ceremonial needs;

(13) comprehensive and improved management of Indian fish and wildlife resources will yield greater economic returns, enhance Indian self-determination, strengthen tribal self-governance, promote employment opportunities, and improve the social, cultural and economic well-being of Indian and neighboring communities;

(14) amongst the wildlife resources upon which Indian people have traditionally relied for a principle source of subsistence is the American bison, a primary wildlife specie of the Great Plains ecosystem which continues to contribute spiritual, cultural, and economic benefits to many Indian tribes through tribal bison ranching activities;

(15) the United States has an obligation to provide assistance to Indian tribes to—

(a) enable integrated management and regulation of hunting, fishing, trapping and gathering activities on Indian lands, including the protection, conservation and enhancement of resource populations and habitats upon which the meaningful exercise of Indian rights depend;

(b) maintain fish hatcheries and other facilities and structures required for the prudent management, enhancement and mitigation of fish and wildlife resources; and

(16) existing federal laws and programs do not assure the adequate protection and management of Indian fish and wildlife resources, nor gathering of natural resources nor do they sufficiently address or meet the operation and maintenance needs of tribal fish production facilities.

SEC. 102. PURPOSES.

The purposes of this Act are—

(a) to reaffirm and protect Indian hunting, fishing, trapping and gathering rights, and to provide for the conservation, prudent management, enhancement, orderly development and wise use of the resources upon which the meaningful exercise of Indian rights depend;

(b) to enhance and maximize tribal capability and flexibility in managing fish and wildlife resources for the continuing benefit of Indian people, and in co-managing shared resources for the benefit of the nation, in a manner consistent with the exercise of Indian hunting, fishing, trapping and gathering rights and the United States' trust responsibility to honor Indian treaty rights and protect Indian resources;

(c) to support the federal policy of Indian self-determination and tribal self-governance by authorizing and encouraging government-to-government relations and cooperative agreements amongst federal, state, local and tribal governments, as well as international agencies and commissions responsible for multi-jurisdictional fish and wildlife resource decision making;

(d) to authorize and establish Indian bison ranching demonstration projects that may be administered by Indian tribal governments pursuant to the Indian Self-Determination and Education Act to meet tribal bison ranching and management needs, and to train Indian people in bison management techniques;

(e) to authorize and establish an Indian Fish Hatchery Assistance Program that may be administered by Indian tribal governments pursuant to the Indian Self-Determination and Education Act to meet Indian hatchery needs and fulfill tribal co-management responsibilities; and

(f) to authorize and establish an Indian Fish and Wildlife Resource Management Education Assistance Program to promote and develop full tribal technical capability and competence in managing fish and wildlife resource programs.

SEC. 103. DEFINITIONS.

For the purposes of this Act—

(1) The term "Bureau" means the Bureau of Indian Affairs within the United States Department of the Interior.

(2) The term "ceded territory" means land ceded to the United States by treaty upon which the treating tribe retain hunting, fishing and gathering rights.

(3) The term "co-management" means a process involving two or more recognized governmental or governmentally-chartered authorities having rights to, jurisdiction over, or responsibilities for the management or use of a fish or wildlife resource during some phase of its life cycle.

(4) The term "cooperative agreement" means a written agreement entered into by two or more parties agreeing to work together to actively protect, conserve, enhance, restore or otherwise manage fish and wildlife resources.

(5) The term "Indian fish hatchery" means any single- or multi-purpose facility which is engaged in the spawning, hatching, rearing, holding, caring for or stocking of fish including related research and diagnostic fish health facilities and which is:

(A) owned or operated by an Indian tribe or the Bureau of Indian Affairs, or by the U.S. Fish and Wildlife Service on Indian lands, or

(B) is owned or operated by a government agency pursuant to federal statute and has as a purpose, the mitigation or recovery of fish resources subject to treaty rights as determined by a federal court.

(6) The term "fish hatchery maintenance" means work that is required at periodic intervals to prolong the life of a fish hatchery and its components and associated equipment, and to prevent the need for premature replacement or repair.

(7) The term "fish hatchery rehabilitation" means noncyclical work that is required to address the physical deterioration and functional obsolescence of a fish hatchery building, structure or other facility component, or to repair damage resulting from aging, natural phenomena and other causes, including work to repair, modify, or improve facility components to enhance their original function, the application of technological advances, and the replacement or acquisition of capital equipment, such as, among others, fish distribution tanks, vehicles, and standby generators.

(8) The term "forest land management activity" has the same meaning given to such term by section 304(4) of the Indian Forest Resources Management Act (25 U.S.C. 3103(4)).

(9) The term "Indian" means a member of an Indian tribe as defined in section 4 of the Indian Self-Determination and Education Act (25 U.S.C. 450b).

(10) The term "Indian fish and wildlife organization" means a tribal or multi-tribal commission, authority, or other body for the purpose of representing or coordinating tribal interests in pursuing resource management or rights protection goals and strategies.

(11) The term "Indian fish and wildlife resource" means any species of animal or plant life for which Indians have a right to fish, hunt, trap or gather for subsistence, ceremonial, recreational or commercial purposes, or for which an Indian tribal government has

management or co-management responsibilities.

(12) The term "Indian lands" means all lands within the limits of any Indian reservation, public domain Indian allotments, all other lands title to which is either held in trust by the United States for the benefit of any Indian tribe or individual or held by any Indian tribe or individual subject to a restriction by the United States against alienation, all dependent Indian communities, and all land owned by an Indian tribe, including land owned by an Alaska Native village or an Alaska Native corporation.

(13) The term "Indian reservation" means reservations established pursuant to treaties, Acts of Congress or Executive orders, public domain Indian allotments, and Indian lands in the State of Oklahoma.

(14) The term "Indian tribe" means any Indian tribe, band, nation, rancheria, pueblo, or other organized dependent Indian group or community which is recognized as eligible for the special programs and services provided by the United States to Indians because to their status as Indians.

(15) The term "integrated resource management plan" means the plan developed pursuant to the process used by tribal governments to assess available resources and to provide identified comprehensive management objectives that include quality of life, production goals and landscape descriptions of all designated resources that may include, but are not limited to, water, fish, wildlife, forestry, agriculture, minerals, and recreation, as well as community and municipal resources, and may include any previously-adopted tribal codes and plans related to such resources.

(16) The term "regional resource management areas" means those areas in which an Indian tribe has a right to fish, hunt, gather or trap for subsistence, ceremonial or commercial purposes, or in which an Indian tribe has management or co-management responsibilities.

(17) The term "resource management activities" means all activities performed in managing Indian fish, wildlife, gathering, and related outdoor recreation and resources; including, but not limited to—

(A) implementation and enforcement of tribal fish and wildlife codes, ordinances, and regulations;

(B) development of integrated resource management plans for Indian lands or regional resource management areas, surveys, or inventories;

(C) population and life history investigations;

(D) harvest management and use studies;

(E) fish production and hatchery management;

(F) judicial services;

(G) co-management activities with federal, state, local or tribal governments or international agencies;

(H) public use management;

(I) information management;

(J) public relations and general administration;

(K) mitigation for habitat loss; and

(L) rehabilitation, restoration and enhancement of fish and wildlife habitat.

The term "resource management activities" does not include forest land or agricultural management activities.

(18) The term "Secretary" means the Secretary of the Interior.

(19) The term "tribal bison ranching demonstration projects" means any activity undertaken by an Indian tribe which relates to the production, rearing, holding, management, or preservation of bison, including

training in bison ranching management techniques.

(20) The term "tribal co-management" means the sharing of decision-making and management responsibilities with one or more tribal governments in local, regional, national and international fish and wildlife resource management processes.

(21) The term "tribal organization" has the meaning given to such term by section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b), including Indian fish and wildlife organizations.

TITLE II—INDIAN FISH AND WILDLIFE PROGRAMS

SEC. 201. MANAGEMENT OF INDIAN FISH, WILDLIFE AND GATHERING RESOURCES.

(a) **MANAGEMENT OBJECTIVES.**—Consistent with the provisions of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b et seq.), the Secretary shall support tribal administration of Indian fish and wildlife resource management activities to achieve the following objectives:

(1) to carry out the government-to-government relationship between Indian tribal governments and the United States in the management of Indian fish and wildlife resources;

(2) to protect Indian hunting, fishing, and gathering rights guaranteed to Indian tribes by the United States through treaty, statute, Executive Order, or court decree;

(3) to provide for the development and enhancement of the capacities of Indian tribal governments to manage Indian fish and wildlife resources;

(4) to protect, conserve and enhance Indian fish and wildlife resources that are important to the subsistence, cultural enrichment, and economic development of Indian communities;

(5) to promote the development and use of Indian fish and wildlife resources for the maximum benefit of Indian people, by managing Indian resources in accordance with tribally-developed integrated resource management plans which provide coordination for the comprehensive management of all natural resources;

(6) to selectively develop and increase production of certain fish and wildlife resources;

(7) to authorize and support tribal co-management or cooperative activities in local, regional, national or international decision-making processes and forums;

(8) to develop and increase production of fish, wildlife and bison resources so as to better meet Indian subsistence, ceremonial, recreational and commercial needs.

(b) **MANAGEMENT PROGRAM.**—(1) In order to achieve the objectives set forth in subsection (a), the Secretary, in full consultation with Indian tribes and tribal organizations, shall establish the Indian Fish and Wildlife Resource Management Program which shall be administered consistent with the provisions of the Indian Self-Determination and Education Assistance Act (24 U.S.C. 450 et seq.).

(2) The Secretary shall promote tribal management of Indian fish, wildlife, trapping and gathering resources, and implementation of this Act, through contracts, cooperative agreements, or grants under the Indian Self-Determination and Education Assistance Act (25 U.S.C. et seq.), or other federal laws.

(3) The Secretary, upon the request of any Indian tribe or tribal organization, shall enter into a contract, cooperative agreement, or a grant under the Indian Self-Determination and Education Assistance Act, with the tribe or tribal organization to plan,

conduct, or administer any program of the Department of the Interior, or portion thereof which affects Indian fish and wildlife resources and which is currently administered by the Secretary without regard to the agency or office of the Department of the Interior or the organizational level within the Department.

(4) The Secretary shall, upon the request of an Indian tribe or tribal organization, enter into a cooperative agreement with the tribe or tribal organization on any management issue affecting Indian fish and wildlife resources

(c) **MANAGEMENT ACTIVITIES.**—Indian fish and wildlife resource management activities carried out under the program established in subsection (b) may include, but shall not be limited to—

(1) the development, implementation, and enforcement of tribal codes, ordinances, and regulations;

(2) the development and implementation of resource and management plans, surveys, and inventories.

(3) the conduct of fish and wildlife population and life history investigations, habitat investigations, habitat restoration, harvest management, and use studies;

(4) fish production and hatchery management;

(5) the development of tribal conservation programs, including employment and training of tribal conservation enforcement officers; and

(6) participation in joint or cooperative management of fish and wildlife resources on a regional basis with federal, state, tribal, and local or international authorities.

(d) **SURVEY AND REPORT.**—(1) The Secretary is authorized to enter into contracts or provide grants to Indian tribes or tribal organizations under the authority of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) for the purpose of developing a report to the Congress based on a survey of each Indian reservation that shall include, but not be limited to—

(A) a review of existing tribal codes, ordinances, and regulations governing the management of fish and wildlife resources;

(B) an assessment of the need to update and revise tribal codes, ordinances, and regulations governing tribal fish and wildlife resource protection and use;

(C) a determination and documentation of the need for tribal conservation officers, tribal fisheries and wildlife biologists, and other professionals to administer Indian fish and wildlife resource management programs;

(D) an assessment of the need to provide training to and develop curricula for Indian fish and wildlife resource personnel, including tribal conservation officers, which incorporate law enforcement, fish and wildlife conservation, identification and resource management principles and techniques; and

(E) a determination and documentation of the condition of Indian fish and wildlife resources.

(2) Within one year of the date of enactment of this Act, the Secretary shall submit to the Congress a report which includes the results of the survey conducted under the authority of subsection (1) of this section.

(e) **INDIAN FISH AND WILDLIFE RESOURCE MANAGEMENT PLANS.**—(1) To meet the management objectives set forth in subsection (a), an Indian fish and wildlife resource management plan shall be developed and implemented as follows:

(A) Pursuant to a self-determination contract or self governance compact under the Indian Self-Determination and Education

Assistance Act, an Indian tribe may develop or implement an Indian fish and wildlife management plan. Subject to the provisions of subparagraph (C), the tribe shall have broad discretion in designing and carrying out the planning process.

(B) If a tribe elects not to contract the development or implementation of a plan, the Secretary shall develop or implement the plan in close consultation with the affected tribe.

(C) Whether developed directly by the tribe or by the Secretary, the plan shall—

(i) determine the condition of fish and wildlife resources and habitat conditions,

(ii) identify specific tribal fish and wildlife resource goals and objectives,

(iii) establish management objectives for the resources,

(iv) define critical values of the Indian tribe and its members and provide identified comprehensive management objectives,

(v) be developed through public meetings,

(vi) use the public meeting records, existing survey documents, reports, and other research from federal agencies and tribal community colleges, and

(vii) be completed within three years of the initiation of activity to establish the plan.

(2) Indian fish and wildlife management plans developed and approved under this section shall govern the management and administration of Indian fish and wildlife resources by the Bureau and the Indian tribal government.

(f) **TRIBAL MANAGEMENT IN REGIONAL RESOURCE MANAGEMENT AREAS.**—

(1) **REVIEW.**—To achieve the objectives set forth in section 201(a), and consistent with the provisions of the Indian Self-Determination and Education Assistance Act, the Secretary shall review existing programs involving the management of multi-jurisdictional fish, wildlife and gathering resources in regional resource management areas, for the purpose of determining the need for Indian representation, program adequacy and staffing needs to appropriately represent the interests of member tribes.

(2) **REPORT.**—Within one year of the date of enactment of this Act, the Secretary shall submit a report to the Congress based upon the review conducted under subsection (1) of this section assessing fish and wildlife program adequacy and staffing needs, and the condition of fish and wildlife resources in regional resource management areas.

(g) **ASSISTANCE.**—The Secretary is authorized to provide financial and technical assistance to enable Indian tribes to—

(1) update and revise tribal codes, ordinances, and regulations governing tribal fish and wildlife resource protection and use;

(2) employ tribal conservation officers, tribal fisheries and wildlife biologists, and other professionals to administer Indian fish and wildlife resource management programs; and

(3) provide training for Indian fish and wildlife resource personnel including tribal conservation officers under a curricula that incorporates law enforcement, fish and wildlife conservation, identification and resource management principles and techniques.

SEC. 202. EDUCATION IN FISH AND WILDLIFE RESOURCE MANAGEMENT.

(a) **SCHOLARSHIP PROGRAM.**—(1) The Secretary is authorized to grant fish and wildlife management scholarships to Indians enrolled in accredited programs for post-secondary and graduate fish and wildlife resource management-related fields of study as full-time students.

(2) A recipient of a fish and wildlife management scholarship shall be required to

enter into an obligated service agreement in which the recipient agrees to accept employment with an Indian tribe, a tribal organization, with the Bureau of Indian Affairs, or with the U.S. Fish and Wildlife Service for one year for each year the recipient received scholarship assistance following completion of the recipient's course of study.

(3) The Secretary shall not deny scholarship assistance under this subsection solely on the basis of an applicant's scholastic achievement if the applicant has been admitted to and remains in good standing in an accredited post-secondary or graduate institution.

(b) **FISH AND WILDLIFE EDUCATION OUTREACH.**—The Secretary shall conduct, with the full and active participation of Indian tribes, a fish and wildlife and gathering resource education outreach program to explain and stimulate interest in all aspects of Indian fish and wildlife management and to generate interest in careers as fisheries or wildlife biologists or management.

(c) **POSTGRADUATE RECRUITMENT.**—The Secretary shall establish and maintain a program to attract professional Indian fish or wildlife biologists who have graduated from post-secondary or graduate schools for employment by Indian tribes, tribal organizations, the Bureau of Indian Affairs, or the U.S. Fish and Wildlife Service in exchange for the Secretary's assumption of all or a portion of the employee's outstanding student loans, depending upon the period of employment involved.

(d) **FISH AND WILDLIFE BIOLOGIST INTERN PROGRAM.**—(1) The Secretary shall, with the full and active participation of Indian tribes, establish a Fish and Wildlife Resources Intern Program for at least 20 Indian fish and wildlife intern positions. Such positions shall be in addition to the forester intern positions authorized in section 314(a) of the National Indian Forest Resources Management Act (25 U.S.C. 3113(a)). Individuals selected as interns shall be enrolled full-time in approved post-secondary or graduate schools in curricula leading to advanced degrees in fish or wildlife resource management-related fields.

(2) The Secretary shall pay all costs for tuition, books, fees and living expenses incurred by Indian fish and wildlife interns while attending approved study programs.

(3) An Indian fish and wildlife resource intern shall be required to enter into an obligated service agreement to serve in a professional fish or wildlife management-related capacity with an Indian tribe or tribal organization, or with the Bureau of Indian Affairs, or with a U.S. Fish and Wildlife Service program serving or benefitting Indian fish and wildlife resources, for one year for each year of education for which the Secretary pays the intern's educational costs under this subsection (2).

(4) An Indian fish and wildlife resource intern shall be required to report for service to his or her employing entity during any break in attendance at school of more than 3 weeks duration. Time spent in such service shall be counted toward satisfaction of the intern's obligated service agreement.

(e) **COOPERATIVE EDUCATION PROGRAM.**—(1) The Secretary shall maintain a cooperative education program for the purpose of recruiting promising Indian students who are enrolled in secondary schools, tribally controlled community colleges, and other post-secondary or graduate schools for employment as professional fisheries or wildlife biologists or other related professional positions with an Indian tribe, tribal organiza-

tion, the Bureau of Indian Affairs, or with the U.S. Fish and Wildlife Service serving or benefitting Indian lands.

(2) Under the program authorized in subsection (1), the Secretary shall pay all cost for tuition, books and fees of an Indian student who is enrolled in a course of study at an educational institution with which the Secretary has entered into a cooperative agreement, and who is interested in a career with an Indian tribe, tribal organization, the Bureau of Indian Affairs, or with the U.S. Fish and Wildlife Service serving or benefitting Indian lands.

(3) Financial need shall not be a requirement to receive assistance under the program authorized in subsection (1).

(4) A recipient of assistance under the program authorized in subsection (1) shall be required to enter into an obligated service agreement to serve as a professional fish or wildlife biologist or other related professional with an Indian tribe, tribal organization, the Bureau of Indian Affairs, or the U.S. Fish and Wildlife Service, for one year for each year that the Secretary pays the recipient's education costs pursuant to paragraph (2).

(f) **ADEQUACY OF PROGRAMS.**—The Secretary shall provide administrative oversight of the programs described in this section until a sufficient number of personnel are available to administer Indian fish and wildlife resource management programs on Indian lands and resource management areas.

(g) **OBLIGATED SERVICE; BREACH OF CONTRACT.**—

(1) **OBLIGATED SERVICE.**—Where an individual enters into an agreement for obligated service in return for financial assistance under any provision of this section, the Secretary shall adopt such regulations as are necessary to provide for an offer of employment to the recipient of such assistance as required by such provision. Where an offer of employment is not reasonably made, the regulations shall provide that such service shall no longer be required.

(2) **BREACH OF CONTRACT.**—Where an individual fails to accept a reasonable offer of employment in fulfillment of such obligated service or unreasonably terminates or fails to perform the duties of such employment, the Secretary shall require a repayment of the financial assistance provided, pro rated for the amount of time of obligated service that was performed, together with interest on such amount which would be payable if at the time the amounts were paid they were loans bearing interest at the maximum legal prevailing rate, as determined by the Secretary of the Treasury.

SEC. 203. INDIAN FISH HATCHERY ASSISTANCE PROGRAM.

(A) **PROGRAM.**—The Secretary, with full and active participation of Indian tribes, shall establish and administer an Indian Fish Hatchery Assistance Program to produce and distribute fish of the species, strain, number, size and quality to assist Indian tribes to develop tribal hatcheries and enhance fisheries resources on Indian lands to meet resource needs, including but not limited to, Indian subsistence, ceremonial and commercial fisheries needs.

(b) **REPORT.**—Within one year of the date of enactment of this Act, the Secretary, with the full and active participation of Indian tribes, shall submit a report to the Congress identifying the facilities which comprise the Indian Fish Hatchery Program, the maintenance, rehabilitation, and construction needs of such facilities, and providing a plan for their administration and cost-effective operations.

(c) **FISH HATCHERY MAINTENANCE AND REHABILITATION.**—Within one year of the date of the enactment of this Act, the Secretary, with the full and active participation of Indian tribes, shall submit a report to the Congress identifying maintenance and rehabilitation needs of the facilities that comprise the Indian Fish Hatchery Assistance Program, identifying criteria and procedures to be used in evaluating and ranking fish hatchery maintenance and rehabilitation project proposals submitted by Indian tribes.

(d) **CONTRACTING.**—Upon the request of any Indian tribe, the Secretary shall enter into a contract or annual funding agreement with the tribe pursuant to an Indian Self-Determination Education and Assistance Act contract, cooperative agreement, or grant, to plan, conduct and administer the Indian Fish Hatchery Assistance Program, or portions thereof.

(e) **FISH HATCHERY OPERATING AGREEMENTS.**—For hatcheries defined under section 103(5)(B), within one year of the date of the enactment of this Act, the entities owning or operating such hatcheries shall enter into agreements with the Secretary and the affected Indian tribes specifying the manner in which each hatchery facility shall be operated so as to mitigate or recover Indian fish resources subject to treaty fishing rights.

TITLE III—INDIAN BISON CONSERVATION AND MANAGEMENT

SEC. 301. INDIAN BISON CONSERVATION PROGRAM.

(A) The Secretary is authorized to enter into contracts with or make grants to Indian tribes and tribal organizations to develop and maintain an Indian Bison Conservation Program to meet tribal subsistence, ceremonial, commercial, and resource needs.

(b) A program established under the authority of this section shall provide for the preservation, restoration, production, care and management of bison.

(c) Funds provided under this section may be used to—

- (1) develop and implement bison management plans, surveys, and inventories;
- (2) conduct research on bison populations and habitat;
- (3) undertake habitat restoration; and
- (4) develop range ecology and conservation programs.

SEC. 302. INDIAN BISON RANCHING DEMONSTRATION PROJECTS.

(a) The Secretary, with the full and active participation of Indian tribes, shall establish Indian Bison Ranching Demonstration Projects to support Indian tribes in their initiation, management, and maintenance of bison ranching operations to meet tribal subsistence, ceremonial, commercial, and resource needs.

(b) Within 24 months of the date of enactment of this Act, the Secretary, with the full and active participation of Indian tribes, shall submit a report to the Congress assessing the effectiveness of the Indian Bison Ranching Demonstration Projects.

(c) Within 18 months of the date of enactment of this Act, the Secretary shall, with the full and active participation of Indian tribes, submit a report to the Congress identifying criteria and procedures to be used in evaluating and ranking bison ranching operation maintenance and rehabilitation project proposals submitted by Indian tribes.

TITLE IV—NATIVE HAWAIIAN COMMUNITY-BASED FISHERIES DEMONSTRATION PROJECTS

SEC. 401. FINDINGS.

The Congress finds that—

(1) Native Hawaiians comprise a distinct and unique indigenous people with a historical continuity to the original inhabitants of the Hawaiian archipelago whose society was organized as a nation prior to 1893;

(2) At the time of the arrival of the first non-indigenous people in 1778, the Native Hawaiian people lived in a highly-organized, self-sufficient, subsistence society based on a communal land tenure system with a sophisticated language, culture, and religion.

(3) As inhabitants of an archipelago, the Native Hawaiian people have, since time immemorial, relied on their surrounding fishery resources for basic subsistence, economic, social, cultural, and spiritual sustenance;

(4) The protection and preservation of Native Hawaiian traditional fisheries practices including the management and conservation of fisheries resources, and enforcement of conservation measures, and the adaptation of such traditional practices consistent with modern management and conservation principles, are vital to the well-being of the Native Hawaiian people;

(5) Native Hawaiians have distinct rights recognized by federal law as beneficiaries of the Hawaiian Homes Commission Act of 1920 (42 Stat. 108) and of the Act entitled "An Act to provide for the admission of the State of Hawaii into the Union", approved March 18, 1959 (73 Stat. 4)

(6) The United States trust responsibility for the lands set aside for the benefit of Native Hawaiians has never been extinguished; and

(7) The federal policy of self-determination and self-governance is recognized to extend to all Native Americans, including Native Hawaiians.

SEC. 402. PURPOSES.

The purposes of this Title are—

(1) to support and reaffirm Native Hawaiian self-determination for the management, conservation, enforcement, and economic enhancement of traditional Native Hawaiian fisheries;

(2) to reaffirm and protect Native Hawaiian fishing rights, and to provide for the planning, management, conservation, enhancement, orderly development and wise use of the resources upon which the meaningful exercise of such rights depends;

(3) to encourage communications and cooperative agreements between state, federal and Native Hawaiian entities responsible for multi-jurisdictional fish resource decision-making; and

(4) to authorize and establish Native Hawaiian community-based fisheries demonstration projects.

SEC. 403. DEFINITIONS.

For Purposes of this Title—

(1) The term "fishery" means the harvest and use of one or more stocks of marine fish found in the waters surrounding the area that now comprises the State of Hawaii.

(2) The term "Native Hawaiian" means any individual who is a descendant of the aboriginal Polynesian people who, prior to 1778, occupied and exercised sovereignty and self-determination in the area that now comprises the State of Hawaii.

(3) The term "Native Hawaiian community-based entity" means any entity or organization which is composed primarily of Native Hawaiian members from a specific community, which assists in the social, cultural and economic development of the Native Hawaiians in that community, and whose stated purpose includes the protection and preservation of Native Hawaiian traditional fisheries practices.

(4) The term "Western Pacific Fishery Management Council" means the regional Council established by Section 302 of the Magnuson Fishery Conservation and Management Act with authority over the fisheries in the federal waters of the Exclusive Economic Zone surrounding American Samoa, Guam, the State of Hawaii and the Commonwealth of the Northern Mariana Islands.

(5) Unless otherwise indicated, all other definitions contained in section 103 shall apply to this title.

SEC. 404. NATIVE HAWAIIAN COMMUNITY-BASED FISHERIES DEMONSTRATION PROJECTS.

(a) DEMONSTRATION PROJECTS AUTHORITY.—The Secretary shall make a direct grant to the Western Pacific Fishery Management Council ("Council") in order that the Council may provide funding to Native Hawaiian community-based entities for the purpose of establishing at least three, but not more than five, demonstration projects to foster and promote the self-determination of Native Hawaiian communities over the management, conservation, enforcement and economic enhancement of Native Hawaiian fisheries.

(b) DUTIES AND RESPONSIBILITIES OF WESTERN PACIFIC FISHERY MANAGEMENT COUNCIL.—The Western Pacific Fishery Management Council shall—

(1) award, administer, and exercise oversight responsibility over the grants authorized under this Title to qualified Native Hawaiian community-based entities; and

(2) submit an annual report to the Congress assessing the status and progress of the demonstration projects, including any obstacles experienced by the demonstration projects which have impeded the purposes of this Title.

(c) USE OF FUNDS.—Demonstration projects funded under this section shall foster and promote the self-determination of Native Hawaiian communities over the management, conservation, enforcement and economic enhancement of Native Hawaiian fisheries, and may include, but not be limited to—

(1) the identification and application of traditional Native Hawaiian fishery management practices on a community-wide basis;

(2) the planning, development and application of community-based enforcement plans in order to protect and conserve off-shore and ocean resources, and to enforce existing applicable state and federal laws, in cooperation with state and federal entities;

(3) the development of community-based economic enhancement fishery projects; and

(4) research, community education, and materials, including equipment, necessary to accomplish the purposes of the demonstration projects under this Title.

(d) ADMINISTRATIVE COSTS.—No more than 7 percent of the funds appropriated to carry out the provisions of this Title for any fiscal year may be used for administrative purposes by the Western Pacific Fishery Management Council.

(e) TECHNICAL ASSISTANCE.—In order to carry out the purposes of this Title, state and federal agencies, including the Western Pacific Fishery Management Council, are authorized to assist the Native Hawaiian community-based demonstration projects in meeting their technical assistance and management needs, as determined by the affected Native Hawaiian communities.

TITLE V—AUTHORIZATION OF APPROPRIATIONS

There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

TITLE VI—MISCELLANEOUS PROVISIONS

SEC. 601. REGULATIONS.

Except as otherwise provided by this Act, the Secretary shall promulgate final regulations for the implementation of this Act within 18 months following the date of the enactment of this Act. All regulations promulgated pursuant to this Act shall be developed by the Secretary with the full and active participation of the Indian tribes.

SEC. 602. SEVERABILITY.

If any provision of this Act, or the application of any provision of this Act to any person or circumstance, is held invalid, the application of such provision or circumstance and the remainder of this Act shall not be affected thereby.

SEC. 603. TRUST RESPONSIBILITY.

(a) In any departmental action which affects Indian fish and wildlife resources, the Secretary shall fully consult with and seek the participation of Indian tribes in a manner consistent with the federal trust responsibility and the government-to-government relationship between Indian tribes and the federal government.

(b) Nothing in this Act shall be construed to diminish or expand the trust responsibility of the United States for Indian natural resources, or any legal obligation or remedy resulting therefrom.

SEC. 604. TREATY OBLIGATIONS.

Nothing in this Act shall be construed to diminish or adversely affect the rights of Indian tribes established in existing treaties or other federal laws or court decrees.●

By Mr. RIEGLE (for himself, Mr. D'AMATO, Mr. BRYAN, Mr. KERRY, Mr. DOMENICI, Mr. SASSER, Mr. SHELBY, Mr. CAMPBELL, Mrs. BOXER, Mrs. MURRAY, and Mr. SARBANES):

S. 1527. A bill to provide for fair trade in financial services; to the Committee on Banking, Housing, and Urban Affairs.

FAIR TRADE IN FINANCIAL SERVICES ACT OF 1993

● Mr. RIEGLE, Mr. President, together with my distinguished colleague, Senator D'AMATO, the ranking minority member of the Banking Committee, and along with Senators BRYAN, KERRY, DOMENICI, SASSER, CAMPBELL, BOXER, SHELBY, MURRAY, and SARBANES, all members of the Banking Committee, I am introducing the Fair Trade in Financial Services Act of 1993. Identical legislation is also being introduced today on the same bipartisan basis in the House by Congressmen SCHUMER, LEACH, and STARK. We are coordinating our actions to make clear the importance we attach to getting this legislation enacted this Congress.

This act is a version of legislation that has passed the Senate on several occasions, but that for various reasons has failed to become law. We are introducing the bill again because the critical trade problems it seeks to address have become a higher priority issue for our country. President Clinton trumpeted this change in his first major speech on trade policy at American University on February 27 this year at which he stated, "It is time to make trade a priority element of

American security." In announcing the principles upon which his Administration's trade policy would be based he stated:

It will say to our trade partners that we value their business, but none of us should expect something for nothing. We will continue to welcome foreign production and services into our markets, but insist that our products and services be able to enter theirs on equal terms.

That is precisely the guiding principle on which the Fair Trade in Financial Services Act is based. It says to foreign countries, your financial firms are welcome in our market, but we expect our firms will not be discriminated against in entering and operating in your markets.

NATIONAL TREATMENT

The United States has for over half a century offered foreign financial institutions the same competitive opportunities that domestic financial institutions enjoy in our market despite the fact that foreign countries from which some of those firms come do not give U.S. firms similar access to their markets.

In 1978, Congress passed the International Banking Act [IBA] formally giving equality of competitive opportunity to foreign financial firms. The 1978 committee report on the IBA cited concerns about discrimination against United States firms by some other countries and by Japan in particular. It stated:

European Common market countries have been most receptive to the benefits brought by American banks to their economies. Japan is a contrast. By the restrictive practices of its officials, American banks are competitively disadvantaged * * *.

While Congress was concerned in 1978 about the inconsistency between our national treatment policy and the differing policies of some of our competitors, it hoped these matters could be resolved by U.S. negotiators without further congressional action. It did require the Treasury Department to conduct a study on the extent to which American banks were denied national treatment in their banking operations abroad. This original Treasury report was completed in 1979, and, at the request of Congress, was updated three times. In 1988, during passage of the Omnibus Trade and Competitiveness Act, Congress added a new section to the International Banking Act that instituted these national treatment reports as items the Treasury must submit to Congress every 4 years.

The first report under that provision was released in December, 1990, and detailed substantial market barriers harmful to United States interests in Japan, Korea, Taiwan, Brazil, Venezuela, and other major trading partners. The Treasury Department has been negotiating with these countries for several years in an attempt to end such discrimination, without notable success.

THE FAIR TRADE ACT

The Fair Trade in Financial Services Act builds on the national treatment report requirement contained in the 1988 trade bill. It defines national treatment to clarify that the term means receiving "the same competitive opportunities (including effective market access) as are available to domestic financial firms." In many foreign markets, U.S. firms receive de jure national treatment—equality according to the letter of the law—but have not gained de facto national treatment—real equality of competitive opportunity in practice. If foreign countries do not provide true equality of competitive opportunity, the bill requests that the Treasury Department negotiate to obtain it. If negotiations to obtain national treatment from countries denying it fail to succeed, the act allows but does not require the Secretary of the Treasury, the U.S. negotiator on trade in financial services, to publish in the Federal Register a determination that a given country discriminates against U.S. financial institutions.

Such publication would authorize U.S. banking and securities regulators, after consultation with and only with the concurrence of the Treasury, to deny applications for U.S. regulatory approval filed by banking or securities firms from the discriminating country. Such denials would only affect opportunities for future expansion in the U.S. market and would not force foreign financial firms to shrink their existing operations.

The bill, which gives totally discretionary powers to the Treasury, is designed to give our negotiators new leverage to open foreign financial markets, not close our own. At a time of increasing uncertainty in international trade, such flexibility can offer an effective yet prudent tool for increasing market access.

COMPETITIVENESS AND OUR NATIONAL SECURITY

No issue is more important to this Senator than the competitiveness of U.S. firms in today's increasingly global economy. We must take the importance of our competitiveness to heart, and tailor a national strategy to boost the international performance of U.S. industries. We must ensure as well that our firms get the same fair treatment—and I stress fair treatment—abroad that we grant foreign firms here. These are not just arcane issues of economic or trade policy. They are of the utmost importance to the long-run security of our Nation.

The cold war era clearly has ended, and the standards for judging our own security and position in the world must change. We no longer have the luxury of viewing our world role in terms of superpower conflict. The United States is now a partner and competitor in an increasingly integrated world economy. Americans are increasingly concerned about our country's ability to

be as successful in this new global economic competition as it was in winning the cold war. If we do not compete effectively in the new global marketplace, both the standard of living of our citizens and our national security are threatened.

FOREIGN BANKS FROM COUNTRIES THAT DENY ACCESS TO OUR INSTITUTIONS HAVE GROWN RAPIDLY IN THE UNITED STATES

Foreign banking institutions currently control close to 25 percent of all banking assets booked in the United States, four times the amount they held in 1980. Japanese banks alone have 14 percent of these assets. In some markets, such as California, Japanese banks hold nearly 25 percent of total assets. Furthermore, foreign loans in the United States are growing three times as fast as domestic loans. Foreign banks now hold more than 40 percent of all U.S. commercial and industrial loans, and over 50 percent of such loans in New York and California.

In sharp contrast, the share of banking assets held by American and other foreign banks in Japan, while never large, is actually declining. In recent years the United States share of the Japanese banking market has fallen from 3 percent to 0.3 percent. United States banks control only about \$21 billion in Japanese banking assets. All foreign banks together now have less than 3 percent of the Japanese market, and that too is in decline. United States banks hold similarly small shares of banking assets in other rapidly-growing economies, particularly Korea and Taiwan.

BANKS CAN HELP U.S. EXPORTERS

The inability of our banks to enter foreign markets has important consequences for our export industries. Home-country banks are essential partners in industrial firms' attempts to expand overseas trade. We have been told that non-U.S. banks are apt to favor exporters from their own countries because of proximity, longstanding relationships, closer legal access, common customs and language, and perhaps social or political pressures. Robert Heller, a former Federal Reserve Governor and Bank of America official, stated 5 years ago:

If American banks disengage from the international arena, American businessmen will have to conquer new export markets without an important ally in the form of their own banks. The loss of that extra competitive edge may be costly in terms of foreign sales.

The export performance of U.S. firms has, if anything, become much more important to our economic well-being since that statement was made. Export growth will hinge in part on our will to address domestic economic weaknesses such as our lack of savings, our budget deficit, and the short-term planning horizons of our corporations. We must be equally concerned, however, with whether our financial institutions are

getting a fair chance to compete in foreign markets where they can aid other U.S. exporters. It is important to remember, too, that the financial services arena is much broader than just the banking sector. American securities firms, investment advisers, and insurers are truly world leaders. They are aggressive in pursuing new markets, far out front in creating new products, and major generators of profits that come home to the United States. In many foreign markets, these institutions face barriers equal to or greater than those faced by banks.

The ability of U.S. firms to get this fair chance varies widely around the world, and the thicket of market barriers that remain should be a cause of significant concern. Some of our trading partners have made real progress toward financial market liberalization, while others continue to resist what little pressure we have been able to bring to bear.

MARKET BARRIERS IN JAPAN

As I stated earlier, in 1990 the Treasury produced its first quadrennial National Treatment Study, as required under the Omnibus Trade and Competitiveness Act of 1988. In that report the Treasury stated that, "Despite * * * the fact that Japan has continued generally to provide de jure national treatment for foreign banks, * * * a number of factors has made access and operating conditions difficult." The report further states that:

Despite modest improvements, a variety of factors have kept the Japanese banking market difficult to penetrate and the slow pace of liberalization and deregulation has provided domestic banks with an unfair competitive advantage over foreign banks both in Japan and globally. Foreign banks continue to find the Japanese market difficult to penetrate, particularly in traditional banking functions.

In other words, the Treasury report suggests that while Japan gives foreign banks de jure national treatment, it does not give them a real opportunity to compete in the Japanese market.

The situation is a little better in Japan's securities markets. The Treasury report concludes:

Full and easy access to the Japanese investor base and entire range of securities activities is still difficult despite continued efforts to open and liberalize Japanese securities markets. * * * In general, Tokyo is viewed as a key financial center, but one in which change has not kept pace with that in other major centers. By any standard of openness, Tokyo lags substantially behind New York and London. * * * Thus, despite significant steps forward, the process of creating a truly level playing field is far from complete.

United States firms and Government agency investigations have cited many means by which the Japanese deny foreign financial institutions a fair opportunity to compete. Among these are:

• Impediments to developing money market instruments that deny foreign banks an opportunity to fund themselves in domestic yen.

Laws, regulations, and practices that substantially impede the introduction of innovative new securities products, and which prevent Japanese investors from gaining access to foreign markets and financial advice.

Laws, regulations, and practices that severely limit the opportunities of foreign firms to manage pension funds and mutual funds.

Administrative restrictions that deny foreign firms effective access to the potentially huge Japanese corporate underwriting market.

A crucial lack of transparency in the entire regulatory system that keeps foreign firms in the dark regarding the real rules of the game in the Japanese market. Foreign firms are not given fair opportunities to engage in the process through which official policies, regulations, and administrative guidance are developed by the Ministry of Finance. Some claim that it is hard for them even to obtain clear written statements of the rules or policies once they are decided. Furthermore, the bureaucracy is empowered to interpret the law as it deems fit, creating fears of arbitrary treatment of foreign firms if they even question any regulatory decisions of Government officials.

This list of practices is only meant to be illustrative and is certainly not an exhaustive description of the Japanese practices that need to be remedied. The results of these and other barriers are disturbing. As Treasury Under Secretary Lawrence Summers recently stated,

U.S. firms, which are world class competitors in other markets, cannot break into the Japanese market * * * there has only been one yen issue by a Japanese corporation that was lead managed by a foreign firm. Our investment advisory firms manage less than one percent of Japanese pension fund assets.

In another recent speech, Under Secretary Summers continued:

* * * (T)here needs to be more of a two-way street. Our firms are sometimes denied access or face unnecessary barriers in competing abroad. Banks of some countries—we call them free riders—enjoy the benefits of access to the U.S. market while they are insulated from strong foreign competition at home.

Treasury Secretary Bentsen also voiced concern during his confirmation hearings that U.S. financial firms are still denied a fair opportunity to compete in a number of overseas markets. Indeed, the Secretary stated:

[T]he touchstone of our trade policy, including international negotiations on financial services, is that we must demand reciprocity.

U.S. officials have been negotiating for over 10 years to achieve such a two-way street. Progress toward liberalization has been painfully slow, and some question the Japanese Government's commitment to real change. The importance of opening this sector to U.S. participation was highlighted in July when it was made a prominent objective in the new bilateral trade nego-

tiating framework agreed to by President Clinton and Prime Minister Miyazawa. With the bill we introduce today, we seek to give our negotiators the leverage necessary to achieve our objectives in those trade talks.

OTHER TRADING PARTNERS

Japan is by no means the only country in which United States firms face major obstacles in financial services. Many nations maintain significant barriers to United States and other foreign financial firms despite more than a decade of intensive bilateral and multilateral efforts to liberalize these markets. Brazil, Venezuela, South Korea, and Taiwan serve as illustrations of the problems United States firms face around the globe.

Brazil currently prohibits the entry of new foreign banks. The Government also restricts the ability of foreign banks already present in that market to expand their Brazilian operations. This is accomplished through prohibitions on increasing capital, a ban on adding sub-branches, and numerous other restrictions. In Venezuela, foreign banks are barred from establishing subsidiaries or branches, and may not purchase more than a 20-percent stake in a Venezuelan bank. Banks existing before 1975 that have more than 20 percent foreign ownership are subject to a wide variety of operational and expansion restrictions.

In Korea, the financial sector is tightly controlled, to the detriment of foreign participation. Branching and many bank operations remain restricted, despite recent Government proposals to liberalize financial services. Foreign firms have only limited access to local currencies and are unable to raise capital locally. According to the Treasury Department study, "significant denials of national treatment continue."

In Taiwan, foreign banks, insurers, and securities firms all face discrimination. Banks are restricted in branching local deposit-taking, and commercial paper activities. In securities, the Government restricts the number of foreign firms and the amount of capital they can bring to the market, bars ownership on the Taiwan Stock Exchange, and effectively limits foreign firms' activities to stock brokerage.

The persistence of these barriers—despite years of United States attempts to eliminate them—clearly illustrates the need for more effective negotiating tools for our negotiators in trade talks on financial services. The United States must be able to bring a stronger posture to the table in the future.

FINANCIAL SERVICES IN THE GATT

In our negotiations on financial services in the GATT round we find foreign countries with closed financial markets unwilling to grant us access because they already enjoy complete freedom of access to our markets. We have no leverage to obtain our objectives. As a result, none of the major

goals the United States originally sought in financial services in the Uruguay round are achieved in the current draft agreement. Senators D'AMATO, SASSER, and I wrote to President Clinton in July urging him not to sign a GATT agreement that locks our market open while losing the authority to pursue bilateral negotiations with countries that discriminate against our firms. Enactment of this law would help convince other GATT nations to be more forthcoming in the current talks.

PAST ACTION

The Senate has several times passed legislation similar to the bill we are introducing today. In fact, similar legislation passed both the Senate and the House as part of the Defense Production Act [DPA] in 1990, but did not become law because Senate consideration of that conference report was blocked by a few Senators who objected to the nonfinancial services provisions of the DPA. The Senate passed the bill again in 1991, and it garnered strong support from Majority Leader RICHARD GEPHARDT, Congressman SCHUMER, and others. It was also supported by the Treasury Department. The measure died, however, in part because State Department and other officials of the previous administration fought against it.

TRADE IS NOW A PRIORITY

America is opening a new chapter in its economic history. We cannot afford and should no longer be willing to overlook unfair treatment in trade and financial matters. We must demand and aggressively pursue an end to the substantial barriers facing our firms abroad.

The Fair Trade in Financial Services Act will give our negotiators new leverage to help our financial institutions have the opportunity to compete in other markets. As I noted earlier, this is important not only for financial firms but for U.S. exporters generally. The Banking Committee knew this in 1978 and stated in its report on the International Banking Act of 1978:

American banks abroad can and should play a significant role in supporting American exports. The Committee is concerned with the uneven treatment accorded to American banks abroad, particularly in contrast with the open reception foreign banks have been given in our domestic market and its consequent effect on our balance of trade.

My only regret is that the Congress and executive branch did not focus more quickly on the need to give our negotiators the tools needed to ensure U.S. firms receive fair treatment in international financial services. The time has come to end the delay. The Fair Trade in Financial Services Act of 1993 is an important market-opening measure which we will attempt to move expeditiously through the Banking Committee and through the Senate.

Senator D'AMATO joined me in introducing the original Fair Trade in Financial Services Act in 1990 and I am pleased he is the principal cosponsor of today's bill. I am also delighted that Congressmen SCHUMER and LEACH are introducing an identical bill on the House side. By working with the Clinton administration it is our hope to get this much needed legislation enacted into law. To that end we have scheduled a legislative hearing on the bill on October 26 at which Congressmen SCHUMER and LEACH will testify. At that same hearing, we hope to have a unified administration position in favor of the bill presented to the Banking Committee. After that hearing we look forward to working with administration officials in preparation for a committee markup of this legislation in November.

I ask unanimous consent that a copy of the bill I am introducing be printed in the RECORD.

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

S. 1527

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Fair Trade in Financial Services Act of 1993".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Effectuating the principle of national treatment for banking organizations.
- Sec. 3. Effectuating the principle of national treatment for securities organizations.
- Sec. 4. Financial interdependence study.
- Sec. 5. Conforming amendments.

SEC. 2. EFFECTUATING THE PRINCIPLE OF NATIONAL TREATMENT FOR BANKING ORGANIZATIONS.

The International Banking Act of 1978 (12 U.S.C. 3101 et seq.) is amended by adding at the end the following new section:

"SEC. 18. NATIONAL TREATMENT.

"(a) PURPOSE.—The purpose of this section is to encourage foreign countries to accord national treatment to United States banking organizations that operate or seek to operate in those countries.

"(b) IDENTIFYING COUNTRIES THAT DENY NATIONAL TREATMENT TO UNITED STATES BANKS OR BANK HOLDING COMPANIES.—The Secretary shall identify the extent to which foreign countries deny national treatment to United States banking organizations—

"(1) according to the most recent report under section 3602 of the Omnibus Trade and Competitiveness Act of 1988 (or update thereof); or

"(2) based on more recent information that the Secretary deems appropriate.

"(c) DETERMINING WHETHER DENIAL OF NATIONAL TREATMENT HAS SIGNIFICANT ADVERSE EFFECT.—

"(1) IN GENERAL.—The Secretary shall determine whether the denial of national treatment to United States banking organizations by a foreign country identified under subsection (b) has a significant adverse effect on such organizations.

"(2) FACTORS TO BE CONSIDERED.—In determining whether and to what extent a foreign country denies national treatment to United States banking organizations, and in determining the effect of any such denial on such banking organizations, the Secretary shall consider appropriate factors, including—

"(A) the size of the foreign country's markets for the financial services involved, and the extent to which United States banking organizations operate or seek to operate in those markets;

"(B) the extent to which United States banking organizations may participate in developing regulations, guidelines, or other policies regarding new products, services, and markets in the foreign country;

"(C) the extent to which the foreign country issues written regulations, guidelines, or other policies applicable to United States banking organizations operating or seeking to operate in the foreign country that are—

"(i) prescribed after adequate notice and opportunity for comment;

"(ii) readily available to the public; and

"(iii) prescribed in accordance with objective standards that effectively prevent arbitrary and capricious determinations;

"(D) the extent to which United States banking organizations may offer foreign exchange services in the foreign country; and

"(E) the effects of the regulatory policies of the foreign country on—

"(i) the lending policies of the central bank of that country;

"(ii) capital requirements applicable in that country;

"(iii) the regulation of deposit interest rates by that country;

"(iv) restrictions on the operation and establishment of branches in that country; and

"(v) restrictions on access to automated teller machine networks in that country.

"(d) DETERMINATION.—

"(1) PUBLICATION.—If the Secretary determines that the denial of national treatment to United States banking organizations by a foreign country has a significant adverse effect on such organizations, the Secretary—

"(A) may, after initiating negotiations in accordance with subsection (g), and after consultation with the United States Trade Representative, the Secretary of State, and any other department or agency that the Secretary deems appropriate, publish that determination in the Federal Register;

"(B) shall, not less frequently than annually, in consultation with any department or agency that the Secretary deems appropriate, review each such determination to determine whether it should be rescinded; and

"(C) shall inform State bank supervisors of the publication of that determination.

"(2) EXCEPTION FOR COUNTRIES THAT ARE PARTIES TO CERTAIN AGREEMENTS GOVERNING FINANCIAL SERVICES.—Paragraph (1) shall not apply to a foreign country to the extent that a determination under that paragraph with respect to the foreign country would permit action to be taken under this section that would be inconsistent with a bilateral or multilateral agreement that governs financial services that the President entered into with that country and the Senate and the House of Representatives approved, before the date of enactment of this section.

"(e) SANCTIONS.—

"(1) ACTION BY FEDERAL BANKING AGENCY.—If a determination under subsection (d)(1) is in effect with respect to a foreign country and a publication of that determination has been made in accordance with subsection

(d)(1)(A), in evaluating an application or notice filed by a person of that foreign country, the appropriate Federal banking agency—

“(A) shall consider the determination and the conclusions of—

“(i) the reports required under section 3602 of the Omnibus Trade and Competitiveness Act of 1988 (and updates thereto); and

“(ii) the reports submitted in accordance with subsection (h);

“(B) shall consult with the Secretary concerning such determination and conclusions; and

“(C) may, only with the concurrence of the Secretary, deny the application or disapprove the notice, based on the determination under subsection (d)(1).

“(2) PREVENTING EXISTING ENTITIES FROM BEING USED TO EVADE THIS SECTION.—

“(A) IN GENERAL.—If a determination has been published in accordance with subsection (d)(1)(A) with respect to a foreign country, a bank, foreign bank described in section 8(a), branch, agency, commercial lending company, or other affiliated entity that is a person of that country shall not, without prior approval of the appropriate Federal banking agency, after consultation with the State bank supervisor, directly or indirectly, in the United States—

“(i) commence any line of business in which the person was not engaged as of the date the determination was published in the Federal Register; or

“(ii) conduct business from any location at which the person did not conduct business as of that date.

“(B) EXCEPTION.—Subparagraph (A) shall not apply with respect to companies described in section 2(h)(2) of the Bank Holding Company Act of 1956.

“(f) EXEMPTIONS FROM SANCTIONS.—

“(1) IN GENERAL.—Subsection (e) does not apply to the subsidiaries in the United States of a person of a foreign country if the Secretary determines that the banking laws and regulations of the foreign country, as actually applied, meet or exceed—

“(A) the standards for treatment of subsidiaries of United States banking organizations contained in the Second Banking Directive, and in any amendment to the Second Banking Directive, if the Secretary determines that such amendment—

“(i) does not restrict any operation, activity, or authority to expand any operation or activity, permitted under those standards, of any subsidiary in the foreign country of any such bank or bank holding company; or

“(ii) is in accordance with national treatment of subsidiaries of such banking organizations; or

“(B) any set of standards that, taken as a whole, is no less favorable to United States banking organizations than the standards referred to in subparagraph (A).

“(2) STANDARDS FOR EXERCISE OF DISCRETION.—In exercising any discretion under this subsection, the Federal banking agencies, after consultation with the Secretary, shall consider, with respect to a bank, foreign bank, branch, agency, commercial lending company, or other affiliated entity that is a person of a foreign country and is operating in the United States—

“(A) the extent to which the foreign country is progressing toward according national treatment to United States banking organizations; and

“(B) whether the foreign country permits United States banking organizations to expand their activities in that country, even if that country determined that the United States did not accord national treatment to the banking organizations of that country.

“(g) NEGOTIATIONS.—

“(1) IN GENERAL.—The Secretary—

“(A) shall initiate negotiations with any foreign country with respect to which a determination made under subsection (d)(1) is in effect; and

“(B) may initiate negotiations with any foreign country which denies national treatment to United States banking organizations to ensure that the foreign country accords national treatment to such organizations.

“(2) EXCEPTIONS.—Paragraph (1) does not require the Secretary to initiate negotiations with a foreign country if the Secretary—

“(A) determines that the negotiations—

“(i) would be so unlikely to result in progress toward according national treatment to United States banking organizations as to be a waste of effort; or

“(ii) would impair the economic interests of the United States; and

“(B) gives written notice of that determination to the chairperson and the ranking minority member of the Committee on Banking, Housing, and Urban Affairs of the Senate and of the Committee on Banking, Finance and Urban Affairs of the House of Representatives.

“(h) REPORT.—

“(1) CONTENTS OF REPORT.—Not later than December 1, 1994, and biennially thereafter, the Secretary shall submit to the Congress a report that—

“(A) specifies the foreign countries identified under subsection (b);

“(B) if a determination under subsection (d)(1) is in effect with respect to the foreign country, provides the reasons therefor;

“(C) if the Secretary has not made or has rescinded such a determination with respect to the foreign country, provides the reasons therefor;

“(D) describes the results of any negotiations conducted under subsection (g)(1) with the foreign country; and

“(E) discusses the effectiveness of this section in achieving the purpose of this section.

“(2) SUBMISSION OF REPORT.—The report required by paragraph (1) may be submitted as part of a report or update submitted under section 3602 of the Omnibus Trade and Competitiveness Act of 1988.

“(i) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

“(1) APPROPRIATE FEDERAL BANKING AGENCY.—The term ‘appropriate Federal banking agency’—

“(A) in the case of a noninsured State bank or branch, means the Board of Governors of the Federal Reserve System; and

“(B) in any other case, has the same meaning as in section 3 of the Federal Deposit Insurance Act.

“(2) BANKING ORGANIZATION.—The term ‘banking organization’ means a bank, including a branch or subsidiary thereof, or a bank holding company.

“(3) NATIONAL TREATMENT.—A foreign country accords ‘national treatment’ to United States banking organizations if it offers them the same competitive opportunities (including effective market access) as are available to its domestic banking organizations.

“(4) PERSON OF A FOREIGN COUNTRY.—The term ‘person of a foreign country’ means—

“(A) a person organized under the laws of the foreign country;

“(B) a person that has its principal place of business in the foreign country;

“(C) an individual who is—

“(i) a citizen of the foreign country, or

“(ii) domiciled in the foreign country; and

“(D) a person that is directly or indirectly controlled by a person described in subparagraph (A) or (B), or by an individual described in subparagraph (C).

“(5) SECOND BANKING DIRECTIVE.—The term ‘Second Banking Directive’ means the Second Council Directive of December 15, 1989, on the Coordination of Laws, Regulations, and Administrative Provisions Relating to the Taking Up and Pursuit of the Business of Credit Institutions and Amending Directive 77/780/EEC (89/646/EEC).

“(6) SECRETARY.—The term ‘Secretary’ means the Secretary of the Treasury.”

SEC. 3. EFFECTUATING THE PRINCIPLE OF NATIONAL TREATMENT FOR SECURITIES ORGANIZATIONS.

(a) PURPOSE.—The purpose of this section is to encourage foreign countries to accord national treatment to United States securities organizations that operate or seek to operate in those countries.

(b) IDENTIFYING COUNTRIES THAT DENY NATIONAL TREATMENT TO UNITED STATES SECURITIES ORGANIZATIONS.—The Secretary shall identify whether and to what extent foreign countries deny national treatment to United States securities organizations—

(1) according to the most recent report under section 3602 of the Omnibus Trade and Competitiveness Act of 1988 (or update thereof); or

(2) based upon more recent information that the Secretary deems appropriate.

(c) DETERMINING WHETHER DENIAL OF NATIONAL TREATMENT HAS SIGNIFICANT ADVERSE EFFECT.—The Secretary shall determine whether the denial of national treatment to United States securities organizations by a foreign country identified under subsection (b) has a significant adverse effect on such organizations.

(d) DETERMINATION.—

(1) PUBLICATION.—If the Secretary determines that the denial of national treatment to United States securities organizations by a foreign country has a significant adverse effect on such organizations, the Secretary—

(A) may, after initiating negotiations in accordance with subsection (g), and after consultation with the United States Trade Representative, the Secretary of State, and any other department or agency that the Secretary deems appropriate, publish that determination in the Federal Register; and

(B) shall, not less frequently than annually, in consultation with any department or agency that the Secretary deems appropriate, review each such determination to determine whether it should be rescinded.

(2) EXCEPTION FOR COUNTRIES THAT ARE PARTIES TO CERTAIN AGREEMENTS GOVERNING FINANCIAL SERVICES.—Paragraph (1) shall not apply to a foreign country to the extent that a determination under that paragraph with respect to the foreign country would permit action to be taken under this section that would be inconsistent with a bilateral or multilateral agreement that governs financial services that the President entered into with that country and the Senate and the House of Representatives approved, before the date of enactment of this section.

(e) SANCTIONS.—

(1) RECOMMENDATION BY THE SECRETARY.—If a determination under subsection (d)(1) is in effect with respect to a foreign country, the Secretary may, after consultation with the United States Trade Representative, the Secretary of State, and any other department or agency that the Secretary deems appropriate, and subject to the specific direction of the President (if any), recommend to the Commission that the Commission deny any

application or notice filed by a person of that foreign country.

(2) ACTION BY COMMISSION.—If a determination under subsection (d)(1) is in effect with respect to a foreign country and a publication of that determination has been made in accordance with subsection (d)(1)(A), in evaluating any application or notice filed by a person of that foreign country concerning which the Commission has received a recommendation from the Secretary under paragraph (1), the Commission—

(A) shall consider—
(i) the recommendation of the Secretary; and

(ii) the determination and the conclusions of the reports and updates under section 3602 of the Omnibus Trade and Competitiveness Act of 1988 and the reports submitted in accordance with subsection (g);

(B) shall consult with the Secretary concerning the determinations and conclusions referred to in subparagraph (A)(ii); and

(C) may deny the application or disapprove the notice, unless the Commission determines that the denial or disapproval would be inconsistent with the public interest and the protection of investors.

(3) NOTICE REQUIRED TO ACQUIRE REGISTERED SECURITIES ORGANIZATION.—

(A) IN GENERAL.—If a determination under subsection (d)(1) is in effect with respect to a foreign country, no person of that foreign country, acting directly or indirectly, may acquire control of any registered securities organization, unless—

(i) the Commission has been given notice not less than 90 days in advance of the acquisition, in such form as the Commission shall prescribe by rule and containing such information as the Commission may require by rule or order; and

(ii) the Commission has not disapproved the notice under paragraph (2)(C).

(B) NOTIFYING SECRETARY.—The Commission shall promptly notify the Secretary of any notice received under subparagraph (A).

(C) EXTENDING 90-DAY PERIOD.—The Commission may, by order, extend for an additional 180 days the period during which the Commission may disapprove a notice received under subparagraph (A).

(4) STANDARDS FOR EXERCISE OF DISCRETION.—In exercising any discretion under this subsection, the Secretary and the Commission shall consider, with respect to a securities organization that is a person of a foreign country and is operating in the United States—

(A) the extent to which the foreign country is progressing toward according national treatment to United States securities organizations; and

(B) whether the foreign country permits United States securities organizations to expand their activities in that country, even if that country determined that the United States did not accord national treatment to securities organizations of that country.

(f) NEGOTIATIONS.—

(1) IN GENERAL.—The Secretary—
(A) shall initiate negotiations with any foreign country with respect to which a determination under subsection (d)(1) is in effect; and

(B) may initiate negotiations with any foreign country which denies national treatment to United States securities organizations to ensure that the foreign country accords national treatment to such organizations.

(2) EXCEPTIONS.—Paragraph (1) does not require the Secretary to initiate negotiations with a foreign country if the Secretary—

(A) determines that the negotiations—

(i) would be so unlikely to result in progress toward according national treatment to United States securities organizations as to be a waste of effort; or

(ii) would impair the economic interests of the United States; and

(B) gives written notice of that determination to the chairperson and the ranking minority member of the Committee on Banking, Housing, and Urban Affairs of the Senate and of the Committee on Energy and Commerce of the House of Representatives.

(g) REPORT.—

(1) CONTENTS OF REPORT.—Not later than December 1, 1994, and biennially thereafter, the Secretary shall submit to the Congress a report that—

(A) specifies the foreign countries identified under subsection (b);

(B) if a determination under subsection (d)(1) is in effect with respect to the foreign country, provides the reasons therefor;

(C) if the Secretary has not made, or has rescinded, a determination under subsection (d)(1) with respect to the foreign country, provides the reasons therefor;

(D) describes the results of any negotiations conducted under subsection (f)(1) with the foreign country; and

(E) discusses the effectiveness of this section in achieving the purpose of this section.

(2) SUBMISSION OF REPORT.—The report required by paragraph (1) may be submitted as part of a report or update submitted under section 3602 of the Omnibus Trade and Competitiveness Act of 1988.

(h) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) BROKER.—The term "broker" has the same meaning as in section 3(a)(4) of the Securities Exchange Act of 1934.

(2) DEALER.—The term "dealer" has the same meaning as in section 3(a)(5) of the Securities Exchange Act of 1934.

(3) COMMISSION.—The term "Commission" means the Securities and Exchange Commission.

(4) INVESTMENT ADVISER.—The term "investment adviser" has the same meaning as in section 202(a)(11) of the Investment Advisers Act of 1940.

(5) NATIONAL TREATMENT.—A foreign country accords "national treatment" to United States securities organizations if it offers them the same competitive opportunities (including effective market access) as are available to its domestic securities organizations.

(6) PERSON OF A FOREIGN COUNTRY.—The term "person of a foreign country" means—

(A) a person organized under the laws of the foreign country;

(B) a person that has its principal place of business in the foreign country;

(C) an individual who is—

(i) a citizen of the foreign country; or

(ii) domiciled in the foreign country; and

(D) a person that is directly or indirectly controlled by a person described in subparagraph (A) or (B), or by an individual described in subparagraph (C).

(7) SECRETARY.—The term "Secretary" means the Secretary of the Treasury.

(8) SECURITIES ORGANIZATION.—The term "securities organization" means a broker, a dealer, or an investment adviser.

(9) OTHER AUTHORITY NOT AFFECTED.—This section does not limit the authority of the Commission, the Secretary, or any other department or agency under any other provision of Federal law.

SEC. 4. FINANCIAL INTERDEPENDENCE STUDY.

Subtitle G of title III of the Omnibus Trade and Competitiveness Act of 1988 (22 U.S.C.

5351 et seq.) is amended by adding at the end the following new section:

"SEC. 3605. FINANCIAL INTERDEPENDENCE STUDY.

"(a) INVESTIGATION REQUIRED.—The Secretary, in consultation and coordination with the Securities and Exchange Commission, the Federal banking agencies, and any other appropriate Federal department or agency designated by the Secretary, shall conduct an investigation to determine—

"(1) the extent of the interdependence of the financial services sectors of the United States and foreign countries—

"(A) whose financial services institutions provide financial services in the United States; or

"(B) whose persons have substantial ownership interests in United States financial services institutions; and

"(2) the economic, strategic, and other consequences of that interdependence for the United States.

"(b) REPORT.—

"(1) REPORT REQUIRED.—Not later than 3 years after the date of enactment of this section, the Secretary shall submit a report on the results of the investigation under subsection (a) to the President, the Congress, the Securities and Exchange Commission, the Federal banking agencies, and any other appropriate Federal agency or department, as designated by the Secretary.

"(2) CONTENTS OF REPORT.—The report required under paragraph (1) shall—

"(A) describe the activities and estimate the scope of financial services activities conducted by United States financial services institutions in foreign markets (differentiated according to major foreign markets);

"(B) describe the activities and estimate the scope of financial services activities conducted by foreign financial services institutions in the United States (differentiated according to the most significant home countries or groups of home countries);

"(C) estimate the number of jobs created in the United States by financial services activities conducted by foreign financial services institutions and the number of jobs created in foreign countries by financial service activities conducted by United States financial services institutions;

"(D) estimate the additional jobs and revenues (both foreign and domestic) that would be created by the activities of United States financial services institutions in foreign countries if those countries offered such institutions the same competitive opportunities (including effective market access) as are available to the domestic financial services institutions of those countries;

"(E) describe the extent to which foreign financial services institutions discriminate against United States persons in procurement, employment, the provision of credit or other financial services, or otherwise;

"(F) describe the extent to which foreign financial services institutions and other persons from foreign countries purchase or otherwise facilitate the marketing from the United States of government and private debt instruments and private equity instruments;

"(G) describe how the interdependence of the financial services sectors of the United States and foreign countries affects the autonomy and effectiveness of United States monetary policy;

"(H) describe the extent to which United States companies rely on financing by or through foreign financial services institutions and the consequences of such reliance

(including disclosure of proprietary information) for the industrial competitiveness and national security of the United States;

"(I) describe the extent to which foreign financial services institutions, in purchasing high technology products such as computers and telecommunications equipment, favor manufacturers from their home countries over United States manufacturers; and

"(J) contain other appropriate information relating to the results of the investigation required by subsection (a).

"(c) DEFINITIONS.—For purposes of this section the following definitions shall apply:

"(1) DEPOSITORY INSTITUTION AND DEPOSITORY INSTITUTION HOLDING COMPANY.—The terms 'depository institution' and 'depository institution holding company' have the same meanings as in section 3 of the Federal Deposit Insurance Act.

"(2) FEDERAL BANKING AGENCY.—The term 'Federal banking agencies' has the same meaning as in section 3 of the Federal Deposit Insurance Act.

"(3) FINANCIAL SERVICES INSTITUTION.—The term 'financial services institution' means—

"(A) a broker, dealer, underwriter, clearing agency, transfer agent, or information processor with respect to securities, including government and municipal securities;

"(B) an investment company, investment manager, investment adviser, indenture trustee, or any depository institution, insurance company, or other organization operating as a fiduciary, trustee, underwriter, or other financial services provider;

"(C) any depository institution or depository institution holding company; and

"(D) any other entity providing financial services.

"(4) SECRETARY.—The term 'Secretary' means the Secretary of the Treasury."

SEC. 5. CONFORMING AMENDMENTS.

(a) REPORTS ON FOREIGN TREATMENT OF UNITED STATES FINANCIAL INSTITUTIONS.—Section 3602 of the Omnibus Trade and Competitiveness Act of 1988 (22 U.S.C. 5352) is amended—

(1) in the first sentence, by inserting "with updates on significant developments every 2 years following the study conducted in 1994," before "the Secretary of the Treasury"; and

(2) by adding at the end the following: "For purposes of this section, a foreign country denies national treatment to United States entities unless the foreign country offers such entities the same competitive opportunities (including effective market access) as are available to the domestic entities of the foreign country."

(b) NEGOTIATIONS TO PROMOTE FAIR TRADE IN FINANCIAL SERVICES.—Section 3603(a)(1) of the Omnibus Trade and Competitiveness Act of 1988 (22 U.S.C. 5353(a)(1)) is amended by inserting "effective" before "access".

(c) PRIMARY DEALERS IN GOVERNMENT DEBT INSTRUMENTS.—Section 3502(b)(1) of the Omnibus Trade and Competitiveness Act of 1988 (22 U.S.C. 5342(b)(1)) is amended—

(1) by striking "does not accord to" and inserting "does not offer"; and

(2) by striking "as such country accords to" and inserting "(including effective market access) as are available to".

• Mr. D'AMATO. Mr. President, I am pleased to join Senator RIEGLE in introducing the Fair Trade in Financial Services Act of 1993.

The bill has been the subject of considerable attention by the Committee on Banking, Housing, and Urban Affairs and successful action by the Senate in recent years. By introducing the

bill today, I want to make clear that national treatment remains a mainstay of U.S. trade policy. Since Congress may soon consider important trade agreements as a result of NAFTA and the ongoing GATT negotiations, this is an appropriate time to underscore the benchmark trade principle of national treatment.

Mr. President, the Fair Trade in Financial Services Act would provide the Secretary of the Treasury, our primary trade negotiator on trade involving financial services, the authority and discretion to restrict the operations of foreign banks and securities firms in the United States if U.S. banks, securities firms, and investment advisors are not granted national treatment—equality of competitive opportunity—in the home country of such foreign banks and securities firms. Under the bill, if foreign governments are found to discriminate against U.S. financial organizations by not providing equivalent competitive opportunities, the Secretary of the Treasury would be permitted to deny national treatment to some or all financial firms from that country. Under the bill, denials would only affect opportunities for future expansion in the U.S. market and would not force financial firms to shrink their existing operations. The bill would also establish procedures for the exercise of the authority by the Secretary and require consultation with the banking and securities regulators.

Mr. President, I believe this bill will facilitate the efforts of our trade negotiators to open foreign markets to U.S. financial institutions. Treasury Undersecretary for International Affairs, Lawrence Summers, reiterated the Treasury Department's commitment to defending the interests of the U.S. financial community in opening restricted foreign markets during an appearance before the committee.

Mr. President, our trade policy should be aimed at opening foreign financial markets for U.S. business. This bill will enhance the authority of our negotiators to accomplish this goal primarily through negotiations while providing assurance that we will retain the statutory authority to make certain that the principles of fairness and reciprocity are honored by our trading partners and enforceable by our Government.

Mr. President, I am hopeful the administration will support this bill and cooperate in its prompt passage. Only by collaborating across all agencies of our Government involved with trade can we succeed in eliminating the discrimination many countries practice against U.S. firms, especially in the financial services area. I believe the approach in this bill is entirely consistent with the principles that President Clinton announced to guide our trade policy in a speech last February. In that speech, he stated that his administration's trade policy would:

*** say to our trading partners that we value their business, but none of us should expect something for nothing. We will continue to welcome foreign products and services into our markets, but insist that our products and services be able to enter their on equal terms.

That statement of fair play in international trade is exactly what the Fair Trade in Financial Services Act seeks to apply to trade in financial services.

I will work closely with Senator RIEGLE and my colleagues in the House, Congressmen SCHUMER and LEACH, who are introducing an identical bill on a bipartisan basis in the House. •

By Mr. SIMON:

S. 1528. A bill to amend the National Labor Relations Act to set a time limit for labor rulings on discharge complaints, and for other purposes; to the Committee on Labor and Human Resources.

S. 1529. A bill to amend the National Labor Relations Act to permit the selection of an employee labor organization through the signing of a labor organization membership card by a majority of employees and a subsequent election, and for other purposes; to the Committee on Labor and Human Resources.

S. 1530. A bill to amend the National Labor Relations Act to require Federal contracts debarment for persons who violate labor relations provisions, and for other purposes; to the Committee on Labor and Human Resources.

S. 1531. A bill to amend the National Labor Relations Act to impose a penalty for encouraging others to violate the provisions of the National Labor Relations Act, and for other purposes; to the Committee on Labor and Human Resources.

S. 1532. A bill to amend the National Labor Relations Act to provide equal time to labor organizations to present information relating to labor organizations, and for other purposes; to the Committee on Labor and Human Resources.

LEGISLATION TO IMPROVE LABOR-MANAGEMENT RELATIONS

• Mr. SIMON. Mr. President, today I am introducing a series of bills to encourage better relations between labor and management in our country.

If the United States is to remain a competitive and prosperous nation in a global economy, we must encourage labor-management cooperation and the participation of workers in decisions that affect the workplace.

U.S. labor laws were designed to establish an equitable framework for labor and management to represent their interests and settle their differences. The way in which these laws have been amended and interpreted has had a direct impact on union membership.

As Prof. Paul Weiler has written:

Congress adopted as our national legal policy the promotion of worker organization

into independent unions of their own choosing. (Weiler, Paul "Governing The Workplace: Employee Representation In The Eyes Of The Law".

As current law stands, however, independent unions have been stifled not promoted. Public policy needs to once again promote worker rights. We need to level the playing field.

Unlike Japan, Western Europe, and Canada, there has been a steady decline in labor union membership in the United States during the past 20 years. Almost 27 percent of people in the United States were unionized in 1972. Today approximately 16 percent of our work force is unionized—excluding governmental employees, it's about 12 percent—compared to 42 percent in Germany and Canada, 58 percent in Great Britain, 28 percent in France, 50 percent in Brazil, 35 percent in Mexico, and 90 percent in Sweden. This decline hampers growth and opportunity in our Nation. It is no coincidence that as the percentage of union membership has gone down, so have the average wages of our workers. In 1972, when 26 percent of the work force belonged to unions, the average worker, according to the Bureau of Labor Statistics, earned \$315 a week. In 1991, the percentage of union workers had dropped to 16 percent, and average earnings were down to \$255. We cannot allow this trend to continue. It is not healthy for our workers or our economy. It's a sad commentary on the state of our affairs when you consider that among all industrialized workers, only Korea has a lower percentage of unionized workers.

Not only is this bad for workers; it is also bad for business. It's bad for business because studies show that satisfied workers are more productive workers. Studies also show that union workers tend to be more satisfied workers. In fact, union membership adds to productivity in this country.

Morton Bahr, President of Communications Workers of America stated, "[s]trong labor movements are the rule not the exception, in the nations that are our toughest international competitors." Although economists do not agree on much, they do agree that the United States will compete with the rest of the world either through high skills or low wages. Unless we do something to change our course, this Nation will continue to follow the low wage route. Increasing employee participation is the best route to an economy based on high skills and higher productivity.

For example, The Washington Post reported on September 6, 1992:

The median income for a union member was \$33,345, compared with the median earnings of \$27,613 for all adults. The survey shows that 39% of union members earn more than \$35,000 a year, compared with 28% of the overall population.

As I indicated earlier, the statistics demonstrate that as the percentage of union members has declined, so has our

average manufacturing wage. There is no question in my mind that if 35 or 40 percent of workers were organized in the United States, we would have a more productive, healthier, and more competitive workplace.

Of course, the causes of union decline are complex. Factors such as the trade deficit, budget deficit, employers who engage in union busting activities and negative public relations, and the failure by unions themselves to involve women and minorities have all contributed to member decline. Public policy, however, which has permitted, even encouraged, certain employers to resist union organizing activities, is the principal cause of the decline in union membership in the United States.

In addition to promoting global competitiveness, the bills I introduce today will seek to protect workers' rights in the work place. Workers should be free from coercion, threats, and undue influence when deciding if they wish to join a labor union, employer's group, or associate with any group. In other words, people should be free to associate with whomever they so choose at work. Further, employers and labor unions should be allowed the same access when it comes to distributing information to workers.

Unions were first recognized in Britain in 1824. As a system of collective bargaining developed, regulations governing health and safety and workmen's compensation were adopted. Labor unions have been leaders in social progress and reforms; social security, having minimum wage, and child labor laws just to name a few. Today, concern over worker safety, privacy in the work place, equal treatment for women, and health care are areas where labor unions can have a positive impact on our public policy.

We can achieve these noble goals. Each of my bills addresses a different problem in current labor law.

The first bill I will introduce is called the National Labor Relations Board Ruling Time Limit Act. It requires the National Labor Relations Board to rule within 30 days after receiving a charge of unfair labor practices, resulting in a discharge.

Second, the Labor Relations Representative Amendment Act would provide for expedited elections, when a supermajority of workers sign cards indicating their desire to join a union. 60 percent of workers would constitute a supermajority. This is similar to a practice that has worked well in Canada.

The next two bills impose significant penalties on those who violate the NLRA. The Federal Contracts Debarment Act makes anyone who continually and blatantly violates the NLRA ineligible for Federal contracts for up to 3 years. The National Labor Relations Penalty Act makes it illegal for any law firm or consulting firm to en-

courage or aid in violation of the NLRA. If a firm violates this act, it can be fined up to \$10,000.

The final bill is called the Labor Organizations Equal Presentation Time Act. As the name indicates, it requires employers who participate in anti-labor organization activities on the job to give equal time to the labor organizations. Workers must have equal access to information on both sides.

We need to improve labor-management relations in this country and these bills will help bring some needed changes. I know others are studying this important issue—most notably the Commission on the Future of Worker-Management Relations, chaired by Assistant Secretary John Dunlop. I look forward to the recommendations of this important Commission.●

By Mr. LOTT.

S. 1533. A bill to improve access to health insurance and contain health costs, and for other purposes; to the Committee on Finance.

AFFORDABLE HEALTH CARE NOW ACT

● Mr. LOTT. Mr. President, I rise today to offer legislation which will improve access to health insurance, help contain health care costs, and address the areas of health care which really warrant reform.

My office has received over 3,000 calls from Mississippians and others across the country about the plan proposed by President Clinton. I want to tell my colleagues today there is a great deal of apprehension, or perhaps I should say fear, about what this plan could possibly do to the quality of health care delivery and the existing availability of medical treatment.

Health care reform is a subject which has now captured the national spotlight, and tapped the conscience of all Americans. It is one of the most difficult problems facing our country today. We all need and deserve health care that is affordable and accessible. Rapidly increasing costs, however, have made these goals hard to reach. I have looked closely at the details of a number of proposals presented in Congress, and have decided to offer the American public an alternative.

This plan I am introducing is a practical approach. It will expand access to affordable group health coverage for employers, employees, and their families. Also, it will help eliminate job-lock and the exclusion of such individuals from coverage due to preexisting condition restrictions.

In addressing health care reform, we must make sure that we do not sacrifice quality as we reform the present system. In addition, I believe that any plan ultimately approved by Congress must ensure that we retain the positive things about our country's health care system, like the individual freedom to choose your own doctor and hospital.

The health care problems we face are very complex, and a solution is not

going to happen overnight. Obviously, we need to do something, but any reform must be carefully weighed. We need to have a full and thorough debate on all the options facing us. The issue of health care is too important simply to rush to judgment.

I urge my colleagues to examine the merits of this legislation, this practical approach to health care reform.●

By Mr. GLENN (for himself, Mr. STEVENS, and Mr. PRYOR):

S. 1535. A bill to amend title V, United States Code, to eliminate narrow restrictions on employee training, to provide a temporary voluntary separation incentive, and for other purposes; to the Committee on Governmental Affairs.

FEDERAL WORK FORCE RESTRUCTURING ACT OF 1993

Mr. GLENN. Mr. President, on behalf of myself, Senator STEVENS, and Senator PRYOR, I rise to introduce the Federal Work Force Restructuring Act of 1993. This legislation is an initiative of the Vice President's National Performance Review [NPR]. This bill reflects the strong commitment of the Clinton administration to trim the Federal work force and to make Government more responsive and effective.

The legislation's purpose is to provide agency heads with a range of tools and incentives to assist them in restructuring their work force. The bill would allow agencies to employ voluntary separation incentive payments to encourage Federal employees to resign or retire from Federal service. In addition, it would reform current law on employee training. Employee retraining will be increasingly necessary as we seek to create a multiskilled Federal work force, adaptable to changing circumstances and technology.

One central goal of the Vice President's National Performance Review is Governmentwide downsizing. In developing its initiatives, the NPR examined employment and management trends in State and local governments, other countries, and the private sector. Separation incentives have long been recognized by private industry as an important tool in restructuring their work force.

The purpose of the bill is to provide agencies with the tools they need to downsize, by allowing them to offer targeted separation incentives—early retirement or financial payments or both—to selected groups of employees. These financial payments would be the lesser of \$25,000 or the amount an employee would be paid in severance pay if their jobs were being abolished. An agency head could designate components of his or her agency, particular locations or offices, and/or particular job grades or occupations where separation incentives would be offered.

This latter point is very important because there are going to be some dis-

appointed Federal employees who find themselves ineligible for any separation payment. Let me point out that this is not some sort of new benefit for Government workers. Instead, it is proposed as a carefully crafted, sensible, and humane alternative to reductions in force [RIF's]. It is proposed as a cost-effective tool to meet the Vice President's goal of reducing the Federal work force by 252,000 people.

Hand-in-hand with the goal of downsizing is the retraining of the existing work force. As we cut the fat, we must build the muscle. The Federal Work Force Restructuring Act would provide needed flexibility in retraining Federal employees for new assignments. Under the terms of the legislation, the purpose of training would be expanded to include improving individual and organizational performance. Training would be related to the achievement of agency mission and performance goals.

As chairman of the committee on Governmental Affairs, I am scheduling a hearing on this legislation for October 19, 1993. At that hearing, we hope to examine a number of concerns related to this bill, including its costs and impact.

I am pleased to already have bipartisan support for this measure, with both the chairman and ranking member of the Federal Services, Post Office and Civil Service Subcommittee of the Governmental Affairs Committee as original cosponsors of the bill. I look forward to working with Senator STEVENS, Senator PRYOR, and other committee members on this measure.

I ask unanimous consent that statements by Senators STEVENS and PRYOR be included as if read, and further ask that the text of the bill be printed in full following these remarks.

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

S. 1535

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Workforce Restructuring Act of 1993".

SEC. 2. EMPLOYEE TRAINING.

(a) IN GENERAL.—Chapter 41 of title 5, United States Code, is amended—

(1) in section 4101(4) by striking out "fields" and all that follows through the semicolon and inserting in lieu thereof "fields which will improve individual and organizational performance and assist in achieving the agency's mission and performance goals";

(2) in section 4103—

(A) in subsection (a) by striking out "In" and all that follows through "proficiency" and inserting in lieu thereof "In order to assist in achieving an agency's mission and performance goals by improving employee and organizational performance"; and

(B) in subsection (b)—

(i) in paragraph (1) by striking out "determines" and all that follows through the pe-

riod and inserting in lieu thereof "determines that such training would be in the interests of the Government.";

(ii) by striking out paragraph (2) and redesignating paragraph (3) as paragraph (2); and

(iii) in subparagraph (C) of paragraph (2) (as redesignated under clause (ii) of this subparagraph) by striking out "retaining" and all that follows through the period and inserting in lieu thereof "such training.";

(3) in section 4105—

(A) in subsection (a) by striking out "(a)"; and

(B) by striking out subsections (b) and (c);

(4) by repealing section 4106;

(5) in section 4107—

(A) by amending the section heading to read as follows:

"§ 4107. Restriction on degree training";

(B) by striking out subsections (a) and (b) and redesignating subsections (c) and (d) as subsections (a) and (b), respectively;

(C) by amending subsection (a) (as redesignated under subparagraph (B) of this paragraph)—

(i) by striking out "subsection (d)" and inserting in lieu thereof "subsection (b)"; and

(ii) by striking out "by, in, or through a non-Government facility"; and

(D) by amending paragraph (1) of subsection (b) (as redesignated under subparagraph (B) of this paragraph) by striking out "subsection (c)" and inserting in lieu thereof "subsection (a)";

(6) in section 4108(a) by striking out "by, in, or through a non-Government facility under this chapter" and inserting in lieu thereof "for more than a minimum period prescribed by the head of the agency";

(7) in section 4113(b) by striking out all that follows the first sentence;

(8) by repealing section 4114; and

(9) in section 4118—

(A) in subsection (a)(7) by striking out "by, in, and through non-Government facilities";

(B) by striking out subsection (b); and

(C) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The table of sections for chapter 41 of title 5, United States Code, is amended—

(1) by striking out the items relating to sections 4106 and 4114; and

(2) by amending the item relating to section 4107 to read as follows:

"4107. Restriction on degree training."

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act.

SEC. 3. VOLUNTARY SEPARATION INCENTIVES.

(a) DEFINITIONS.—For purposes of this section, the term—

(1) "agency" means an Executive agency, as defined under section 105 of title 5, United States Code, but does not include the Department of Defense, the Central Intelligence Agency, or the General Accounting Office; and

(2) "employee" means an employee, as defined under section 2105 of title 5, United States Code, of an agency, serving under an appointment without time limitation, who has been currently employed for a continuous period of at least 12 months, including an individual employed by a county committee established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)), but does not include—

(A) a reemployed annuitant under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, or another retirement system for employees of the Government; or

(B) an employee having a disability on the basis of which such employee is or would be

eligible for disability retirement under the applicable retirement system referred to in subparagraph (A).

(b) **AUTHORITY TO MAKE PAYMENT.**—(1) In order to assist in the restructuring of the Federal workforce while minimizing involuntary separations, the head of an agency may pay, or authorize the payment of, a voluntary separation incentive payment to employees—

- (A) in any component of the agency;
- (B) in any occupation;
- (C) in any geographic location; or
- (D) on the basis of any combination of the factors described under subparagraphs (A) through (C).

(2) In order to receive an incentive payment under paragraph (1), an employee shall separate from service with the agency (whether by retirement or resignation) during the 90-day period described under paragraph (3).

(3) The head of an agency shall designate a continuous 90-day period for purposes of separation under this subsection for such agency or any component thereof. Such 90-day period shall begin no earlier than the date of the enactment of this Act and shall end no later than September 30, 1994.

(4) Notwithstanding the provisions of paragraphs (2) and (3), an employee may receive an incentive payment under this section and delay a separation from service if—

(A) the agency head determines that it is necessary to delay such employee's separation from service in order to ensure the performance of the agency's mission; and

(B) no later than 2 years after the date of the last day of the 90-day period designated under paragraph (3), such employee separates from service in the agency.

(c) **VOLUNTARY SEPARATION INCENTIVE PAYMENT.**—A voluntary separation incentive payment—

(1) shall be paid in a lump sum after the employee's separation;

(2) shall be equal to the lesser of—

(A) an amount equal to the amount the employee would be entitled to receive under section 5595(c) of title 5, United States Code, if the employee were entitled to payment under such section; or

(B) \$25,000;

(3) shall not be a basis for payment, and shall not be included in the computation, of any other type of Government benefit;

(4) shall not be taken into account in determining the amount of any severance pay to which an employee may be entitled under section 5595 of title 5, United States Code, based on any other separation; and

(5) shall be paid from appropriations or funds available for the payment of the basic pay of the employee.

(d) **SUBSEQUENT EMPLOYMENT AND REPAYMENT OF INCENTIVE PAYMENT.**—(1) An employee who has received a voluntary separation incentive payment under this section and accepts employment with the Government of the United States within 5 years of the date of the separation on which payment of the incentive is based shall be required to repay the entire amount of the incentive payment to the agency that paid the incentive payment.

(2) If the employment is with an Executive agency (as defined under section 105 of title 5, United States Code), the Director of the Office of Personnel Management may, at the request of the head of the agency, waive the repayment if the employment is in a position for which there is exceptional difficulty in recruiting a qualified employee.

(3) If the employment is with an entity in the legislative branch, the head of the entity

or the appointing official may waive the repayment if the employment is in a position for which there is exceptional difficulty in recruiting a qualified employee.

(4) If the employment is with the judicial branch, the Director of the Administrative Office of the United States Courts may waive the repayment if the employment is in a position for which there is exceptional difficulty in recruiting a qualified employee.

(e) **REGULATIONS.**—The Director of the Office of Personnel Management may prescribe any regulations necessary for the administration of this section.

(f) **JUDICIAL BRANCH PROGRAM.**—The Director of the Administrative Office of the United States Courts may, by regulation, establish a program consistent with the program established by subsections (a) through (d) of this section for employees of the judicial branch.

(g) **REDUCTION GOALS.**—It is the sense of Congress that—

(1) employment in the executive branch should be reduced by not less than one full-time equivalent position for each 2 employees who are paid voluntary separation incentives under this Act; and

(2) each agency should adjust its employment levels to achieve such result.

SEC. 4. SUBSEQUENT EMPLOYMENT AND REPAYMENT OF SEPARATION PAYMENT.

(a) **DEFENSE AGENCY SEPARATION PAY.**—Section 5597 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

“(g)(1) An employee who receives separation pay under this section on the basis of a separation occurring on or after the date of enactment of the Federal Workforce Restructuring Act of 1993 and accepts employment with the Government of the United States within 2 years of the date of the separation on which payment of the separation pay is based shall be required to repay the entire amount of the separation pay to the defense agency that paid the separation pay.”

“(2) If the employment is with an Executive agency (as defined under section 105 of title 5, United States Code), the Director of the Office of Personnel Management may, at the request of the head of the agency, waive the repayment if the employment is in a position for which there is exceptional difficulty in recruiting a qualified employee.”

“(3) If the employment is with an entity in the legislative branch, the head of the entity or the appointing official may waive the repayment if the employment is in a position for which there is exceptional difficulty in recruiting a qualified employee.”

“(4) If the employment is with the judicial branch, the Director of the Administrative Office of the United States Courts may waive the repayment if the employment is in a position for which there is exceptional difficulty in recruiting a qualified employee.”

(b) **CENTRAL INTELLIGENCE AGENCY SEPARATION PAYMENT.**—Section 2(b) of the Central Intelligence Agency Voluntary Separation Pay Act (Public Law 103-36; 107 Stat. 104) is amended by adding at the end thereof the following: “An employee who receives separation pay under this section on the basis of a separation occurring on or after the date of the enactment of the Federal Workforce Restructuring Act of 1993 and accepts employment with the Government of the United States within 2 years of the date of the separation on which payment of the separation pay is based shall be required to repay the entire amount of the separation pay to the Central Intelligence Agency. If the employment is with an Executive agency (as defined

under section 105 of title 5, United States Code), the Director of the Office of Personnel Management may, at the request of the head of the agency, waive the repayment if the employment is in a position for which there is exceptional difficulty in recruiting a qualified employee. If the employment is with an entity in the legislative branch, the head of the entity or the appointing official may waive the repayment if the employment is in a position for which there is exceptional difficulty in recruiting a qualified employee. If the employment is with the judicial branch, the Director of the Administrative Office of the United States Courts may waive the repayment if the employment is in a position for which there is exceptional difficulty in recruiting a qualified employee.”

SEC. 5. FUNDING OF EARLY RETIREMENTS IN CIVIL SERVICE RETIREMENT SYSTEM.

(a) **IN GENERAL.**—Section 8334 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

“(1) In addition to any other payments required by this subchapter, an agency shall remit to the Office for deposit in the Treasury of the United States to the credit of the Fund an amount equal to 9 percent of the final rate of basic pay of each employee of the agency who retires under section 8336(d).”

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply with respect to retirements occurring on or after the date of the enactment of this Act.

• **Mr. STEVENS.** Mr. President, I am pleased to join my friend, chairman of the Governmental Affairs Committee, JOHN GLENN, in sponsoring this measure to assist Government agencies as they attempt to streamline their operations.

This proposal is the natural progression of legislation which was enacted last year to minimize civilian layoffs at the Department of Defense. From all accounts, the flexibility we provided has proved to be invaluable to both management and employees.

It should be made clear, however, that we are not creating an entitlement program. Agency heads must retain the authority and discretion to offer the incentives in specific locations, or job classifications, or whatever combination best suits the particular agency.

And, it should also be understood that this is a one-time opportunity—agencies will offer these incentives for a finite period of time during fiscal year 1994. Once that window is closed, it will not be reopened. Both agency heads and employees need to carefully consider all options and eventualities before any decisions are made.

Mr. President, while I have reservations about particular provisions of this bill, I support its basic concept of giving agencies the tools needed to reach a goal we can all agree is necessary—a voluntary Federal work force reduction to meet budgetary necessities. I look forward to working with the Governmental Affairs Committee and other Members of the Senate to fine tune this legislation so that the Senate can act expeditiously and allow

Federal agencies to get on with the job of rightsizing the Federal Government.●

● Mr. PRYOR. Mr. President, I am pleased to join Senator GLENN as an original cosponsor of this bill which will help us reduce the Federal work force by 252,000 jobs over the next several years by allowing agencies to offer employees retirement and resignation incentives. We know this strategy will work because it is working at the Department of Defense [DOD]. DOD first offered separation incentives on January 19, 1993, and since then, 28,000 employees have left the Department.

When I visited with civilian employees at Eaker Air Force Base in Blytheville, AR, in February 1992, who were facing the closing of their base, it became clear that preventive measures were needed to help DOD employees avoid layoffs. I am pleased to have worked with DOD in designing the separation incentives. The incentives have improved employees' morale and have minimized the need for DOD to use reductions in force which disproportionately affects women and minorities.

The success rates of the incentives, coupled with early retirement, is undeniable. Simply offering early retirement as an option historically attracted 16 percent of eligible retirees. That number dropped to below 5 percent in 1991 and 1992. However, early retirement, plus some type of incentive, has encouraged 25 percent of eligible DOD employees; 26 percent of eligible postal employees; and 38 percent of eligible Office of Thrift Supervision employees to elect retirement.

The National Performance Review report recommends that the buy-out program be implemented to help soften the impact of the restructuring of the Federal work force. Incentives have been used by the private sector to achieve work force reductions. I applaud the President and Vice President for this initiative, and I look forward to working with Senator GLENN, the chairman of the Senate Governmental Affairs Committee, on this legislation.●

By Mr. INOUE:

S. 1536. A bill to amend the Federal Property and Administrative Services Act to provide an opportunity for former owners to repurchase real property to be disposed by the United States; to the Committee on Governmental Affairs.

REAL PROPERTY LEGISLATION

● Mr. INOUE. Mr. President, I rise today to introduce a bill to amend the Federal Property and Administrative Services Act of 1949 to provide a right of first refusal to those property owners from whom land was acquired by the United States through the exercise of the power of eminent domain.

This right of first refusal to repurchase the land would come only after

the property is no longer being used for the purpose for which it was originally acquired, and only in the circumstance in which the Government is ready to dispose of the property.

The amendment which I propose today would require the United States to provide written notice of the intention of the Government to dispose of real property to the title holder of the property from whom the Government acquired the property by eminent domain.

The title holder would then have an opportunity to enter into a contract with the United States to purchase the property. If this right of first refusal is not acted upon within 1 year from the time that notice is provided, the Government could proceed with the disposal of the property.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD immediately following my remarks.

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

S. 1536

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. . OPPORTUNITY FOR FORMER OWNERS TO REPURCHASE REAL PROPERTY TO BE DISPOSED BY THE UNITED STATES.

Section 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484) is amended by adding at the end thereof the following new subsection:

“(p)(1) Notwithstanding any other provision of this section, no property described under paragraph (2) may be disposed under this section, unless—

“(A) the person who last held title to the real property before the United States acquired title by eminent domain—

“(i) is provided written notice of the intention of the United States to dispose of such real property; and

“(ii) is made a written offer to purchase such real property at the fair market value of such property on the date of such offer; and

“(B) within one year after the date on which such person received an offer as provided under subparagraph (A)(ii), such person—

“(i) signs a refusal to purchase such property; or

“(ii) has not entered into a contract with the United States to purchase such property.

“(2) The property referred to under paragraph (1) is any real property—

“(A) which is acquired by the United States by eminent domain; and

“(B) of which title was last held by any person other than a Federal, State, or local governmental entity, or foreign governmental entity before such property was so acquired.

“(3) The provisions of this subsection shall apply to any real property described under paragraph (2) or any part of such property.

“(4) The provisions of this subsection shall not apply to any real property if—

“(A) title was last held by any natural person before being acquired by the United States by eminent domain; and

“(B) all such natural persons are deceased before the date on which a contract to repur-

chase such real property from the United States is entered into.”●

By Mr. ROCKEFELLER (for himself and Mr. DECONCINI):

S. 1537. A bill to amend the Stevenson-Wydler Technology Innovation Act of 1980; to the Committee on Commerce, Science, and Transportation.

TECHNOLOGY COMMERCIALIZATION ACT OF 1993

● Mr. ROCKEFELLER. Mr. President, I am pleased to be joined today by my colleague and friend Senator DECONCINI in sponsoring the Technology Commercialization Act of 1993. Senator DECONCINI had made such tremendous contributions to this body, to his state, and to the nation that he will be greatly missed when the 104th Congress convenes in 1995. It is an honor for me that he has joined me in sponsoring this bill.

From my perspective as chairman of the Science, Technology and Space Subcommittee, and from Senator DECONCINI's perspective as chairman of the Judiciary Subcommittee on Patents, Copyrights, and Trademarks, we are acutely aware of the role that new technology can play in the economic competitiveness of our country. Because of my assignment, I also hear from many American business executives about their efforts to work with Federal laboratories in joint research projects to develop the new technologies that will make our industries more competitive. From these exchanges, I have identified some of the problems in Federal technology policy that have made these efforts less productive than could be.

The changes we are proposing in Federal technology policy are not earthshaking, but they will result in better use of Federal laboratories and will advance American international competitiveness. They are part of an ongoing move toward increased emphasis on Federal support for the commercialization of technology, not just the development of technology this change was also evidenced last year in the package of proposals that a number of us in the Democratic Economic Leadership Strategy Group introduced. I hope this bill will receive the same serious consideration and early approval that most of that package received.

In the process of drafting this bill, we have consulted extensively with the U.S. companies which make the biggest investments in new product research and development and with the Federal agencies and laboratories which conduct a large proportion of the Government's research and development. From these consultations, I believe that both of these groups, as well as the American people, will benefit from this proposal. To obtain additional views, I plan to hold a hearing on this bill later this month in the Subcommittee on Science, Technology, and Space.

Mr. President, technology is often called the engine of economic growth. It is said that technology determines our national income, our social well-being, and our international competitiveness. While those statements are true, they do not tell the whole story. In fact, the development of new technology cannot, by itself, bring any of these gains.

The critical factor in producing these benefits is the commercialization of technology. Economic benefits accrue only when a technology is brought to the marketplace. Only when technology is commercialized, can it create jobs, production, and profits. In turn, it is today's earnings from commercialized technology which will enable our manufacturers to undertake the research and the investments that lead to the next generation of technology and commercialization and to more jobs for Americans tomorrow.

The Federal Government has long had a role in technology development, predominately supporting basic science research and conducting mission-oriented research and development, primarily of defense technologies. These Federal research and development programs are conducted by private industry, by universities and other not-for-profit study centers, and by Federal laboratories. This legislation deals with the research jointly conducted by private entities and Federal laboratories under a cooperative research and development agreement.

While the Government's research programs were not initiated to promote technology commercialization, Federal policy has moved steadily in that direction. For example, technologies that private companies developed for our defense programs and our space programs sometimes also produced spin-off technologies that were commercialized for other applications. Because these programs generally assign ownership of the technology to the private companies which conducted the research and made the discovery, the companies had an ownership incentive to commercialize the technology and develop it further.

Federal research and development policy took an important step toward greater emphasis on technology commercialization in 1980 with enactment of the Stevenson-Wydler Technology Innovation Act (15 U.S.C. Chapter 63) and the Bayh-Dole Act of 1980 (35 U.S.C. Chapter 18). The former established a policy and mechanisms for utilizing Government funded technology developments by the private sector. The latter law promotes commercialization of inventions that come from federally funded research and development by granting ownership of these inventions' intellectual property rights to the individuals, small businesses, universities, and other non-profits which conducted the research.

That Bayh-Dole policy has been quite successful in moving technology from the laboratory to the market place.

In 1986 and 1989, Federal policy took more steps toward increased emphasis on technology commercialization through amendments to the Stevenson-Wydler Act. The first, the Federal Technology Transfer Act of 1986, established a process for joint research by Government-operated Federal laboratories and collaborating parties. These cooperative research and development agreements, or CRADA's, are usually partnerships between Federal labs and U.S. manufacturing companies. The second, the National Competitiveness Technology Transfer Act of 1989, extended this cooperative research and development program to Federal laboratories operated by Government contractors.

In contrast to the provisions of the Bayh-Dole Act, which put the intellectual property rights that came out of federally financed research into the private sector where they could be commercialized, the Stevenson-Wydler Act allowed the Federal laboratories to retain these rights. Partially as a result of these differences in policies, the rate of commercialization of technology developed by the universities under the Bayh-Dole provisions has been much greater than the rate of commercialization of technology from Federal laboratories.

Recent General Accounting Office reports which provide data on Federal laboratories' and universities' research and development expenditures, inventions, and intellectual property income give us a good picture of just how much less successful the Federal laboratories have been. These reports indicate that during fiscal years 1989 and 1990, the most recent period studied, Government-operated Federal laboratories spent \$31.8 billion on research and development. These expenditures resulted in the grant of 1,511 patents, of which 89 were licensed for commercialization. During the 2-year period, the Federal laboratories received \$12.6 million in income from their technology licenses. Those data mean that the Federal laboratories had an average R&D expenditure of \$357 million per each commercialized technology. They also show that only 1 out of every 17 patents from Government-operated Federal laboratories was commercialized.

In contrast, the record of university research, much of which is also federally financed and undertaken for the same purposes as research in the Government-operated Federal laboratories, is much better. The GAO indicates that during the same 2-year period, the 25 universities which receive the bulk of Federal research funding spent \$11.2 billion on research and development, about one-third of what the Government-operated Federal laboratories

spent. In the same period, they obtained 886 patented inventions, about 60 percent of the Federal laboratories' achievement. Of greater importance, however, the 25 universities granted 673 licenses for the commercialization of the inventions, more than 7½ times as many as the Federal laboratories with only one-third of the R&D expenditure, and they received \$110.9 million in license income, almost 9 times more than the Federal laboratories.

These results document what we should have known. The Federal Government does not do a very good job of commercializing technology. Moreover, these 2 years studied in depth by GAO do not appear to be unusual. In other data, GAO indicates that from 1981 to 1991, all of the Government-operated Federal laboratories granted 455 exclusive licenses for the commercialization of technology developed at the laboratories. A single American university, the Massachusetts Institute of Technology, granted more than that—and MIT was not even among the top three American universities in granting commercialization licenses during the 2 years studied in detail.

It is obvious from these data, Mr. President, that commercialization of technology and industrial innovation in the United States is more likely to occur when the private sector, rather than the Government, has title to the intellectual property. This should not be surprising. Commercialization depends upon actions by business and the exclusive ownership of the intellectual property rights increases the likelihood of commercial success. With ownership, businesses are more prepared to undertake the expenses of commercialization, including the expense of participating in the cooperative R&D agreement itself.

The Stevenson-Wydler Technology Innovation Act currently gives Federal laboratories an option to claim ownership to technology developed jointly by a laboratory and a private research partner under the terms of a cooperative research and development agreement, despite the fact that the private sector partners in most cases provide the majority of the financing of the research. I believe that this ability by the Federal Government to claim a right of ownership to intellectual property developed jointly with American companies has inhibited the establishment of cooperative R&D agreements and has retarded the commercialization of federally supported technology developments. This view is shared by the many research-intensive U.S. companies we contacted.

The bill we are introducing today eliminates this option by directing Federal laboratories to ensure that the private sector is assigned title to any intellectual property arising from a CRADA. The private sector partners generally pay most of the research

costs for each project. They are the only partner who will commercialize a discovery. They should have property rights that justify the expenses of commercialization.

This should not be viewed as a Government give-away program. It is not. The research conducted in a CRADA is of interest to both partners, and the Federal Government will retain a paid-up, irrevocable license for its own use of the intellectual property. And the bill requires that this assignment of title to the private partner be made "in exchange for reasonable compensation to the laboratory." We have not chosen to delimit this compensation any further because it will depend on the type of research being conducted and should therefore be left to the negotiators of the agreement to decide. It could range from an agreement to reimburse the laboratory for its research costs if the product is a commercial success, to an agreement to share in the income from the invention.

This provision, in addition to putting technology in the commercial sector where it can be commercialized, will greatly speed the negotiations of CRADA's. Under current law, the most time-consuming, and often deal-breaking, part of the negotiation between Federal laboratories and the potential research partners is over ownership, assignment, licensing, restriction, and so forth, of the intellectual property rights. Our bill eliminates this obstacle.

Another provision of the bill will also help simplify and speed up the negotiations. It is the so-called march-in rights that the Federal Government will retain in the intellectual property assigned to the private partner. Under this provision, the Federal laboratory can assign a license to another company if the title holder does not commercialize the technology or is not manufacturing in the United States. These assignment rights will greatly reduce, if not eliminate, the time now spent on negotiating about the implication of the law's existing manufacturing-in-the-United States preference. The private company will be told that if it does not manufacture in the United States, the license to manufacture can be assigned to a company, possible a competitor, which will.

In addition, we have added a section to beef up previous congressional action to further boost technology commercialization from Federal laboratories. To reorient Federal scientists' traditional attachment to basic research and publication of research results in the direction of working with the private sector on patenting and licensing suitable inventions, the Congress created an incentive program for laboratory scientists in its 1986 amendments to the Stevenson-Wylder Technology Innovation Act. A recent GAO report indicates that we did not quite

get the right combination, and that the current royalty sharing system has had little impact on scientists' interest in patenting and commercializing.

GAO's recommendations to improve this situation are incorporated into this bill by providing that the laboratory scientists responsible for an invention or other protectable intellectual property will receive the first \$10,000 in income if the property is commercialized, and, after the laboratory has recovered its R&D costs, will receive 15 percent of additional income. The bulk of the remaining income must be used by the laboratory to support its research efforts. In this way, the Government scientists not only will see their creativeness contributing to the competitiveness of the nation but also will see the rewards to themselves and to their laboratories of supporting U.S. industry efforts to develop technologies that lead to commercial products.

Mr. President, the bill we are introducing applies both to Government-operated Federal laboratories and to contractor-operated Federal laboratories. The stipulation that the patents obtained for these inventions will be assigned to the private sector partner applies equally to Government-owned contractor-operated laboratories (the so-called GOCO labs), where the laboratory scientists are not Government employees, and to Government-owned Government-operated laboratories (the so-called GOGO labs), where the laboratory scientists are Government employees.

However, in recognition of the century-old Federal policy that copyright protection is not available for any work of the U.S. Government, the protection available through copyrights and computer mask work registrations is different for the two types of Federal laboratories. The bill acknowledges this difference and proposes no change in existing copyright law or policy. The bill defines assignable intellectual property rights as "patents, copyrights, and computer chip mask work registrations" in the case of GOCO laboratories but defines the same term as only "patents" in the case of GOGO laboratories where the scientists are Government employees and their work is considered work of the U.S. Government.

This distinction does not imply that the private parties in CRADA's will be unable to obtain copyrights and computer chip mask work registrations for technology they develop in the course of the collaborative research with GOGO laboratories. It is my belief that in many, if not most cases, the private parties will be able to obtain such protection.

To test this belief and, thereby, to be able to provide U.S. companies with information about the copyrights they will own if they work with Federal sci-

entists from Government-owned Government-operated laboratories, I asked the U.S. Copyright Office to provide guidelines on the conditions under which private sector partners can own copyrights and computer chip mask work registrations for technology which arises from a CRADA. I have received a response to my inquiry, and it confirms my belief. There are many conditions under which private companies will be able to obtain a copyright in the technology, such as computer software, that comes out of joint research with a Government-operated Federal laboratory.

Mr. President, I ask unanimous consent that the text of the Technology Commercialization Act of 1993 and the guidance provided by the U.S. Copyright Office be printed at this point in the RECORD.

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

S. 1537

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 "Technology Commercialization Act of 1993".

SEC. 2. FINDINGS.

The Congress finds and declares the following:

(1) The commercialization of technology and industrial innovation are central to the economic, environmental, and social well-being of citizens of the United States.

(2) The Government can help United States business to speed the development of new products and processes by entering into Cooperative Research and Development Agreements which make available the assistance of the Federal laboratories to the private sector, but the commercialization of technology and industrial innovation in the United States depends largely upon actions by business.

(3) Government action to claim a right of ownership to any invention or other intellectual property developed under a Cooperative Research and Development Agreement can inhibit the establishment of such agreements with business and can prevent the commercialization of technology and industrial innovation by business.

(4) The commercialization of technology and industrial innovation in the United States will be enhanced if the ownership of any invention or other intellectual property developed under a Cooperative Research and Development Agreement belongs to a company or companies incorporated in the United States.

SEC. 3. TITLE TO INTELLECTUAL PROPERTY ARISING FROM COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENTS.

Section 12 of the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3710a) is amended as follows:

(1) In the text of subsection (b) immediately preceding paragraph (1), strike "Government-operated Federal laboratory, and to the extent provided in an agency-approved joint work statement, a Government-owned contractor-operated laboratory, may" and insert "Federal laboratory shall ensure that title to any intellectual property arising

from the agreement, except intellectual property developed in whole by a laboratory employee, is assigned to the collaborating party or parties to the agreement in exchange for reasonable compensation to the laboratory, and may".

(2) In subsection (b)(2), strike "or in part".

(3) Amend subsection (b)(3) to read as follows:

"(3) retain a nonexclusive, nontransferable, irrevocable, paid-up license from the collaborating party or parties for any intellectual property arising from the agreement, and have such license practiced throughout the world by or on behalf of the Government, but shall not, in the exercise of such license, publicly disclose proprietary information related to the license;"

(4) Amend subsection (b)(4) to read as follows:

"(4) retain the right, in accordance with procedures provided in regulations promulgated under this section, to require a collaborating party to grant to a responsible applicant or applicants a nonexclusive, partially exclusive, or exclusive license to use the subject intellectual property in any field of use, on terms that are reasonable under the circumstances, or if the collaborating party fails to grant such a license, to grant the license itself if the laboratory finds that—

"(A) the collaborating party has not taken, and is not expected to take within a reasonable time, effective steps to achieve practical application of the subject intellectual property in the field of use;

"(B) such action is necessary to meet health or safety needs that are not reasonably satisfied by the collaborating party;

"(C) such action is necessary to meet requirements for public use specified by Federal regulations and such requirements are not reasonably satisfied by the collaborating party; or

"(D) the collaborating party has not entered into or is in breach of an agreement made pursuant to subsection (c)(4)(B)."

(5) In subsection (d)(2), strike "and" at the end;

(6) In subsection (d)(3), strike the period at the end and insert "; and";

(7) At the end of subsection (d), insert the following new paragraph:

"(4) the term 'intellectual property rights' means—

"(A) in the case of government-owned, government-operated Federal laboratories, patents, and

"(B) in the case of government-owned, contractor-operated Federal laboratories, patents, copyrights, and computer chip mask work registrations."

SEC. 4. DISTRIBUTION OF INCOME FROM INTELLECTUAL PROPERTY RECEIVED BY FEDERAL LABORATORIES.

Section 14 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710c) is amended to read as follows:

"SEC. 14. DISTRIBUTION OF INCOME FROM INTELLECTUAL PROPERTY RECEIVED BY FEDERAL AGENCIES OR LABORATORIES.

"(a) IN GENERAL.—

"(1) Except as provided in paragraphs (2) and (4), any income received by a Federal agency or laboratory from the licensing or assignment of intellectual property under agreements entered into by Federal laboratories under section 12, and intellectual property of Federal agencies or laboratories licensed under section 207 of title 35, United States Code, or under any other provision of law, shall be retained by the agency or laboratory and shall be disposed of as follows:

"(A)(i) The head of the agency or laboratory or his designee shall pay to the laboratory employee or employees who have assigned their rights in the intellectual property to the United States, to the laboratory operator, or to a collaborating party or parties to a research agreement an amount equal to the sum of—

"(I) the first \$10,000 received by the agency or laboratory from the intellectual property; and

"(II) 15 percent of any income received by the agency or laboratory from the intellectual property in excess of the sum of the amount paid pursuant to item (I) and the value of unreimbursed research and development resources provided by the laboratory under the terms of the agreement.

"(ii) An agency or laboratory may provide appropriate incentives from royalties to laboratory employees who contribute substantially to the technical development of licensed or assigned intellectual property between the time that the intellectual property rights are legally asserted and the time of the licensing or assigning of the intellectual property rights.

"(iii) The agency or laboratory shall retain the income received from intellectual property until the agency or laboratory makes payments to laboratory employees under clause (i) or (ii).

"(B) The balance of the income shall be transferred to the agency's laboratories, with the majority share of the royalties or other income going to the laboratory where the intellectual property originated, and the income so transferred to any such laboratory may be used or obligated by that laboratory during the fiscal year in which it is received or during the succeeding fiscal year—

"(i) for payment of not more than 15 percent of such income for expenses incidental to the administration and licensing of intellectual property by the agency or laboratory with respect to intellectual property which originated at that laboratory, including the fees or other costs for the services of other agencies, persons, or organizations for intellectual property management and licensing services;

"(ii) to reward scientific, engineering, and technical employees of the laboratory, including developers of sensitive or classified technology, regardless of whether the technology has commercial applications;

"(iii) to further scientific exchange among the laboratories of the agency; or

"(iv) for education and training of employees consistent with the research and development mission and objectives of the agency or laboratory, and for other activities that increase the potential for transfer of the technology of the laboratories of the agency.

All income retained by the agency or laboratory after payments have been made pursuant to subparagraphs (A) and (B) that is unobligated and unexpended at the end of the fiscal year succeeding the fiscal year in which the income was received shall be paid into the United States Treasury.

"(2) If, after payments to employees under paragraph (1), the intellectual property income received by an agency and its laboratories in any fiscal year exceeds 5 percent of the budget of the laboratories of the agency for that year, 75 percent of such excess shall be paid to the United States Treasury and the remaining 25 percent may be used or obligated for the purposes described in clauses (i) through (iv) of paragraph (1)(B) during that fiscal year or the succeeding fiscal year. Any income not so used or obligated shall be paid into the United States Treasury.

"(3) Any payment made to an employee under this section shall be in addition to the regular pay of the employee and to any other awards made to the employee, and shall not affect the entitlement of the employee to any regular pay, annuity, or award to which the employee is otherwise entitled or for which the employee is otherwise eligible, or limit the amount thereof. Any payment made under this section to any employee shall continue after the employee leaves the employment of the laboratory or agency.

"(4) A Federal agency receiving income as a result of intellectual property management services performed for another Federal agency or laboratory under section 207 of title 35, United States Code, may retain such income to the extent required to offset the payment of income from intellectual property under paragraph (1)(A)(i), and costs and expenses incurred under paragraph (1)(B)(i), including the cost of foreign protection of the intellectual property of the other agency. All income remaining after payment of the income, costs, and expenses described in the preceding sentence shall be transferred to the agency for which the services were performed, for distribution in accordance with clauses (i) through (iv) of paragraph (1)(B).

"(b) CERTAIN ASSIGNMENTS.—If the intellectual property from which the income is derived was assigned to the Federal agency—

"(1) by a contractor, grantee, or participant in a cooperative agreement with the agency; or

"(2) by an employee of the agency who was not working in the laboratory at the time the intellectual property was originated;

the agency unit that was involved in such assignment shall be considered to be a laboratory for purposes of this section.

"(c) REPORTS.—

"(1) In making its annual submission to the Congress, each Federal agency shall submit, to the appropriate authorization and appropriations committee of both Houses of the Congress, a summary of the amount of income received from intellectual property and expenditures made (including employee awards) under this section.

"(2) Not later than October 1, 1996, the Comptroller General shall review the effectiveness of the various income-sharing programs established under this section and report to the appropriate committees of the House of Representatives and the Senate, in a timely manner, the Comptroller General's findings, conclusions, and recommendations for improvements in such programs."

SEC. 5. AMENDMENT TO BAYH-DOLE ACT.

Section 210(e) of title 35, United States Code, is amended by inserting "and the Technology Commercialization Act of 1993" after "Federal Technology Transfer Act of 1986".

REGISTER OF COPYRIGHTS,

Washington, DC, September 15, 1993.

DEAR SENATOR ROCKEFELLER: I am responding to your request of September 10, 1993 for comments about the conditions under which private sector partners who collaborate on a Cooperative Research and Development Agreement (CRADA) with a government-owned government-operated laboratory (GOGO labs) can claim copyright and computer chip mask work protection for works which arise from a CRADA.

You explain that you intend to propose legislation to amend the Stevenson-Wydler Technology Innovation Act of 1980 to require Federal laboratories "to ensure that rights to jointly developed intellectual property"

arising from a CRADA "are assigned to private sector party or parties to each agreement." You do not propose any amendment of the Copyright Act such as last year's bill, S. 1581. That is, the prohibition on copyright in works of the United States Government, as provided in section 105 of title 17 of the United States Code remains in force. The mask work law contains a similar prohibition. 17 U.S.C., section 903(d).

You seek guidelines for determining the copyright status of computer software, for example, created under different fact patterns relating to collaboration under a CRADA.

The Copyright Office can only provide tentative, preliminary comments since there are no settled precedents for all of the fact situations you pose.

Pattern #1. A private company develops a new computer-operated manufacturing process and takes its invention to a Federal laboratory to seek ideas on testing and improving necessary computer software through a CRADA research project. The laboratory employees are very helpful but contribute no copyrightable work. Can the private company own a copyright in the computer software which results from the collaboration?

Response. If the Federal employees contribute no copyrightable authorship, the private company can copyright the software which results from the CRADA collaboration since the private company is the sole author of the copyrightable material.

Pattern #2. A GOGO laboratory develops software that could be adaptable for use by a private company after considerable work to make the software commercially viable. The private company and the Federal employees work together to refine and adapt the software. Can the private company own a copyright in the computer software which results from the collaboration "as an original or as a derivative work?"

Response. It is clear that the private company cannot claim copyright as "an original work" under these facts since the company is adapting pre-existing public domain software. If the company works alone to adapt the software, the company could copyright the adaptation as a derivative work, claiming copyright only in any new creative expression it has added to public domain material. Under fact pattern number 2, however, the private company employees and Federal employees work together. It is not clear, under these facts, whether or not copyright can be claimed. To the extent the private sector contribution can be segmented and separately identified, a valid copyright may be claimed. On the other hand, if the private sector and government contributions are merged or intermingled, the right to claim copyright is doubtful. As a general principle, you cannot protect material in the public domain. The courts will tend not to enforce the copyright, and may even hold the copyright invalid, if copyrightable matter and uncopyrightable matter are merged. This is known as the "merger doctrine."

Pattern #3. This fact pattern is similar to pattern number 2, except that although the private company and the Federal employees work together initially, their collaboration ends before they develop a commercially useful product. The private company on its own continues the adaptation work until it achieves a useful product. Can the private company own a copyright in this computer software "as an original or as a derivative work?"

Response. The response is essentially the same as the response to pattern number 2.

Copyright cannot be claimed in an "original work," since the software has been adapted from pre-existing public domain software. To the extent the private company can separately identify its original authorship contribution, the company may claim copyright as a derivative work. The fact that the collaboration ends before a commercially useful product is achieved should mean that the private company will be able to establish its separate authorship and claim copyright as a derivative work. The burden of proof may, however, be substantial, given that the company adapts public domain software with the initial collaboration of Federal employees in the adaptation. Excellent business records would probably be necessary to establish the separate authorship of the private company in any copyright infringement suit.

Pattern #4. The private company and the GOGO laboratory sign a CRADA to conduct research on a new product. In the course of this research, the scientists from each side jointly write an original software program to control the manufacturing process. Can the private company own a copyright in the computer software which results from this collaboration?

Response. This is the most difficult fact pattern of all. The Federal employee contribution should be part of the public domain. Our general response again is that if the private company can identify its separate copyrightable authorship, it may be able to claim a valid copyright. If, however, the private sector and federal contributions to the development of the software are merged, then the right to claim copyright is in doubt. If the court applies the merger doctrine, it would probably refuse to enforce the copyright against an alleged infringer because the public has the right to use the public domain portion of the work.

You asked for our comments about the claims of copyright in computer software primarily. The responses would be essentially the same with respect to mask works, although there is no case law that applies the copyright law's merger doctrine to mask works.●

By Mr. DASCHLE:

S. 1538. A bill to make a technical correction with respect to the temporary duty suspension for clomiphene citrate.

DUTY SUSPENSION LEGISLATION

● **Mr. DASCHLE.** Mr. President, I am introducing today noncontroversial legislation to make a technical correction to the temporary duty suspension on clomiphene citrate, a pharmaceutical preparation approved by the Food and Drug Administration and used for the treatment of human infertility. This legislation is similar to a measure that I introduced in the last Congress.

There are no U.S. manufacturers of clomiphene citrate, and it is imported into the country in bulk and finished form. Prior to 1989, both forms of clomiphene citrate were within the scope of the temporary duty suspension that prevailed at that time under the tariff schedules of the United States [TSUS].

When the conversion was made from the TSUS, to the Harmonized Tariff Schedule of the United States [HTSUS] on January 1, 1989, the finished form of

clomiphene citrate was inadvertently omitted from the scope of the duty suspension. This probably occurred because the HTSUS, unlike the TSUS, distinguishes between finished and bulk products, resulting in two separate tariff classifications.

To remedy this omission, this bill amends the temporary duty suspension language so that it refers to the tariff classification numbers of both forms of clomiphene citrate.

I urge my colleagues to give this bill favorable consideration.

Mr. President, I request that the full text of the bill be printed in the RECORD following my remarks.

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

S. 1538

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CLOMIPHENE CITRATE.

(a) IN GENERAL.—Heading 9902.29.95 of the Harmonized Tariff Schedule of the United States is amended by inserting "or 3004.90.60" after "2922.19.15".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) applies to goods entered, or withdrawn from warehouse for consumption, after December 31, 1988, and before January 1, 1993.

(2) RELIQUIDATION.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, upon proper request filed with the appropriate customs officer on or before the 195th day after the date of the enactment of this Act, any entry, or withdrawal from warehouse for consumption, of an article described in heading 9902.29.95 of the Harmonized Tariff Schedule of the United States—

(A) that was made after December 31, 1988, and before January 1, 1993, and

(B) with respect to which there would have been no duty if the amendment made by subsection (a) applied to such entry or withdrawal, shall be liquidated or reliquidated as though such amendment applied to such entry or withdrawal.

(3) PROPER REQUEST.—For purposes of paragraph (2), the request filed with the Customs Service shall contain sufficient information to enable the Customs Service to—

(A) locate the entry relevant to such request; or

(B) reconstruct the entry, if the entry cannot be located.●

ADDITIONAL COSPONSORS

S. 289

At the request of Mr. REID, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of S. 289, a bill to amend section 118 of the Internal Revenue Code of 1986 to provide for certain exceptions from rules for determining contributions in aid of construction, and for other purposes.

S. 340

At the request of Mr. HEFLIN, the names of the Senator from Utah [Mr. BENNETT], and the Senator from Pennsylvania [Mr. SPECTER] were added as

cosponsors of S. 340, a bill to amend the Federal Food, Drug, and Cosmetic Act to clarify the application of the act with respect to alternate uses of new animal drugs and new drugs intended for human use, and for other purposes.

S. 416

At the request of Mr. DECONCINI, the name of the Senator from Florida [Mr. GRAHAM] was added as a cosponsor of S. 416, a bill to authorize the provision of assistance to the victims of war in the former Yugoslavia, including the victims of torture, rape, and other war crimes and their families.

S. 496

At the request of Mr. SIMON, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 496, a bill to amend chapter 44 of title 18, United States Code, to strengthen Federal standards for licensing firearms dealers and heighten reporting requirements, and for other purposes.

S. 545

At the request of Mr. BOREN, the name of the Senator from Delaware [Mr. ROTH] was added as a cosponsor of S. 545, a bill to amend the Internal Revenue Code of 1986 to allow farmers' cooperatives to elect to include gains or losses from certain dispositions in the determination of net earnings, and for other purposes.

S. 578

At the request of Mr. KENNEDY, the name of the Senator from Rhode Island [Mr. CHAFEE] was added as a cosponsor of S. 578, a bill to protect the free exercise of religion.

S. 651

At the request of Ms. MIKULSKI, the name of the Senator from Alabama [Mr. SHELBY] 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. 732

At the request of Mr. KENNEDY, the names of the Senator from New Hampshire [Mr. GREGG], and the Senator from Hawaii [Mr. INOUE] were added as cosponsors of S. 732, a bill to provide for the immunization of all children in the United States against vaccine-preventable diseases, and for other purposes.

S. 784

At the request of Mr. HATCH, the name of the Senator from Ohio [Mr. GLENN] was withdrawn as a cosponsor of S. 784, a bill to amend the Federal Food, Drug, and Cosmetic Act to establish standards with respect to dietary supplements, and for other purposes.

S. 921

At the request of Mr. BAUCUS, the name of the Senator from Ohio [Mr.

METZENBAUM] was added as a cosponsor of S. 921, a bill to reauthorize and amend the Endangered Species Act for the conservation of threatened and endangered species, and for other purposes.

S. 950

At the request of Mr. CHAFEE, the name of the Senator from Arkansas [Mr. PRYOR] was added as a cosponsor of S. 950, a bill to increase the credit available to small businesses by reducing the regulatory burden on small regulated financial institutions having total assets of less than \$400,000,000.

S. 1082

At the request of Mr. COCHRAN, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 1082, a bill to amend the Public Health Service Act to revise and extend the program of making grants to the States for the operation of offices of rural health, and for other purposes.

S. 1124

At the request of Mr. D'AMATO, the name of the Senator from Arkansas [Mr. PRYOR] was added as a cosponsor of S. 1124, a bill to enhance credit availability by streamlining Federal regulations applicable to financial institutions, and for other purposes.

S. 1154

At the request of Mr. DECONCINI, the name of the Senator from Florida [Mr. GRAHAM] was added as a cosponsor of S. 1154, a bill to amend the Foreign Assistance Act of 1961 to provide for the establishment of a microenterprise development fund, and for other purposes.

S. 1406

At the request of Mr. KERREY, the names of the Senator from Minnesota [Mr. DURENBERGER] and the Senator from Nebraska [Mr. EXON] were added as cosponsors of S. 1406, a bill to amend the Plant Variety Protection Act to make such act consistent with the International Convention for the Protection of New Varieties of Plants of March 19, 1991, to which the United States is a signatory, and for other purposes.

S. 1425

At the request of Mr. CONRAD, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 1425, a bill to establish a National Appeals Division of the Department of Agriculture to hear appeals of adverse decisions made by certain agencies of the Department, and for other purposes.

S. 1432

At the request of Mr. HOLLINGS, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of S. 1432, a bill to amend the Merchant Marine Act, 1936, to establish a National Commission to Ensure a Strong and Competitive United States Maritime Industry.

S. 1447

At the request of Mr. BRYAN, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of S. 1447, a bill to modify the disclosures required in radio advertisements for consumer leases, loans and savings accounts.

S. 1522

At the request of Mr. KOHL, his name was added as a cosponsor of S. 1522, a bill to direct the U.S. Sentencing Commission to promulgate guidelines or amend existing guidelines to provide sentencing enhancements of not less than three offense levels for hate crimes.

SENATE JOINT RESOLUTION 41

At the request of Mr. MCCAIN, his name was added as a cosponsor of Senate Joint Resolution 41, a joint resolution proposing an amendment to the Constitution of the United States to require a balanced budget.

SENATE JOINT RESOLUTION 75

At the request of Mr. ROTH, the names of the Senator from North Dakota [Mr. CONRAD], the Senator from Wisconsin [Mr. KOHL], the Senator from Connecticut [Mr. DODD], the Senator from Montana [Mr. BAUCUS], the Senator from Maryland [Ms. MIKULSKI], the Senator from Virginia [Mr. ROBB], the Senator from Kentucky [Mr. FORD], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Utah [Mr. HATCH], the Senator from Florida [Mr. BENNETT], the Senator from Florida [Mr. MACK], the Senator from Mississippi [Mr. LOTT], the Senator from South Dakota [Mr. PRESSLER], the Senator from Missouri [Mr. BOND], and the Senator from Oregon [Mr. PACKWOOD] were added as cosponsors of Senate Joint Resolution 75, a joint resolution designating January 2, 1994, through January 8, 1994, as "National Law Enforcement Training Week."

SENATE JOINT RESOLUTION 83

At the request of Mr. DECONCINI, the names of the Senator from North Dakota [Mr. DORGAN], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Maryland [Mr. SARBANES], and the Senator from Idaho [Mr. CRAIG] were added as cosponsors of Senate Joint Resolution 83, a joint resolution designating the week beginning February 6, 1994, as "Lincoln Legacy Week."

SENATE JOINT RESOLUTION 122

At the request of Mr. LAUTENBERG, the names of the Senator from Texas [Mrs. HUTCHISON], the Senator from Pennsylvania [Mr. WOFFORD], the Senator from Mississippi [Mr. LOTT], the Senator from Indiana [Mr. COATS], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Nebraska [Mr. KERREY], and the Senator from Georgia [Mr. COVERDELL] were added as cosponsors of Senate Joint Resolution 122, a joint resolution designating December 1993 as "National Drunk and Drugged Driving Prevention Month."

SENATE JOINT RESOLUTION 131

At the request of Mr. BRADLEY, the names of the Senator from West Virginia [Mr. BYRD] and the Senator from Idaho [Mr. KEMPTHORNE] were added as cosponsors of Senate Joint Resolution 131, a joint resolution designating the week beginning November 14, 1993, and the week beginning November 13, 1994, each as "Geography Awareness Week."

SENATE JOINT RESOLUTION 132

At the request of Mr. BURNS, the names of the Senator from Nevada [Mr. REID], the Senator from New Jersey [Mr. BRADLEY], and the Senator from Maine [Mr. COHEN] were added as cosponsors of Senate Joint Resolution 132, a joint resolution designating the week of October 17, 1993, through October 23, 1993, as "National School Bus Drivers Safety Week."

SENATE JOINT RESOLUTION 134

At the request of Mr. BIDEN, the names of the Senator from Pennsylvania [Mr. SPECTER], the Senator from Mississippi [Mr. COCHRAN], and the Senator from Pennsylvania [Mr. WOFFORD] were added as cosponsors of Senate Joint Resolution 134, a joint resolution to designate October 19, 1993, as "National Mammography Day."

SENATE JOINT RESOLUTION 137

At the request of Mr. LEAHY, the names of the Senator from New Jersey [Mr. BRADLEY], the Senator from Oklahoma [Mr. BOREN], the Senator from Nebraska [Mr. EXON], the Senator from New York [Mr. D'AMATO], the Senator from Tennessee [Mr. SASSER], the Senator from South Dakota [Mr. PRESLER], the Senator from Nevada [Mr. REID], the Senator from Missouri [Mr. DANFORTH], the Senator from Ohio [Mr. METZENBAUM], the Senator from Maryland [Ms. MIKULSKI], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Ohio [Mr. GLENN], the Senator from New Jersey [Mr. LAUTENBERG], and the Senator from Virginia [Mr. WARNER] were added as cosponsors of Senate Joint Resolution 137, a joint resolution designating October 16, 1993, and October 16, 1994, each as "World Food Day."

SENATE JOINT RESOLUTION 140

At the request of Mr. LAUTENBERG, the names of the Senator from Michigan [Mr. LEVIN], the Senator from Tennessee [Mr. SASSER], the Senator from Hawaii [Mr. AKAKA], the Senator from Rhode Island [Mr. CHAFEE], the Senator from South Dakota [Mr. DASCHLE], the Senator from Rhode Island [Mr. PELL], the Senator from Illinois [Mr. SIMON], the Senator from Ohio [Mr. GLENN], the Senator from Michigan [Mr. RIEGLE], the Senator from Alabama [Mr. SHELBY], the Senator from North Carolina [Mr. HELMS], and the Senator from New Jersey [Mr. BRADLEY] were added as cosponsors of Senate Joint Resolution 140, a joint resolution to designate December 7, 1993, as "National Pearl Harbor Remembrance Day."

SENATE RESOLUTION 150—TO AUTHORIZE REPRESENTATION OF MEMBERS OF THE SENATE

Mr. MITCHELL (for himself and Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 150

Whereas, in the case of Douglas R. Page v. Robert Dole, et al., No. 93-1546, pending in the United States District Court for the District of Columbia, the plaintiff has named ninety-nine Members of the Senate, and a former Member, as defendants;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(1), the Senate may direct its counsel to defend present and former Members of the Senate in civil actions relating to their official responsibilities: Now, therefore, be it

Resolved, That the Senate Legal Counsel is directed to represent the present and former Members of the Senate who are defendants in the case of Douglas R. Page v. Robert Dole, et al.

SENATE RESOLUTION 151—TO AUTHORIZE THE PRODUCTION OF RECORDS

Mr. MITCHELL (for himself and Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 151

Whereas, in 1992 the Subcommittee on Near Eastern and South Asian Affairs of the Committee on Foreign Relations conducted an investigation into allegations relating to the release of American hostages held in Iran;

Whereas, in the course of reviewing testimony taken by the staff of the House Task Force to Investigate Certain Allegations Concerning the Holding of American Hostages in Iran in 1980 to determine whether certain witnesses committed perjury, the Department of Justice has requested access to records of the related Senate investigation;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That the Chairman and Ranking Minority Member of the Committee on Foreign Relations, acting jointly, are authorized to provide to the Department of Justice records of the investigation of the Subcommittee on Near Eastern and South Asian Affairs of allegations relating to the release of American hostages held in Iran.

NOTICES OF HEARINGS

SUBCOMMITTEE ON MINERAL RESOURCES DEVELOPMENT AND PRODUCTION COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. AKAKA. Mr. President, I would like to announce for my colleagues and

the public that an oversight hearing has been scheduled before the Subcommittee on Mineral Resources Development and Production.

The purpose of the hearing is to receive testimony on ocean mining technology.

The hearing will take place on Thursday, November 4, 1993, at 2 p.m., in room SD-366 of the Dirksen Senate Office Building, First and C Streets, NE., Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the printed hearing record should send their comments to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510, Attention: Heather Hart.

For further information, please contact Lisa Vehmas of the subcommittee staff at 202/224-7555.

SUBCOMMITTEE ON MINERAL RESOURCES DEVELOPMENT AND PRODUCTION COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. AKAKA. Mr. President, I would like to announce for my colleagues and the public that a hearing has been scheduled before the Subcommittee on Mineral Resources Development and Production.

The purpose of the hearing is to receive testimony on S. 1170, a bill to amend the Mineral Leasing Act to provide for leasing of certain lands for oil and gas purposes.

The hearing will take place on Thursday, October 14, at 9:30 a.m., in room SD-366 of the Dirksen Senate Office Building, First and C Streets, NE., Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the printed hearing record should send their comments to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510, Attention: Heather Hart.

For further information, please contact Lisa Vehmas of the subcommittee staff at 202/224-7555.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for my colleagues and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The purpose of the hearing is to receive testimony on the administration's National Action Plan to reduce greenhouse gases.

The hearing will take place on Thursday, October 28, 1993, at 9:30 a.m., in Room SD-366 of the Dirksen Senate Office Building, First and C Streets, NE., Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony

for the printed hearing record should send their comments to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510, Attention: Leslie Black Cordes.

For further information, please contact Leslie Black Cordes of the Committee staff at 202/224-4756.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE NUTRITION AND FORESTRY

Mr. MITCHELL. 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 Thursday, October 7, 1993, at 2:30 p.m. in SR-332 on agricultural research priorities.

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

COMMITTEE ON ARMED SERVICES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Thursday, October 7, 1993, at 10:30 a.m. to consider the nomination of Gen. George A. Joulwan, USA for reappointment to the grade of general and to be Commander in Chief, U.S. European Command and Supreme Allied Command, Europe.

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

COMMITTEE ON ARMED SERVICES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet today, Thursday, October 7, 1993, at 2 p.m., in closed session, to receive testimony on the current situation in Somalia.

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

COMMITTEE ON THE JUDICIARY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Thursday, October 7, 1993, at 2 p.m. to hold a hearing on the nominations of Pierre Leval to be U.S. Circuit Judge for the second circuit, Leonie Brinkema to be U.S. District Judge for the Eastern District of Virginia, Deborah Chasanow to be U.S. District Judge for the District of Maryland, and Peter Messitte to be U.S. District Judge for the District of Maryland.

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

COMMITTEE ON THE JUDICIARY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to hold a business meeting during the session of the Senate on Thursday, October 7, 1993, to consider the nomination of Doris Meissner of Maryland to be Commissioner of Immigration and Naturalization.

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

ADDITIONAL STATEMENTS

NATIONAL MEDAL OF TECHNOLOGY

• Mr. LIEBERMAN. Mr. President, on Thursday, September 30, 1993, President Clinton presented medals to the 1993 recipients of the National Medal of Science and the National Medal of Technology. These medals recognize individuals and companies whose discoveries and innovations greatly benefitted the United States in the areas of science and technology. This medal is the highest symbol of achievement in these areas awarded by the President and parallels such awards as the Baldrige Award.

Dr. William J. Joyce, of Newtown, CT, president and chief operating officer for Union Carbide Corp., has been selected as one of the recipients for the National Medal of Technology in recognition of his far-reaching vision and unceasing efforts on behalf of the world renowned UNIPOL polyethylene process. Dr. Joyce's tireless efforts to transform the polyethylene industry began when he joined the company in 1957 and led to the development of the UNIPOL process in the early 1970's. This technology has revolutionized the entire plastics industry, and enabled the United States to become the world leader in the \$30 billion worldwide polyethylene industry.

The UNIPOL process also represents a vast improvement in environmental and safety performance over conventional technology. Since its introduction, it has resulted in energy, operating and raw material cost savings of nearly \$7 billion. It uses less energy, reduces emissions to the environment, operates at lower, thus safer, temperatures and produces a superior product.

The administration works with the Foundation for the National Medals of Science and Technology to signify the importance of both science and technology and uses the medals to celebrate American achievement in these areas and to improve public understanding of the critical role that they play in America's global competitiveness.

Mr. President, it is also fitting that this award is presented in the same week that President Clinton announces his trade promotion policies. Under the direction of Dr. Joyce and Union Carbide chairman, Robert D. Kennedy, the Danbury-based corporation plans to enter into a partnership with Petrochemical Industries Co. K.S.C. [PIC] of Kuwait to construct a world-scale petrochemicals facility in that country to serve markets in the Far East. This \$2 billion project will result in U.S. exports of about \$600 million in products, service and technology, including Union Carbide's award-winning UNIPOL, and its other leading technologies.

I extend my deepest congratulations to Dr. Joyce and all of the people of Union Carbide for their commitment to technology excellence. •

REGARDING THE RETIREMENT OF GEORGE BRETT

• Mr. DANFORTH. Mr. President, I rise to pay tribute to George Brett, who retired from the Kansas City Royals last Sunday after 21 great seasons.

Last Sunday, baseball fans around the country watched as Brett grounded a single up the middle for his 3,154th, and final, base hit in his final at bat. Brett also got a game-tying hit up the middle in his last at bat in Kansas City last Wednesday.

This is not surprising. Brett will be remembered for many accomplishments as a baseball player, but I think he will be remembered most for his ability to come through in the clutch. The three-run home run Brett hit against the Yankees' ace stopper Rich Gossage in the 1980 playoffs to ice Kansas City's first league championship is etched into the minds of every Royals fan. So are the two home runs Brett hit in the third game of the 1985 playoffs, helping propel the Royals into the World Series. During the past two decades, we all were comforted knowing that George Brett would have a chance to win the game, win the division, win the league, and win the World Series. His ability to step to the plate when the game was on the line, stare down the pitcher, and deliver is what separated him from the rest.

George Brett's career numbers cannot fully reflect his unique qualities. But they show a lot. He is the only baseball player in history with as many as 3,000 hits, 600 doubles, 100 triples, 300 home runs, and 200 stolen bases. He is 5th all time in doubles, 10th in extra base hits, and 11th in hits.

Brett will be remembered for always playing hard. Whether trying to stretch a double into a triple in an important game during the pennant race, or running out a routine ground ball to second base in the ninth inning of a blowout, Brett always played baseball as it should be played—with intensity and sportsmanship.

Brett will be remembered as, and will continue to be, a great spokesman for the game. In his thousands of interviews, he was always cheerful, down to earth, witty, and self-deprecating. He never blamed other people for his, or the team's, problems. Nor did he boast when the team was doing well.

Finally, George Brett will be remembered for his loyalty. In announcing his retirement, Brett said that the one thing he was proudest of is spending his whole career with one team. In an era of free agents and players demanding trades from one team to another, Brett chose to play with Kansas City

for all 21 years of his career. Instead of asking to move to a city with a big media market, Brett chose to dedicate himself to making Kansas City a better place. Brett's activities in local charities are well-known and very well regarded. And luckily for Kansas City, this native of California has chosen to stay in the city, raise his family, work for the team, and I am sure maintain his commitment to public service.

These qualities are the reasons George Brett is a true American hero. Thanks for the memories, George.●

NATIONAL LAW ENFORCEMENT OFFICERS MEMORIAL FUND

● Mr. SIMON. Mr. President, today I would like to praise the good work of the National Law Enforcement Officers Memorial Fund. Their organization has been instrumental in gaining the important recognition that law enforcement officers, slain in the line of duty deserve. Their continuing efforts deserve our support and praise.

One of their most obvious accomplishments is the beautiful memorial located in Washington, DC. The memorial is a fitting tribute to law enforcement officers and their families. The visitors center provides the people of this country with a chance to gain a deeper understanding of the great sacrifice made by those in the law enforcement community. It is important that this memorial stand as a constant reminder of the honor and valor of those killed in the line of duty.

I would like to recognize the National Law Enforcement Officers Memorial Fund for their tireless dedication to this worthwhile endeavor. I wish the memorial continued success.●

DEATH OF DR. DONALD WOODS THOMAS

● Mr. LUGAR. Dr. Donald Woods Thomas was particularly well known to those of us in Congress for his frequent appearances before the Senate Foreign Relations Committee during the 1970's and 1980's in support of international assistance programs administered through the U.S. Agency for International Development and other international humanitarian concerns. Dr. Thomas, former executive director of the board for International Food and Agricultural Development and Economic Cooperation support staff in USAID, passed away on April 15, 1993.

Dr. Thomas began his career at Purdue University in 1954 as an assistant professor of agricultural economics, after having earned his bachelor's, master's and doctor's degrees from Pennsylvania State University. He served as associate dean and director of international programs in agriculture, Purdue University, since its inception in 1965. He was interim dean of the Office of International Programs from June 1990 until June 1992.

Among the positions D. Woods Thomas held at Purdue, he served as the first dean of international agriculture. Of the projects he led, developing institutional capabilities in research, education, and extension in countries of Africa, Asia, and Latin America, he was proudest of the institution he headed in Brazil. This formerly small 250-student, rural college is now the Federal University of Vicosa, a world-class research and teaching institution with an enrollment of over 10,000 students.

I would like to pay tribute to the memory of Dr. Donald Woods Thomas for his long service and leadership in and dedicated contribution to international development and especially to the participation of U.S. universities in international development activities. Dr. Thomas will be greatly missed by all of us who share his belief that international development activities are part of the land grant mission, and a clear responsibility of the United States as a participant in global affairs.●

HOW MANY MORE WAYS CAN THIS STORY BE TOLD?

● Mr. DASCHLE. Mr. President, I had the opportunity to read a commentary in Sunday's Washington Post by Cindy Loose. I am sure many others read it as well, and anyone who read it must have shared my deep sense of sorrow and rage at the violence in this tragic story. I will ask that a copy of the article be inserted into the RECORD at the end of my statement.

The evening of September 25 I turned on the news to learn that there had been five shootings in just 6 hours in Southwest Washington. Five shootings in 6 hours in the middle of a Saturday afternoon. One of those shot was 4-year-old Launice Smith. After being in intensive care for 5 days, Launice died last Thursday. This little girl's tragic death is the subject of Ms. Loose's commentary.

Ms. Loose talks about how every reporter writes about a story like this hoping that it will make a difference, that it will touch someone and arouse or renew in them the commitment to try to change the direction in which our society is heading. But the problem is, these stories, these tragedies do not seem to be making a difference. As Ms. Loose finally laments, "How many more ways can this story be told?"

I do not know how many people were affected as I was by Launice Smith's death. I do not know how many people have simply become immune to the tragedy we are witnessing in this city and around the Nation. I do know, however, that I have had enough. I am tired of hearing a new story of violence on the news each night. I am tired of waking up to another tragedy on the front page of the paper. I am tired of living in fear for my children's safety.

The status quo is unacceptable, and it is frankly unacceptable that we have not been able to stem the tide of this wave of violent crime sooner. The real point of my statement today is to add yet another voice to the chorus calling for change and expressing commitment to restoring some semblance of safety and order to the streets of our Nation. Because we cannot afford to go down this road any longer—that truth is becoming clearer and clearer every day.

The article follows:

[From the Washington Post, Oct. 3, 1993]
HOW MANY MORE WAYS CAN THIS STORY BE TOLD?

(By Cindy Loose)

A young mother sat in a rocking chair cradling the dead toddler whose brain had been invaded by a stray bullet. She did not cry, but looked down with a gentle, loving expression on her face.

The respirator had been turned off moments before. The white tape that had held the breathing tube in place was still splayed around the edges of the little girl's lips.

One by one, the teenagers and slightly older relatives who had loved 4-year-old Launice Smith took turns Thursday saying goodbye in that rocking chair in the intensive-care unit where Launice had lain in a coma for five days. They took pictures with a Polaroid.

It is the kind of moment reporters try to capture, then later have to live with. We do it to make money, but also with the vague hope it will somehow make a difference, that in the great scheme of things, we play our little part and it will spur other people to do their little parts.

But it isn't working.

I first wrote about such things in Detroit for little more than a year about eight years ago. I really believed then that my words would anger or sicken my fellow citizens and elected officials into making changes. But here it is, eight years later, and I see the same expression on the faces of the same kind of people who have seen the same kinds of things. It is a placid look, the features controlled and normal, except for the eyes.

The look was on the face of Launice's mother at Children's Hospital when she pulled away a loose cloth expecting to see bandages on her baby's head and instead saw the gaping wound doctors decided was best left uncovered.

The first time I saw that look nearly eight years ago, it was etched on the face of a 6-year-old girl who had been sitting next to her cousin at an indoor birthday party when drug dealers mistook her house for a rival's and sprayed it with bullets.

The little girl was grazed across the cheek. Her 7-year-old cousin's head was blown away, large pieces of it landing in the little girl's lap.

The last time I saw her, a month after the shooting, she still had not spoken a word. The only time she made any sound was at night, when she would scream in her sleep.

How many more ways can this story be told?

We citizens tend to get angry at our public officials at moments like this. Yet they are not monsters, and only monsters could not be touched by what we've all seen in the last week.

Some of the measures we need to take are so obvious. So why do we seem unable to take them year, after year after year? The mayor and other people who are nominally

in charge of this city have called this week for more police. Few people want fewer police. But how many times do we want police to arrest and rearrest the people who terrorize these neighborhoods?

The man suspected in the death of Launice and Kervin Brown had been arrested in 1990 and again in 1991 on charges serious enough to have kept him in jail for years. More than a year before this week's slayings he had walked away from a work-release program. A bench warrant had been issued, but apparently no one had bothered to pick him up. And we wonder why people are reluctant to testify.

Many have despaired of the problem's ever being fixed. But there is hope. You can find it even in families that typify everything that is wrong with the inner city.

A glimmer can be found in the strength of the 21-year-old mother of Launice Smith. The behavior of this young black woman living in one of the worst projects in the city kept reminding me this week of the glamorous and wealthy Jackie Kennedy as she bravely carried herself through the funeral of her slain husband.

Angelia Smith took in her three half-siblings when her mother died and was raising them, along with her daughter, in a bare one-bedroom apartment. The day after her daughter's death, she went to get groceries for her brother and little sisters and kept reminding the girls to do their homework.

After Launice died, the city gave the family blankets and food vouchers and talked about getting them a bigger apartment. Workers fixed the living-room window that had been broken by someone throwing a snowball. In the hall leading to the third-floor walk-up, a window within reach of children had what appeared to be a bullet hole, shards of glass hanging from the window frame. Workmen did not fix that.

Meanwhile, the two political parties parry views on the rare occasions when they think about the problem at all. One end of the spectrum emphasizes law and order and demands personal responsibility. The other focuses on the ravages of poverty and underlying causes.

The politicians act as if the two philosophies were mutually exclusive, with no understanding that there are good people who need help and bad people who need punishment.

No one exists in a world of perfect justice. But those of us outside the inner city generally live by a system of rewards and punishments. Yet for some reason we are puzzled by the behavior of people who, by and large, get nothing for doing the right thing, for being honorable and kind and decent, and on the other hand see no penalties incurred by those who tear their neighborhoods apart.

I returned home through night after watching the mother of Launice Smith make funeral arrangements for her daughter. Over dinner, my husband and I talked about how exactly one year ago, I was in labor with our first child, a daughter. We remembered how scared we were, and how beautiful Madeline was the moment she was born with a mass of black hair on a perfectly shaped head.

At one point in our conversation, my husband asked if I was feeling all right, and I knew he was thinking of my work week, in which I had covered the murder of a Korean shopkeeper and the lingering death of a little girl. I said I felt fine, surprisingly so. A little later, I began to rock my baby to sleep. She was just hours away from being precisely one year old.

I looked at her sleeping face, and the image of another rocking chair and another

child and another mother came to mind. My baby was so still. I jostled her slightly, the way I did in her first few months when I was paranoid about her breathing. She moved her hand against my chest.

I walked her to a bedroom decorated with pink elephants and blue giraffes and white lambs. I put her in her crib, and I began to sob.●

FACES OF THE HEALTH CARE CRISIS

● Mr. RIEGLE. Mr. President, I rise today in my continuing effort to put a face on the health care crisis in our Nation. Today I want to tell the story of a single working mother, Kathy Krueger, from Kentwood, MI. Kathy was recently blessed with the birth of her first child, Rachael. Unfortunately, as a result of complications from the delivery, Kathy lost her job and health insurance after her daughter's birth.

Kathy is 28 years old and has worked as a home lighting design consultant for 5 years. She worked at her most recent job for over 2 years and had good health insurance benefits through her employer.

After her daughter's birth on June 21, Kathy experienced complications which kept her from returning to work immediately after her maternity leave ended. Even though her doctor called her employer several times to verify that Kathy was unable to return to work, Kathy was fired on August 31. Unfortunately the Family and Medical Leave Act was not enacted by Congress in time to help Kathy keep her job.

As a result of losing her job, Kathy also lost her health insurance. Kathy is entitled to COBRA benefits but her former employer did not offer her this option to extend her health insurance for 18 months, as is required by law. I have contacted the Department of Labor on her behalf to investigate the situation, but meanwhile Kathy is uninsured and cannot pay for urgent medical care.

Since she lost her health insurance last month, Kathy has had to have outpatient surgery, called a DNC, to treat an infection. She is still waiting for the bill for this surgery, but she estimates the cost will be over \$1,000. In addition, she has had to pay over \$300 for prescriptions to prevent further infection and promote blood clotting after the surgery. In fact, Kathy found out she lost her health insurance when she went to fill a prescription to treat her infection.

Without a job and without health insurance, Kathy cannot support herself and her 3½-month-old daughter. She does not want to rely on public assistance, but she has nowhere else to turn. This is the first time in her life that she has not had a job and she is doing all she can to find another one. The problem is that even when Kathy finds another job with health insurance, her postpartum condition may not be cov-

ered because it is a preexisting condition.

It is important that working parents like Kathy Krueger have a guarantee of health insurance coverage regardless of their job situation or health status. Americans deserve the peace of mind that health insurance coverage can bring. I will do everything I can to work with my colleagues, President Clinton and First Lady Hillary Rodham Clinton to reform our health care system and provide access to affordable health care for all Americans.●

DEFENSE ACQUISITION PILOT PROGRAM AMENDMENT

● Mr. ROTH. Mr. President, in September, the Senate passed the 1994 Defense Authorization Act which included my amendment enhancing the Defense Acquisition Pilot Program. Today, I rise to emphasize to my colleagues here in the Senate, as well as to Secretary Aspin, the important opportunity my amendment provides for improving the Government's buying system.

First, Mr. President, I want to again express my thanks to my colleagues, Senators NUNN, BINGAMAN, THURMOND, SMITH, GRASSLEY, and COHEN, who co-sponsored this amendment. I also wish to add my thanks to Senator GLENN and Senator LEVIN and the staffs of all of these Senators for their expert support in reaching an agreement on this amendment. In addition, Deputy Secretary of Defense, William Perry, and the DOD staff played a key role in shaping the amendment and I thank him for that. I believe that only through this type of cooperative and bipartisan effort will we really begin to solve the complex problems of the Federal procurement system.

Mr. President, many billions of taxpayer dollars can be saved by reforming the Federal buying system. The National Performance Review's recommendations are estimated to save more than \$20 billion through reinventing the Federal Government's buying system. A recent Defense Sciences Board study showed that more comprehensive reforms could save \$20 billion per year in the Defense Department alone. My amendment clearly places the Senate on the path to making the reforms needed to achieve these savings.

Mr. President, I have emphasized starting with the Pentagon's buying system because the vast majority of weapon acquisition programs are experiencing serious cost and schedule problems. The GAO reported that program cost increases on the order of 20 to 40 percent are common. Acquisition costs for Navy major weapon systems are over budget by as much as 179 percent, Air Force systems by as much as 158 percent, and Army systems by as

much as 220 percent, even after accounting for the effects of inflation and quantity.

Every week, we can read in the newspapers and trade journals new evidence on the critical need for the changes in the acquisition system.

Recently, we found more alarming news of the continuing problems with the C-17 airplane. A test plane failed to meet Air Force requirements when a wing was damaged during a static stress test. After spending \$10.4 billion developing the C-17, the aircraft is basically unaffordable and does not meet Air Force requirements.

The Army decided to move ahead on its all source analysis system following a 2-year wait while officials debated the future of the program. Recent reports estimated the anticipated contract to be worth about \$100 million. That 2-year delay cost the taxpayer in the range of \$5 to \$10 million with no return on their money.

The Air Force has reiterated its support for the stealthy tri-service stand-off attack missile. This continued support is in spite of an increase in development and production costs from \$13.9 to \$15.4 billion while the inventory dropped from 7,450 to 6,650 missiles. This represents about a 25-percent increase in the per unit cost of the missile. I must raise the question about the affordability of a \$2.3 million tactical missile.

Mr. President, anyway you look at these problems you have to conclude that the acquisition system is not working and that taxpayer money is being wasted. You also have to conclude that the problems are present in all stages of the acquisition cycle and in all participating and support organizations. Further, who is accountable for these decisions or lack of decisions and no one seems to be asking the affordability questions. Huge amounts of taxpayer money will continue to be wasted until the procurement system undergoes a comprehensive reform.

This is why my amendment is so critical to the Congress and to the Defense Department. It is also critical to the American taxpayer who is seeing tax increases looming in every direction. We must institute innovative concepts to improve the efficiency of government operations and my amendment does exactly that. My amendment, in conjunction with the original pilot program, empowers the Department of Defense to test the benefits of waiving statutes and regulations and innovative approaches to management and administration of the acquisition process. Additionally, it enables program managers to test innovative approaches to the procurement process itself. In discussions with program managers and program executive officers in each of the services, this is exactly the opportunity they are looking for. However, up to this time, the bu-

reaucracy will not allow for such innovation. Mr. President, I believe that the chances to see these bureaucratic roadblocks removed are better than ever. From my discussions with Deputy Secretary of Defense Perry, I know that he is making every effort possible to change the culture of Defense Department procurement; however, the established bureaucracy has repealed many past attempts at reform.

In a December 1992 report on Defense weapons systems acquisition, the GAO concluded that, "the underlying cause of persistent and fundamental problems in the DOD's weapons acquisition process is a prevailing culture that is dependent on generating and supporting new weapons acquisitions. The culture is made up of interests that influence and motivate the behaviors of participants in the process." The Defense Science Board's task force on defense acquisition reform has just recently released its report and identified three major problems to be solved:

Broaden the industrial base upon which DOD depends,

Effective access to important technologies, products, and processes, and

Defense acquisition must be made more efficient.

However, they caution that, "These problems cannot be solved with current defense acquisition practices." The report further describes many specific problems associated with the acquisition system and recommends making profound changes and difficult choices. It specifically calls for DOD to commit to an evolutionary approach to a fundamentally new system. My amendment provides the congressional authority needed by DOD to start addressing the cultural problems identified by GAO and making the profound changes and difficult choices recommended by the Defense Science Board.

From my discussions with the Defense Department, I am aware of the seven programs that are to be recommended by DOD to be included in the pilot program. The systems to be recommended do not include any systems that are widely recognized horror stories. Mr. President, I am very pleased with the initiative being demonstrated by Ms. Colleen Preston and her staff and I can only encourage them to go further. I urge DOD to select one or more programs to test acquisition reform concepts contained in my amendment. Programs such as the C-17, unmanned aerial vehicles, the Army Tactical Command and Control System, Ballistic Missile Defense, Comanche helicopter, and the Milstar satellite have all demonstrated that the current procurement system is incapable of producing usable products within cost and schedule. If the Pentagon is serious about putting an end to its buying system problems, it must be willing to apply alternative management and

process approaches that can fix the problems on such highly visible programs.

Mr. President, there are a number of initiatives in DOD and Federal Government procurement reform currently underway. I must say that I am delighted that this issue, which I have worked on for over a decade, is finally receiving the attention required to make significant changes. However, Mr. President, most of these initiatives just do not go far enough to streamline the process or to realize the large potential dollar savings to the American taxpayer.

A joint effort of the Senate Armed Services and the Governmental Affairs Committees which proposes legislation implementing the recommendations of the section 800 panel is nearing completion. My colleagues, Senator BINGAMAN and Senator LEVIN, informed this body in August that this bill soon would be introduced and hearings held this fall. I have been heavily involved in this effort and I look forward to working with my fellow cosponsors and in particular with the chairman of the Governmental Affairs Committee to get a bill adopted that makes major improvements in the Federal buying system. The efforts of the section 800 panel were to address the statutes of procurement and therefore, the legislation is focused on the interface between Government and industry and more specifically, the contract formation process. However, the current draft of the Senate bill represents only about 10 percent of the savings that could be realized by comprehensive reform.

I am aware that the Defense Department is developing its own response to the section 800 panel recommendations and that legislation from the Vice President's National Performance Review should be reaching the Congress soon. When these proposals reach the Senate, I look forward to continuing to work with the administration in my role as the ranking Republican on the Governmental Affairs Committee and as a long time advocate of reducing the bureaucracy.

Mr. President, we must address the entire acquisition system from requirements definition to equipment retirements. We have to streamline the buying process and the over-built bureaucracy that has a vested interest in preventing reform. The buying system must procure affordable systems when they are needed.

Mr. President, the time is here for the bureaucracy to stand aside and allow innovative actions to demonstrate the time and dollar savings of comprehensive acquisition reform. My amendment creates the environment for demonstrating reforms that work. The Defense Department needs to embrace it and take advantage of it. ●

ADDRESS OF HAMPTON UNIVERSITY PRESIDENT DR. WILLIAM R. HARVEY, "A VISION OF OUR TIME"

• Mr. ROBB. Mr. President, I rise today to place in the CONGRESSIONAL RECORD the speech that a remarkable individual delivered at a historic event in the Commonwealth of Virginia.

On April 1, 1993, Hampton University, located in Hampton, VA, celebrated the 125th anniversary of the opening of the Hampton Normal and Agricultural Institute. Throughout the distinguished history of what is now Hampton University, strong leadership with a vision of the institution's role in the society at large has been its hallmark.

When Brig. Gen. Samuel Chapman Armstrong opened the doors of the Hampton Normal and Agricultural Institute on April 1, 1868, he was just 29 years old. The founding of this school at a difficult time of adjustment for the country was a feat in and of itself. The dreams and aspirations of the students who had only recently known freedom, combined with young General Armstrong's vision and leadership, made a reality of the fine institution that Hampton University is today.

As Dr. Harvey so eloquently relates, Hampton University has continued its spirit of leadership throughout its distinguished 125 years. Within 12 years of its founding, Hampton graduates were teaching more than 10,000 black Southern children. Its museum, founded in August 1868, was the Commonwealth's first, and its fine collections of African, African-American, and native American pieces is world renowned. In 1878, Hampton contributed to American history by becoming the first federally funded boarding school of native Americans who joined with African-Americans in a multicultural setting. In the medical field, the first native American woman physician, Susan Laflesche Picotte, graduated from Hampton, the first public hospital in the city was founded on the campus by faculty members, and in 1944 Hampton's School of Nursing awarded the first baccalaureate nursing degree in Virginia.

Today, Hampton is blessed with another visionary leader in its president, Dr. William Harvey. He sounds the call for Hampton, its students, and graduates to now step to the forefront in battling those national problems that threaten the social, political, and economic well-being of our society. Dr. Harvey envisions Hampton battling these problems by "becoming once again not only an academy for learning, but also an academy for leadership and service." I commend him for his efforts toward establishing a leadership institute and curriculum at Hampton University that can then be replicated nationwide. Such efforts will improve the lives of all our citizens and are deserving of our praise and our support.

Mr. President, given the tradition of leadership that has blessed Hampton

University throughout its proud history, the standards of excellence within its student body, faculty, and alumni upon which it can draw, and the vision and dedication of its current president, Dr. Harvey, I have no doubt the next 125 years of this remarkable institution's history will be just as glorious as the past 125 years.

I ask that the remarks of Dr. William R. Harvey, president of Hampton University, delivered on the occasion of Hampton's 125th anniversary, be placed in the CONGRESSIONAL RECORD immediately following my statement.

The remarks follow:

A VISION FOR OUR TIME

(By Dr. William R. Harvey)

On this day, April 1, 1868, one hundred and twenty-five years ago, Brigadier General Samuel Chapman Armstrong opened the doors of Hampton Normal and Agricultural Institute. In so doing, he facilitated physical entry into an academy of learning. He also opened up a world to a generation of people who only recently had thrown off the shackles of bondage, emerging into a world dramatically different from any they had known.

Although confused and perplexed by the implications of their newly won freedom, they recognized that this place, Hampton Normal and Agricultural Institute, represented more than a mere school. It represented the road to true freedom—to freedom of the body, the mind, the soul. It represented the opportunity to grow, to achieve, to value, and to serve. Therefore, they brought to Hampton Normal and Agricultural Institute the hopes, the dreams, the aspirations of their hearts and the unfulfilled dreams of their ancestors who did not make it to that hour. Indeed, they brought with them the burden of the past. But more importantly, they brought with them the promise of the future.

Although he was only 29 when he started Hampton, General Armstrong was wise beyond his years; a visionary without qualification. And because of his vision, the hopes of these black men and women were indeed realized. The man who stood before them on that bright April day, regal, courageous, and determined in his cause translated his vision into reality. He said to his eager young students, it is your time, a time to learn, a time to grow, and a time to prepare yourselves "to lead and to serve." He said, we shall achieve these aims by subscribing to the principles of "learning by doing" and offering an "education for life."

He said, it is the aim of this institution " * * * to build up an industrial system for the sake not only of self-support and intelligent labor, but also for the sake of character." General Armstrong was big on character.

These ideas were, in all aspects, revolutionary. They were borne of the hopes of a visionary, a dreamer. General Armstrong paid dearly for those dreams. They were borne in an atmosphere of lingering racism, of continuing rejection of black worth, of ongoing disbelief in black potential to lead, to serve, to effect good in this world.

Despite severe economic limitations and basic resources, Armstrong resisted affiliation with any one entity, be it state, federal or religious. This spirit of independence reflected his belief that his pioneering institution needed to approach all potential friends with an unbiased posture, maintaining its

independence and unencumbered freedom and swing with the Pendulum of Time and Circumstances. That independence continues to prevail today. Hampton is not intimidated by the whims of political person or party. Rather, it embraces the best and most positive from all parties or people. I stand here tonight in the shadow of Samuel Chapman Armstrong and I, too, am fully committed to Hampton University's independence for now and for generations yet unborn.

Samuel Chapman Armstrong founded a school that recognized centuries of strong black backs and hands. He added the sunlight of education wrapped around the dignity of human labor. As U.S. history records, within 12 years of Hampton's founding, its graduates were teaching more than 10,000 black southern children, reversing the cycle of pain, ignorance and human degradation. Again, this reversal was not popular or widely endorsed, but Armstrong knew that it was the right thing to do, and he did it resolutely.

The emphasis on preparing students for leadership and service has demanded excellence in all of the school's endeavors. The result has been the pioneering of programs with national and international impact in numerous areas. For example:

The University's renowned museum, founded in August of 1868, is the first in Virginia. It includes a superb collection of African art, the first to be assembled by an African-American. In 1894, Hampton also distinguished itself by becoming the first institution in the world to acquire African-American art. Today the museum houses one of the world's premier collections.

Hampton made a significant contribution to American history through the development of the first federally funded boarding school for Native Americans. Beginning in 1878, for 45 years Hampton educated over 1,300 Native American students from 65 different tribes. This program was a model for a network of schools established throughout the country. However, Hampton was unique in that it was the only school which educated African-Americans and Native Americans together in a multi-cultural setting.

The global impact of the program which General Armstrong created is evidenced by the fact that by 1890, Hampton had an international student body. This "girdle around the world" consisted of students from Japan, China, Cuba, Hawaii, Gabon, Russia and Armenia. Moreover, twenty-eight schools were established on the Hampton model in this country and abroad. They included St. Paul's and Tuskegee University in the United States, and schools in Japan, Hawaii, the Virgin Islands, the Philippines, Greece, and several countries in Africa.

In addition to serving as a model for other schools, Hampton has lent its support to numerous institutions. In the early years, General Armstrong used his influence and connections on several occasions to help the College of William and Mary recover from the devastation of the Civil War. In 1872, Armstrong provided William and Mary President Benjamin Ewell with an entree to influential politicians in Washington, and to northern philanthropists who might provide resources for the impoverished College of William and Mary. Another example occurred in 1907, when William and Mary President Lyon Tyler wrote Hampton University President Hollis B. Frissell, asking if he would intercede on behalf of William and Mary which was seeking \$40K from the General Education Board. Dr. Tyler wrote, "You reside near us and know what we are doing,

and I know that your generous spirit can be relied on to join in assisting our institution. The College has greatly improved along all lines, and we will reach this year about 240 students."

Hampton's pathbreaking contributions in the field of medicine have spanned more than a century. Many of the earliest graduates became doctors, including Susan Laflesche Picotte, the first Native American woman physician. In 1891, Dixie Hospital, today known as Hampton General Hospital, the first public hospital in the City of Hampton, was founded on the campus by Hampton faculty members. Another milestone in medicine was achieved in 1944, when Hampton's School of Nursing awarded the first baccalaureate nursing degree in Virginia.

The above selected milestones demonstrate that through the years, Hampton University has opened the floodgates for the emergence of more than a century of black leaders who served their people, this nation and this world. In formulating the Hampton philosophy with its emphasis on character, General Armstrong set a standard which is timeless in its use and application. Can we in our time do otherwise?

Now as then, our nation cries out for men and women "who will not be bought or sold * * * who in their innermost souls are true and honest * * * men and women who are not afraid to call sin by its right name * * * men and women who are as true to duty as is the needle to the pole * * * men and women who will stand for the right though the heavens fall." In short, like Armstrong's world, our world today cries out for men and women who are willing to exercise the courage of their own convictions, and promote what is right and what is fair, without regard for popular acclaim.

It is not enough, for educational institutions to produce successful physicians, accountants, or systems analysts, if they are unwilling or unable to transfer those experiences and sound values to those who walk beside them and to those who will succeed them. For all the progress of the 1950's and 1960's, too many of us became too prematurely self-satisfied with short-term "illusions of success."

We relaxed our resolve and tabled those experiences which gave us that "grit in our craw." For example, we stopped those precious annual oratorical contests in our schools and churches, and now too many of our young people are unable to manage basic oral and written communications skills. We stopped our open discussions of values, ethics, and character and their development in the classrooms, and began to insert sensational, empty and directionless "rap sessions." We became so caught up in blaming others, that we surrendered the responsibility for our own lives, our own cultural preservation and community sustenance. We bargained away those sacrifices made by our forebears. The result is our continuing suffering and languishing with social, political and economic inertia—the willingness to hoard and the unwillingness to share those accumulated blessings with those truly in need. That my friends, is a crime * * * and we will and are paying dearly for that crime.

What am I suggesting? It is time for us to take back—our neighborhoods * * * our responsibilities * * * our todays * * * our tomorrows * * * our legacy. We must save our children. Somebody said that "children are the message that we send into the future." We must reclaim, rekindle, reignite and reinvigorate the hopes and aspirations of our children—the greenest, richest and most pre-

cious Plants in this Garden called Life. In this society, many of us have made children and their hopes and dreams an afterthought and such callousness must cease.

We must return to being unashamed and unapologetic in openly discussing with young people values, character development, and ethics clarifications. We must stand for what is right and not tip-toe around what is wrong. Let us call it what it is: We need to propagandize—yes, Evangelize with a Holy Fire—make clearcut distinctions between right and wrong. We must outline our lofty expectations and be clear about what is non-negotiable. We must become the embodiment of men and women striving to do what's right, against hapless but popular alternatives. Our young people are hungering for leadership. Someone to stand up, straighten and stiffen their backs, take a stand for Justice and Truth and acknowledge the responsibility for our own destiny.

What do I mean?

No one is irresponsibly impregnating our teenage girls but us—not racism, not sexism, not classism, not elitism—but us.

We own no poppy fields; we own no marijuana farms; we possess no fleet of airplanes to bring drugs from overseas, and we own no crack laboratories. No one is putting the needles into our veins but us. No one is cramming cocaine powder up our nostrils but us. And no one is routinely gunning down our young, ripening and potential-laden youths in our streets and our playgrounds but us. We are the problem: therefore, we must become its solution.

Since no one person or no one entity can be all things to all people, I will not propose a wide array of solutions. In my vision of the future, Hampton University will attack these national problems by becoming once again not only an academy for learning, but also an academy for leadership and service. In my vision, you would see the hundreds and thousands of young people who leave their Home by the Sea in Hampton, Virginia, go out into the world with a lifetime dedication to correcting the ills in our society.

You would see hundreds of the best and brightest young people in this country— young people totally committed to leadership and community service— young people recruited and trained for just this purpose. You would see a curriculum focused on critical and analytical thinking skills, problem solving, the issues of race, economics, crime, morality, and a required community service component at some point during the student's four years.

In this vision, you would see talented young people fully indoctrinated with the ideals of self-sufficiency, ownership and community as the foundation for true liberation. You would see thousands of young, well-trained people of impeccable character, leaders committed to becoming great teachers, and artists, and scientists, but also committed to ridding our communities of crime and illiteracy, to improving the environment, to moving our race from a position of consumerism to ownership, to creating a world where man's inhumanity to man is the rare exception rather than the prevailing rule.

If I could render up for you a portrait of the kinds of young leaders this academy would produce, you would see a procession of Sojourner Truths, Samuel Chapman Armstrongs, Booker T. Washingtons, W.E.B. DuBoises, Thurgood Marshalls, Marva Collinses, and Martin Luther Kings.

In order to translate this vision into reality, it would mean building a leadership program into the entire university structure.

Whether they were going to pursue physics, math, history, engineering, architecture, education, nursing, or any of the other 50-odd majors that we offer, every student that came to Hampton would be a part of this mandatory leadership program.

The four-year leadership program would teach that wise and courageous leadership and service must be dedications for life. We would honor and teach: values, decency, dignity, honesty, respect for oneself, respect for others, integrity.

Before graduation, every student would be required to work one year in a school, community center, or some other community uplift program. There will be no restrictions on size or type of community to be served. It could be an affluent neighborhood or it could be a ghetto.

It is my feeling that it would take approximately \$50 million to support this kind of program, because I would want every student admitted to Hampton to receive a full tuition scholarship. Room and board would be paid by their parents, guardians or student entitlements such as the Tuition Assistance Grant in Virginia or the Federal Pell Grant. Financing for the \$50 million would come from individuals, corporations and foundations who share my vision of an academy for the training of outstanding leaders. To some such a concept may seem expensive, but it is not nearly so expensive as the continuing cost of welfare and the construction of more prisons. More importantly, an investment in the training of America's leaders is an investment in the nation.

I truly believe that we are limited only by the boundaries of our imaginations. Whatever we envision, we can accomplish; whatever we dream, we can become. Call me a radical, a visionary, a dreamer. I welcome the designation. General Samuel Chapman Armstrong was a radical, a dreamer. And because he dreamed we find ourselves this evening in this time, in this place, revering his dream. Armstrong had a vision for his time. And I have a vision for our time.

Therefore, call me a dreamer, but better yet, join me in the fulfillment of this dream. For, as Langston Hughes so eloquently put it, "The dream belong not to the dreamer alone, but to all who helped to build." Whether you know it or not, those of you in this room tonight, those of you who have given so generously to the University's scholarship fund already share the dream. Moreover, you too are inspired by what Hampton University was and motivated by what you know she can become.

Through our countless contributions and sacrifices we have kept faith with the directive General Armstrong issued moments before he died. Quite simply, he said, "Hampton must not go down!" "Hampton must not go down!"

On this 125th anniversary of our founding, let it be said that Hampton has not gone down. We have kept General Armstrong's noble dream alive and we have expanded it. We have strengthened its academic program and financial base. More importantly, we honor his tradition of leadership and service. We have embibed the Hampton spirit. It is a spirit that fuses ordinary people with extraordinary ideas and strength of purpose. On Anniversary Day 1993, let it be said that by adhering to Armstrong's vision in his time, the Hampton community sets forth a brand new vision for its time. Let's get on with it.●

**FRANKLIN NATIONAL MEMORIAL
COMMEMORATIVE MEDAL CEREMONY**

• Mr. BIDEN. Mr. President, yesterday, in the midst of Fire Prevention Week, and just 3 days away from the anniversary of the great Chicago fire of 1871, the Clinton administration chose to recognize and celebrate the contributions of firefighters to American society in a Rose Garden ceremony.

The White House ceremony honored the contributions of a great American and the organizer of the first fire company—Benjamin Franklin—as well as the programs which the sale of the newly created Ben Franklin firefighters silver medal will go to support. More importantly, this ceremony served to personally recognize and honor our Nation's hard-working firefighters.

America's firefighters themselves are true heroes. They are the brave men and women who put themselves at risk—the ultimate risk—to work to protect our lives and our homes every time they are called.

Knowing of the Delaware firefighting community's level of interest and active participation in and contributions to firefighting issues, the White House invited a number of Delawareans to the ceremony as honored guests. They included the Delaware Volunteer Firemen's Association [DVFA] officers—president Harry Warner, 1st vice president Al Metheny, 2nd vice president Lynn Rogers, secretary Ace Carrow, and treasurer Charles L. Emerson.

In addition, director of the Delaware State Fire School Lou Amabili, and one of the directors of the DVFA, Steve Austin, were also honored. Finally, the White House also chose to recognize the officers of the Delaware Volunteer Firemen's Ladies' Auxiliary—namely, president, Peg Scarpitti, 1st vice president, Annabelle Boone, 2nd vice president, Sally Stevenson, secretary, Virginia Yeager, and treasurer, Betty Taylor.

As I walked along the parade route of the Delaware Volunteer Firemen's annual convention in Laurel several Saturdays ago, I wished I could have handed out to all present a personal invitation to yesterday's very special event. However, I am sure the thousands of firefighters' friends and families who attended the parade, as well as my colleagues, would want to join me in paying tribute to these men and women in Delaware and across this Nation who give of themselves daily to make our world more secure.

This ceremony was the culmination of legislation I introduced in 1991 and was based on the previous work of our late colleague, Senator John Heinz, to provide financial support to the over 1 million men and women risking life and limb in the dangerous—and sometimes deadly—battle against fire.

My legislation, which passed in the Senate and was signed into law by

President Bush, created the Benjamin Franklin National Memorial Commemorative Medal. At no cost to the taxpayer, the sale of this medal supports programs in areas including burn research, education programs for low-income areas especially hard-hit by fires, arson prevention, and the John Heinz Memorial Scholarship Fund. I am pleased to report that, after much nay-saying about possible sales of the medal, recent U.S. Mint figures indicate that over 85,000 medals have already been sold—surpassing all initial mint projections.

It is clear that there is far more that we should do to assist our Nation's firefighters—fighting not only fires, but also finances and fatigue to keep their companies well-equipped and ready to respond—but this medal will go a long way toward providing firefighters better training and equipment, educating the public about the threat of fire, and developing better ways to treat the victims of fire.

Today, I take this opportunity to salute my fellow Delawareans for their leadership in the firefighting community. In the months ahead, I will continue to work—as I have for the last 21 years as a U.S. Senator—to provide well-deserved support and recognition for all of America's firefighters. •

**ORDERS FOR WEDNESDAY,
OCTOBER 13, 1993**

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand adjourned until 9:30 a.m. on Wednesday, October 13, and that when the Senate reconvenes on Wednesday, October 13, the Journal of proceedings be deemed to have been approved to date, the call of the calendar be waived, and no motions or resolutions come over under the rule; that the morning hour be deemed to have expired, that the time for the two leaders be reserved for their use later in the day; that at 9:30 a.m., the Senate proceed to consideration of the Department of Defense appropriations bill and that the period between 9:30 a.m. and 11:30 a.m. on that day be for opening statements and debate only; and that at 11:30 a.m., the Senate proceed to executive session to resume consideration of the Dellinger nomination; that upon disposition of the nomination of Walter Dellinger, the Senate return to legislative session and resume consideration of the Department of Defense appropriations bill, which is H.R. 3116.

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

**ADJOURNMENT UNTIL WEDNESDAY,
OCTOBER 13, 1993, AT 9:30
A.M.**

Mr. MITCHELL. Mr. President, if there is no further business to come be-

fore the Senate today, I now move that the Senate stand adjourned until 9:30 a.m., Wednesday, October 13, as provided for under the provisions of House Concurrent Resolution 161.

The motion was agreed to and, at 7:18 p.m., the Senate adjourned until 9:30 a.m., Wednesday, October 13, 1993.

NOMINATIONS

**Executive nominations received by
the Senate October 7, 1993:**

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE U.S. AIR FORCE TO THE POSITION AND GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 8037:

*To be deputy judge advocate general of the U.S.
Air Force*

COLONEL (BRIG GEN SEL) ANDREW M. EGELAND, JR. X...
XXX... U.S. AIR FORCE.

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. JIMMY D. ROSS XXX-XX-X... U.S. ARMY.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be general

LT. GEN. LEON E. SALOMON XXX-XX-X... U.S. 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 lieutenant general

LT. GEN. WILSON A. SHOFFNER XXX-XX-X... U.S. ARMY.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. JOHNNIE E. WILSON XXX-XX-X... U.S. ARMY.

DEPARTMENT OF STATE

NICHOLAS ANDREW REY, OF NEW YORK, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF POLAND.

THE JUDICIARY

DAVID W. HAGEN, OF NEVADA, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF NEVADA VICE EDWARD C. REED, JR., RETIRED.

CLAUDIA WILKEN, OF CALIFORNIA, TO BE U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF CALIFORNIA VICE A NEW POSITION CREATED BY PUBLIC LAW 101-650, APPROVED DECEMBER 1, 1990.

ENVIRONMENTAL PROTECTION AGENCY

MARY DOLORES NICHOLS, OF CALIFORNIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY, VICE WILLIAM G. ROSENBERG, RESIGNED.

CONFIRMATIONS

**Executive nominations confirmed by
the Senate, October 7, 1993:**

EXECUTIVE OFFICE OF THE PRESIDENT

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.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

MARY JO BANE, OF MASSACHUSETTS, TO BE ASSISTANT SECRETARY FOR FAMILY SUPPORT, DEPARTMENT OF HEALTH AND HUMAN SERVICES.

SHIRLEY SEARS CHATER, OF TEXAS, TO BE COMMISSIONER OF SOCIAL SECURITY.

DEPARTMENT OF ENERGY

TARA JEANNE O'TOOLE, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF ENERGY (ENVIRONMENT, SAFETY AND HEALTH).

HOUSE OF REPRESENTATIVES—Thursday, October 7, 1993

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

DESIGNATION OF SPEAKER PRO TEMPORE

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

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

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

PRAYER

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

With the noise of conflict and the sound of hostility in so many places, we pray, almighty God, that those in great need will know Your presence and Your life redeeming power. We pray, O God, that those who suffer and their families will realize the transcending strength that Your word does give and grasp the faith and hope of Your abiding nearness and Your mercy to every person. May Your benediction that speaks of abiding faith remind us of Your peace that passes all human understanding. Bless us, O God, this day and every day. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Pledge of Allegiance will be given by the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 2401. An act to authorize appropriations for fiscal year 1994 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

H.R. 2750. An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1994, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 2401) "An act to authorize appropriations for fiscal year 1994 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes" requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. NUNN, Mr. EXON, Mr. LEVIN, Mr. KENNEDY, Mr. BINGAMAN, Mr. GLENN, Mr. SHELBY, Mr. BYRD, Mr. GRAHAM, Mr. ROBB, Mr. LIEBERMAN, Mr. BRYAN, Mr. THURMOND, Mr. WARNER, Mr. COHEN, Mr. MCCAIN, Mr. LOTT, Mr. COATS, Mr. SMITH, Mr. KEMPTHORNE, Mr. FAIRCLOTH, and Mrs. HUTCHISON, to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 2750) "An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1994" requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. LAUTENBERG, Mr. BYRD, Mr. HARKIN, Mr. SASSER, Ms. MIKULSKI, Mr. D'AMATO, Mr. DOMENICI, Mr. HATFIELD, and Mr. SPECTER to be the conferees on the part of the Senate.

TRIBUTE TO DR. LAUREL T. ULRICH

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

Mr. SWETT. Mr. Speaker, I rise today to pay tribute to one of New Hampshire's most admired citizens, Dr. Laurel Thatcher Ulrich, a history professor at the University of New Hampshire.

Today, President Clinton will award her the Frankel Prize and the medal of arts designated for contributions in the humanities, adding to her long list of honors. She already has received the

1991 Pulitzer Prize in history, a \$320,000 McArthur Fellowship, a Guggenheim Fellowship, and the prestigious Bancroft Prize from Columbia University for her work, "A Midwife's Tale."

Dr. Ulrich's research approaches 17th-century life from the viewpoint of an anthropologist and literary critic, drawing on diaries, household inventories, gravestones, and court records, to fashion a highly original and vividly realized portrait of women and their relations with each other, their children, and men in early American history.

Her dedication to quality education and research and her commitment to the art of history and social sciences deserves our admiration and praise. I ask my colleagues to join me and the President in honoring this truly remarkable woman from New Hampshire.

DISCHARGE PETITION: ALLOW THE BRADY BILL TO COME UP FOR A VOTE

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

Mr. SENSENBRENNER. Mr. Speaker, today I am filing a discharge petition to bring H.R. 1025, the Brady bill, to the floor of the House of Representatives for a vote.

In this Congress the Brady bill has been on the slow track to oblivion. Just one public hearing has been held, after having been canceled a couple of times, in a Judiciary subcommittee.

In the preceding Congress the Brady bill had been passed by the House in May of 1991, only to die a slow and torturous death in the other body. It seems to me that this House needs to take action on an essential element of a crime control package, the Brady bill. The only people who will be denied firearms if the Brady bill becomes law are convicted felons and adjudicated mental incompetents who cannot legally own firearms at the present time.

I urge my colleagues to sign this discharge petition because it would be a crime if Congress left town this year without voting on the Brady bill.

ON THE RETIREMENT OF RAYMOND ROEBUCK

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

Mr. RAHALL. Mr. Speaker, I rise with a heavy heart for the loss we

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

incur when Raymon Roebuck leaves the House. But conversely, I find that we can do so with a light heart, and a joyous one.

It is easy to be joyous about Raymon's retirement, when you consider that now, at long last, after giving us more than three decades of his time, his professional services, his personal attention, his loyalty, and I believe, his love.

He will now have more time for his extended family, his many friends, his church work, his grandchildren.

Raymon has been a blessing. When it is late at night, and the session has been long and grinding, when tempers are short, and when patience has long gone out the window, we can go and speak softly to Raymon.

He will calm us with his insight, provide us with the sustenance our bodies and our minds need, or give us the latest on what is happening in sports.

Anything to get us through our days—that is Raymon's way of serving—even if it was the shock of telling us—Members of this body to, "Hold on, Sir, you will have to wait for your hot dog."

Again, as we all say goodbye, to Raymon, today we do so knowing that Raymon is retiring from service in the House, not from life.

I wish him Godspeed.

TRIBUTE TO THE HON. "BOB" MICHEL

(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, when the next Congress convenes, the Republican conference will have a new leader and the district next door to mine will have a new Representative. Whomever those persons are, they will have a difficult time filling the shoes of BOB MICHEL. I am proud to be the leadoff speaker on our side of the aisle in honoring our retiring leader.

BOB MICHEL is one of those rare persons who can hold together a group of people as diverse as the House Republicans, who can be a partisan when necessary but can also sit down and find agreement with both sides of the aisle when the best interests of the country require it.

When he retires after nearly 50 years of public service, BOB will know that he has made our country a better place, and few people can truly make that claim. His retirement, although richly deserved, will leave a void for the country and for Illinois in particular. BOB MICHEL has been stalwart in representing the interests of central Illinois.

As an aside, Mr. Speaker, when I was first running for office in a new district and they were drawing a new map, there was some talk about MICHEL and

I may end up in the same district. And as a very brash, inexperienced Member, I thought that would not be such a tough race. Little did I know what a giant BOB MICHEL was.

I am proud to call BOB MICHEL my friend and neighbor. I want to thank him for the help he has given me as a rather new Member of Congress. And I know I speak for millions of Illinoisans when I say, thank you BOB for your service, for your leadership, and for your friendship.

BAN FGM

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

Mrs. SCHROEDER. Mr. Speaker, women around the world face daily humiliations, discriminations, hardships, subordination, and suffering. Women in Africa may win the prize. Young girls in many African countries face a traditional ritual that involves the cutting or complete removal of their sex organ—or female genital mutilation [FGM]. FGM is often called female circumcision, implying a similarity to male circumcision. There is no similarity, unless male circumcision involved amputation.

FGM causes serious health problems—bleeding, chronic urinary tract and pelvic infections, build up of scar tissue, and infertility. The women that have been genitally mutilated experience severe trauma, painful intercourse, are at higher risk of AIDS, and experience the trauma again with each childbirth, and all for a practice that has no medical purpose.

The practice of FGM stems from an intricate mix of traditional African society's perceptions of gender roles, sex, health practices, local customs, superstition, and religious traditions. The net result is total control over a woman's sexuality and reproductive system.

As communities of African immigrants from nations where FGM is practiced grow in the United States, we must make it clear—they and their rich and proud cultures are welcome in the United States, but the practice of FGM is not. For that reason, Representative BARBARA-ROSE COLLINS and I are introducing legislation to prohibit FGM in the United States. This practice runs contrary to this country's attitudes toward women's equality and women's place in society. There is no place for FGM here.

TRIBUTE TO BOB MICHEL

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

Mr. FISH. Mr. Speaker, I rise this morning to pay tribute to a man I am honored to call a friend, Congressman

BOB MICHEL. He is a leader in the tradition of Gerald Ford and John Rhodes.

BOB is enormously popular with Republicans and highly respected among our Democratic colleagues. He is the kind of leader you never want to disapprove, and like all his Republican colleagues I have always looked to him for guidance.

BOB's reputation for loyalty works both up and down the Republican Party. During his time as our leader, he remains loyal to everybody from Presidents to the most junior Republican Members.

To me, his trademark is his willingness to listen. There is almost always a Member on the floor, who wants to get his ear, and as I watch him, I am impressed with the fact that BOB constantly gives his full attention. BOB's attitude has inspired me throughout my years, and I feel a great sense of loss that he retires next year.

□ 1010

THE SITUATION IN SOMALIA

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

Mr. DINGELL. Mr. Speaker, events in Somalia make it plain that the United States must review its policy there. The death, wounding, and capture of American soldiers underscores the need for review.

Before American troops are committed to foreign operations, there must be a clear policy. Such a policy must include a precise statement of our goals and purposes and clear rules of engagement. It must also set out what we intend to do there, why we are there, how and when we will extract our people.

Such a policy must also give American troops the ability to defend themselves, and sufficient resources, in terms of the number of troops, weapons, equipment, and other forms of support, to assure their eventual safe return.

It is apparent that those requirements have not yet been met in our presence in Somalia. I am calling upon the administration to review these matters, consult with the Congress, and make available to the American people the information needed to gain their support. We cannot continue to expose U.S. military personnel to fatality, injury, or capture without giving them the means and the opportunity to defend themselves.

I will support a clear and decisive policy with discernible and achievable military goals. If that is not possible, our troops should be withdrawn forthwith.

TRIBUTE TO HON. BOB MICHEL

(Mr. HASTERT asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. HASTERT. Mr. Speaker, I rise today with my colleagues on this side of the aisle to show respect and pay tribute to BOB MICHEL. BOB MICHEL has certainly been an institution to this House for years, a man whose heart is as big as this Capitol, a man whose understanding of politics and politicians goes beyond that which a junior Member like myself can really begin to comprehend.

BOB came out of the same flatlands and corn fields of Illinois as I did. He brought to this place good common sense, congeniality, and certainly a style of leadership that says we listen, we contemplate, we make wise decisions, and we follow through.

I think in my limited years at both the State and Federal levels of public service, I can think of no greater tribute than to say that BOB MICHEL is a politician in all the very best respects of that word.

BOB MICHEL has given the word politician a very, very honorable definition.

IN HONOR OF TERRY DUNCAN, OCTOBER 7, 1993

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

Mr. DARDEN. Mr. Speaker, pain and suffering have visited many American families this week. We all know of the tragic losses suffered in Somalia and we grieve for the families who lost loved ones there. Our soldiers died in pursuit of a noble cause—saving the lives of others. They are heroes.

Today I would like to take a moment to honor the memory of yet another hero, an American killed in fighting this week. Terry Duncan died Sunday night during the unrest in Moscow. He, too, died saving the lives of others.

Terry Duncan was a graduate of Tulane University and George Washington University. His grandparents, Mr. and Mrs. Hurchel Boggus, are residents of Heard County, GA.

Witnesses said Terry Duncan was killed during the battle between Communist hardliners and Russian troops, but not before he saved the lives of three other people who had been wounded in the fighting, including a reporter for the New York Times.

On behalf of the House of Representatives, I extend our deepest and most heartfelt sympathies to the family and friends of Terry Duncan. Let us remember his courage and selflessness for many years to come.

ON THE RETIREMENT OF HON. BOB MICHEL

(Mr. BALLENGER asked and was given permission to address the House

for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, our leader of the Republican Party here, BOB MICHEL, is retiring. He is the son of a French immigrant. BOB MICHEL has lived the American dream.

Many people do not know that he served in World War II, was wounded as a combat infantryman, defending American freedom in World War II, earning two Bronze Stars, the Purple Heart, and four battle stars.

Politics In America writes of him:

Many would agree with the judgment that he has been the most impressive House leader of either party since Sam Rayburn.

His calming voice has kept some of us more conservative Members in line. I would say that both parties will miss him.

TRAGIC LOSS OF OUR SOLDIERS IN SOMALIA

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

Mr. TUCKER. Mr. Speaker, I would like to rise this morning to join in the comments on the tragic loss of American soldiers in Somalia. This is indeed a time of bereavement and a time of review.

Mr. Speaker, I rise in support of the efforts of the administration and of this House and its leadership to move swiftly, to move expeditiously to review our policy in Somalia, for even as I speak right now on the House floor the leadership is meeting with the White House and with the administration, and I believe that very soon we are going to have a resounding and resolute policy that sets some timetables about removing our troops from Somalia; but let us never forget, Mr. Speaker, the noble and laudable efforts of the soldiers in the mission that they were originally dispatched to do, for indeed hundreds of thousands of lives have been saved. Twenty percent of all children under 5 years old were being killed in Somalia, so when we look back in the annals of time and the annals of history, Mr. Speaker, we will realize that indeed even if we have to pull out, we will have done a noble thing in Somalia and that our soldiers will not have died in vain.

INTRODUCTION OF RESOLUTION TO INVESTIGATE THE HOUSE POST OFFICE

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

Mr. ISTOOK. Mr. Speaker, we do not make little messes here in Congress. When we make a mess, it is a doozy. The House bank, which caused such a fuss last year, still is not over. Only

this week, Jack Russ, former Sergeant at Arms for this House, pleaded guilty to major embezzlement.

Because it takes so long to resolve these things, it is important to get started as early as possible when any problem surfaces. That is why we need to act on the resolution for an Ethics Committee investigation into the House post office.

The former bagman in that scheme has pleaded guilty to helping Members of Congress embezzle taxpayers' money. It is time to find out how many Congressmen, which Congressmen, and how much money.

No coverups, Mr. Speaker. The public is sick of Congress hounding everybody else, while going soft on our own. We cannot close our eyes and pretend nothing happened.

I will be asking for a floor vote on a privileged resolution, H.R. 238, the Istook resolution, to get our Ethics Committee active on this matter. I hope all Members of this body will support that effort.

AMERICAN MILITARY MISSION IN SOMALIA

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

Mr. MCHALE. Mr. Speaker, last Sunday a company of U.S. Rangers courageously fought a 12-hour battle against an overwhelming force of well armed urban guerrillas loyal to Somali warlord, Mohammed Aideed. Despite intense small arms and rocket fire, our soldiers fiercely and bravely defended their perimeter until reinforced by an armored relief column. The Rangers suffered 70 percent casualties, including at least 12 dead and 75 wounded. Photos and video tapes after the battle depicted atrocities which both angered and sickened our Nation.

In the wake of such battlefield courage displayed by our soldiers, I disagree with those who would appease Aideed by calling for an immediate and precipitous withdrawal from Somalia. Now is not the time to initiate a cowardly rush for the door.

In my view, American combat forces should be removed from Somalia, but in an orderly military retrograde, where the timetable is ours not Aideed's. If we as a nation display weakness, no matter how carefully cloaked in public policy debate, the inevitable message to Aideed and others will be that United States foreign policy can be shaped and altered by the brutal taking of American lives. Such a message invites repetition.

Finally, we must be firm in our resolve that those who were responsible for last Sunday's attack will be held accountable. No matter how long it takes. No matter what it costs. Such a commitment is not revenge. It is a solemn, unpaid debt we owe to our dead and wounded soldiers.

TRIBUTE TO REPUBLICAN LEADER BOB MICHEL

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

Mr. SMITH of Texas. Mr. Speaker, today we pay tribute to our Republican leader, BOB MICHEL, who has announced his retirement at the end of this Congress.

The son of a French immigrant, BOB MICHEL has lived the American dream.

As a wounded combat infantryman, he defended American freedom in World War II, earning two Bronze Stars, the Purple Heart, and four battle stars.

As a Member of the United States House of Representatives, he has worked for the people of the Illinois 18th District since 1957.

□ 1020

BOB MICHEL's colleagues have voted him Republican leader seven consecutive times, and in 1989 President Ronald Reagan presented him with the Citizens Medal, our Nation's second highest presidential award.

Mr. Speaker, Politics in America writes of BOB MICHEL, "Many would agree with the judgment that he has been the most impressive House leader of either party since Sam Rayburn."

The Almanac of American Politics says, "He is a man of old-fashioned personal decency."

Mr. Speaker, we will miss such a great leader, and we will miss such a great friend, the gentleman from Illinois [Mr. MICHEL].

TWO PERSONS LEAVING AN IMPRINT ON THE HOUSE OF REPRESENTATIVES

(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, normally Members take the well to talk about what we would call galactic, or global, or profound issues. Today I am not going to do that. I will talk about two very important people who I think have left an imprint on this House of Representatives, one of whom who has been spoken about at length this morning, and he is our friend, the gentleman from Illinois [Mr. MICHEL], the minority leader who announced that he would not seek reelection at the end of this term.

Mr. Speaker, I have known, BOB for all of my 23 years here in the House, and he is a very good man who has served well and served faithfully his country and his constituency.

Another one who has, perhaps, a little less lofty position here in the House, but is our equally good friend, is Raymon Roebuck who is the manager of the Democratic Cloakroom.

Raymon is hanging it up, or calling it a day, as we say, after over 30 years of service to the Democratic side, but also to the Republican side because often I see some of my colleagues from the Republican side coming into our Cloakroom for a good lunch, or some commiseration, or a little bit of advice from Raymon.

So, in any event, Mr. Speaker, the House is composed of great leaders with a lot of public notoriety, as well as great leaders who do not have that same kind of public celebrity, but in this case we will miss both of these gentlemen.

WE NEED A PLAN TO GET OUR TROOPS OUT OF SOMALIA

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

Mr. WELDON. Mr. Speaker, those who do not learn from history are condemned to repeat it. Two thousand more combat troops into Somalia so that they can be withdrawn in 6 months. This is the same kind of dribble in, incremental "light at the end of the tunnel" talk that we heard in Vietnam in 1968.

What are those troops going to do? Are they going to be commanded by the same incompetent U.N. bureaucrats that got 24 Americans killed in the first place?

Remember, the United Nations is still in command in Somalia. Has the United Nations agreed to let these troops concentrate on securing the release of our POW's?

What if our POW's are not back in the end of 6 months? Are we going to send more troops in? Or are we going to pull out?

Do we yet have a plan to complete the mission in Somalia? Better yet, do we even have a mission in Somalia?

Mr. Speaker, the Clinton administration has answered none of these basic questions. Yet the White House wants us to give them 6 more months. We have been there 10 months, and the situation gets worse each day.

We do not need more rhetoric about nation building, we do not need American foreign policy dictated by U.N. diplomats in their New York salons. We want a concrete, step-by-step plan to get our POW's out and our troops home.

The next photo op on the White House lawn celebrating the return of American troops must only occur after all of our troops are safely returned to American soil.

HEALTH CARE REFORM

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

Ms. SLAUGHTER Mr. Speaker, when President Clinton came to Congress 2 weeks ago, he made a promise to me, and to every other American. He promised a plan to provide each of us with the security of knowing we will get the health care we need, whenever we need it.

As the President proposes, the Congress will dispose. I will be working closely with my constituents in Rochester to examine how the program will affect my district—where we have already made such great strides in expanding access and controlling health care costs.

I am pleased that there are already many aspects of the proposed health care reforms that will help the people of my district. For example, I recently heard from a constituent named James Dunbar. He is personally worried about rising health care costs—because his monthly Social Security check is almost entirely consumed by the cost of his medication. For seniors like Mr. Dunbar, health care reform promises relief, through the proposed prescription drug coverage plan. This is an important step in making prescription drugs affordable for the millions on fixed incomes.

The President's plan promises responsibility and accountability. It also proposes to keep health care costs from spiraling, by more effectively controlling spending.

For the sake of Mr. Dunbar, for our own families and communities, we must work to make these promises become reality.

We must find a way to provide coverage for those 37 million Americans currently without health care. It will be our job to look carefully and deliberately at the President's proposal. And it will then be our turn to save what is right and correct what is wrong with our present health care system. For the sake of James Dunbar, my district and our Nation's future, I look forward to this opportunity.

THE RETIREMENT OF BOB MICHEL

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

Mrs. FOWLER. Mr. Speaker, I rise today to commend our distinguished minority leader, Representative BOB MICHEL, for his many years of service to this body. The gentleman from Peoria is a man of integrity and keen intelligence, and he has served his district and our Nation in a truly outstanding manner.

Being an effective leader is never an easy task, and I am sure it can be especially frustrating as the leader of the minority party. However, Representative MICHEL has carried out his responsibilities with energy, humor, and a deep commitment to getting the job done.

His keen intelligence, his integrity, and his gentlemanly demeanor have endeared him to all the Members of the House, and we will miss him.

I hope he knows that when he leaves Washington, he will take with him not only the satisfaction of his accomplishments, but also the gratitude and best wishes of his many friends and admirers on both sides of the aisle.

SUPPORT NAFTA

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

Mr. LAUGHLIN. Mr. Speaker, I want to begin by saying the North American Free-Trade Agreement is a major breakthrough in economic policy.

NAFTA will create the largest market in the world with a combined economy of \$6.5 trillion and 370 million people.

Mexico's population is growing at 2 percent per year, and it is a significant market now for U.S. agricultural products. The agreement will boost Mexico's demand for greater volume and variety of our food products.

Current Mexican tariffs on United States agricultural products range from 10 to 25 percent. These are two-and-a-half-times higher than the American tariffs on Mexican products.

Mexico will provide United States producers a new and growing market. This will help alleviate the surplus of agricultural goods in our country.

Among the agricultural industries that will benefit from a strong trade agreement with Mexico include rice, cattle, corn, grain, and cotton.

For the future of agriculture and thus our economy I am asking my colleagues to support the North American Free-Trade Agreement.

THERE'S STILL A CHANCE FOR BOB MICHEL TO BECOME SPEAKER OF THE HOUSE

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

Mr. HORN. Mr. Speaker, I rise to pay tribute to the distinguished Republican leader, the gentleman from Illinois, [Mr. MICHEL], a hero to the Second World War. He has also been a hero of Congress as an institution. A wise man, a man of great common sense, a decent human being, BOB MICHEL is respected on both sides of the aisle.

Mr. Speaker, I hope that BOB and Mrs. Michel do not go too far when his term is up. His dream of a Republican majority will come, and a careful reading of the Constitution shows that the Speaker of the House does not have to be a Member of the House. The Speaker always has been since 1789, but, if there ever were to be a person to break that

tradition, a person whose word is respected on both sides of the aisle, it is BOB MICHEL. Perhaps he yet will be Speaker of the House.

THE MISSION IN SOMALIA

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

Mr. BLUTE. Mr. Speaker, the events in Somalia took on a more personal meaning to families in my district of Massachusetts yesterday when it was learned that one native son, who was serving there as an Army ranger, had been killed, and another seriously wounded.

Mr. Speaker, we need to take a very hard look at our deployment of troops in that African nation. The administration needs to specify why our people should be continued to be deployed in Somalia. Our humanitarian mission there is long over, and it has become painfully evident that an American presence is not welcomed there.

Tragedies continue to mount, death tolls are on the rise. What is our overriding national interest in Somalia that would justify our young people continuing to risk their lives there?

Let us get a plan to get our troops home, but, while doing that, let us make sure that they have everything they need to protect themselves and prevent the type of situation which saw our troops under fire without adequate reinforcements or armor.

□ 1030

Mr. Speaker, let us vow to never let that situation happen anytime, anywhere.

TRIBUTE TO HON. BOB MICHEL, REPUBLICAN LEADER

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

Mr. DREIER. Mr. Speaker, over the past several years, as we have observed the respect and confidence level in this institution, the greatest deliberative body known to man, decline, no one, but no one, was thinking of BOB MICHEL.

BOB MICHEL clearly is the most capable, caring, understanding, compassionate Member of this institution bar none, and I believe that his absence, when he retires in 15 months, not tomorrow, as he likes to remind us, will create an incredible void here.

Mr. Speaker, I wish him well in his future endeavors. This place will be much worse off for his retirement.

BOB MICHEL, A MEMBER OF GREAT INTEGRITY

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

Mr. WALKER. Mr. Speaker, some years ago there was a gentleman who served in this body from Pennsylvania by the name of Paul Dague. Just before Paul died I had an opportunity to interview him, and I asked him what his greatest accomplishment in the Congress was, and he said, "I left the Congress with my integrity intact."

That is a statement that can be made about BOB MICHEL. In fact, I know of no one in this body who could make that statement more than BOB MICHEL. He retires with his integrity intact, and because he has had that integrity, he has had the kind of character that has allowed him to lead, but, more importantly, to mentor many Members who have come through this Congress on both sides of the aisle.

We are a greater institution for having had BOB MICHEL serve here, we will continue to be a great institution because he has 15 more months of leadership ahead, and I look forward to working with him during that time.

REFORM OF WELFARE SYSTEM TIED TO HEALTH CARE REFORM

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

Mrs. KENNELLY. Mr. Speaker, the current health care system threatens our security—the security of working people, and the ability of the Government to deal with the Federal deficit.

If we do nothing to control the costs of health care, by the year 2000, 1 out of every 4 Federal dollars will go toward health care costs in the Medicare and Medicaid Programs, siphoning off needed funds to improve our economy and other critical investments.

We want to reform our welfare system. But many people find themselves in welfare lock. They are reluctant to take a job if that job will not provide them and their children with health care coverage.

Many working people find themselves in job lock. They cannot take a new job unless that new position will provide health benefits. And what is worse is people who find themselves unemployed and without coverage. These people, already in a tenuous financial condition, could be wiped out if they or a family member becomes seriously ill while they lack insurance.

Finally, many people who have taken early retirement fear that the coverage they have will be canceled or that they must work until they are eligible for Medicare.

Americans should be assured that if they get sick they will be taken care of and not be financially ruined. I look forward to working with my colleagues to ensure that this security, this piece of mind, become a reality.

WISCONSIN JOINS FIGHT ON CRIME, MOVES TO ENACT DEATH PENALTY

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

Mr. ROTH. Mr. Speaker, last year murders took the lives of 22,000 Americans. It is time we turn the tables.

To combat this horrific rise in violent crime, my own State of Wisconsin is moving to enact the death penalty—77 percent of Wisconsin residents support capital punishment according to a poll taken last night by a television station in Green Bay. Wisconsin citizens understand the need to get tough on crime.

It is about time we do the same here in Congress.

Here are some appalling examples. Carl Wayne Buntion had 11 felony convictions and 9 separate prison terms. He was released and then murdered a police officer. He should get the death penalty.

Sam Barnett was released after getting early parole only to rape the same 9-year-old girl again. He should never step outside of a prison again.

We need to get tough with criminals and protect victims for a change.

No more parole. No more endless and costly appeals. No more revolving doors at our prisons. And yes, the death penalty for certain heinous crimes.

If you do the crime you do the time. No exceptions, no excuses.

DEATH COUNT IN SOMALIA APPROACHES THAT OF DESERT STORM

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

Mr. CUNNINGHAM. Mr. Speaker, the issue of Somalia is not just upon us, it has been happening to us. We have lost nearly as many lives in Somalia as we did in Desert Storm over a much shorter period.

They have been dragging our men through the streets dead, and if it continues, perhaps our women. At a time when this Congress, under the leadership of the Democrats, has cut defense \$127 billion, we are sending troops overseas. In the tax budget they passed, where 80 percent of the spending cuts come after 1996, they cut defense \$127 billion. This comes at a time when the President is going to send troops to Haiti, possibly Bosnia, and, yes, we are even in Somalia today.

We need to direct our forces in areas where we can do some good. Do we stay in Somalia? If we do, do we kill the same people that we were trying to help?

Whether we are liberal, conservative, dove, or hawk, it is time to bring our men and women home from Somalia.

Our mission of humanitarianism is done. Let us get out and save lives.

FURTHER DEPLOYMENT OF TROOPS IN SOMALIA DEPENDENT ON CONGRESSIONAL AUTHORIZATION

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

Mr. DEFAZIO. Mr. Speaker, let me say to my colleagues that there is no legal authorization for the deployment of the United States forces in Somalia. President Bush deployed large forces without prior or subsequent authorization from this Congress, as required under the War Powers Act, and President Clinton has continued that deployment with a reduced force but still without authorization from the Congress.

Many Members will be surprised to learn that the resolution we passed in this House last spring to authorize humanitarian assistance is not in effect because it was never subsequently passed by the U.S. Senate. There is no outstanding authorization of any sort.

The President must meet the October 15 deadline set by this House to submit a report for authorization. Furthermore, that report should be under section 4(A)(1) of the War Powers Act. It should set out the objectives, the scope, and the duration of the deployment. It should start the 60-day clock ticking in this House, and we have to either accept that report, modify it, or reject it and bring the troops home.

Mr. Speaker, it is time for the President and the Congress to face up to their constitutional responsibilities.

AN EXPRESSION OF PRIDE FOR SERVICE OF REPUBLICAN LEADER, BOB MICHEL

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

Mr. PORTER. Mr. Speaker, I was first elected to Congress in a special election in January 1980. The following December I had the great pleasure of voting to elect my Illinois colleague, BOB MICHEL, as our Republican leader. It was, perhaps, the best vote I have ever cast in Washington.

BOB has been our party's leader in the House ever since, during almost the entire time I have been a Member of this body, and longer, continuously, than any other Republican leader in history—longer than John Rhodes, longer than Charlie Halleck, longer than Jerry Ford.

There has never been a moment when we have been other than proud of him. Because with BOB MICHEL of Peoria, the heartland of this great country, you get exactly what you see, not an

ounce of deviousness or guile, nothing but good old American straightforwardness, decency and devotion to country, to this institution, to his fellow Members, to his State, community, and, perhaps most importantly, to his family.

And what a beautiful family. With his lovely wife, Corrine, always at his side, and his four fine children, BOB has cut a swath of good ole Republican fiscal conservatism combined with a desire to make our system work throughout his service in Washington.

Working together, avoiding gridlock, and yes, compromise and getting the job done—dirty words in Washington in a time of combat politics and entertainment news—have been his hallmark.

When I leave this body I will look back on my time as a soldier in BOB MICHEL's army as among my fondest memories—a man who has done the American people, the U.S. House of Representatives, and everyone of us proud.

□ 1040

SUPPORT AMERICAN TROOPS IN SOMALIA

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

Mr. PAYNE of New Jersey. Mr. Speaker, I rise this morning to support President Clinton in his stand to remain in Somalia and to come before the House to express the plan for the next 6 months. I think that the United States has a question: Will the United States be a member of the world body of United Nations, or will we become a country of isolationism, as President Taft wanted us to do?

Mr. Speaker, as you know, the United States did not approve the League of Nations in World War I when the body of nations came together. The Congress said we do not approve of that.

I think the question today is whether the United States of America is going to be a participant in the new international order, the new world order, where the United Nations will be the police people of the world.

Mr. Speaker, I was so proud this morning when I saw Sgt. Bobby Jackson from a hospital in Germany, an African-American who was wounded with those on that tragic day when we lost 12 soldiers. He said he was proud to be in Somalia. He said he had a mission. He said he volunteered in this all-volunteer army. He said he hopes he recovers to go back to complete the mission.

Mr. Speaker, I hope we do not allow hysteria to enter into this. Let us see where we will go in this new world order for the future.

ADMINISTRATION ON DISASTROUS COURSE

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

Mr. ROGERS. Mr. Speaker, even as the President this minute is trying to justify to American parents why their sons and daughters are sacrificing their lives in Somalia, I have learned that the night before last his United Nations Ambassador voted in the United Nations, and they approved, another peacekeeping operation. This one is in Rwanda.

Even as the American troops are now entering Haiti on another peacekeeping mission and we are learning of the deaths over the weekend of 12 brave American boys in Somalia, and 2 more overnight last night. Where does it end? Can anyone in this room tell me where Rwanda is, or why we are going there, or what vital American interest is at stake in Rwanda?

We are told we are going to be patrolling between the majority Hutus and the minority Tutsis in Rwanda. Why, Mr. Speaker?

We are now involved in 17 peacekeeping operations in the world, from El Salvador to Cambodia, with 14 more requests pending. There are dozens more on the table.

Mr. Speaker, this multilateralism we are talking about is leading to American deaths, with no justification. I urge the administration to abandon this disastrous course they are now on.

TRIBUTE TO HON. ROBERT H. MICHEL

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

Ms. DUNN. Mr. Speaker, I thank you for this opportunity to express my appreciation to a great Republican leader the gentleman from Illinois [Mr. MICHEL].

I had heard of BOB MICHEL many years before I actually had the chance to work with him here in the Congress. I remember him through the sixties, through the trying periods of the seventies, and well into the eighties, when we worked together to elect a great Republican President, Ronald Reagan.

BOB MICHEL was always the leader. He was always calm and thoughtful and provided great leadership when we often needed that through the years. When I was Republican State chairman in a little State far away, Washington State, BOB MICHEL came out to help us do the job that we were elected to do in electing Republicans to office. He was there for the Republican leadership conferences. He was there for those of us Western chairmen who needed a strong influence, a good spokesman for our party.

But as I have come to this Congress as a freshman, I want to say, more

than ever have I appreciated our leader, BOB MICHEL. This gentleman has taken the time to listen to us freshmen, to help us learn the process, always calm, always thoughtful, always giving us good advice and providing good leadership.

Mr. Speaker, I want to say thank you to the gentleman from Illinois. I want to say for me, and for many others, when he leaves this body, he will be taking the heart of this great institution with him.

TRIBUTE TO HON. ROBERT H. MICHEL

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

Mr. WALSH. Mr. Speaker, when one thinks of honesty, integrity, fairness, warmth, and friendship you have a picture of our minority leader, BOB MICHEL.

BOB was one of the first people I met when joining the House 5 years ago. His gracious welcome has made many a freshman feel welcome and at ease, no matter how difficult the problems in Congress might be BOB never takes himself too seriously—A good lesson for all of us. If you need help or advice, you automatically turn to BOB because he always has the right approach to the situation.

We were all sorry from a professional standpoint to learn he would not seek reelection next year. At the same time, after 36 years of service in Congress, if anyone deserves the chance to sit back and smell the roses, BOB is that person.

Fortunately he will be with us to provide his leadership skills through 1994. There are many serious problems facing this Nation that will occupy him during this time, but we all know BOB will meet the challenge.

There is an old Irish saying that sums up the quality of this man:

Humor, to a man, is like a feather pillow. It is filled with what is easy to find, but gives great comfort.

That humor and great comfort is what BOB MICHEL means to every Member of this House, both sides of the aisle.

MENTAL ILLNESS AWARENESS WEEK

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

Mr. MACHTLEY. Mr. Speaker, I rise today in support of Mental Illness Awareness Week. Fortunately, the efforts of the mental health community have made this heightened awareness last much longer than a week.

As a cofounder of the House Working Group on Mental Illness, along with my distinguished colleague, the gen-

tleman from Oregon [Mr. KOPETSKI] and the gentleman from West Virginia [Mr. WISE], we have become all too familiar with the frightening statistics confronting our Nation concerning mental health.

Mr. Speaker, 19 percent of all adults in any given 6-month period are going to be suffering in this country from mental illness or substance abuse disorders. One-third of our homeless suffer from mental illness. Some 12 percent of American children and adolescents today, suffer from mental illness or substance abuse, and 4 out of every 5 will have no treatment.

The costs associated with not dealing with mental illness today are far greater than the costs associated with facing the issues. Businesses will lose over \$100 billion due to lost productivity due to substance abuse and mental illness. Direct costs in treating mental illness can be as little as \$68 billion. There is a cost effectiveness to dealing with this tragic issue in our Nation.

Mr. Speaker, I urge my colleagues to join me in supporting Mental Illness Awareness Week and improving the plight of the mentally ill. It is up to us to ensure that mental illness is included in our health care debate this year.

QUESTIONS CONCERNING SOMALIA

(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, today President Clinton finally announces this administration's policy relating to Somalia. Today we hear the weak justification for sacrificing young American lives. Today the American people learn why we have wasted \$1 billion to rescue ungrateful Somalis. Today we finally learn when our troops will come home.

Mr. Speaker, I and the American people demand that this Congress now ask some serious questions: Why did this House fail to act months ago on my bill to withdraw our troops? Why did we allow our troops to serve under a bungled foreign command? Why did we expose our helicopter crews to obvious fatal ground fire? Why did this administration use nation-building as a cover?

Mr. Speaker, have we so weakened our military in 10 months that this fiasco can happen again? Will we bring the Somali criminal acts to justice, or will Americans all over the world be targets for international terrorism?

Mr. Speaker, the dozens of Americans who sacrificed their lives, including the latest fatality last night, deserve answers to these questions. I demand that this House and its committees address these questions and address these issues now.

TRIBUTE TO THE HONORABLE
ROBERT H. MICHEL

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

Mr. SOLOMON. Mr. Speaker, 1 minute is hardly enough time to describe our great Republican leader, BOB MICHEL. We will undoubtedly be taking special orders in the months to come to honor this great man. But for now two terms come to mind when I think of BOB MICHEL. Being a former marine myself, the first term I think of is "esprit de corps." BOB MICHEL has been the spirit of the Republican Party for all these 38 years.

□ 1050

BOB MICHEL is a great man, the living embodiment of all that is best about the Republican Party.

There is one other term that comes to mind when I think of BOB MICHEL. That word, that phrase, is "semper fidelis," another Marine Corps term. It means "always faithful."

I think back to the first 2 years of the Ronald Reagan Presidency, when BOB MICHEL put his heart and soul into passing the Reagan program through Congress. He made tough votes that were difficult to make, cutting back on entitlement programs, doing things that we should have been doing all along. He almost lost the election because of it in 1982, but he was always faithful to his beliefs, to the Republican philosophy of limited government, and to putting the vital interests of our country first.

We are going to miss that man dearly. God bless him.

TRIBUTE TO HON. BOB MICHEL

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

Mr. BLILEY. Mr. Speaker, I rise today to speak of a man who Congressional Quarterly's "Politics in America" describes—in his own words—as a "doggone decent son of a gun." Well, my fellow Members, this fine gentleman from Illinois is not only a decent and honorable man, but also a good friend and a trusted adviser to this institution.

To many of us who came into the House in 1980, we looked to BOB MICHEL as the captain of our ship—and we strongly do so today as well. With a firm hand on the tiller, BOB MICHEL has steered our party in the House through the calm waters of agreement and the stormy seas of dissent. But, through it all, this loyal public servant has stayed the course—offering guidance and good humor to all along the way.

However, Mr. Speaker, what has distinguished this leader the most in his years of service is his passion—his passion to see the good in his fellow man

and woman, while others only would see the bad; his passion to fight not only for the things that would "play in Peoria," but also for the things that would help all American families; and finally, his passion for his party and this institution has been a constant source of inspiration to me and to those who may have forgotten the true meaning of public service.

Mr. Speaker, it has been—and will continue to be—a distinct honor and privilege to serve in the U.S. House under a man of such rare quality as our minority leader. While his presence in this body will be greatly missed, there are plenty of us who understand his desire to conquer the new challenges that lie ahead—like knocking those three stokes off his game in the early months of 1995.

In closing, Mr. Speaker, I have one final comment to share with BOB MICHEL and that is to say "thank you." I thank you, BOB, for your tireless efforts and your loyal commitment to your party and to your Nation—your hard work certainly did not go unnoticed.

THANK YOU, BOB MICHEL

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

Mr. PORTMAN. Mr. Speaker, I also rise today to thank BOB MICHEL, to thank BOB MICHEL for leading my party and this House with integrity and with what one publication has called "old-fashioned personal decency," but also to thank him for his extraordinary service to Presidents of the United States over his 13 years of service as leader of the Republicans in this House.

In my first 2 years in the Bush White House, I saw firsthand BOB MICHEL's great value to the Presidents of this country. I saw his calm, cool-headed approach to issues. I saw his loyalty, and I saw his very sound advice and counsel.

Mr. Speaker, our leader will be missed. I hope that we will remember what he stood for.

THE HONORABLE BOB MICHEL

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

Mr. SCHIFF. Mr. Speaker, like my colleagues before me, I rise to honor our leader, BOB MICHEL.

Leader MICHEL has exhibited traits of ethnics in all of his actions, personally and in conducting business in the House, of always putting the Nation's business before personal business. And when there is a debate on issues, whether it is within the Republican Party or with the majority party here

in the House, always conducting the debate in an honorable fashion, with concentration on differences of opinion and not differences in personality.

Mr. Speaker, I want to say it has been a privilege to serve under Leader MICHEL these last 5 years. I certainly hope that whoever replaces him as leader of the Republican Party in the House in the future will keep his honorable traits in mind and incorporate them into our leadership into the future.

A TIME FOR CHANGE

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

Mrs. MEEK. Mr. Speaker, soon the House will consider the goals 2000 legislation. As one who was intimately involved with school reform in Florida, I welcome this initiative. It is not surprising that some of those opposing this effort to improve our schools are the leading opponents of public education.

For the first time in 13 years we have a President who believes that improvement of education is much more than a throw away line in a campaign speech. For the first time in 13 long years, it is possible to move ahead with educational reform because for this President reform means action, not reaction.

This bill calls for the setting of voluntary national education standards, including content standards. The bill also authorizes incentive grants to assist in the implementation of the goals.

The opponents of this legislation are using the same arguments used in the 1960's when the Federal elementary and secondary programs were created. This is yet another example for their arguments intellectual costiveness. They say this takes away local flexibility and will create a national school board, but these are the same people who decry that state of America's public schools. They really want to shut down public education and limit it to the wealthy.

Mr. Speaker, the House should reject the Janus-faced arguments of the opponents of goals 2000. Let us get on with the improvement of our schools and pass this bill.

SOMALIA

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

Mr. DORNAN. Mr. Speaker, I will be participating in a special order soon for a great American, BOB MICHEL. But this morning I want to pass on to my colleagues and my fellow Americans two tragic phone calls I received last night after a special order that I did with several colleagues on Somalia.

One gentleman was listening to my recitation of the names of the 12 heroic young men who were killed in Somalia. He said he began to cry, because he recognized the name of the son of his best friend from high school who, like myself, served his country in Vietnam. He and his friend had survived Vietnam, and the son dies in an alley in Mogadishu.

But the worst call came from the wife of a U.S. Army captain stationed at Fort Campbell. One of her neighbors, another military wife, recognized that it was her husband being mutilated and dragged through the streets of Mogadishu, his corpse. She had not been informed by the Army that he was dead or missing. She sees him on a television screen mutilated and dead and stark naked and being dragged around.

I think that this House ought to have a joint session, doors closed, get the intelligence briefings I am getting upstairs, every one of us, to decide how to advise the President about what to do in Somalia.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2872

Mr. PORTER. Mr. Speaker, I ask unanimous consent that my name be withdrawn as a cosponsor of H.R. 2872.

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

There was no objection.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 2446, MILITARY CONSTRUCTION APPROPRIATIONS ACT, 1994

Mr. NATCHER. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight, October 7, 1993, to file a conference report on the bill (H.R. 2446) making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1994, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

CONFERENCE REPORT ON H.R. 2518, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1994

Mr. NATCHER. Mr. Speaker, pursuant to the order of the House of Wednesday, October 6, 1993, I call up the conference report on the bill (H.R. 2518) making appropriations for the Department of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1994, and for other purposes.

The Clerk read the title of the bill.

GENERAL LEAVE

Mr. NATCHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report on H.R. 2518 now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

□ 1100

The SPEAKER pro tempore (Mr. TUCKER). Pursuant to the order of the House on Wednesday, October 6, 1993, the conference report is considered as read.

(For conference report and statement, see proceedings of the House of October 5, 1993, at page H7422.)

The SPEAKER pro tempore. The gentleman from Kentucky [Mr. NATCHER] will be recognized for 30 minutes, and the gentleman from Illinois [Mr. PORTER] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Kentucky [Mr. NATCHER].

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

Mr. Speaker, I rise today to present the conference report on H.R. 2518, the fiscal year 1994 appropriations bill for the Departments of Labor, Health and Human Services, and Education, and related agencies. The full conference agreement, House Report 103-275, was printed in the CONGRESSIONAL RECORD of October 5, 1993, and has been available to Members since Wednesday morning.

I am pleased to bring this conference report to the House. I think the conferees were able to work out a good bill. We have resolved all 135 amendments in disagreement, and we did it in the shortest conference we have had since I have been chairman of the subcommittee.

Mr. Speaker, let me say this, it speaks well for our staff. We have an excellent staff on our committee, just like we do on all of the committees in the House. It is a distinct honor and a privilege for me to work with the ranking member, the gentleman from Illinois [Mr. PORTER] and all of the members on this subcommittee. Mr. Speaker, we are friends, we work together.

I want to thank Senator HARKIN and his colleagues and all the Members on our side for their good efforts.

Mr. Speaker, I believe Members of the House will be pleased with the conference agreement. It reflects the important priorities of the administration, as well as those of Members of the House and Senate. The conference report is within, Mr. Speaker, our 602(b) allocation for both budget authority and outlays. The agreement contains \$261.158 million for the three Cabinet departments and 15 related agencies under the jurisdiction of the Labor-

HHS-Education Subcommittee. I will highlight just a few of the programs in the bill that I know are of interest to Members, and provide a more detailed description for the RECORD:

Childhood immunization receives \$528 million, which is a \$187 million increase. Mr. Speaker, that is the way it should be.

Ryan White treatment programs are increased by \$231 million to a total of \$579 million.

Head Start is funded at \$3,326 million which is \$550 million above the 1993 level.

Also \$1,118 million is provided for displaced workers, an increase of \$551 million, while \$888 million is provided for summer jobs to provide the same number of training slots in 1994 as in 1993.

An increase of \$630 million is provided for the National Institutes of Health for a total of \$10,956 million.

Mr. Speaker, the Chair will be interested to note that when I was elected a member of this committee, we had \$73 million for the National Institutes of Health, as a total; \$155 million is provided for the administration's education reform proposals, including \$100 million for school to work, in both the Departments of Labor and Education, \$8,020,000,000 is included for student financial assistance, which will support a maximum Pell grant of \$2,300 and 1993 funding levels for campus-based programs; \$1,475,000,000 is provided for fiscal year 1995 funding of the Low Income Home Energy Assistance Program.

Finally, I want to make certain Members understand that the issue of public funding for abortions is not a part of this conference report. The Senate adopted the same language that was contained in the House bill, permitting public funding in the case of endangerment of the life of the mother, rape, and incest.

In summary, Mr. Speaker, I believe the conference report is a good one. We have worked on it hard, Mr. Speaker, and we have had a lot of help. Everyone has helped us. It should be adopted by the House, and I urge that the Members support this conference report.

SUMMARY OF H.R. 2518, THE LABOR-HHS-EDUCATION APPROPRIATIONS BILL

The conference agreement provides \$261,158 million for fiscal year 1994 for the Departments of Labor, Health and Human Services, and Education, and Related Agencies. This total is \$13,886 million above amounts provided in fiscal year 1993. Of the total included in H.R. 2518, \$67,230 million is provided for discretionary programs, which is \$4,530 million above 1993, and \$193,928 million is provided for mandatory program, which is \$9,356 million above 1993. The bill is within its 602(b) allocation for both budget authority and outlays.

DEPARTMENT OF LABOR

The bill includes \$14,581 million in budget authority for the Department of Labor. \$10,553 million is included for discretionary

funding, which is \$778 million above 1993. \$1.118 billion is provided for dislocated workers, and \$888 million is included for summer jobs. The number of summer job training slots will be the same in calendar year 1994 as in 1993. Job Corps is funded at \$1,040 million, with adequate funding to support four new centers, to be awarded competitively.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

The bill includes \$216,891 million for the Department of Health and Human Services, of which \$185,402 million is for mandatory programs and \$31,489 million is for discretionary programs. This represents an increase of \$11,349 million over 1993 for mandatory programs, and \$3,586 million over 1993 for discretionary programs. Within the total, \$10,956 million is included for the National Institutes of Health, which is \$630 million above the 1993 level. The Head Start program receives \$3,326 million, a \$550 million increase over 1993. Childhood immunization is funded at \$528 million, \$187 million over 1993. The Ryan White treatment programs are supported at a level of \$579 million, which is \$231 million over 1993. \$117 million is provided for tuberculosis control activities, a \$38 million increase. Low income home energy assistance receives \$1,475 million in fiscal year 1995 funding.

DEPARTMENT OF EDUCATION

The bill includes a total of \$28,768 million for the education program. Of the total, \$4,498 million is for mandatory activities, and \$24,271 million is for discretionary programs. \$155 million is provided for education reform activities. The bill includes \$8,020 million for student financial assistance, including funding at the 1993 level for campus-based programs and sufficient funding to support a \$2,300 maximum Pell grant. \$250 million is included for the Pell grant shortfall. Impact aid is funded at \$798 million, including \$136 million for "b" payments.

Mr. Speaker, I reserve the balance of my time.

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

Mr. Speaker, it is a great privilege for me to manage this bill on the Republican side. On the Labor, Health and Education Subcommittee we do business in a bipartisan fashion.

Mr. NATCHER conducts all of the subcommittee business honestly, openly and with supreme integrity. His approach toward the Labor, Health and Education bill is one of inclusion, negotiation and compromise. It epitomizes the manner in which I believe we ought to govern this country, and he does it efficiently.

I want to thank the chairman's staff, which always does an outstanding job—Bob Knisely; Sue Quantius; Mark Mioduski, and he and his wife just had a baby boy, Ryan; Nancy Krekeler; Joanne Orndorff; the staff director Mike Stephens, who does such a superb job for all of us on the subcommittee, and on our side, John Blazey, representing Mr. McDade, and my staffer, Mike Myers, who also do a wonderful job.

Mr. Speaker, I also want to commend the new Members on our side who did really an outstanding job this year to get up to speed on the vast number of issues and programs we deal with in

our bill. Helen Bentley and Henry Bonilla spent as many days in committee hearings as the chairman and I did, and they contributed significantly to the bill we are considering today.

This is a good bill. It is under the 602(b)s on both authority and outlays. It makes the hard priority choices to provide needed increases in important domestic programs and to provide the necessary offsets to pay for them.

Mr. Speaker, this bill does the right thing for the NIH—our Nation's premiere biomedical research organization.

The President did the country a service by calling the Nation to reform its health care system. But, he overlooked one very important component of the health care debate—research, which is our only real hope for containing long-term health care costs through cures, early diagnosis and prevention.

The President's budget cut funding below the 1993 level for 9 of the 17 Institutes, reducing funding for research on mental health, diabetes, arthritis, and heart disease—by far the largest killer of both men and women.

We restored those cuts and provided at least a 6-percent increase for each Institute, and we did it by adjusting priorities, and staying within our budget allocation. In addition, we provided important startup funding for the intramural human genome research initiative which will help find the genes which cause breast cancer, colon cancer and the other 4,000 genetic diseases.

This funding will continue modest growth in biomedical research funding to support the dramatic progress in understanding breast cancer, heart disease, Alzheimer's, diabetes, AIDS and other devastating human afflictions.

The President sent us a message about health care reform. This bill sends the President a message about biomedical research. I hope he is listening.

Mr. Speaker, this bill also contains the largest increase for Impact Aid in a decade—over \$46 million to educate children whose parents live and work on Federal property. The funding, while still far short of the amount owed to local school districts by the Federal Government, will help schools maintain services to federally-connected students like the thousands of military dependents in my congressional district.

The bill is not a perfect one. It contains unauthorized advance funding for the LIHEAP program which was first enacted to provide emergency energy relief to low income individuals in 1981. Since that time, fuel oil and electricity prices have declined by 50 percent to pre-1974 levels. While we still have a need in this country to provide assistance to low-income individuals this supposedly temporary program is no longer the proper vehicle, nor is the unauthorized advance funding appropriate.

This bill also contains a Senate provision which prohibits implementation of regulations that would allow the use of helper-class workers on Davis-Bacon construction sites just as they are used on 75 percent of all private-sector construction sites. These regulations were promulgated and implemented under three successive administrations and upheld by the courts after a decade of litigation.

Mr. Speaker, it is especially ironic that Congress would pass this prohibition at the same time the administration is attempting to give women and minorities an entry point to nontraditional occupations through the school-to-work program at DOL and the Step-Up Program at HUD. These programs create training opportunities nearly identical to the helper classification.

In fact, the National Association of Minority Contractors supports the helper regulations that this bill prohibits in order to give minorities the opportunity to learn the construction trades so they may achieve journeyman status.

There is simply no justification for the Appropriations Committee to intervene in this matter, and, in fact, the conference committed that this would be a 1-time, 1-year prohibition. If the authorizing committees believe this matter requires congressional intervention, they are more than welcome to revisit the issue. And the President already has the authority to withdraw the regulations if he is dissatisfied with them.

Nevertheless, Mr. Speaker, on the whole, this bill is a very good one, and I urge Members to vote for it.

Mr. Speaker, I reserve the balance of my time.

□ 1110

Mr. NATCHER. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa [Mr. SMITH].

Mr. SMITH of Iowa. I thank the gentleman for yielding this time to me.

Mr. Speaker, I want to point out that the chairman and I went on this subcommittee the same day and, as he said, at the time we went on the subcommittee the funding for the National Institutes of Health was \$73 million. In this bill it is \$11 billion. We are doing the research essentially for the world as far as health is concerned.

In that length of time we have changed the health system of the world. The delivery system has not kept up with the research that we have done, and that is one of the big things that we are hearing about now on health.

Until the delivery system catches up, we are going to continue to hear about it because we have the kind of a system now that, if delivered, would deliver a lot more health care to the American people.

And so it is very difficult in an area where technology has moved as fast,

and the new knowledge has moved as fast, we are not moving the same kind of health care today that we moved 20 years ago.

So you cannot expect the system to operate on the same amount of money.

We are also subsidizing health professionals, doctors, to the extent of about \$100,000 per year in the education of health professionals; and that is over and above what they pay. This is all good because it has produced the health system that is unequaled anywhere else in the world, if we can provide the way that people can finance it so everybody has access to it.

In education, I was on the Committee on Education and Labor when we only had one education program for post-12, and today we have numerous ones in this bill.

So the educational system has spread throughout the population.

Mr. Speaker, this is a good bill, it is one of the very few bills that will hit the floor that has very substantial increases for a number, a number of the programs that are in it, and it shows the dedication, I think, that we have to make the quality of life better for the American public and for American people.

So, Mr. Speaker, I support the bill.

Mr. PORTER. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Texas [Mr. BONILLA], a fine new member of our subcommittee.

Mr. BONILLA. Mr. Speaker, I rise to join the distinguished gentleman from Kentucky to walk down the center of the aisle today in support of this most important appropriations bill. This appropriations bill helps Americans become better educated, develops the skills needed to keep pace in the job sector, and prevents and treats illness. This bill affects and protects almost every American in a fiscally responsible manner.

I want to commend my chairman, Mr. NATCHER, and my ranking member, Mr. PORTER, and their hard-working staffers for their dedication in crafting this conference report. Their success in reaching agreements on 135 items in about 2½ hours is a record for this subcommittee. I only hope that my future conference committees will be as equally efficient. I know as long as Chairman NATCHER runs the conference this new record will remain in jeopardy.

I want to highlight a few vital rural programs for my rural colleagues, who often share my view that Congress too often turns its back on the heartland. This conference report makes a good faith effort to provide access to health care in our rural communities. Overall spending has been increased by 9 percent on programs that greatly effect rural health care.

Community and migrant health care centers funding has been increased to provide comprehensive primary health

care in our rural communities. Last year these clinics served over 6.5 million people.

The area health education centers [AHEC] have been increased 11 percent while the border health centers funding has been restored to fiscal year 1993 levels. The AHEC Program links university health service centers with community health service delivery systems to provide training sites for students, faculty, and practitioners. The border health education centers fund schools to support health education and training centers to improve the supply, distribution and quality of health personnel along the border between the United States and Mexico.

Rural Americans will benefit from increases in the Nurse Practitioners/Nurse Midwives Program, essential access community hospitals, and restoration of some of transition grants funds. The allied health grants were increased to address the growing shortage of allied health personnel in both rural and urban areas. The Physicians Assistants Program which delivers health care and emergency services in rural areas was increased from last year's level. This program is especially important to the health of rural Americans.

The Family Medicine Residencies Program has been funded to provide grants to medical schools to teach family medicine programs which are greatly needed to field the demand for doctors in rural America.

The rural health research and rural outreach grants have been increased to coordinate public and private sector efforts nationwide to strengthen and improve the delivery of health services to populations in rural areas. They provide health services to rural populations not currently receiving them and enhance access to and utilization of existing services.

I do have one serious problem with the conference report and that is the Davis-Bacon provision. The other body included a provision that would prohibit the Secretary of Labor from using any funds to implement or administer both the recently issued final helper regulations and the proposed apprenticeship regulations. I do not believe this provision should be in the report.

I believe this ban effectively prevents the Department of Labor from executing regulations that update and upgrade the system of approving apprenticeship programs around the country and registering and training new apprentices, until Congress passes a new act.

The helper regulations were finally issued after more than 10 years of litigation and debate, culminating in favorable rulings by the U.S. District Court and the U.S. Court of Appeals. Both courts found that the helper regulations are fully consistent with the language and purpose of the Davis-Bacon Act, and the Supreme Court declined an appeal of that ruling.

This provision is very unfair to smaller employers and small minority contractors. In some States, small contractors who want to offer responsible apprenticeship programs for their own employees can not do so because of old rules that favor large companies. The National Association of Minority Contractors supports the helper regulations as a positive way for their constituents to enter the public works sector of the construction industry.

Under the current revised regulation, the helper classification serves as both a stepping stone to a formal apprenticeship or other training programs and provides a solid, well-paying job.

I believe the current regulation is consistent with the President's support of easing the transition from school to work for noncollege bound youth.

I want to commend my ranking member, Mr. PORTER for raising this issue in conference. We lost but I pledge to work harder next year to restore equity and fairness to the Federal contracting process that allows any business the ability to compete.

Overall this conference report is a good one. This bill is fiscally responsible and provides for medical research that invests in Americans and saves lives and saves dollars. I urge my colleagues to adopt the conference report.

Mr. NATCHER. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. STOKES].

Mr. STOKES. Mr. Speaker, I rise today in strong support of the fiscal year 1994 appropriations bill for the Departments of Labor, Health, Human Services, and Education.

I want to begin by commending our distinguished chairman, the gentleman from Kentucky [Mr. NATCHER], and the ranking minority member, the gentleman from Illinois [Mr. PORTER], with whom I have had the privilege of working to bring this important bill to the floor.

Mr. Speaker, the conference report reflects the real spirit of a House-Senate compromise. Each amendment has been addressed carefully, with consideration given to the impact on the people.

Indeed, as so often referred to by our chairman, H.R. 2518, as reported out here today, is truly the people's bill.

It includes support for job training programs at all levels—adults, youth, and older Americans.

Biomedical research is given the resources to exploit numerous opportunities including those in cancer, heart disease, sickle cell disease, aging related eye diseases, diabetes, and AIDS.

Support is provided for low-income home energy assistance to help ensure that our needy citizens are not forced to choose between heat and food. For far too many people, we know too well that that type of choice can mean death.

For our children, not only does the bill give the Nation's needy children a

head start, it also enhances adoption opportunities, and provides for abandoned infants as well.

The bill provides for strengthening our education system including ensuring drug-free and safe schools.

For higher education, the bill includes support to ensure continued higher education at both the undergraduate and graduate levels, at majority and minority institutions alike. This support is necessary if we are truly committed to increasing America's competitive edge in the ever changing global markets.

The bill addresses the increasing violence that is occurring across the Nation. In response to this escalating problem, the bill includes support for violence prevention initiatives, and substance abuse intervention and treatment.

The allocations reflect an equitable distribution of resources to respond to the needs of the American people. For example, the bill includes \$988 million for adult job training, \$1.1 billion for dislocated workers, \$243 million for substance abuse prevention, \$487 million for drug free schools, \$3.3 billion for Head Start, \$528 million for immunization programs, \$1.5 billion for low-income home energy assistance, \$871 million for the older American aging programs, \$6.6 billion for Pell grants, and \$11 billion for biomedical research.

Mr. Speaker, I am particularly pleased with provisions in H.R. 2518 that support efforts which I have advocated through the years. For example, the bill includes \$16 million for strengthening graduate education at historically black colleges and universities. It includes bond authority to allow historically black colleges and universities to restore deteriorated infrastructure, \$3.5 million for faculty development, \$1 million for the Institute for International Public Policy, and \$418 million for TRIO. With regard to health, the bill includes \$604 million for community health centers, \$687 million for maternal and child health, and \$98 million for Healthy Start Infant Mortality Program.

Mr. Speaker, the funding of these and related programs will help to better prepare Americans to capitalize on job opportunities in changing markets, to provide safer schools for our children, to reduce the frequency at which our elderly must choose between food and heat, to provide health care services to the needy, to control and prevent child abuse and family violence, and to improve the health of the American people.

I am proud of the leadership of our subcommittee and the commitment each of the subcommittee members give to addressing the needs of the American people. Mr. Speaker, I strongly urge my colleagues to support the passage of H.R. 2518 which will improve the quality of life for all Americans.

□ 1120

Mr. NATCHER. Mr. Speaker, I yield 4 minutes to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Speaker, I thank the chairman for yielding this time to me.

It is a great honor for us to serve on the subcommittee of the gentleman from Kentucky [Mr. NATCHER] who is the chairman of the full committee, as well. He is truly one of the historic figures in this body.

I share the view that the gentleman from Illinois [Mr. PORTER] and the chairman have expressed about the extraordinary capability of our staff, and I commend them for the outstanding work they have done.

Mr. Speaker, I would like to discuss what the conferees have done with regard to two programs. I agree with the comments my colleagues on both sides of the aisle have made about the balance of this bill. I want to discuss two programs, chapter 1 and Head Start that were designed to help the most at-risk children in our society. These programs are also, I suggest, critically important to insuring a competitive, world-class work force for America in the next century.

It is my view, Mr. Speaker, that these desperately needed programs are not performing at the level we should and must expect.

In reading the Senate report on its bill, I was pleased to see that Chairman HARKIN and his colleagues in the other body agreed with our committee's assessment, as spelled out in our report, that significant program and policy change are required.

Secretaries Riley and Shalala also understand that these programs need review and "reinvention." There are signs that the Head Start Commission Secretary Shalala has convened is going to be the catalyst for a more effective Head Start Program. The administration's reauthorization proposal for the Elementary and Secondary Schools Act is a step in the right direction from where chapter 1 and other Education Department programs are now.

But, Mr. Speaker, we need to go much, much further when this Congress reauthorizes ESEA and Head Start.

I believe, Mr. Speaker, we need a fundamental consolidation and reorganization of programs serving both pre-school and school-age children, and we must be evaluating our investments in these programs not based upon process requirements, as we do now, but on improved outcomes.

I agree that our current resources are not equal—and, I stress—not equal to the crisis families and children in America face today, but this makes it all the more critical that we make sure that every penny that we spend on education is spent wisely and effectively.

In absolute terms, Mr. Speaker, the resources we are spending on children in need are, though insufficient, substantial but dispersed and too difficult to access by States and local education agencies.

For example, if fiscal year 1993, we have spent over \$850 million on various types of child care, another 2.7 billion on Head Start, nearly \$47 million on Comprehensive Child Development Centers, not to mention almost \$750 million on maternal and child health, as well as services to runaway youth and child abuse prevention.

Add another \$6.7 billion in chapter 1 and \$1.5 billion in what the Department calls "School Improvement Programs," as well as numerous other programs, we are not only talking about real money, we are talking about real people's lives, and a real opportunity that we at the Federal level must seize upon to improve the lives and the outcomes of those young Americans. We cannot afford to do otherwise, and I commend both the chairman [Mr. NATCHER], the gentleman from Illinois [Mr. PORTER] and other members of the committee and my other colleagues on the conference for recognizing that and acting on it.

Vice President GORE has talked about reinventing government. Education is a very major part of what our constituents expect us to accomplish in Government at every level. We need to give to local governments flexibility, reduction in process requirements and increase our outcome expectations and focus on performance.

I thank the chairman for his work in this regard and his continuing commitment to accomplish this objective in the years to come.

Mr. NATCHER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Speaker, I want to commend our chairman, the gentleman from Kentucky [Mr. NATCHER], and the ranking Republican member, the gentleman from Illinois [Mr. PORTER] for their leadership in bringing this conference report to the floor of the House today. I also want to thank all of my colleagues on the Labor-HHS-Education Subcommittee, for their support and hard work in crafting this bill.

The members of the conference committee had a difficult job to try to respond to the tremendous needs with which we are faced and to live within our tight budget constraint. I believe we were successful. This legislation will provide critical assistance to working men and women and it addresses America's health and education needs. Therefore, I urge my colleagues to support the conference report on the 1994 Labor-HHS-Education appropriations bill.

We all know how difficult times are for too many Americans today. Many

Americans and their families are struggling to find work and to keep their jobs. Our students need more assistance to meet the increasing costs of higher education. And too many children still need to be immunized, too many young teenagers are becoming parents, too many women are dying needlessly of preventable and treatable diseases and too many people are still becoming infected with HIV and dying from AIDS.

By enacting the conference agreement now before us, we will move aggressively to help those who have lost their jobs, children who need a head start on their educations, people who are suffering from devastating diseases, and students who need assistance in order to go to college.

In this bill we were able to almost double the funding dedicated to job retraining and assistance for dislocated workers—assistance essential to the hundreds of thousands of working men and women in need of help to get off the unemployment lines and back to work. This increase in funding will help give these workers a real chance at getting new and better jobs.

The bill also includes significant funding for Secretary Reich's important new one-stop-shop initiative designed to assure that workers are given all the retraining assistance they need. One-stop-shop is an essential part of the Secretary's goal of speeding the process of helping workers find new jobs.

I am also pleased that the bill includes funding to launch Secretary Reich's and Reilly's vital new school-to-work initiative, which I also strongly support. This program represents the beginning of our new thinking about the way we prepare our young people to make a successful transition to the workplace [It is the first step to assuring that American workers remain the best educated, best trained workers in the world.]

The bill provides critical increases in funding for biomedical research—a total of \$10.95 billion for the NIH—and fully funds the administration's 1994 breast cancer and AIDS research requests. The committee was also able to provide funding above 1993 levels for childhood immunizations, community health centers, family planning, the Ryan White programs, and for our efforts to combat tuberculosis.

The conference agreement increases funding for Head Start by \$550 million, and I was pleased that, with our chairman's leadership, impact aid, targeted to the neediest of our students and school districts, was increased. The bill also includes vital funding for college aid programs which enable our young people to pursue their higher education goals.

Mr. Speaker, Again, I want to thank Chairman NATCHER, our ranking Republican member, Mr. PORTER, all of

the subcommittee members and the dedicated staff who make this all possible—Mike Stephens, Sue Quantius, Bob Knisely, Mark Mioduski, Joanne Orndorff, Nancy Kreckler, and John Blazey. I urge my colleagues to support this important conference report.

It makes a difference in the lives of American men, women, and children, and as the chairman so aptly put it to my colleague before, "This is the people's bill which we should pass in this House today."

□ 1130

Mr. PORTER. Mr. Speaker, I yield 4 minutes to the gentleman from Pennsylvania [Mr. GOODLING], the distinguished ranking member of the Committee on Education and Labor.

Mr. GOODLING. Mr. Speaker, I want to assure the gentleman from Maryland that, if the ranking member on the authorizing committee has anything to do with it—hopefully he will—we will make very sure that chapter 1 and Head Start concentrate on excellence, not access, and hopefully we will be successful.

Mr. Speaker, I rise in support of the conference report on H.R. 2518, the fiscal year 1994 appropriations bill for the Departments of Labor, Health and Human Services, and Education. As I have in the past, I wish to congratulate the gentleman from Kentucky [Mr. NATCHER]; the committee's ranking member, the gentleman from Pennsylvania [Mr. MCDADE]; the subcommittee's ranking member, the gentleman from Illinois [Mr. PORTER]; and the other members of the subcommittee for having so successfully upheld the priorities of the House, because I believe we need to focus on our priorities which are both successful and cost-effective.

I was very pleased to learn that the conference report provides \$91.4 million for the Even Start Program, an increase of \$2.25 million over the level provided during the current fiscal year. Even Start is about helping parents gain literacy skills while learning how to be their children's first teachers. As our Nation strives to meet the national education goals, it is even more critical that we empower parents to be their child's first teacher and to provide them with the parenting and educational skills necessary to accomplish the first goal of insuring that each child comes to school ready to learn.

I was also delighted to learn that the conferees agreed to provide \$4 million for the Dwight D. Eisenhower Leadership Program. This program was an initiative included in the 1992 Higher Education Act reauthorization, and its first grants are now being awarded. The support it has received in the conference report was essential to signal it has the confidence of the Congress and will become firmly established.

It was also gratifying to note the conference report provides the Infants

and Families Grants Program of the Individuals with Disabilities Education Act with a \$39.9 million, or 18.7 percent, increase over current funding. This significant increase will encourage all States to participate in this grant program, which provides early intervention services to all eligible infants and toddlers with disabilities.

Along with other Members, I have some concern that the conference report contains a \$550 million, or 19.8 percent, increase in the funding level of Head Start. Head Start seems to enjoy broad bipartisan support in Congress, but it is by no means a perfect program. With this latest increase, funding for the Head Start will have grown by well over \$1 billion in the last 2 years. There are vast inconsistencies in the quality of services provided to Head Start children and their families, and just last week the inspector general at HHS issued another report that is critical of the financial management practices of Head Start.

I am also glad to see the conference committee agreed to include advance fiscal year 1995 funding for the Low Income Home Energy Assistance Program.

Moving finally to the subject of employment and job training, the conference report provides needed funding increases in excess of \$600 million for job training programs under the Job Training Partnership Act. Specifically, the report provides for a \$551 million increase for programs that serve this Nation's dislocated workers.

Further, the conference report provides \$50 million for the funding of one-stop centers—single points of entry into our training and work force preparation system. Earlier this year the gentleman from Wisconsin [Mr. GUNDERSON] and I introduced legislation in the National Work Force Preparation and Development Reform Act, which is the only legislation to implement one-stop centers nationwide. I also join with the gentlewoman from New York [Ms. MOLINARI] and the gentlewoman from Kansas on the Senate side to introduce a reform program for Head Start.

I do have some concerns about certain cuts. I have concerns when we raid chapter 2 because we find out, as we travel across the country, that this is the one opportunity they have had to do the kind of reform programs that are necessary.

Again I want to express my appreciation to the committee, and I want to deliver a message to the staff of the chairman, and I want the staff to understand that the chairman, after all of these appropriations bills are finished, deserves and has earned a 3-day R&R program wherever the Sun is the brightest and the warmest, and I will expect the staff to make sure that happens.

Mr. NATCHER. Mr. Speaker, first I want to thank my friend, the gentleman from Pennsylvania [Mr. GOODLING], for his statement.

Mr. Speaker, I yield 2 minutes to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Speaker, I rise today to commend the gentleman from Kentucky [Mr. NATCHER] and the ranking member, the gentleman from Illinois [Mr. PORTER] for bringing this conference report on the Labor, Health and Human Services, Education appropriation bill for fiscal year 1994 to the floor. The chairman's wisdom and the knowledge of the different accounts in the legislation is remarkable. This is an excellent subcommittee, and I am honored to serve as a member under his leadership.

One important measure of the strength of our country, Mr. Speaker, is the health and education and well-being of our people. It is the work of this subcommittee to fund that, and that is why, as I say, it is an honor to serve there.

This bill responds to many of the top priorities of the Clinton administration and our country. The Labor section addresses displaced workers and the administration's hopes for disadvantaged youth with increased funding for youth training, Job Corps, summer youth employment, and the School-to-Work Program.

The Health and Human Services section reflects the new administration's commitment to respond to the AIDS epidemic with a 21-percent increase in funds for research, a 9-percent increase for prevention, and a 66-percent increase in funds for patient care.

The bill also reflects the administration's priority on women's health, as well as the Senate's, the Congress of the United States' emphasis on women's health, with \$292 million for breast cancer research, an increase of \$84 million, or 40 percent, over 1993 and \$7.5 million for a new initiative to research ways to prevent domestic violence and violence against women.

At the same time, this bill gives new attention to children's concerns with major increases in funding for such programs as Head Start and childhood vaccinations. And the bill helps alleviate the backlog in Social Security disability claims.

The Education section includes \$155 million for education reform and funds a variety of vital programs that will make the difference for the future of our country.

Mr. Speaker, this conference report deserves the support of this House. Again, let me commend chairman NATCHER and my colleagues on the committee for their work on this bill.

Mr. PORTER. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Maryland [Mrs. BENTLEY], a fine new member of our subcommittee.

Mrs. BENTLEY. Mr. Speaker, as a new member of the Labor-HHS-Education Subcommittee, I want to take a brief moment to thank Chairman NATCHER and his very capable staff for assembling a bill that I think is good for the country. I also want to thank my ranking member, Mr. PORTER, and his staff for their fine work over the course of several months of hearings.

I think that this is a bill that we can all live with. I am pleased that the committee sought to increase programs such as Healthy Start, which has done so much to help bring down the appallingly high levels of infant mortality that continue to plague many regions of the country. I am pleased that the committee rose to meet the challenge of providing comprehensive, community-based services that will help alleviate this problem.

In addition, the bill makes great strides in terms of offering much-needed assistance to many of our struggling young families through innovative programs such as our family support centers. Our rapidly expanding senior citizen community is also well served by this bill through a variety of programs that provide much-needed services to the frail and nonfrail elderly alike.

Mr. Speaker, I want to associate myself with the remarks of the various subcommittee members this morning.

Mr. NATCHER. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. Mr. Speaker, I rise in strong support of the conference agreement on H.R. 2518, the fiscal year 1994 Labor, Health and Human Services, and Education appropriations bill.

It was a great honor to be able to join my colleagues who are also new to the Labor-HHS Subcommittee in signing the conference agreement for the first time. I want to congratulate the chairman of the subcommittee—and of the full Appropriations Committee—Congressman NATCHER, for his leadership in shepherding this critical piece of legislation through the long and difficult budget process. I also want to thank the ranking minority member of the subcommittee, Mr. PORTER, for his important contributions to this bill and for his commitment to bipartisanship.

The subcommittee had to contend with tight budget caps that forced us to eliminate approximately \$4 billion from the President's request. At the same time, however, we managed to shift our budget priorities toward investments that will improve the Nation's quality of life and economic competitiveness. In particular, I am proud that this legislation significantly increases support for biomedical research for breast cancer and AIDS; preventive health; and job training for dislocated workers. The conference report will also help eliminate waste and fraud in student aid programs so that

we can use those resources to expand access to higher education.

I am especially pleased that the conference report contains language, which Senator D'AMATO and I crafted, to direct the National Institutes of Health to aggressively pursue research on the environmental causes of breast cancer. Science is currently at a loss to explain the dramatic increase in rates of breast cancer in the New York metropolitan area and around the country. I will continue to work with my colleagues to see that the NIH expands its efforts to increase our understanding of environmental factors that contribute to breast cancer and other forms of the disease. I thank the chairman and my colleagues for their help with this matter.

BIOMEDICAL RESEARCH AND PREVENTIVE MEDICINE

The bill raises funding for biomedical research at the National Institutes of Health [NIH] to a total of \$10.9 billion—a \$610 million increase over fiscal year 1993. These funds will provide an average increase for each Institute of 5.9 percent over fiscal year 1993 and increase the percentage of approved research grants which get funded. This success rate has fallen dangerously low in recent years, jeopardizing the Nation's future as the world leader in biomedical research.

Today we take a crucial step in securing our Nation's place as the unquestioned leader in biomedical research. This legislation provides a 40 percent increase in funding for breast cancer research that will give our doctors the tools to find a cure for this disease. These funds are an indication of continued progress in our effort to focus more support on women's health research.

We are also taking an important step in the fight against AIDS by expanding funds for research, care, and prevention. In addition to a significant increase in funding for AIDS research, the \$45 million increase for the Centers for Disease Control and Prevention [CDC] will provide badly needed assistance to New York City, Westchester County, and the rest of the Nation in expanding critically needed AIDS prevention activities.

I am especially pleased that the bill includes approximately \$10 million for two programs aimed at enhancing preventive health efforts. Five million dollars will support expansion of the NIH's bionutrition research initiative that is seeking to develop better ways of using nutrition to prevent diseases.

The bill also includes \$5 million in new funds for the CDC's Comprehensive School Health Program, which supports comprehensive health training programs in public schools. Last year, New York State's application for this program was approved but unfunded due to insufficient appropriations. This increase will help ensure that New

York State receives funding under this program.

JOB TRAINING

The bill also includes significant increases in programs designed to overhaul the Nation's employment services system in order to deal with the effects of structural unemployment and to enhance our economic competitiveness. This comprehensive effort, which was promoted by the Clinton administration, includes stepped up support for dislocated worker assistance, school-to-work transition programs, and one-stop career centers that will provide workers immediate access to information about job openings and employment training opportunities.

The conference report includes \$100 million for the school-to-work transition initiative, split between the Departments of Labor and Education, and \$50 million for the DOL's One-Stop Career Centers Program. New York State is on the cutting edge in efforts to update our employment services system to meet the challenges of a global economy. These new initiatives will provide critical Federal support so that New Yorkers who are struggling in this economy can get the support they need to succeed.

HIGHER EDUCATION: CRACKING DOWN ON WASTE AND FRAUD WHILE EXPANDING ACCESS

The subcommittee worked hard to find the resources to support priority programs in elementary and secondary, special, and higher education. As a member of the Education and Labor Committee and now as a member of the Appropriations Committee, I have been working to eliminate waste and fraud in Federal student aid programs.

As we struggle to deal with the funding shortfall in the Pell Grant Program and to provide low-interest loans to financially pressed students, we must act to stamp out fraud that robs these programs of literally billions each year. That is why I am especially proud that the conference report contains major new funding for the newly established State Postsecondary Review Program, which is designed to cut down on student loan defaults and target waste and fraud in all student aid programs.

By eliminating this waste, we will be able to invest more in programs to help at-risk youth stay in school and to expand access to higher education. The conferees took a step in that direction by allocating \$1.8 million to kick off a new initiative aimed at helping at-risk teenagers succeed in school and qualify for college scholarships.

The Early Intervention Scholarship and Partnership Program, which is modeled after New York's Liberty Scholarship Program, will finance grants to States for programs of counseling, mentoring, tutoring for students who are at risk of dropping out of school but have the ability to benefit from postsecondary education. With fu-

ture appropriations, the program will support State and local efforts to guarantee scholarships for at-risk students who stay in school.

Mr. Speaker, in an era of fiscal austerity, it is critical that we shift our spending priorities toward investments that will make our Nation stronger. I believe the conference report on H.R. 2518 makes important progress in that direction, and I urge my colleagues to support this measure.

Mr. FAWELL. Mr. Speaker, I strongly oppose a provision in the Labor-HHS-Education appropriations bill which prohibits the Secretary of Labor from using any funds to implement or administer the recently issued Davis-Bacon helper regulations. This language is only going to waste billions of taxpayer dollars and deny the opportunity for thousands of semi-skilled workers to get the experience they need to advance in the construction field.

The Subcommittee on Labor Standards, Occupational Health and Safety has already held one hearing on reform of the Davis-Bacon Act and at least one additional hearing is planned prior to subcommittee markup. There are currently several proposals to reform the act—including H.R. 2042, of which I am a cosponsor. Any reform of the Davis-Bacon Act is most appropriately considered by the authorizing committee of jurisdiction. A legislative rider to an appropriations bill is neither the procedure nor the place for debate on such a complex and controversial issue as Davis-Bacon reform.

Helpers are semi-skilled workers who work on construction projects under the supervision of higher skilled journeyman-level workers. After nearly a decade of litigation over the use of helpers, the helper classification for Davis-Bacon projects was finally implemented by the Department of Labor last spring. Both the U.S. District Court and the U.S. Court of Appeals have found that the helper classification is totally consistent with the language and purpose of the Davis-Bacon Act. The Congressional Budget Office has estimated that the use of helpers will save \$600 million and create 250,000 jobs annually.

This provision will now increase the total costs for Federal construction by 1.6 percent. The taxpayers will be forced to pay approximately \$600 million more over the next year. This represents an unwise use of Federal dollars and it flies in the face of attempts to reinvent government as we know it today. Moreover, it will deny opportunities to disadvantaged workers. The helper regulations have withstood years of challenges in the court system and have been found to be entirely in line with the intent of the Davis-Bacon Act. Prohibiting the use of helpers will deny entry-level jobs to those who desperately need the opportunity to move forward and get the skills necessary for a career in the construction industry.

Mr. FORD of Michigan. Mr. Speaker, I rise in support of the bill, H.R. 2518, the Labor/Health and Human Services appropriations conference report for 1994.

The report before us addresses difficult choices because of our ever-tightening discretionary budget. It is not all that I would like. I had hoped that with new leadership from President Clinton and the elimination of the

firewalls that separated defense and domestic spending, we could have had more resources for the important programs aimed at ensuring the education and welfare of our people, particularly our children.

The Labor/HHS appropriations report would attempt to address the continuing shortfalls in education and labor programs produced by 12 years of neglect by Republican administrations. The reality is that it is very difficult to reverse the decline in our ability to address our distressing social deficit when we are faced with an overwhelming fiscal deficit. The Appropriations Committee, led by the distinguished gentleman from Kentucky, Mr. NATCHER, had done the very best it could under trying circumstances.

On the positive side, Pell grants will remain at \$2,300. The appropriation for dislocated worker programs would be doubled to \$1.1 billion. The Department of Labor estimates 545,000 would be able to participate. Again, however, the number of dislocated workers scrambling for jobs in the economy is enormous. We are facing auto plant closures, the migration of jobs abroad, displacements caused by our efforts to clean our air and to protect dwindling forests in the Northwest, and, of course, dislocations if NAFTA passes.

The Head Start Program, one of the items particularly targeted to increased funding by President Clinton, would receive \$5 million more than in 1993. That is a good start toward the President's goal of providing Head Start to every eligible child. We hope and expect that more funding will be made available when the Committee on Education and Labor reauthorizes Head Start.

Mr. MINGE. Mr. Speaker, today I voted against the conference report for H.R. 2518, Labor, Health and Human Services, and Education appropriations for fiscal year 1994. While the bill included programs that would benefit millions of Americans, in the end I had to stand by my pledge to cut spending and reduce the budget deficit.

Spending on certain programs and services could have been cut more deeply without negatively impacting essential programs. Too many areas of the conference report contained funding levels higher than what the administration requested, some of which were singled out as possible budget cutting areas by the Congressional Budget Office.

It was extremely difficult to oppose a bill that contained funding for programs I ardently support. If separate votes had been held for each provision of the bill, I would have supported funding for numerous programs and services covered in the bill, including the following: Head Start; child care; employment and training; AIDS research; local health centers; several elementary, secondary, and higher educational programs; and elderly, veterans, and family services. Had it been possible, I would have supported these programs and, in fact, would have liked to see increased spending in some areas. However, when voting on an omnibus spending bill like today's, it is impossible to distinguish irreplaceable programs from those that could have been cut. When it came to a vote, I decided I could not in good conscience abandon my work toward reducing the deficit.

Mr. FAZIO. Mr. Speaker, I rise in support of the conference report on H.R. 2518, the

Labor, Health and Human Services, and Education and related agencies appropriations bill for fiscal year 1994.

This year, the conferees have once again managed to set priorities and make hard choices. The result is a bill that continues to fund a lot of good programs, as well as to meet new needs. H.R. 2518 funds everything from our jobs programs, to the research programs in the National Institutes of Health, to key educational programs, to community health centers. It is also the major source of funds for critical women's programs, like maternal and child health, breast and cervical cancer research, and family planning. Child care programs, child support enforcement programs, Head Start, foster care and adoption assistance support services, nutrition services for our elderly citizens—all these key support systems are dependent upon the funding in this bill.

Nearly three-quarters of the money in this bill supports entitlement programs—programs whose costs we must pay—like Social Security and Medicare. The subcommittee has no control over the funds for these programs, which are automatically spent. The remaining funds—about 25 percent of the total money in this bill—are divided among the other labor, health, human services, and education programs that are so critical to us, especially now.

The total fiscal year 1994 funding in this bill is \$4.1 billion less than the President requested in his budget. The bill also meets its spending target, set by the Appropriations Committee, based on the fiscal year 1994 budget resolution. H.R. 2518 does not drive us deeper into debt, but helps us meet our goal of living within our means.

America's families, workers, children, and elderly need the programs and services that H.R. 2518 sustains and provides. It is obvious that, without this bill, we would not be able to fund the essential programs that support our basic needs. A vote for the health, education, nutrition, and employment programs in H.R. 2518 is a vote for us all.

Mrs. MORELLA. Mr. Speaker, I rise in support of the Labor-Health and Human Services-Education appropriations bill. This report includes critical funding for a wide range of programs within the Departments of Labor, Health and Human Services, and Education. While the funding levels are not as high as many of us had hoped, the conferees are to be commended for their very difficult task. They were working within extremely tight budget restrictions, and they did their best to fund critical priorities.

I am particularly pleased that the conferees included \$750,000 for implementation of the Women in Apprenticeship and Non-Traditional Occupations Act, legislation which I sponsored and was approved by Congress last year. This act will provide incentives to private employers to increase job opportunities for women in the skilled trade. The wage scale in such jobs is usually 30 percent higher than in typically female occupations.

The conference report also includes \$7.5 million to fund a new initiative at CDC to address the public health implications of injuries resulting from domestic violence and sexual assault. This program was authorized in H.R.

2201, legislation introduced by Congressmen KREIDLER, McDERMOTT, and I, and incorporated in the reauthorization of the Centers for Disease Control Injury Prevention and Control Program. This program will provide funding to train health care providers to identify and treat victims of domestic violence and sexual assault; to provide public education programs about the health consequences of domestic violence, and to conduct epidemiological research to determine the incidence, types, and effects of domestic violence nationwide.

Domestic violence has profound effects on women's health. Battering results in more injuries to women than rapes, car accidents, or muggings combined. It is estimated that one-third of all women in emergency rooms are there because of battering and that every year domestic violence generates 99,800 hospitalization days, 28,700 emergency room visits, and 39,900 physician visits.

I commend the conferees for providing increased funding for biomedical research at the National Institutes of Health, despite the tight budget restrictions. The conference report includes increases for AIDS research, prevention, and services. I am pleased that both the House and Senate reports included language that Senator MURRAY and I submitted urging the National Institutes of Health to fund research on the development of chemical methods, either a microbicide or virucide, to prevent the transmission of sexually transmitted diseases, including HIV, that women can use without the knowledge or consent of their partner. This research must be an essential component of our AIDS prevention effort.

Mr. Chairman, I thank you, the ranking Republican, Mr. PORTER, and the other members of the subcommittee for their fine efforts. I also want to note the contributions made by the new women members of the subcommittee, particularly in furthering women's health priorities.

□ 1140

Mr. NATCHER. Mr. Speaker, we have no further requests for time.

Mr. PORTER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. NATCHER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. TUCKER). Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

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

Mr. WALKER. 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 311, nays 115, not voting 7, as follows:

[Roll No. 486]
YEAS—311

Abercrombie	Furse	McKinney
Andrews (ME)	Gallo	McMillan
Andrews (NJ)	Gedjenson	McNulty
Andrews (TX)	Gekas	Meehan
Applegate	Gephardt	Meek
Bacchus (FL)	Geren	Menendez
Baesler	Gibbons	Meyers
Barca	Gilchrist	Mfume
Barcia	Gillmor	Michel
Barlow	Gilman	Miller (CA)
Barrett (NE)	Glickman	Mineta
Barrett (WI)	Gonzalez	Mink
Bateman	Goodling	Moakley
Becerra	Gordon	Molinari
Beilenson	Grandy	Mollohan
Bentley	Green	Montgomery
Berman	Greenwood	Moran
Bevill	Gunderson	Morella
Bilbray	Gutierrez	Murphy
Bilirakis	Hall (OH)	Myers
Bishop	Hall (TX)	Nadler
Blackwell	Hamburg	Natcher
Bliley	Hamilton	Neal (MA)
Blute	Harman	Neal (NC)
Boehlert	Hastert	Oberstar
Bonilla	Hastings	Obey
Bonior	Hefner	Olver
Borski	Hilliard	Ortiz
Boucher	Hinchey	Owens
Brewster	Hoagland	Parker
Brooks	Hobson	Pastor
Browder	Hochbrueckner	Payne (NJ)
Brown (CA)	Holden	Payne (VA)
Brown (FL)	Horn	Pelosi
Brown (OH)	Houghton	Peterson (FL)
Bryant	Hoyer	Pickett
Byrne	Hutto	Pickle
Callahan	Hyde	Pomeroy
Cantwell	Inslee	Porter
Cardin	Jefferson	Poshard
Carr	Johnson (GA)	Price (NC)
Chapman	Johnson (SD)	Pryce (OH)
Clay	Johnson, E. B.	Rangel
Clayton	Johnston	Ravenel
Clement	Kanjorski	Reed
Clinger	Kaptur	Regula
Clyburn	Kasich	Reynolds
Coleman	Kennedy	Richardson
Collins (IL)	Kennelly	Roemer
Collins (MI)	Kildee	Rogers
Conyers	Kim	Ros-Lehtinen
Cooper	King	Rose
Coppersmith	Kingston	Rostenkowski
Costello	Kiecicka	Roukema
Coyne	Klein	Rowland
Cramer	Klink	Roybal-Allard
Danner	Klug	Sabo
Darden	Kopetski	Sanders
DeFazio	Kreidler	Sangmeister
DeLauro	Kyl	Santorum
Dellums	LaFalce	Sarpaluis
Derrick	Lambert	Sawyer
Deutsch	Lancaster	Schenk
Diaz-Balart	Lantos	Schiff
Dicks	LaRocco	Schumer
Dingell	Laughlin	Scott
Dixon	Lazio	Serrano
Dooley	Leach	Sharp
Duncan	Lehman	Shays
Durbin	Levin	Shepherd
Edwards (CA)	Levy	Sisisky
Edwards (TX)	Lewis (GA)	Skaggs
Emerson	Lipinski	Skeen
Engel	Livingston	Skelton
English (AZ)	Lloyd	Slattery
English (OK)	Long	Slaughter
Eshoo	Lowey	Smith (IA)
Evans	Machtley	Smith (NJ)
Farr	Maloney	Snowe
Fazio	Mann	Spratt
Fields (LA)	Manton	Stark
Filner	Margolies-	Stearns
Fingerhut	Mezvinsky	Stenholm
Fish	Markey	Stokes
Flake	Martinez	Strickland
Foglietta	Matsui	Studds
Ford (MI)	Mazzoli	Stupak
Ford (TN)	McCloskey	Swett
Fowler	McCrery	Swift
Frank (MA)	McCurdy	Synar
Franks (CT)	McDade	Tanner
Franks (NJ)	McDermott	Tejeda
Frost	McHale	

Thompson	Velazquez	Whitten
Thornton	Vento	Williams
Torkildsen	Visclosky	Wilson
Torres	Volkmer	Wise
Torrice	Vucanovich	Wolf
Towns	Washington	Woolsey
Trafficant	Waters	Wyden
Tucker	Watt	Wynn
Unsoeld	Waxman	Yates
Upton	Weldon	Young (AK)
Valentine	Wheat	Young (FL)

NAYS—115

Allard	Goss	Paxon
Archer	Grams	Penny
Arney	Hancock	Peterson (MN)
Bachus (AL)	Hansen	Petri
Baker (CA)	Hefley	Pombo
Baker (LA)	Heger	Portman
Ballenger	Hoekstra	Quillen
Bartlett	Hoke	Quinn
Barton	Huffington	Ramstad
Bereuter	Hughes	Ridge
Boehner	Hunter	Roberts
Bunning	Hutchinson	Rohrabacher
Burton	Inglis	Roth
Buyer	Inhofe	Royce
Calvert	Istook	Saxton
Camp	Jacobs	Schaefer
Canady	Johnson (CT)	Schroeder
Castle	Johnson, Sam	Sensenbrenner
Coble	Knollenberg	Shaw
Collins (GA)	Kolbe	Shuster
Combest	Lewis (CA)	Smith (MI)
Condit	Lewis (FL)	Smith (OR)
Cox	Lightfoot	Smith (TX)
Crane	Linder	Solomon
Crapo	Manzullo	Spence
Cunningham	McCandless	Stump
Deal	McCollum	Sundquist
DeLay	McHugh	Talent
Dikey	McInnis	Tauzin
Doolittle	McKeon	Taylor (MS)
Dornan	Mica	Taylor (NC)
Dreier	Miller (FL)	Thomas (CA)
Dunn	Minge	Thomas (WY)
Everett	Moorhead	Walker
Ewing	Nussle	Walsh
Fawell	Orton	Zeliff
Fields (TX)	Oxley	Zimmer
Gallely	Packard	
Goodlatte	Pallone	

NOT VOTING—7

Ackerman	Hayes	Thurman
de la Garza	Murtha	
Gingrich	Rahall	

□ 1203

Mr. SMITH of Michigan changed his vote from "yea" to "nay."

Mr. YOUNG of Alaska and Mr. BARCIA of Michigan changed their vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. THURMAN. Mr. Speaker, during rollcall vote No. 486 on H.R. 2518 I was unavoidably detained. Had I been present I would have voted "yes."

AMENDMENTS IN DISAGREEMENT

The SPEAKER pro tempore (Mr. MONTGOMERY). Pursuant to the order of the House of Wednesday, October 6, 1993, the amendments in disagreement and motions printed in the joint explanatory statement of the committee of conference to dispose of amendments in disagreement are considered as read.

The SPEAKER pro tempore. The Clerk will designate the first amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 6: Page 3, line 10, after "addition," insert "\$178,000,000 is appropriated for carrying out part B of title II of the Job Training Partnership Act to be available for obligation for the period October 1, 1993 through June 30, 1994; and, in addition, \$50,000,000 is appropriated for carrying out part D of title IV of the Job Training Partnership Act to be available for obligation for the period October 1, 1993 through June 30, 1995; and, in addition,".

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 6 and concur therein with an amendment, as follows: In lieu of the first sum named in said amendment, insert "\$206,000,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky [Mr. NATCHER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 11: Page 5, line 19, strike out "\$3,327,707,000" and insert "\$3,338,389,000".

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 11 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "\$3,376,617,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky [Mr. NATCHER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 15: Page 9, line 12, after "Act" insert "Provided, That, notwithstanding 31 U.S.C. 3302, or any provision of Public Law 102-170, Public Law 102-394, this Act, or any subsequent Appropriations Act, the Secretary of Labor is authorized to accept, retain and spend in the name of the Department of Labor all sums of money ordered to be paid to the Secretary of Labor, in accordance with the terms of the Consent Judgment in Civil Action No. 91-0027 of the United States District Court for the District of the Northern Mariana Islands (May 21, 1992)".

SEC. 100. CONGRESSIONAL COVERAGE UNDER HEALTH CARE LEGISLATION.—

(a) FINDINGS.—Congress finds:

(1) Congress is expected to consider health care reform legislation in the near future

that would offer a standard benefit package with several different options for the delivery of those benefits.

(2) The standard benefits offered under all plans will be the same. Quality standards will apply to all plans.

(3) Consumers will have the ability to choose a plan on an annual basis, and will have access to full information about all plans so that they may make their choice based on the quality of plans and consumer satisfaction of plans.

(4) Members of Congress should be treated the same and offered the same choices as every American in the health care system.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that any legislation approved by Congress should provide health care plans of comparable high quality and that Members of Congress participate on equal basis with all other Americans in the health care system that results from health care reform legislation.

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 15 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert "Provided, That the Secretary of Labor is authorized to accept, retain and spend in the name of the Department of Labor all sums of money ordered to be paid to the Secretary of Labor, in accordance with the terms of the Consent Judgment in Civil Action No. 91-0027 of the United States District Court for the District of the Northern Mariana Islands (May 21, 1992)".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky [Mr. NATCHER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 23: Page 16, strike out lines 4 to 7 and insert:

For expenses necessary for the maintenance and operating of a comprehensive program of centralized services which the Secretary of Labor may prescribe and deem appropriate and advantageous to provide on a reimbursable basis under the provisions of the Economy Act (subject to prior notice to OMB) in the national office and field: *Provided*, That such fund shall be reimbursed in advance from funds available to agencies, bureaus, and offices for which such centralized services are performed at rates which will return in full cost of operations including services obtained through cooperative administrative services units under the Economy Act, including reserves for accrued annual leave, worker's compensation, depreciation of capitalized equipment, and amortization of ADP software and systems (either acquired or donated); *Provided further*, That funds received for services rendered to any entity or person for use of Departmental facilities, including associated utilities and security services, shall be credited to and merged with this fund.

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 23 and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment, insert:

For expenses necessary during the fiscal year ending September 30, 1994, and each fiscal year thereafter, for the maintenance and operation of a comprehensive program of centralized services which the Secretary of Labor may prescribe and deem appropriate and advantageous to provide on a reimbursable basis under the provisions of the Economy Act (subject to prior notice to OMB) in the national office and field: *Provided*, That such fund shall be reimbursed in advance from funds available to agencies, bureaus, and offices for which such centralized services are performed at rates which will return in full cost of operations including services obtained through cooperative administrative services units under the Economy Act, including reserves for accrued annual leave, worker's compensation, depreciation of capitalized equipment, and amortization of ADP software and systems (either acquired or donated); *Provided further*, That funds received for services rendered to any entity or person for use of Department facilities, including associated utilities and security services, shall be credited to and merged with this fund.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky [Mr. NATCHER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 24: Page 17, after line 2, insert:

SEC. 102. Section 8102 of title 5, United States Code ("the Act") is amended to redesignate subsection (b) of subsection (c) and to add the following new subsection (b):

"(b) An individual convicted of a violation of 18 U.S.C. 1920, or of any felony fraud related to the application for or receipt of benefits under subchapter I or III or chapter 81 of title 5, shall (in addition to any other penalties provided by this subchapter) as of the date of the conviction, forfeit all entitlement to any prospective benefits provided by subchapter I or III for any injury occurring on or before the date of the conviction."

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 24 and concur therein with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert:

SEC. 102. None of the funds in the Employees' Compensation Fund under 5 U.S.C. 8147 shall be expended for payment of compensation, benefits, and expenses to any individual convicted of a violation of 18 U.S.C. 1920, or of any felony fraud related to the application for or receipt of benefits under subchapters I

or III of chapter 81 of title 5, United States Code.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky [Mr. NATCHER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 25: Page 17, after line 2, insert:

SEC. 103. None of the funds appropriated under this Act shall be expended by the Secretary of Labor to implement or administer either the final or proposed regulations referred to in section 303 of Public Law 102-27.

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 25, and concur therein.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky [Mr. NATCHER].

The motion was agreed to.

Mr. DELAY. Mr. Speaker, I rise today in opposition to an amendment contained in the Labor, HHS appropriations conference report. This amendment, No. 25, would prohibit the Secretary of Labor from using any funds to implement or administer the final Davis-Bacon helper regulations. Rather than prohibiting something new, these regulations are court-tested, final regulations which the Department of Labor has already begun implementing. It has been estimated that in order to bring these regulations fully into effect, the process will take approximately 3 years. The language contained in the conference report arbitrarily prohibits these regulations without ever giving them the opportunity to work or realize any of their projected benefits.

Helpers are semiskilled workers who work under direct supervision of higher skilled journey-level workers. Helpers are widely used in the private sector, where approximately 75 percent of all construction work is performed by contractors who use semiskilled helpers. The helper regulations serve the original purpose of the Davis-Bacon Act—bringing practices on Federal construction projects in line with locally prevailing practices on private work. In fact, Vice President GORE's National Performance Review recently recommended changes to bring the antiquated Davis-Bacon Act into the realities of today's construction marketplace, which these regulations clearly do.

Under the regulations, helpers are paid the locally prevailing wage rate for the type of work they perform. Without the helper regulations, all workers on Federal projects, regardless of task, must be paid the high wage rate paid to a skilled craftsman. In this way, the helper classification serves as an entrance into construction for groups not traditionally prevalent in the industry—for example, minori-

ties and women. The helper classification serves as a strong first step up the job ladder for workers who are interested in furthering their education and pursuing a career in construction. At the same time, helpers who do not want to participate in a 4-year apprenticeship or other formal training program are provided entrance into the industry and a good paying job. Forcing contractors to pay all workers the high journey-level wage rate effectively precludes groups who have no previously trained in construction from having the opportunity to work on Federal construction projects.

Clearly, the helper classification is consistent with President Clinton's goal of facilitating the transition between school and work for noncollege bound youth. However, the helper classification is also strikingly similar to the recently released Department of Housing and Urban Development's Step-Up Preapprenticeship program. The regulations governing step-up provide flexibility in Federal prevailing wage and apprenticeship requirements to provide employment to public housing residents and other low-income persons. According to HUD, the Step-Up Program has proven its success in Chicago, where apprentices work side by side with union journeymen renovating housing. Under this program, apprentices spend up to 1 year in step-up status, after which they must be placed in appropriate further training or career opportunity positions.

I would also like to mention that one of the chief opponents to the helper regulations, organized labor, has seen fit to allow their own classification of helpers or subapprentices over the last decade in order to meet the private marketplace's changing needs. However, they are refusing to allow the taxpayer to enjoy the same advantage for fear of losing their crown jewel, their cash cow, and their control over young people's entrance into the construction industry together with their stronghold in the Federal construction market.

It has been estimated that when the helper classification becomes widely used on Davis-Bacon projects, an estimated 250,000 jobs will be created and \$600 million a year will be saved. By prohibiting helpers on Davis-Bacon projects, we are further exacerbating the very problems which top the American agenda today—our Nation's huge Federal deficit, lack of job creation and near-stagnant economy.

More than a decade of litigation and debate regarding the helpers issue has culminated in favorable rulings by both the U.S. District Court (1990) and the U.S. Court of Appeals (1992), affirming that helper regulations are fully in line with the purpose of the Davis-Bacon Act. The Supreme Court denied an appeal of those rulings.

With all the benefits associated with the helper regulation—benefits to contractors, disadvantaged workers and the Federal Government—one may wonder why we are arbitrarily prohibiting their implementation. Supporters of this ban will tell you it is to protect against shoddy construction and unsafe working conditions for construction employees. This argument simply does not hold water.

As I previously mentioned, in the private sector more than 75 percent of all construction is performed by contractors who use semi-skilled helpers. There is simply no rationale for

assuming that Federal construction is any different than private construction in this regard. A recent OSHA study found that open shop employers, the majority of whom employ semi-skilled helpers on their jobsites, are safer than their union counterparts. The OSHA report, "Analysis of Construction Fatalities—The OSHA Database 1985–1989" showed that over the 5-year period of the report, the unions experienced a fatality ratio of 20.9 per 100,000 workers—more than 25 percent higher than the open shop's 15.1 per 100,000 workers. While construction unions account for approximately one-fifth of the total workforce, they also account for more than one-fourth of the fatalities in the industry. The safety of construction employees would not be affected by the use of helpers on Davis-Bacon construction projects.

Further, construction must be performed to specifications and contractors are not paid for faulty work. Plain and simple, if a contractor were to perform shoddy construction, he would jeopardize his payment and his reputation. Quality of Federal construction would not be jeopardized by employing helpers on those projects.

Although the conference committee has seen fit to allow this 1-year ban of the Davis-Bacon helper regulations, I would like to reiterate my strong objection to this prohibition. The helper regulations have been one small positive step toward alleviating the burdens imposed by the outdated, unnecessary Davis-Bacon Act. They at least help bring the law back to its original intent, which it certainly does not meet in practice today. The Davis-Bacon Act today discriminates against minorities and women and the very group it intended to help—small, local contractors. For this reason, along with the fact that no other industry in our Nation is regulated in this manner, I have offered H.R. 2393, legislation to repeal the Davis-Bacon Act, which I urge my colleagues to support.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 28: Page 18, line 1, after "Center" insert "": *Provided further*, That no more than \$5,000,000 is available for carrying out the provisions of Public Law 102-501".

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 28, and concur therein.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky [Mr. NATCHER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 29: Page 19, line 14, strike out "\$2,500,000" and insert "\$3,000,000".

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 29, and concur therein.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky [Mr. NATCHER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 34: Page 24, line 21, after "grants" insert "": *Provided further*, That \$8,000,000 shall be for extramural facilities construction grants to be awarded on in a competitive basis and in accordance with the criteria of section 481A(c)(2) of subpart 1 of part E of title IV."

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 34 and concur therein with an amendment, as follows: In lieu of the sum named in said amendment, insert "\$7,000,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky [Mr. NATCHER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 41: Page 26, line 8, strike out "\$2,057,167,000" and insert "\$2,119,205,000".

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 41 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "\$2,125,178,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky [Mr. NATCHER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 45: Page 28, after line 16, insert:

For making payments to States under title XIX of the Social Security Act for the first

quarter of fiscal year 1995, \$26,600,000,000 to remain available until expended.

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 45, and concur therein.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky [Mr. NATCHER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 48: Page 30, after line 11, insert:

For making benefit payments under title IV of the Federal Mine Safety and Health Act of 1977 for the first quarter of fiscal year 1995, \$190,000,000, to remain available until expended.

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 48, and concur therein.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky [Mr. NATCHER].

The motion was agreed to.

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The SPEAKER pro tempore (Mr. TUCKER). The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 49: Page 30, line 19, strike out "\$20,181,775,000" and insert "\$20,172,775,000".

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 49 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "\$20,183,775,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky [Mr. NATCHER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 51: Page 31, after line 2, insert:

For carrying out title XVI of the Social Security Act for the first quarter of fiscal year 1995, \$6,770,000,000, to remain available until expended.

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 51, and concur therein.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky [Mr. NATCHER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 53: Page 31, line 6, after "Act" insert "or as necessary to carry out sections 9704 and 9706 of the Internal Revenue Code of 1986 as such sections were in effect on January 1, 1993".

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 53, and concur therein.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky [Mr. NATCHER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 54: Page 31, line 7, after "therein" insert "": *Provided*, That not more than \$542,398,000 shall be derived from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds: *Provided further*, That reimbursement to the Trust Funds under this heading for administrative expenses to carry out sections 9704 and 9706 of the Internal Revenue Code of 1986 shall be made, with interest, not later than September 30, 1996: *Provided further*, That not more than \$1,800,000 is available for expenses necessary for the Commission on the Social Security "Notch" Issue, established by section 635 of Public Law 102-393 as amended".

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The clerk will designate the motion.

The text of the motion is as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 54 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert "": *Provided*, That reimbursement to the Trust Funds under this heading for administrative expenses to carry out sections 9704

and 9706 of the Internal Revenue Code of 1986 shall be made, with interest, not later than September 30, 1996: *Provided further*, That not more than \$1,800,000 is available until September 30, 1995 for expenses necessary for the Commission on the Social Security "Notch" Issue, established by section 635 of Public Law 102-393 as amended".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky [Mr. NATCHER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 56: Page 32, after line 14, insert:

For making payments to States or other non-Federal entities under titles I, IV-A (other than section 402(g)(6)) and D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9) for the first quarter of fiscal year 1995, \$4,200,000,000 to remain available until expended.

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. SPEAKER, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 56, and concur therein.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky [Mr. NATCHER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 57: Page 32, after line 18, insert:

LOW INCOME HOME ENERGY ASSISTANCE

For making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981, \$1,507,408,000 to be available for obligation in the period October 1, 1994 through June 30, 1995, of which \$100,000,000 shall be available for reimbursing States for costs incurred during the period October 1, 1993 through September 30, 1994.

For making payment under title XXVI of the Omnibus Budget Reconciliation Act of 1981, an additional \$600,000,000: *Provided*, That all funds available under this paragraph are hereby designated by Congress to be emergency requirements pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That these funds shall be made available only after submission to Congress of a formal budget request by the President that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985.

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 57 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert:

LOW INCOME HOME ENERGY ASSISTANCE

For making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981, \$1,475,000,000 to be available for obligation in the period October 1, 1994 through June 30, 1995.

For making payment under title XXVI of the Omnibus Budget Reconciliation Act of 1981, an additional \$600,000,000: *Provided*, That all of the funds available under this paragraph are hereby designated by Congress to be emergency requirements pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That these funds shall be made available only after submission to Congress of a formal budget request by the President that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky [Mr. NATCHER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 58: Page 33, line 5, strike out "\$447,643,000" and insert "\$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.

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 58 and concur therein with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert "\$464,224,000, of which \$42,940,000 shall be for carrying out section 681(a) of the Community Services Block Grant Act, 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 29 percent of such excess amount".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky [Mr. NATCHER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 59: Page 33, line 9, after "\$892,711,000" insert "", which shall be available for obligation under the same statutory terms and conditions applicable in the prior fiscal year".

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 59, and concur therein.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky [Mr. NATCHER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 60: Page 33, strike out lines 11 and 12 and insert:

For making grants to States pursuant to section 2002 of the Social Security Act, \$2,800,000,000. For carrying out section 2007 of the Social Security Act, an additional \$1,000,000,000, which shall remain available until expended.

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 60, and concur therein.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky [Mr. NATCHER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 65: Page 35, line 5, strike out "\$94,149,000" and insert "\$92,793,000".

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 65 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "\$94,431,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky [Mr. NATCHER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 68: Page 37, line 14, strike out "1911(d)" and insert "1503".

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 68 and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment, insert "1911(d) and section 1503".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky [Mr. NATCHER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 69: Page 37, after line 15, insert:

SEC. 207. For the purpose of carrying out subparts II and III part B of title XIX of the Public Health Service Act (42 U.S.C. 300x-21 et seq.) for fiscal years 1993 and 1994, the Secretary of Health and Human Services shall obligate \$7,532,065 from the amounts made available pursuant to section 1935(b) of such Act for fiscal year 1994, of which \$673,706 shall be available to Arkansas, \$40,702 shall be available to Georgia, \$144,331 shall be available to Hawaii, \$488,178 shall be available to Idaho, \$223,109 shall be available to Indiana, \$820,641 shall be available to Iowa, \$729,745 shall be available to Kansas, \$609,672 shall be available to Kentucky, \$69,682 shall be available to Louisiana, \$34,514 shall be

available to Maine, \$349,997 shall be available to Minnesota, \$8,626 shall be available to the Red Lake Indian Tribe, \$500,441 shall be available to Mississippi, \$184,176 shall be available to Montana, \$231,450 shall be available to Nebraska, \$8,896 shall be available to North Carolina, \$97,530 shall be available to North Dakota, \$66,083 shall be available to Ohio, \$578,520 shall be available to Oklahoma, \$557,924 shall be available to Oregon, \$167,753 shall be available to South Carolina, \$319,674 shall be available to Tennessee, \$196,426 shall be available to West Virginia, \$195,834 shall be available to Wisconsin, and \$234,455 shall be available to Wyoming.

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. Natcher moves that the House recede from its disagreement to the amendment of the Senate numbered 69 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert:

SEC. 207. For the purpose of carrying out subparts II and III of part B of title XIX of the Public Health Service Act (42 U.S.C. 300x-21 et seq.) for fiscal year 1994, the Secretary of Health and Human Services shall obligate \$7,532,065 from the amounts made available pursuant to section 1935(b) of that Act for fiscal year 1994 to those States and Indian tribes or tribal organizations for which the amounts specified in the award statement issued by the Substance Abuse and Mental Health Services Administration under those subparts on November 2, 1992, was greater than the amount specified in the award statement issued on August 6, 1993, in the amounts equal to those differentials.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky [Mr. NATCHER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 70: Page 37, after line 15, insert:

SEC. 208. Not to exceed \$190,400,000 may be obligated in fiscal year 1994 for contracts with Utilization and Quality Control Peer Review Organizations pursuant to part B of title XI of the Social Security Act.

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 70, and concur therein.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky [Mr. NATCHER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment no. 74: Page 37, strike out all after line 19 over to and including line 5 on page 38 and insert:

For carrying out education reform activities authorized in law, including activities authorized by the Carl D. Perkins Vocational and Applied Technology Education Act, \$166,000,000, of which \$5,000,000, under section 402 of the Perkins Act, shall be used by the Secretary for activities, including peer review of applications, related to school-to-work transition, and not less than \$45,000,000 shall be used under section 420A of the Perkins Act for State grants and subgrants to initiate activities in States and localities related to school-to-work transition: *Provided*, That \$116,000,000 of the funds provided shall be for carrying out activities authorized by the Goals 2000: Educate America Act, or similar legislation, if enacted into law by April 1, 1994 of which \$5,000,000 shall be used for "State Planning for Improving Student Achievement Through Integration of Technology Into the Curriculum"; and that if such legislation is not enacted by that date, this amount shall be used for alleviation of the funding shortfall in the Pell Grant program under subpart 1 of Part A of title IV of the Higher Education Act of 1965: *Provided further*, That any funds appropriated in this account may be transferred as necessary to other Department of Education accounts.

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 74 and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment, insert:

For carrying out education reform activities authorized in law including activities authorized by the Carl D. Perkins Vocational and Applied Technology Education Act, \$155,000,000, of which \$5,000,000, under section 402 of the Perkins Act, shall be used by the Secretary for activities, including peer review of applications, related to school-to-work transition, and \$45,000,000 shall be used under section 420A of the Perkins Act for State grants and subgrants to initiate activities in States and localities related to school-to-work transition: *Provided*, That \$105,000,000 of the funds provided shall be for carrying out activities authorized by the Goals 2000: Educate America Act, or similar legislation, if enacted into law by April 1, 1994, of which \$5,000,000 shall be used for "State Planning for Improving Student Achievement Through Integration of Technology Into the Curriculum"; and that if such legislation is not enacted by that date, the \$105,000,000 shall be transferred to "Student Financial Assistance" to be used to alleviate the funding shortfall in the Pell Grant program under subpart 1 of part A of title IV of the Higher Education Act of 1965, as amended: *Provided further*, That funds appropriated in this account shall become available on July 1, 1994 and remain available through September 30, 1995.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky [Mr. NATCHER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 92: Page 41, line 20, after "1965" insert "; *Provided further*, That of the amount provided for the State and local programs under part B of title V of the Elementary and Secondary Education Act, up to \$32,838,000 may be used for Department of Education activities authorized under the Safe Schools Act, or similar legislation, if such legislation is enacted by April 1, 1994; and any funds used for such activities shall be available from October 1, 1993 through September 30, 1994".

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 92 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert "*Provided further*, That of the amount provided, \$20,000,000 shall be used for Department of Education activities authorized under the Safe Schools Act, or similar legislation, if such legislation is enacted by April 1, 1994, except that if such legislation is not enacted by that date, this amount shall be transferred to "Student Financial Assistance" to be used to alleviate the funding shortfall in the Pell Grant program under subpart 1 of part A of title IV of the Higher Education Act of 1965, as amended".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky [Mr. NATCHER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 104: Page 43, line 23, after "expended" insert "and \$2,000,000 shall be for construction and shall be available until expended".

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 104 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "\$1,000,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky [Mr. NATCHER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 108: Page 44, line 22, after "411(b)" insert ", including \$5,000,000 for model community education and employment centers".

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 108 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert "including \$3,000,000 for model community education and employment centers".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky [Mr. NATCHER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 111: Page 45, line 9, strike out "\$2,250" and insert "\$2,300".

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 111 and concur therein with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert "\$2,300; *Provided further*, That notwithstanding section 401(g) of the Act, as amended, if the Secretary determines, prior to publication of the payment schedule for award year 1994-1995, that the \$6,303,566,000 included within this appropriation for Pell Grant awards for award year 1994-1995 is insufficient to satisfy fully all such awards for which students are eligible, as calculated under section 401(b) of the Act, the amendment paid for each such award shall be reduced by either a fixed or variable percentage, or by a fixed dollar amount, as determined in accordance with a schedule of reductions established by the Secretary for this purpose".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky [Mr. NATCHER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 117: Page 46, line 23, strike out "\$889,855,000" and insert "\$882,974,000".

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 117 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "\$893,688,000".

The SPEAKER pro tempore. The question is on the motion offered by

the gentleman from Kentucky [Mr. NATCHER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 120: Page 49, line 8, after "amended" insert "(or any successor authority)".

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 120, and concur therein.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky [Mr. NATCHER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 123: Page 49, line 15, strike out all after "Act," down to and including "2012" in line 22 and insert "\$301,398,000: Provided, That \$31,000,000 shall be for research centers, including funds to extend the existing award for a research center on the education of disadvantaged students for up to one year; \$38,032,000 shall be for regional laboratories, including \$9,508,000 for rural initiatives; \$40,000,000 shall be for activities under the Fund for Innovation in Education; \$4,463,000 shall be for civic education activities under section 4609; \$5,396,000 shall be for Grants for Schools and Teachers under subpart 1 and \$3,687,000 shall be for Family School Partnerships under subpart 2 of part B of title III of Public Law 100-297; \$14,582,000 shall be for national diffusion activities under section 1562; \$16,072,000 shall be for national programs under section 2012, including \$3,672,000 for the National Clearinghouse for Science and Mathematics under section 2012(d); and \$15,000,000 shall be for regional consortia under subpart 2 of part A of title II; \$9,607,000 shall be for Javits gifted and talented students education; \$27,000,000 shall be for star schools, of which \$45,500,000 shall be for a demonstration of a statewide, two-way interactive fiber optic telecommunications network, carrying voice, video, and data transmissions, and housing a point of presence in every county; \$1,737,000 shall be for territorial teacher training; and \$3,212,000 shall be for the National Writing Project".

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 123 and concur therein with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert "\$292,592,000: Provided, That \$31,000,000 shall be for research

centers, including funds to extend the existing award for a research center on the education of disadvantaged students for up to one year; \$38,032,000 shall be for regional laboratories, including \$9,508,000 for rural initiatives \$32,500,000 shall be for activities under the Fund for Innovation in Education; \$4,463,000 shall be for civic education activities under section 4609; \$5,396,000 shall be for Grants for Schools and Teachers under subpart 1 and \$3,687,000 shall be for Family School Partnerships under subpart 2 of part B of title III of Public Law 100-297; \$16,072,000 shall be for national programs under section 2012, including not less than \$5,472,000 for the National Clearinghouse for Science and Mathematics under section 2012(d); and \$13,871,000 shall regional consortia under subpart 2 of part A of title II; \$25,944,000 shall be for star schools, of which \$4,000,000 shall be awarded competitively for a demonstration of a statewide, two-way interactive fiber optic telecommunications network, carrying voice, video, and data transmissions, and housing a point of presence in every county; and \$3,212,000 shall be for the National Writing Project."

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky [Mr. NATCHER].

The motion is agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 124: Page 50, line 2, strike out "\$145,101,000" and insert "\$147,517,000, of which \$19,000,000 shall be used to carry out the provisions of title II of the Library Services and Construction Act and shall remain available until expended, and \$4,960,000 shall be for section 222 and \$2,802,000 shall be for section 223 of the Higher Education Act, of which \$2,500,000 shall be for demonstration of on-line and dial-in access to a statewide, multitype library bibliographic database through a statewide fiber optic network housing a point of presence in every county, connecting library services in every municipality".

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 124 and concur therein with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert "\$146,309,000, of which \$17,792,000 shall be used to carry out the provisions of title II of the Library Services and Construction Act and shall remain available until expended, and \$4,960,000 shall be for section 222 and \$2,802,000 shall be for section 223 of the Higher Education Act, of which \$2,500,000 shall be for demonstration of on-line and dial-in access to a statewide, multitype library bibliographic data base through a statewide fiber optic network housing a point of presence in every county, connecting library services in every municipality, to be awarded competitively".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky [Mr. NATCHER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 129: Page 53, line 8, strike out "\$292,640,000" and insert "\$320,000,000".

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 129 and concur therein with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert "\$312,000,000, of which \$7,000,000 shall be for Ready to Learn activities consistent with the purposes outlined in P.L. 102-545".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky [Mr. NATCHER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the last amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 133: Page 64, after line 2, insert:

"SEC. 509. (a) Notwithstanding any other provision of law, monthly benefit payments under part B or part C of the Black Lung Benefits Act for months after December 1993 and before October 1994 shall be calculated as though the provisions of Federal law prescribing pay rates for Federal employees continued in effect, without amendment to or limitation of such provisions, after January 1993.

"(b) Of the amounts provided under title XII of Public Law 102-368, Additional Assistance to Distressed Communities, under the heading "Community Investment Program", \$225,000,000 are rescinded."

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 133 and concur therein with an amendment, as follows: In lieu of the section number named in said amendment, insert "508".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky [Mr. NATCHER].

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the several motions was laid on the table.

APPOINTMENT OF CONFEREES ON H.R. 2750, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATION ACT, 1994

Mr. CARR of Michigan. Mr. Speaker, I ask unanimous consent to take from

the Speaker's table the bill (H.R. 2750) making appropriations for the Department of Transportation 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 Michigan?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. WOLF

Mr. WOLF. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WOLF moves that the managers on the part of the House, at the conference on the disagreeing votes of the two Houses on H.R. 2750, be instructed to insist upon its disagreement to Senate amendment numbered 129.

□ 1220

The SPEAKER pro tempore. (Mr. MONTGOMERY). The gentleman from Virginia [Mr. WOLF] will be recognized for 30 minutes, and the gentleman from Michigan [Mr. CARR] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Virginia [Mr. WOLF].

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

Mr. Speaker, in passing its version of H.R. 2750, the fiscal year 1994 Transportation appropriations bill, the Senate has reduced the funding for the St. Lawrence Seaway Development Corporation by \$650,000. Of this amount, the Senate is assuming a \$500,000 saving in fiscal year 1994 through the consolidation of the Corporation's operation in Massena, NY. The remaining \$150,000 is a 50 percent cut in the Corporation's marketing budget.

Mr. Speaker, this is ill-advised, and I move to instruct the House conferees to insist that the Senate recede to the House conferees to insist that the Senate recede to the House on this matter.

Mr. Speaker, I reserve the balance of my time.

Mr. CARR of Michigan. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to congratulate the gentleman from Virginia [Mr. WOLF] for his motion. We have reviewed it. It makes a lot of sense. We believe it will be helpful in the conference, and we urge its adoption.

Mr. WOLF. Mr. Speaker, I yield myself such time as I may consume. I do have one additional comment that I would like to make.

Mr. Speaker, let me thank the chairman for his support. I do want to raise one other issue.

I would like to talk about the amendment which was made in the Senate by Senator DOLE and Senator BOND on the Transportation appropriation bill to authorize \$150,000 for the legal fees of

the five travel office employees put on paid administrative leave as a result of the White House purge of the White House travel office earlier this year.

Mr. Speaker, we are dealing with this issue in this bill for only one reason, and that is the overreaching of the White House, and I believe the gross mismanagement that has taken place with regard to this issue. From the podium of the White House press secretary, these employees have been maligned and found guilty by a self-appointed jury at the White House. Their good reputations have been tarnished, and I believe that is unfortunate.

This has also proven costly for the American taxpayer. As the Washington Post pointed out today, the cost of the Clinton administration travel office firings are still growing. We are currently paying for two travel office staffs, one in the White House, and one waiting in exile to be placed in their new jobs.

There are many indicators that the ones currently working in the White House are not doing a very good job and, therefore, calling on outside agencies to help them.

I will tell my colleagues that these are career Federal employees who really do not have any money of their own. They are not like a Member of the Congress who can use his campaign fund to pay for their legal fees. It is not like they are plugged in like Cabinet officers and can get high-powered people to come and help them financially. These are average individuals who really do not have the money to pay.

Although it is unfortunate that this amendment is on the Transportation appropriation bill, and I believe it should have been more appropriately on the Treasury postal appropriation bill, which has the jurisdiction over the White House, or the State, Commerce, Justice bill, I think it is a necessary amendment.

I would also hope, Mr. Speaker, that the White House would feel a moral obligation to deal with this issue in some manner on their own so that this appropriation would not have to be expended.

Also, Mr. Speaker, I call on the White House to reduce their spending at the White House by a corresponding amount of \$150,000 so that it does not cost the taxpayers of this country any additional money.

Mr. Speaker, let me also say that I do hope and urge that the attorneys involved in representing these individuals will exercise restraint in their billings on this matter and not run the clock up and think that they have an opportunity for deep pockets.

Mr. DOLE's amendment provides for the necessary legal expenses of the five former employees who were placed on administrative leave, and these funds will not be disbursed, and I want to stress this, Mr. Speaker, they will not

be disbursed until the Justice Department has provided notification that such employees are no longer the subject of an investment under this matter. So in order for the money to be expended, it would be necessary for the Justice Department to release this so that the employees are no longer under investigation.

THE COMPTROLLER GENERAL
OF THE UNITED STATES,

Washington, DC, September 30, 1993.

To the President of the Senate and the Speaker of the House of Representatives: This is an interim report on the General Accounting Office (GAO) review of the White House travel office being conducted pursuant to Public Law 103-50.

During May 1993, White House and other officials took a number of actions that led to the announcement of the dismissal of the seven White House employees who had for some years operated the White House Travel Office. Those actions and others involving the Department of Justice, the Federal Bureau of Investigation (FBI), and the Internal Revenue Service (IRS) raised concerns in the Congress about the propriety of the dismissals and related activities of the agencies involved.

Although the White House initiated an internal management review of the situation, the Congress provided for an independent review by GAO. Specifically, Section 805 of Public Law 103-50 provides that: "Notwithstanding any other provision of law, the Comptroller General of the United States shall conduct a review of the action taken with respect to the White House travel office and shall submit the findings from such review to the Congress by no later than September 30, 1993."

In response to this statutory mandate, we initiated a review of the White House Travel Office matter. To ensure that we included in our review the full range of congressional concerns about the episode, we consulted with congressional staff representing each of the committees and Members of Congress, both majority and minority, who had expressed an interest to us in the White House Travel Office. From the outset of our work, we said that it was unlikely that a comprehensive review of the issues involved could be completed before the September 30 reporting date contained in the statute. We agreed that we would inform the Congress by that date of the scope and progress of our review. That is the purpose of this report.

OBJECTIVES OF OUR REVIEW

Our review is designed to provide a comprehensive assessment of the full range of issues raised in the July 2, 1993, White House Travel Office Management Review and in the subsequent congressional debate about those events. Specifically, we are examining (1) the procurement practices, financial management, and oversight of the Travel Office prior to the events of May 1993; (2) the investigation of the Travel Office conducted by the White House officials, including the involvement (if any) of other investigative agencies of the government, such as the FBI and the IRS, as well as the involvement of nongovernment individuals and organizations; (3) actions taken to improve the management and operations of the Travel Office since the events of May; and (4) personnel actions affecting the Travel Office employees.

If other relevant issues arise during the course of our work, we will expand our objectives as necessary to ensure that our report provides a comprehensive assessment of all

of the circumstances surrounding these matters. If we uncover evidence of possible criminal action, we will refer that evidence to the FBI for further investigation.

PROGRESS HAS BEEN MADE IN ESTABLISHING PROCEDURES FOR OUR WORK

It is taking considerable time and effort to negotiate access to the information and individuals necessary for us to complete our review. We are making progress in establishing suitable procedures, and our access to records and individuals is beginning to accelerate. However, some access issues remain which we will continue to pursue.

This review of the White House Travel Office is unusual and time-consuming because of the combination of three highly sensitive concerns. First, because of balance of power concerns, the White House traditionally has been reluctant to open its operations to GAO review. Our reviews of other matters at the White House, such as the use of military aircraft for White House staff travel¹ or retroactive appointments of White House personnel,² have required extensive negotiations with White House officials for us to obtain access to the records and individuals necessary to complete our work. In some cases, we have been unable to reach conclusions or assure that the entire matter was reviewed because records were not made available. Over the years, and through many administrations, White House officials' actions to restrict our access have been based on the premise that the activities of the immediate offices of the President are confidential and not subject to routine congressional or public scrutiny.

The second sensitive matter in this review is the fact that the Department of Justice and the FBI have initiated several internal investigations of matters related to the White House Travel Office episode. The FBI and the Public Integrity Section of the Justice Department's Criminal Division are conducting a criminal investigation of the travel office operations. The Department of Justice's Office of Professional Responsibility is conducting an independent investigation of such matters as the interaction between the White House and the FBI during the episode and whether the criminal investigation was properly initiated through the Attorney General's office. Under most circumstances, it is GAO policy not to interfere with or duplicate ongoing criminal investigations. Thus, we generally do not need access to records and information associated with criminal or other internal Department of Justice investigations. However, in this case, because the investigations are central to the objectives of our statutorily required review, we have sought to obtain access to records and individuals despite the other ongoing investigations.

Because our requirements for information involve access to records and individuals at both the White House and Department of Justice, there have been extensive and time-consuming negotiations with both White House and senior Department of Justice officials to reach agreements that will permit us to obtain the breadth of access necessary to complete our review in a reasonable period of time. As a result, we have not made as much progress on the review itself as would have been desirable. Nonetheless, we have obtained some records of White House Travel Office activities both before and after the events of May, and we have conducted some of the interviews necessary to our work. We expect our work to accelerate in the near fu-

ture as additional records and individuals are made available.

Until the past few days, however, we have not had any success in reaching agreement with the Department of Justice on access to records or individuals. We were told in mid-August by a high-level Justice official that the Department would work with us to reach agreement on appropriate procedures for obtaining records and access to individuals. However, subsequent requests to, and meetings with, relevant Justice organizations produced no progress toward that end. In response to our reiteration of the critical importance of this access to our ability to complete our review, the Associate Deputy Attorney General notified us, in a letter dated September 24, 1993, that we will be given access to most of the records and individuals requested to date (see app.). Some limitations remain, but the records and interviews promised, if provided, should permit us to make considerable progress on our objectives while we further pursue the remaining matters.

The third sensitive area involved in this review is related to the issue of assessing the IRS actions related to the White House Travel Office episode. Section 6103 of the Internal Revenue Code, which prohibits, under criminal penalties, release of information about taxpayers—individuals or corporations—unless the taxpayer consents, must be carefully adhered to in our work. Through the cooperation of the IRS and the Department of the Treasury Inspector General, as well as our own access authority in this area, we expect to obtain the information we need to assess this issue. However, it is unlikely that we will be able to provide detailed information about the matter in a public report.

POTENTIALLY SERIOUS OBSTACLES REMAIN UNRESOLVED

Although both the White House and the Department of Justice have provided or promised the access needed for our work, several obstacles remain which must be overcome if we are to provide the comprehensive review we have planned and to which we are committed. Although the White House is providing documents at an increasing rate, those documents are reviewed prior to our receipt, and some decisions have been made to redact information on the grounds that it is not pertinent to our review or is information that the White House Counsel's office believes is privileged.

We have discussed with the White House Counsel officials our concern that procedures must be established for us to obtain an overview of the universe of records involved, so that we can satisfy ourselves that we have obtained all the relevant documents and understand the basis for any decision to withhold records. White House officials have stated that such procedures can be established, but is not clear to us how that will be accomplished. Failure to achieve this objective, which is central to government auditing standards, could compromise our ability to report comprehensive findings.

Another important obstacle is the limitation imposed by the FBI's ongoing criminal investigation. In his letter of September 24, 1993, the Associate Deputy Attorney General declined at this time to release documents associated with the criminal investigation. He requested that we postpone efforts to interview certain individuals because "premature interviews [of those persons] would create the risk of compromising an ongoing criminal investigation." The individuals named include the seven former Travel Office employees, as well as certain other indi-

viduals who are central to the completion of our review. The Associate Deputy Attorney General stated in his letter that an effort will be made to expeditiously complete the criminal investigation, we will be notified promptly when Justice determines that any particular interview no longer presents a problem for the criminal investigation, and the Justice Department will reconsider our request to pursue an interview on a case-by-case basis if an urgent need develops as our review proceeds.

Considerable information has been recently provided or promised and it will take some time to complete the interviews with the individuals the Justice Department has agreed we can meet with. Thus, we plan to proceed with our review and temporarily postpone certain interviews as the Justice Department requests. Such cooperation is consistent with our general policies on such matters when a criminal investigation is ongoing. If the criminal investigation is completed "expeditiously," it should not adversely affect the timely completion of our work. However, unforeseen further delays or limitations generated by the outcome of the investigation (such as the continuing unwillingness of some individuals to meet with us because they have been or might be criminally charged) may limit our ability to reach clear conclusions about the activities of the Travel Office before May 1993 or may require that we qualify our observations and conclusions. We will continue to work with the Department of Justice to minimize the impact of these problems on our review.

PLANS FOR COMPLETION OF OUR REVIEW

From the outset of this review, we have devoted the resources necessary to carry out the work in a timely fashion. We will continue to do so. We plan to provide regular status reports to interested congressional officials and will call attention promptly to any further unanticipated obstacles if they arise.

We are spending copies of this report to the Chairmen and Ranking Minority Members of relevant congressional committees, the White House Chief of Staff, the Attorney General, the Director of the FBI, the Commissioner of the IRS, and other interested parties upon request.

MILTON J. SOCOLAR,
Acting Comptroller General.

FOOTNOTES

¹Military Aircraft: Travel by Selected Executive Branch Officials: (GAO/AFMD-92-51, April 7, 1993).

²Personnel Practices: Retroactive Appointments and Pay Adjustments in the Executive Office of the President (GAO/GGD-93-148, Sept. 9, 1993).

U.S. DEPARTMENT OF JUSTICE, OFFICE OF THE DEPUTY ATTORNEY GENERAL,

Washington, DC, September 24, 1993.

Ms. NANCY KINGSBURY,
Director, Federal Human Resource Management Issues, U.S. General Accounting Office,
Washington, DC.

DEAR Ms. KINGSBURY: The Department of Justice is making every effort to cooperate with your review of the treatment of the employees of the White House Travel Office, and I believe that you will be able to make a great deal of progress in your investigation without compromising our ongoing investigations.

I understand that the FBI and the Public Integrity Section of the Criminal Division have made arrangements for you to review documents of the White House Travel Office, and that your review of those documents is already underway. We are also prepared to

make the following documents available to you:

1. Policy Statements or Operating Procedures;

All documents requested, if they exist, will be provided to you by the FBI.

2. Documents related to the FBI's interaction with the White House at the time of the dismissal of the Travel Office employees:

a. Copies of correspondence between the FBI and Members of Congress concerning the Travel Office will be provided.

b. The May 24, 1993 letter from Mr. Heymann to Senator Biden stating the Department of Justice policy regarding contacts between the White House and the Department will be provided.

c. Copies of the following documents prepared by the FBI concerning its interaction with the White House will be provided:

1. FBI "Chronology" regarding the Travel Office matter. (This internal FBI document apparently was not transmitted to the Attorney General, but formed the basis for the FBI "Management Review" which also will be provided to you.)

2. FBI "Management Review" submitted to the Attorney General will be provided.

3. Copies of any FBI statements to the press about the White House Travel Office will be provided.

3. A copy of the final report of the Office of Professional Responsibility about the White House Travel Office matter will be provided when it is completed and submitted to the Deputy Attorney General.

The following documents that you have requested do not exist:

1. copies of any records in FBI files concerning press inquiries. The FBI has advised me that no such records are kept.

2. Copies of any documents associated with the processing of a GAO Hotline complaint about the White House Travel Office filed in December 1988 by GAO with the White House Legal Counsel's office. It appears that GAO did not report this allegation to the FBI. A review of the FBI indices has been conducted and there is no record of anyone else having reported it to the FBI.

Consistent with Department of Justice policy, we are not able to provide internal FBI and Justice Department documents relating to the criminal investigation at this time. Similarly, any written correspondence with persons involved in the Travel Office investigation or their attorneys will not be released at this time. In the event that you have a specific compelling need for any particular document, please let me know and we will consider your request.

We have no objection to your request to interview the officials of the Department of Justice named in your letter about their interaction with White House officials during the early stages of the Travel Office investigation. However, we do request that you begin those interviews no earlier than October 8 so that the Office of Professional Responsibility may complete its interviewing process.

I am not aware of what involvement the FBI special agent based in Nashville, Tennessee had in the Travel Office matter. He is not a Special Agent in Charge, and I ask that you defer any request to interview him until I can determine what if any involvement he had.

I understand that the Public Integrity Section has already agreed that you may proceed to interview all but 2 of the 18 White House staff members and 1 of the 2 OMB employees mentioned in your letter. In the category of "other" individuals, the Public In-

tegrity Section has removed its objection to one of the persons listed and requested that you defer interviews of the others. Also, the Public Integrity Section has agreed to notify you when it determines that any particular interview no longer presents a problem for the criminal investigation.

After a thorough review, it is my considered judgment that premature interviews of the remaining persons whose interviews the Public Integrity Section has requested that you postpone would create the risk of compromising an ongoing criminal investigation. As you know, GAO traditionally has deferred to the Department of Justice when actions by GAO might interfere with ongoing investigations. However, I understand your legitimate need to comply with your statutory obligation and ask only that you postpone certain interviews until the criminal investigation has progressed to the point at which there would be no undue interference. If an urgent need develops to conduct any particular interview as your investigation proceeds, we will reconsider any requests on a case-by-case basis.

As we discussed, it is important that GAO agree to disclose the results of any interviews that you conduct in the event that such disclosure is required by a court pursuant to the Jencks Act in any future prosecution.

We are trying to move expeditiously to complete our criminal investigation. I appreciate your understanding and look forward to working with you in an effort to accommodate your interests.

Sincerely,

DAVID MARGOLIS,
Associate Deputy Attorney General.

[From the Washington Post, October 7, 1993]

COSTS OF CLINTON TRAVEL FIRINGS STILL GROWING

(By Ann Devroy)

The firing of the White House travel office staff last spring is turning into a costly decision. Not only are five employees still being paid for not working, but Congress is about to authorize \$150,000 for their legal fees at the same time the Justice Department is using its resources to continue investigating some of them.

The Senate yesterday, with no objection from Democrats or the White House, unanimously adopted an amendment to the Transportation Department spending bill that appropriates \$150,000 to a legal defense fund. It will pay legal fees for five of the seven workers who were fired and later ordered reinstated on administrative leave.

The White House originally announced the firing of all seven travel office employees and called in the FBI to investigate what it called "serious" questions about management of funds. Aides later acknowledged five of the seven had no control over or access to funds. Those five were eventually reinstated on administrative leave.

Following its own management review, the White House announced the five would be given jobs in government, although not their old travel office positions. The White House and the five employees have not been able to agree on new jobs, but the five continue to draw their salaries. Meanwhile four other employees are being paid to handle the White House travel work.

The firings produced a plethora of follow-up inquiries into how the travel office investigation, as well as the original FBI investigation into financial improprieties, was handled. FBI sources said that investigation is "ongoing" because the five former em-

ployees retained lawyers, and other lawyers have become involved, complicating the process of interviewing witnesses.

A General Accounting Office investigation of the travel office affair also is running past its due date, in part because key administration officials have been slow to provide information and documents.

Senate Minority Leader Robert J. Dole (R-Kan.) and Sen. Christopher S. Bond (R-Mo.) said they introduced the amendment to cover the legal fees for the five reinstated workers because they were the "true, real-life victims" of the debacle. They "woke up one May morning only to hear their good reputations smeared on national television by an incompetent White House staff." They were accused of "gross mismanagement" and subjected to an FBI investigation, Dole and Bond said.

Dole said each of the five had incurred a legal bill of \$30,000 or more to defend themselves against the allegations and to get their jobs back. None of the five earned more than \$60,000 and some made significantly less.

The Senate version of the Transportation bill will go to conference with the House version, which was completed before the legal fees issue came up. A congressional aide said it is unlikely that the House would reject the spending, since it will be offset by a cut Dole proposed in another category of the Transportation bill.

White House Deputy Chief of Staff Roy Neel called the situations of the five "unfortunate." He said the White House had "worked very hard to provide them good jobs at good salaries." The jobs under consideration are at least comparable to the ones they held, he said. Each now is reviewing an offer to work in a federal agency, not the White House.

The seven-man team of career employees at the White House travel office has been replaced by four permanent workers, plus a subcontracted employee of American Express who makes travel arrangements for White House staff. In addition, Neel said, the White House "on occasion" uses employees of other departments, such as Commerce or Transportation, to handle out-of-town arrangements.

The original firings were portrayed by the White House as the result of gross mismanagement and as a cost-savings mechanism that would reduce the size of the travel staff yet provide the same service.

[From the Washington Times, October 7, 1993]

SENATE OKS PAYING WHITE HOUSE TRAVEL AIDES' LEGAL FEES

(By Paul Bedard)

The Senate yesterday unanimously agreed to pay \$150,000 in legal bills facing five White House travel office workers wrongly fired in May.

An amendment to the Transportation Department appropriations bill sponsored by Sen. Minority Leader Bob Dole, Kansas Republican, and Sen. Christopher Bond, Missouri Republican, would let the five workers draw from the fund to pay legal bills now totaling about \$150,000.

Mr. Dole, in a floor speech, blamed the White House for slandering the reputations of the five and said the fund is meant to help the longtime federal workers recover from the costly effort to fight the White House charges.

The Senate vote sets up a potential fight with the White House, which didn't endorse Mr. Dole's effort. "We're not taking a position," said White House spokeswoman Lorraine Voles.

The five travel office workers—John Dreylinger, John McSweeney, Barney Brasseaux, Robert Van Eimeren and Robert Maughan—were fired in May after the White House charged them with financial mismanagement of the office, which handles travel plans for the press and White House staff.

They subsequently were put on leave after the White House conceded the five were not involved in any financial mismanagement. However, the White House didn't stop an FBI investigation, which required them to retain lawyers.

The lawyers also acted as middlemen between the five and the White House counsel's office, which tried to find new jobs for the former travel aides.

All five said this week they planned to accept new jobs in other agencies and departments that were arranged by the White House.

They spent an average of \$30,000 each defending themselves against the charges and negotiating for new jobs in the government. Private supporters contributed about \$40,000 to a private defense fund.

Mr. McSweeney, whose legal expenses total \$32,000, said he was pleased with the Senate vote. "I'm delighted," he said. "This is great news."

Mr. Dole and Mr. Bond rapped the White House handling of the travel office scandal. White House aides, including one of the president's cousins, ousted the longtime travel staff in a power play.

To justify the firings, the White House claimed the travel staff was guilty of mismanagement—a charge Chief of Staff Thomas F. "Mack" McLarty later retracted.

Mr. Dole said yesterday: "The only ones guilty of gross mismanagement were the White House staffers themselves, who tried to hide their own misconduct by pinning the blame on the very people whose livelihoods they were jeopardizing."

If approved in conference, the legal defense fund would be administered by the Transportation Department's general counsel's office.

Mr. ROBERTS. Mr. Speaker, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from Kansas.

Mr. ROBERTS. Mr. Speaker, I thank the gentleman from Virginia for yielding. I want to take this time to congratulate him and thank him for his leadership in trying to search out a reasonable compromise here, a reasonable policy not only in behalf of the employees of the White House, but in such a way that we will be able to really protect from future occurrences of this nature in behalf of all Federal employees. I do not know of anybody in this Congress who has been more able and more persistent and more consistent in riding shotgun, if I can use that phrase, in behalf of Federal employees than the gentleman from Virginia, and I want to thank him for his perseverance in this regard.

I have a personal interest in this particular case. I have taken the floor on past occasions. I am not on the Appropriations Subcommittee or Committee, but one of the White House employees involved in this, who is, like the others, waiting in purgatory, is my next-door neighbor. And I can assure Mem-

bers as we have gone through 6 months of purgatory, it becomes a very personal issue in regard to someone who not only is a fine Federal employee, and has been doing a good job at the White House, but who is a personal friend as well.

I talked with Senator DOLE's office yesterday, and I talked with the Senator about the process. I think the gentleman from Virginia and myself would have preferred the \$150,000 contingency fund or the lawyer's fund to be on the Treasury and Postal bill, or perhaps in a supplemental. But the Senator indicated to me, and I think he is right, we have to strike when the iron is hot.

I agree with the gentleman. I associate myself with his remarks.

I am concerned about a report by the GAO, who acted in behalf of this House to really conduct a full investigation and a report to the House on this matter. The report dated September 30 indicates that they have been having a lot of problems. They said at the outset that the comprehensive review of these issues might not be completed before the September 30 reporting date. So they came back to the House and indicated they have three concerns.

The White House has been reluctant to open its operations to the GAO review. Second, they are having a great deal of difficulty with the Department of Justice and the FBI. And third, they have some problems in regards to sensitive issues with the IRS, which prohibits, under a criminal penalty, the release of information about taxpayers.

I certainly hope we can reach a conclusion in regards to the GAO study, and I am concerned. Although I will say I want to thank Mr. McLarty of the White House, whom I talked with at a social occasion, who has been more than willing to work with us, and more especially thank the gentleman from Maryland [Mr. HOYER], who has been extremely helpful, and our former colleague, Mr. Panetta, who has tried to put this issue behind us. But the issue is not behind us. There have been a lot of press reports about job offerings or job availability. I can tell Members from my personal experience with regard to the employees involved that there is a courtesy call to an agency, and then that individual does not know if that is a make-work job, or if it is a job that that individual can really contribute to or whatever. And these people are still in purgatory.

In essence, in terms of the so-called really a criminal investigation by the FBI, there was a statement made that these people are not under investigation. But yet their lawyers received some written correspondence saying "at this time." Well when you say "at this time," obviously it stretches on, and on, and on, and now we are at a 6-month period.

□ 1230

I hope we can resolve this. I have thought from the outset that an inde-

pendent scrutiny of some kind would certainly be more in keeping with the problem here.

I again want to thank the gentleman from Virginia [Mr. WOLF] and let us see if we can get it resolved.

I think his idea with regard to the \$150,000 is a good one. Again I associate myself with his remarks.

Mr. WOLF. I thank the gentleman for his remarks.

Mr. Speaker, let me say in closing that I would hope that both sides of the aisle could come together and develop some legislation to deal with situations such as this. I know we are taking time here, I can see that some Members are bored with this, that we are taking the time of the body, but I want to tell you that if you were a Federal employee making \$60,000 or \$50,000 or \$40,000 and you had no deep pockets, no big contributors to call on and you are trying to educate your kids this would be important to you. I would hope I would be as consistent on this issue if Reagan were President or if Bush or Jack Kemp, were President, that I would be up here, making the same points, whoever might be involved. This has been absolutely wrong.

Now, if a different person gets involved, it should make no difference.

What I want to say in closing is that I hope we can work out bipartisan legislation that would set up a group—perhaps a nonprofit group—that would look at these kind of cases, that would exercise discretion. I must tell my colleagues that although I believe it is right to assist these five travel office employees, I think the precedent that we are setting here is not necessarily a good precedent.

Let me say for myself that this is a special circumstance, a one-time example, a one-time case. But how we treat the least of these people under a political cloud indicates how we will treat anybody else.

Mr. Speaker, I will revise and extend my remarks and submit the rest of my statement in the RECORD with a number of documents with it, if I may.

Mr. Speaker, I reserve the balance of my time.

Mr. CARR of Michigan. Mr. Speaker, I yield such time as he might consume to the gentleman from Virginia [Mr. MORAN].

Mr. MORAN. I thank the chairman of the subcommittee very much for yielding this time to me.

Mr. Speaker, I stand to underscore the fact that this is a nonpartisan, certainly a bipartisan, issue. I want to thank my colleagues and friends, the gentleman from Virginia [Mr. WOLF], the gentleman from Kansas [Mr. ROBERTS], the gentleman from Michigan [Mr. CARR], and the gentleman from Maryland [Mr. HOYER] for what they have been doing both publicly and behind the scenes to rectify the situation.

I know that a number of our colleagues do feel that this is taking up a lot of time for a handful of people, that we are making the White House go through the hoops trying to find jobs for these people. But the fact is that this is a problem of the White House's own making. If they had conducted themselves properly, it would not have happened, we would never have had to come to the floor.

The fact is that the White House was wrong in this situation. The fact is that even though this is just a handful of people, every one of those people represent not just an individual but a family that lives in a community that represents the Federal workforce.

What the gentleman from Virginia [Mr. WOLF] said is absolutely right, that if any administration, whether it be Republican or Democrat, can get away with treating these employees in the way that the administration treated them initially, then it reflects upon their attitude toward the Federal workforce.

I know that it does not, it does not reflect the President's attitude; that it will not reflect the administration policy in the future. But it is important to draw attention to this because this is an inexplicable and unjustifiable breach of trust between the executive branch and its work force. It cannot be ignored; it cannot be put under the carpet; it cannot be brushed aside by some half-hearted commitments.

The administration is going to have to follow through. They are going to have to make these people whole again. That is all that is being asked.

Again I thank my colleagues for drawing attention to it, and I trust that this body will make sure that that goal of making Federal employees whole again and treating them with dignity and the respect to which they are entitled will be accomplished.

I thank the Speaker, and I thank the chairman, the gentleman from Michigan [Mr. CARR], for yielding.

Mr. CARR of Michigan. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to congratulate the gentleman from Virginia, my good friend and colleague on the Subcommittee on Transportation Appropriations, Mr. WOLF, and my colleague on the full Committee on Appropriations, Mr. MORAN, and I know that we are joined in this particular issue by Mr. WYNN of Maryland and Mrs. MORELLA of Maryland and Mr. HOYER of Maryland.

I believe there is general agreement among the people in this particular area that these individuals ought to be taken care of, that their legal expenses be reimbursed and provided for.

I want to associate myself with the remarks of the gentleman from Virginia [Mr. WOLF] that the process by which this is being done is an unfortunate process.

Mr. Speaker, I want to call the attention of the Members of the House that this is authorization language in an appropriations bill, and that has been very much discussed here. We are told by the House rules that we are not supposed to do this.

Furthermore, this particular provision, as the gentleman from Virginia [Mr. WOLF] said, is probably more appropriately in the appropriation for the White House, which is in Mr. HOYER's subcommittee, or in the Subcommittee on Commerce, Justice, State Appropriations, chaired by the gentleman from Iowa [Mr. SMITH], with the ranking member being Mr. HAROLD ROGERS from Kentucky.

We as a Subcommittee on Transportation have very little expertise other than the testimony of the two gentlemen who have just spoken about the matter.

I think we have all been interested in the issue of the travel office in the White House. Most of us have derived what information we have either from personal testimony of the individuals involved or what we have read in the newspaper.

Our subcommittee is not a particular good forum to make good judgments about this issue.

Furthermore, the appropriate authorizing committees have not contacted us and expressed their approval for this process. I think it would be well if we checked with them before going into conference.

I want to let everybody know I intend to do that. I have not had the opportunity to do that. This is an issue that has arisen since yesterday and this morning, and I intend to touch those bases and see what the authorizing committees think.

One other thing, while I am in general agreement with Mr. WOLF and Mr. MORAN, I think it bears saying that to do this is in the nature of a private bill on a public appropriation. We are talking about five individuals specifically. The legislation talks about five people specifically, not by name, but we know what their names are.

That raises the question that perhaps—and I know Mr. MORAN and Mr. WOLF would agree with this statement—there are probably others in the Federal Government who for whatever reason get wrongly discharged and then have to hire attorneys and then are subsequently reinstated and their legal bills are not paid.

So what really ought to be happening here is not having Senator DOLE lobbying this provision on the transportation appropriations bill, but Mr. DOLE and others ought to be proposing legislation which would reimburse in a generic way all public employees wrongly discharged and reinstated, for their legal expenses.

And I hope that while we have got this immediate situation and if we

take care of it, I hope that the gentleman from Virginia and the gentleman from Kansas will be joining in some fashion with the Democrats as well on both sides of the aisle, both Houses, to actually put some kind of generic legislation in place for the protection of all Federal workers.

□ 1240

Mr. WOLF. Mr. Speaker, will the gentleman yield?

Mr. CARR. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Speaker, I think the gentleman makes a legitimate point. I think the distinction here is perhaps a little bit different. I have a letter from Mr. McClarty who said:

DEAR CONGRESSMAN WOLF: At the outset, I want to say, as I have said previously, that the handling of the Travel Office matter was regrettable. On behalf of the White House, I have publicly apologized to the Travel Office employees and their families for the manner in which this issue was handled. We have tried to identify any errors that were made, and to rectify them as best we can.

So the gentleman is right. I think he makes a good case. Since there has been an acknowledgment, this was the vehicle and Senator DOLE took the vehicle, but I will work on legislation, I will put it in a draft and I will circulate it to other Members that will deal with this issue, because insofar as I am concerned, this is a one-time situation with regard to dealing with it in this manner.

I thought about it last night and I really could not let the process foreclose these five people, one who is a constituent of mine, from being taken care of.

I think the gentleman makes some very, very valid points.

Mr. ROBERTS. Mr. Speaker, will the gentleman yield?

Mr. CARR. I am glad to yield to the gentleman from Kansas.

Mr. ROBERTS. Mr. Speaker, I thank the gentleman for yielding to me.

In my opening remarks I said that both the gentleman from Virginia and myself had some concern about the process, which I think the gentleman has spoken to, but at the outset let me point out that over a 6-months' time frame in trying to work this out for the gentleman from Virginia [Mr. MORAN], who has done a very good job in this respect, and our former colleague, Mr. Panetta, Mr. McClarty, and more especially the gentleman from Maryland [Mr. HOYER], who has really taken the lead, we tried to do three things. We tried to say in terms of setting the record straight that none of the five were really guilty of any wrongdoing, that they work up on a certain day in May to find themselves actually pilloried in the Nation's press for something they did not do, and that in the process of making things right we asked for three things, a statement saying that they were not really guilty

of anything, and second, that some kind of an appropriate job that was commensurate with their present job could be found in the Federal Government. Those efforts are ongoing.

But in the process, all of a sudden we find that with the Justice Department continuing their investigation, they must have some kind of legal defense. Those bills are piling up.

So rather than to worry about the process, and I would remind the gentleman again that I did talk to the Senator's office in relation to what appropriate vehicle we could find, a supplemental or whatever we are talking about here, and the Senator indicated that he felt very strongly about this and we had to move; that is, the bills must be paid.

So I think it is commensurate with the promise of the White House that we take advantage of this if we can.

I will tell the gentleman that if we do not do it on the Transportation bill, I have a feeling that the Senator, and as far as I am concerned I will join that effort on every appropriation bill, be it Agriculture or be it Transportation or be it post office or the White House or whatever until we get the situation settled.

I appreciate what the gentleman is saying, but we need to get this matter behind us.

Mr. CARR. Mr. Speaker, I appreciate the gentleman's remarks. I would say that I do not foresee this being a major obstacle to the conclusion of our conference. I expect that the gentleman will be pleased with our actions.

I merely want to point out that circumstances do occasionally arise and they have an immediacy that far exceeds our ability to pass authorization legislation.

No one is going to get this Member of Congress to say that on occasion for good cause, with the acceptance of the appropriate parties in the House and in the Senate, we should not be doing these things.

I merely want to point out that this is a surprise to this subcommittee. This is not normally part of our jurisdiction. It was thrown in our midst from the other body, I think in a somewhat deliberate way in an effort to keep the particular issue alive. I think this issue could be solved on behalf of these individuals in a far less public forum.

I know that all the Members are concerned about the generic impact of singling out just five people who have been wrongfully displaced and reinstated, with their legal bills, when others in the Federal service have not been similarly treated, and that wreaks an unfairness on them.

I take the gentleman at his word that he will be working for authoriza-

tion language in the appropriate forums, and I would like to pledge my support to those efforts.

I know the gentleman is a passionate spokesperson for the Federal worker.

With that, Mr. Speaker, and with a pledge that we will contact the appropriate authorization committees and try to work this thing out in a favorable fashion in the conference, I yield back the balance of my time.

Mr. WOLF. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MONTGOMERY). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Virginia [Mr. WOLF].

The motion was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs. CARR of Michigan, DURBIN, SABO, PRICE of North Carolina, COLEMAN, FOGLIETTA, NATCHER, WOLF, DELAY, REGULA, and MCADE.

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

ADJOURNMENT OF THE HOUSE FROM THURSDAY, OCTOBER 7, 1993, OR FRIDAY, OCTOBER 8, 1993, TO TUESDAY, OCTOBER 12, 1993, AND RECESS OF THE SENATE FROM THURSDAY, OCTOBER 7, 1993, TO WEDNESDAY, OCTOBER 13, 1993

Mr. STUDDS. Mr. Speaker, I send to the desk a privileged concurrent resolution (H. Con. Res. 161) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 161

Resolved by the House of Representatives (the Senate concurring). That when the House adjourns on Thursday, October 7, 1993 or Friday, October 8, 1993, pursuant to a motion made by the Majority Leader or his designee, it stand adjourned until noon on Tuesday, October 12, 1993, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns at the close of business on Thursday, October 7, 1993, pursuant to a motion made by the Majority Leader or his designee, in accordance with this resolution, it stand recessed or ad-

journed until noon on Wednesday, October 13, 1993, or at such time as may be specified by the Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, OCTOBER 13, 1993

Mr. STUDDS. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday, October 13, 1993.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

EXTENSION OF TIME FOR CONTINUED PRODUCTION FROM NAVAL PETROLEUM RESERVES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. —)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Armed Services, and ordered to be printed:

To the Congress of the United States:

In accordance with section 201(3) of the Naval Petroleum Reserves Production Act of 1976 (10 U.S.C. 7422(c)(2)), I am informing you of my decision to extend the period of maximum efficient rate production of the naval petroleum reserves for 3 years from April 5, 1994, the expiration date of the currently authorized production period.

The report investigating the necessity of continued production of the reserves as required by section 201(3)(c)(2)(B) of the Naval Petroleum Reserves Production Act of 1976 is attached. Based on the report's findings, I hereby certify that continued production from the naval petroleum reserves is in the national interest.

WILLIAM J. CLINTON.

THE WHITE HOUSE, October 7, 1993.

**REMOVAL OF NAME OF MEMBER
AS COSPONSOR OF H.R. 44**

Mr. FIELDS of Texas. Mr. Speaker, I ask unanimous consent to remove the name of the gentleman from Oklahoma [Mr. ENGLISH] as a cosponsor of the bill, H.R. 44.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

**AVIATION INFRASTRUCTURE
INVESTMENT ACT OF 1993**

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 269 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 269

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2739) to amend the Airport and Airway Improvement Act of 1982 to authorize appropriations for fiscal years 1994, 1995, and 1996, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and to the amendment in the nature of a substitute made in order as original text and shall not exceed 90 minutes, with 60 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works and Transportation, 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Science, Space, and Technology, and 10 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule an amendment in the nature of a substitute consisting of four titles as follows: (1) titles I and II consisting of the text of the amendment in the nature of a substitute recommended by the Committee on Public Works and Transportation now printed in the bill; (2) a title III consisting of the text of the amendment in the nature of a substitute recommended by the Committee on Science, Space, and Technology on the bill (H.R. 2820) to authorize appropriations for the Federal Aviation Administration for fiscal years 1994, 1995, and 1996 for research, engineering, and development to increase the efficiency and safety of air transport and now printed in H.R. 2820; and (3) a title IV consisting of the text of the amendment printed in the report of the Committee on Rules accompanying this resolution. The amendment in the nature of a substitute made in order as original text shall be considered by title rather than by section. Each title shall be considered as read. All points of order against the amendment in the nature of a substitute made in order as original text are waived. No amendment affecting the subject matter on title IV of the amendment in the nature of a substitute made in order as original text shall be in order. Upon designation of title IV of the amendment in the nature of a substitute

made in order as original text, no further amendment shall be in order. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

□ 1250

The SPEAKER pro tempore (Mr. MONTGOMERY). The gentleman from Massachusetts [Mr. MOAKLEY] is recognized for 1 hour.

Mr. MOAKLEY. Mr. Speaker, for purposes of debate only, I yield 30 minutes to the gentleman from Tennessee [Mr. QUILLEN], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 269 is a modified open rule providing for the consideration of H.R. 2739, the Aviation Infrastructure Investment Act of 1993. The rule provides for 90 minutes of general debate.

One hour is to be equally divided and controlled between the chairman and ranking minority member of the Committee on Public Works and Transportation. Twenty minutes will be equally divided and controlled between the chairman and ranking minority member of the Committee on Science, Space, and Technology, and 10 minutes will be equally divided and controlled between the chairman and ranking minority member of the Committee on Ways and Means.

Mr. Speaker, H.R. 2739 was reported from the Committee on Public Works and Transportation and authorizes funding for programs within its jurisdiction for fiscal years 1994 through 1996.

The Committee on Science, Space, and Technology was not referred H.R. 2739, but did report H.R. 2820, the Federal Aviation Administration Research, Engineering and Development Authorization of 1993, which contains matters relating to aviation research and development within the jurisdiction of that committee.

In addition, Mr. Speaker, the Committee on Ways and Means reported an amendment to H.R. 2739 that would amend the Internal Revenue Code relating to expenditures from the Airport and Airway Trust Fund.

Mr. Speaker, the rule makes in order, as original text, a substitute bill consisting of two titles reported by the Committee on Public Works, a third title consisting of the text of H.R. 2820 as reported by the Committee on Science, Space, and Technology, and a fourth title consisting of the text of

the amendment reported from the Committee on Ways and Means printed in the report to accompany the rule.

The rule further provides that the substitute shall be considered by title, with each title considered as read. House Resolution 269 also waives all points of order against the substitute.

In addition, Mr. Speaker, the rule provides that no amendment that affects the subject matter of title IV of the substitute shall be in order. The rule further provides that after designation of title IV, no further amendments shall be in order.

Finally, Mr. Speaker, House Resolution 269 provides one motion to recommit with or without instructions.

Mr. Speaker, H.R. 2739, as modified, authorizes a total of \$28 billion for fiscal year 1994, 1995, and 1996.

As reported by the Public Works Committee, the bill authorizes \$2.1 billion for airport infrastructure improvements for fiscal year 1994 and \$2.2 billion for fiscal years 1995 and 1996.

The bill also authorizes \$2.4 billion for fiscal year 1994, \$2.6 billion for fiscal year 1995, and \$2.7 billion for fiscal year 1996 for the facilities and equipment program of the Federal Aviation Administration. In addition, Mr. Speaker, the bill authorizes \$4.6 billion for fiscal year 1994, \$4.7 billion for fiscal year 1995, and \$4.8 billion for fiscal year 1996 for FAA operations.

Mr. Speaker, H.R. 2739 is important legislation. The improvement of our Nation's airports and airways is not only critical for safety reasons but also for economic reasons as well. I urge my colleagues to adopt House Resolution 269 so that the House can proceed to the consideration of this vital legislation.

Mr. Speaker, I reserve the balance of my time.

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

Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise in support of this rule providing for the consideration of H.R. 2739, the Aviation Infrastructure Investment Act. As the distinguished chairman of the Rules Committee has described, this rule incorporates the text of H.R. 2820, the Federal Aviation Administration Research, Engineering and Development Authorization Act and provides for an open amendment process for the provisions of both of these measures.

The rule also adds a title reported by the Ways and Means Committee which permits expenditures from the airport and airway trust fund for the purposes set out in the two bills. This title is not open for amendment, but I have no objection to this restriction.

Mr. Speaker, this bill authorizes funds for the improved development and operation of our Nation's airports and airways, which is badly needed. As we all know from traveling back and

forth between our districts and Washington, airport congestion and flight delays continue to grow, and it is essential that we increase the capacity of our airports. Passage of this bill will create critically needed improvements in aviation infrastructure and will also generate economic benefits and jobs.

The bill also contains important provisions to assist the Federal Aviation Administration in performing its functions to ensure an efficient and safe air traffic system.

Some Members may have concerns over certain parts of this bill, but this rule will allow those concerns to be addressed through the open amendment process.

OPEN VERSUS RESTRICTIVE RULES 95TH-103D CONG.

Congress (years)	Total rules granted ¹	Open rules		Restrictive rules	
		Number	Per-cent ²	Number	Per-cent 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)	37	10	27	27	73

¹Total 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.

²Open 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.

³Restrictive 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. 29, 1993.

OPEN VERSUS RESTRICTIVE RULES: 103d Cong.

Rule number date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 58, Feb. 2, 1993	MC	H.R. 1: Family and medical leave	30 (D-5; R-25)	3 (D-0; R-3)	PQ: 246-176. A 259-164. (Feb. 3, 1993).
H. Res. 59, Feb. 3, 1993	MC	H.R. 2: National Voter Registration Act	19 (D-1; R-18)	1 (D-0; R-1)	PQ: 248-171. A 249-170. (Feb. 4, 1993).
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: Nate 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. 2255: Foreign operations appropriations	33 (D-11; R-22)	5 (D-1; R-4)	A 263-160. (June 17, 1993).
H. Res. 201, June 17, 1993	O	H.R. 2403: Treasury-postal appropriations	NA	NA	A Voice Vote. (June 17, 1993).
H. Res. 203, June 22, 1993	MO	H.R. 2445: Energy and Water appropriations	NA	NA	A Voice Vote. (June 23, 1993).
H. Res. 206, June 23, 1993	O	H.R. 2150: Coast Guard authorization	NA	NA	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	MO	H.R. 2330: Intelligence Authority Act, fiscal year 1994	NA	NA	A Voice Vote. (Aug. 3, 1993).
H. Res. 230, July 28, 1993	O	H.R. 1964: Maritime Administration authority	NA	NA	A Voice Vote. (July 29, 1993).
H. Res. 246, Aug. 6, 1993	MO	H.R. 2401: National Defense authority	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			A 241-182. (Sept. 28, 1993).
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).
H. Res. 262, Sept. 28, 1993	O	H.R. 1845: National Biological Survey Act	NA	NA	A 238-188. (10/06/93).
H. Res. 264, Sept. 28, 1993	MC	H.R. 2351: Arts, humanities, museums	7 (D-0; R-7)	3 (D-0; R-3)	
H. Res. 265, Sept. 29, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D-1; R-2)	2 (D-1; R-1)	
H. Res. 269, Oct. 6, 1993	MO	H.R. 2739: Aviation infrastructure investment	N/A	N/A	

Note.—Code: C-Closed; MC-Modified closed; MO-Modified open; O-Open; D-Democrat; R-Republican; PQ: Previous question; A-Adopted; F-Failed.

□ 1300

Mr. Speaker, I urge adoption of the rule so that we can proceed with consideration of this bill.

Mr. MINETA. Mr. Speaker, I rise in support of H. Res. 269, a rule which will govern the floor debate of H.R. 2739, the Aviation Infrastructure Investment Act of 1993. This is an open rule which deserves the bipartisan support of all of my colleagues. H.R. 2739 authorizes funding of \$28 billion for fiscal years 1994 through 1996, for the development and operation of the Nation's airports and airways. Of the \$28 billion, \$6.5 billion is authorized for the development of airports, \$7.9 billion for modernization of the air traffic control system and other FAA facilities and equipment, and \$14 billion for FAA operations.

In addition to authorizing funding for these airport and operational programs, this bill also addresses several other legislative issues that are important to improving these programs. For example, this bill addresses revenue diversion, which is an issue that has recently

become the center of very public debate. Airport Improvement Program funds are very limited. Unfortunately, there are never enough discretionary funds available to meet the many airport requests. This bill directs the Secretary to take into consideration whether an airport is diverting revenue off airport when discretionary funds are awarded.

It also establishes a fixed 5-year term for the Administrator of the Federal Aviation Administration. As those of us who have worked with the FAA know, the average length of time that an Administrator stays in the office is approximately 2 years. This is an agency that is so highly technical that past Administrators have acknowledged that, despite their aviation expertise, the learning curve to become a proficient Administrator is over a year. The result of this combination of constant turnover and complex subject matter is that the FAA has had significant periods of time in the past several years in which the agency was being run by an Administrator in training. Hopefully, this

bill will provide some additional stability to this agency that is so vital to aviation safety.

This bill addresses several other important issues that improve the operation of the air transportation system. I urge my colleagues to support this open rule that would enable this important legislation to come to the floor.

Mr. QUILLEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered. The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to H. Res. 269 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of bill, H.R. 2739.

The Chair designates the gentleman from Texas [Mr. COLEMAN] as Chairman of the Committee of the Whole and requests the gentleman from Kentucky [Mr. BARLOW] to assume the chair temporarily.

□ 1300

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2739) to amend the Airport and Airway Improvement Act of 1982 to authorize appropriations for fiscal years 1994, 1995, and 1996, and for other purposes, with Mr. BARLOW (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Minnesota [Mr. OBERSTAR] will be recognized for 30 minutes; the gentleman from Pennsylvania [Mr. SHUSTER] will be recognized for 30 minutes; the gentleman from California [Mr. BROWN] will be recognized for 10 minutes; the gentleman from Pennsylvania [Mr. WALKER] will be recognized for 10 minutes; the gentleman from Illinois [Mr. ROSTENKOWSKI] will be recognized for 5 minutes; and the gentleman from Texas [Mr. ARCHER] will be recognized for 5 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. OBERSTAR].

Mr. OBERSTAR. Mr. Chairman, I yield myself 9 minutes.

Mr. Chairman, the Committee on Public Works and Transportation today brings H.R. 2739, the Aviation Infrastructure Investment Act of 1993, to our colleagues and to this body to reauthorize the programs of the Federal Aviation Administration for the future years, \$28 billion of program for fiscal years 1993, 1994, and 1995.

At the outset I want to express my appreciation to my colleague on the subcommittee, the ranking member, the gentleman from Pennsylvania [Mr. CLINGER]. The gentleman and I have worked together on economic development legislation and on the Subcommittee on Investigations and Oversight, and now on the Subcommittee on Aviation, for more than a decade, and have had a very splendid, cordial, and mutually beneficial working relationship. I have enormous respect for the gentleman's intellect, integrity, thoughtful and constructive contributions to the work of our subcommittee. I want to express my very deep appreciation for his support and for his partnership in bringing this legislation forward.

I also want to express my great appreciation to the chairman of the full committee, the gentleman from California [Mr. MINETA], who chaired this subcommittee some years ago, and who left a great legacy of constructive and

forward-looking, progressive legislation in the field of aviation, and who has continued his partnership with our subcommittee. Also the other gentleman from Pennsylvania [Mr. SHUSTER], who I want to say to my colleagues as ranking member of the full committee has participated in every one of the hearings our subcommittee has had. The gentleman takes note and takes interest. It is a very great source of strength for all of us on the committee to have that kind of participation, interest, support, and understanding of the legislation.

Mr. Chairman, improving our aviation infrastructure is critical to the Nation's transportation network and to the well-being of our entire country. Flight delays due to inadequate infrastructure costs our economy billions of dollars annually.

In 1989, the Nation logged 114 million hours of delay in the Nation's aviation system, costing the economy over \$7 billion.

It was imperative that the Congress take action to reduce delays by providing adequate funding to expand infrastructure, that is, the hard side of the airport, and to improve, modernize, and advance the state of the art of the technology of aviation in the air traffic control system.

We had landmark legislation in 1990 that moved us far along the road in that direction. This legislation that we bring today further fine-tunes the 1990 landmark bill and charts us on a course for the next 3 years.

The recession that we have been through, both at home and abroad, not just in the United States, but in the European Economic Community and in the Pacific Rim, has slowed the growth in air travel. But, nonetheless, all forecasts are for growth to resume and again place enormous demands on our airports and our air traffic control system.

The Federal Aviation Administration estimates that airline passenger enplanements will increase by 60 percent over the next 10 years, and that the number of aircraft movements will go up in the range of 23 percent. Without an aggressive investment program, this growth will not be accommodated in a manner that will be efficient and destined to reduce delay.

The programs authorized by H.R. 2739 not only will generate the critically needed improvements in aviation infrastructure, but will also generate very substantial economic benefits and jobs. For every \$1 billion invested in airport development, we can count on an additional \$3 billion in economic benefits and some 40,000 to 50,000 jobs.

The authorizations that we have provided in this legislation are in line with the fiscal 1994 budget resolution and with the resolution's assumptions for spending in the years beyond 1994.

Specifically, the bill authorizes \$6.5 billion for fiscal years 1994, 1995, and

1996. These levels of funding will allow the airport improvement program to make the kinds of investment and capital developments at airports of all types and all sizes.

The legislation also commits a significant amount of funding to reduce the impact of aircraft noise on airport neighbors. The AIP program that we authorized in this legislation is supported 100 percent by the taxes generated under the airline ticket tax, the fuel tax, and that are deposited into the Airport and Airway Trust Fund.

The bill also takes steps toward dealing with some problems that in our hearings we discerned have crept into the AIP program, specifically that of airports diverting revenues generated at the airport to points off the airport, to support other city government functions. With only a very few exceptions, airports are required to keep revenues generated at the airport working on that airport.

The bill first requires airports to report annually on revenues shifted off the airport. This will give the FAA, the Department of Transportation, and the Congress a better idea of what is going on in this area than we have now.

Second, the FAA is directed under this legislation in administering the discretionary fund in the AIP program to consider revenue diversions as a factor mitigating against receiving a discretionary grant. Other factors can override, but this language will ensure that discretionary funds will be used where they are needed most, and we expect will discourage off-airport diversion of airport-generated funds.

□ 1310

The bill makes some relatively minor changes to the AIP program, but minor in scope, but important to those for whom these changes are made.

The minimum amount available to small primary airports is increased from \$400,000 to \$500,000. I thank the gentleman from Pennsylvania [Mr. SHUSTER] for his work on this particular issue and for his support. This will better enable small airports to undertake the needed improvements which are so critical in this era of hub-and-spoke transportation.

The bill expands the number of airports participating in the military airport program from 12 to 16. Former military fields offer great opportunities to expand capacity at relatively low cost. The apportionment for airport system planning is increased in this bill in recognition of the importance of long-range solid planning to responsible and careful and integrated evolution of the airport transportation system.

The bill also makes eligible for AIP funding certain types of security equipment. The bill also encourages the use of innovative concrete and other materials in airport construction.

This bill authorizes nearly \$8 billion for further modernization of the air traffic control system, also funded 100 percent from the Aviation Trust Fund. Overall, the modernization of air traffic control is expected to cost \$32.8 billion through the year 2000.

Much remains to be done in modernization, and the effort has not been without its difficulties. Undertaking a project of this complexity, it is very understandable that there would be program delays and some uncertainties as to types of equipment. But I feel, based on the hearings that we have conducted, that although virtually every program and project has fallen behind schedule, the FAA and its major contractor, IBM, are well underway, on track, on course meeting timetables for the completion of the advanced automation system.

The bill authorizes \$14 billion for FAA's operations over the next 3 years. This program funds the nearly 50,000 employees of FAA, including the Air Traffic Controllers, Safety Inspectors, Equipment Maintenance Technicians, Security Personnel, and all the support staff for those critical activities.

Beyond the trust fund program, the bill addresses a number of other important issues. First of all, we establish a fixed term for the Administrator of FAA of 5 years. I think this is very important to maintain continuity and stability and program planning in the FAA.

We clarify that the passenger facility charge program will not be applied to frequent flyer tickets. We commission a study of the high-density rule and allocation of landing slots at the four slot-controlled airports.

We direct that the rulemaking be undertaken to reduce the sample size of the very costly random drug testing program now in effect.

These are very important steps, important policy changes in the current operation of FAA programs and help us keep the modernization of the air traffic control system on track and the investment in the Nation's airport infrastructure program on track, expanding capacity and accommodating growth and economic development in this country.

Mr. SHUSTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong support of this legislation. The distinguished chairman of the Subcommittee on Aviation has quite accurately described this bill.

I would emphasize that we come to the floor today with strong bipartisan support for this legislation. We do here, in funding improvement of our Nation's airports, what I think the Congress and the Government should be doing, which is to spend the taxpayers' dollars to build assets for America. And it is very important to emphasize that the expenditures included in the

construction of our airports and the support systems for our airports come from the Aviation Trust Fund, and so the expenditures do not contribute to the general fund deficit.

The funds come from the Aviation Trust Fund, which is supported by user charges. The people who use the airports are the ones who put the money into the trust fund, and that is as it should be. And indeed, there is a balance in the trust fund of over \$4 billion today so the trust fund is quite adequate to support the level of spending included in this legislation.

Further, I would emphasize that this legislation is fair to the small airports, the small primary airports. As has been pointed out by the distinguished chairman, we will have their minimum allocation rise from \$400,000 to \$500,000 a year. It is very important that this occur, again, out of the trust fund, because this is one of the few sources available to small airports.

The larger airports have bonding capabilities and other capabilities to raise funds, but the smaller airports are quite limited. So this provision is particularly important to the smaller primary airports across America.

The only problem that I have had with this legislation is that, indeed, there is a provision in here which says that the National Labor Relations Act "shall apply to National and Dulles Airports." The problem is not with the National Labor Relations Act or the collective bargaining provisions but with the application of this law to public airports.

No other airport in America is subject to the NLRA or told how to deal with their employees. This is a local option. In fact, the Washington airport employees have actually done quite well under the airport's current labor code. In my view, there is no need for this provision. And it is unfortunate that we were unable to eliminate this particular provision in committee.

However, in all other respects, I strongly support this legislation. It is good for America. I urge its passage.

Mr. Chairman, I ask unanimous consent that the remainder of my time be allocated to the gentleman from Pennsylvania [Mr. CLINGER], the distinguished member of the Subcommittee on Aviation, who will manage this bill for our side from this point on.

The CHAIRMAN pro tempore (Mr. BARLOW). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. OBERSTAR. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. MINETA].

Mr. MINETA. Mr. Chairman, I rise in strong support of H.R. 2739, the Aviation Infrastructure Investment Act of 1993. This important piece of legislation authorizes for 3 years the FAA airport improvement program, FAA fa-

ilities and equipment, and FAA operations. In addition to these funding authorizations, the bill makes several legislative changes to existing law on a variety of issues. These changes will help enhance the effectiveness of the programs and the air transportation system.

At the outset, let me express my appreciation for the dedication of the chairman and ranking member of the Subcommittee on Aviation, Chairman OBERSTAR and Congressman CLINGER. Their continued responsiveness to the issues facing the aviation community have resulted in a bipartisan legislative product that is balanced in its approach to both authorization levels and legislative issues. This bill reflects the many hours of hearings and meetings held to obtain input from interested parties. In addition, I would like to thank the ranking member of the Committee on Public Works and Transportation, Congressman SHUSTER, for his help and support in this effort.

The airport improvement program is authorized in the amounts of \$2.105 billion for fiscal year 1994, \$2.161 billion for fiscal year 1995, and \$2.214 billion for fiscal year 1996. These authorization levels reflect a balance between the safety and capacity enhancement needs of the airports and the budget realities that necessarily limit our ability to meet all existing needs. The FAA facilities and equipment and operations programs are currently authorized through fiscal year 1995. This bill would provide authorization for an additional year in order for the three programs to expire at the same time. The funding levels for the facilities and equipment and FAA operations programs have been reduced to reflect the lower than anticipated rate of growth in air traffic.

These funding levels will continue to spend down the uncommitted balance in the Aviation Trust Fund, which is important to keep faith with the flying public. Excise taxes are collected for the transportation by air of commercial passengers and cargo. It is important that the taxes collected for the upkeep of the air transportation system are actually spent for that purpose. For too long, the uncommitted balance in the trust fund was permitted to grow. This bill continues this committee's effort to spend down that balance and put to work the taxes collected by the users of the air space system.

The bill also addresses several legislative issues that range from increasing the minimum entitlement for small airports from \$400,000 to \$500,000 annually, to ensuring that a sufficient number of slots are available at high density airports to meet the needs of essential air service to rural communities. These legislative changes improve the implementation of the programs funded by the trust fund.

Some of the provisions address issues that are important to the airline community. For example, this bill clarifies that passenger facility charges are not authorized to be collected on unpaid air transportation, such as frequent flyer awards. In addition, the Secretary may disapprove a project to be funded with PFC's if the project cannot be adequately justified. I believe these changes are important in order to preserve the integrity of the passenger facility charge program, which provides airports with a much needed revenue source.

Also of importance to commercial airlines, this bill requires the Department of Transportation to complete a rulemaking within 1 year of the enactment of this legislation to determine whether and how much the random drug testing rate for safety and security sensitive airline employees should be reduced. If such a rulemaking is not completed within the specified time, the random drug testing rate shall be automatically reduced from 50 to 25 percent. The aviation community has long called for such a reduction, especially since the Department of Transportation's own internal random drug testing rate was reduced several years ago to 25 percent. This type of reduction would save the airlines millions of dollars a year. It is also worth nothing that the Commission to Ensure a Strong Competitive Airline Industry recommended that a reduction in the random drug testing rate be studied.

The bill contains several other legislative provisions which I fully support, including a fixed term for the FAA Administrator and a mandatory study of the high density rule.

Finally, I strongly urge my colleagues to pass this important piece of legislation. It clearly reflects a bipartisan effort. It is well reasoned in its approach. It has the support of the airport and aviation community. It deserves the support of all my colleagues here today.

□ 1320

Mr. CLINGER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise to join my chairman in strong support of H.R. 2739, the Aviation Infrastructure Investment Act. I would start by saluting my chairman, who is one of the pre-eminent leaders in aviation matters in this country, and has fashioned here, I think, a very thoughtful, excellent bill, taking into account the concerns of all in the industry, and it has been a real pleasure to work with him.

I would also thank him for the extreme generosity which he has always shown to the members of the minority as full partners in fashioning this piece of legislation, and in other matters which we have dealt with as partners over the years.

Mr. Chairman, H.R. 2739 is a straightforward 3-year reauthorization of the

Federal Aviation Administration's Airport Improvement Program [AIP], as has been indicated, and makes no significant policy changes. It does contain a couple of dozen provisions that I would characterize as a refinement.

Examples of these include a prohibition on airports collecting passenger facility charges from passengers traveling on frequent flyer tickets, a bone of contention for some time; establishing a 5-year term for the FAA Administrator, which the gentleman from Minnesota [Mr. OBERSTAR] mentioned; directing DOT to study and make recommendations on the need to continue with the high-density rule; and a provision prohibiting DOT from taking slots away from U.S. carriers in order to accommodate foreign carriers at our high-density airports, unless the foreign country provides equal access to U.S. carriers.

It has already been mentioned that the Airport Improvement Program is entirely funded out of the Aviation Trust Fund, which gets its receipts through taxes levied on airline tickets and aviation fuel. The program does not, repeat, does not rely on general tax revenues. It is in every sense a user-supported program, much the same way as gasoline taxes underwrite our Federal highway construction program.

They are consistent, I would say, with the traditional treatment of this bill in this Congress. There are no earmarks, no set-asides, for specific airports in this bill. That has been a long-standing policy of our committee.

I am not going to describe the bill. The chairman, the gentleman from Minnesota [Mr. OBERSTAR] has done a superb job at describing all of the provisions in the bill, but I would like to mention two items, the first of which I feel will be of immeasurable help to small community airports.

Under current law commercial service airports enplaning 10,000 or more passengers receive at least \$400,000 annually from the Aviation Trust Fund. This bill would increase that minimum entitlement to \$500,000.

I represent, as do many in this body, a rural district comprising or encompassing 15 counties. Virtually every airport in or near my district is served by a commuter airline picking up or dropping off 20 to 30 passengers at a time. Needless to say, the magnitude of the traffic, the relatively small number of passengers enplaning, the limitation on the fact that we cannot really make a lot of money from landing fees or long-term parking concessions, means that they really have limited resources to address the needs that they have, so they are almost totally reliant and rely upon AIP grants for capital improvements.

Let us face it, airports are a very expensive proposition, no matter their size. It does not matter where you are

building it, they cost a lot of money. Relatively mundane items such as runway lights, repaving taxiways, repairing or improving terminal buildings, easily run into hundreds of thousands, if not millions, of dollars.

Small airports are constantly being challenged by the need to maintain and update their plant, and finding the resources to make such improvements. That is why I think increasing this minimum entitlement is so important to the many, many small airports around this country that rely upon AIP for their funding.

The second issue I wanted to bring to Members' attention is the effort of some cities to divert, and I underscore what the chairman has already mentioned, the effort by some cities to divert airport-generated revenues into their own coffers; collect money from citizens all over the country to be used only in the city where the airport happens to be located. I think fundamental to our system of airways and airports is the notion that it is a national system.

The Federal Government, in partnership with local governments, has played a major role building a system of airports through the Aviation Trust Fund, with its collection and disbursement of airline ticket taxes and aviation fuel taxes.

The role played by local governments, though, is usually limited, and I think rightly limited, to ownership and management in lending their credit ratings to help airports raise capital in the credit market. Rarely do local governments actually contribute local tax revenues to support an airport's operation.

Unfortunately, Mr. Chairman, local governments are beginning to look upon airports as a source of revenue, as a cash cow, to support local needs such as public education and fire and police services. This, I think, breaks faith with what we have traditionally recognized as a source of funding to create a national system.

In one instance a large city is currently attempting to triple its landing fees charged to commercial air carriers using the excess revenues for general government purposes. If the city is successful in this instance, it will open up, I think, a Pandora's box. It will open up all airports across the country to the same sort of raids on their cash flows.

The consequence of this scenario is chilling. The cost of flying will rise dramatically, at a time when they really cannot afford to do that. Fewer people will fly, and air carriers will pare back their services and employees, so language has been inserted in this bill directing the Secretary to consider whether cities are attempting to shift revenues off-site.

If the Secretary makes such a finding, then it could be used as a factor

against awarding discretionary grants to the airports. Such a finding would not have any bearing whatever, and I have to underscore this, would not have any bearing whatever on an airport's annual entitlement program as compared with the discretionary funds.

Finally, I would just join with my leader, the gentleman from Pennsylvania [Mr. SHUSTER], ranking member of the full committee, in indicating our dissent from section 207 of the bill stipulating that employees of Washington's National and Dulles Airports should be covered by the National Labor Relations Act and its governing collective bargaining positions, because this is unique to this airport.

Mr. Chairman, this is a good bill. By and large, I think it seeks to build on the accomplishments we have achieved, and to be sure that we continue to have safe, efficient airport and airway facilities for future generations.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore (Mr. BARLOW). The time of the gentleman from Pennsylvania has expired.

The Chair would state that 10 minutes of general debate is controlled by the Committee on Ways and Means.

At this point the Chair recognizes the gentleman from Illinois [Mr. ROSTENKOWSKI] for 5 minutes, and the gentleman from Texas [Mr. ARCHER] for 5 minutes.

The Chair recognizes the gentleman from Illinois [Mr. ROSTENKOWSKI].

Mr. ROSTENKOWSKI. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 2739, the Aviation Infrastructure Investment Act of 1993, including the Ways and Means Committee amendment.

H.R. 2739 authorizes needed funding for the development of our Nation's aviation system. It funds programs that are essential to improving the safety of air travel, increasing the capacity of our aviation system, and reducing congestion at our Nation's airports. It recognizes the critical role that our airports and airways play, as part of our Nation's overall transportation system, in allowing us to compete successfully in the global economy. And, importantly, the programs established by H.R. 2739 will generate economic development and provide much-needed jobs for Americans who desperately want to work.

The Ways and Means Committee amendment is necessary to make this bill work. It extends authority to spend out of the Airport and Airway Trust Fund and allows expenditures to be made for the purposes envisioned by the Committees on Public Works and Science, Space, and Technology. The

Committee on Public Works asked us to provide this amendment because, without it, expenditures generally could not be made out of the trust fund for the purposes contemplated by the bill. Thus, it was necessary that the Ways and Means Committee amendment be incorporated into the authorization bill.

Mr. Chairman, I believe that H.R. 2739 is important for the safety of the traveling public, for the development of our country's airports and airways, for global competitiveness, and for economic stimulation and job creation. I strongly urge support for H.R. 2739, including the Ways and Means Committee amendment.

For purposes of legislative history, I am entering into the RECORD an explanation of the Ways and Means Committee amendment to H.R. 2739.

EXPLANATION OF WAYS AND MEANS COMMITTEE AMENDMENT TO H.R. 2739 (AVIATION INFRASTRUCTURE INVESTMENT ACT OF 1993)

I. LEGISLATIVE BACKGROUND

H.R. 2739 ("Aviation Infrastructure Investment Act of 1993") was reported by the House Committee on Public Works and Transportation on September 14, 1993 (H. Rept. 103-240). The bill, as reported, amended the Airport and Airway Improvement Act of 1982 (as amended in 1987, 1990, and 1992) to provide airport and aviation program authorizations for the Department of Transportation and the Federal Aviation Administration (FAA) (other than research and development (R&D) for fiscal years 1994, 1995, and 1996). (H.R. 2739 modifies existing authorizations for fiscal years 1994 and 1995, and adds authorizations for fiscal year 1996.)

The House Committee on Science, Space, and Technology reported H.R. 2820 ("Federal Aviation Administration Research, Engineering, and Development Authorization Act of 1993") on August 31, 1993 (H. Rept. 103-225). H.R. 2820 provides authorizations for FAA R&D programs for fiscal years 1994, 1995, and 1996. The Committee on Science, Space, and Technology expects to offer the provisions of H.R. 2820 as an amendment to H.R. 2739, when H.R. 2739 is considered by the House. (H.R. 2820 modifies existing R&D authorizations for fiscal year 1994, and adds R&D authorizations for fiscal years 1995 and 1996.)

The Committee on Public Works and Transportation requested that the Committee on Ways and Means provide a conforming amendment to the Airport and Airway Trust Fund ("Trust Fund") provisions in the International Revenue Code (sec. 9502) to reflect the proposed authorizations from the Trust Fund. The Committee on Ways and Means approved a committee amendment by voice vote on October 6, 1993, and the amendment is to be offered as a separate title to H.R. 2739.

II. EXPLANATION OF COMMITTEE AMENDMENT
PRESENT LAW—AVIATION EXCISE TAXES; TRANSFER OF REVENUES TO THE AIRPORT AND AIRWAY TRUST FUND

Aviation Trust Fund taxes.—Under present law, aviation excise taxes for the Trust Fund are imposed as follows: 10-percent air passenger ticket tax; 6.25-percent air cargo tax; \$6.00 per person international departure tax; and, fuels taxes for noncommercial aviation

(15-cents-per-gallon tax on gasoline and 17.5-cents-per-gallon tax on jet fuel). These Trust Fund taxes are scheduled to expire after December 31, 1995.

The Omnibus Budget Reconciliation Act of 1990 ("1990 Act") provided for increases in the air passenger tax from 8 percent to 10 percent, the air cargo tax from 5 percent to 6.25 percent, the gasoline tax for non-commercial aviation from 12 cents to 15 cents per gallon, and the jet fuel tax for non-commercial aviation from 14 cents to 17.5 cents per gallon. Under the conference agreement for the 1990 Act, the revenues from these increases in the aviation taxes were to be retained in the General Fund through December 31, 1992, and to be transferred to the Trust Fund for 1993-1995.¹ For 1993-1995, all of the above aviation excise tax revenues are to be credited to the Trust Fund.

Other taxes on aviation fuels.—Currently, there is also a tax of 0.1 cent per gallon imposed on all aviation fuels (commercial and noncommercial), which is deposited in the Leaking Underground Storage Tank Trust Fund (through December 31, 1995, when this tax is scheduled to expire). In addition, the Omnibus Budget Reconciliation Act of 1993 ("1993 Act") imposed a permanent 4.3-cents-per-gallon tax (beginning on October 1, 1993) on noncommercial aviation fuels, to be retained in the General Fund. Effective on October 1, 1995, commercial aviation fuels will be subject to the 4.3-cents-per-gallon General Fund tax.

TRUST FUND EXPENDITURE PURPOSES

The present Trust Fund statute (Code sec. 9502(d)) authorizes amounts to be paid out of the trust fund for obligations incurred under the previous airport and airway authorization Acts from 1970 to 1992 (as those Acts were in effect on the date of enactment of the Airport and Airway Safety, Capacity, Noise Improvement and Intermodal Transportation Act of 1992). Also, amounts are authorized to be paid out of the Trust Fund for obligations incurred under the Federal Aviation Act of 1958, as amended, which are attributable to planning, research and development, construction, or operations and maintenance of (1) air traffic control, (2) air navigation, (3) communications, or (4) supporting services for the airway system.² In addition, administrative expenses of the Department of Transportation attributable to Trust Fund-related activities described above are authorized from the Trust Fund. Trust Fund expenditures currently are authorized through September 30, 1995.

PROPOSED AIRPORT AND AIRWAY TRUST FUND AUTHORIZATIONS FOR FISCAL YEARS 1994-1996 UNDER H.R. 2739 AND H.R. 2820, AS REPORTED

TRUST FUND AUTHORIZATION AMOUNTS

H.R. 2739, as reported by the Committee on Public Works and Transportation, and H.R. 2820, as reported by the Committee on Science, Space, and Technology, would provide total trust fund authorizations of \$6.7 billion for fiscal year 1994, \$6.9 billion for fiscal year 1995, and \$7.1 billion for fiscal year 1996, as compared to \$6.7 billion for fiscal year 1993.

Table 1 shows the Trust Fund authorization amounts for fiscal year 1993 under present law and for fiscal years 1994, 1995, and 1996 under H.R. 2739 and H.R. 2820, respectively, as reported.

¹ Footnotes at end of article.

TABLE 1.—AIRPORT AND AIRWAY TRUST FUND PROGRAM AUTHORIZATIONS, FISCAL YEARS 1993–1996

(In millions of dollars)

Program	Present law 1993	Projected—		
		1994	1995	1996
H.R. 2739				
Airport improvement program [AIP]	1,800	2,105	2,161	2,214
Facilities and equipment [F&E]	2,350	2,524	2,670	2,735
Operations and maintenance [O&M]	2,279	1,725	1,745	1,803
Small community air service	39	39	39	39
Rental payments—GSA lease	30	37	38	39
Subtotal	6,498	6,430	6,653	6,830
H.R. 2820				
Research, engineering, and development	230	250	275	302
Total trust fund	6,728	6,680	6,928	7,132

These authorizations are subject to appropriations. Thus, the amounts actually spent on aviation programs could be smaller than the amounts shown above. The uncommitted balances in the Trust Fund at the end of fiscal years 1994, 1995 and 1996, respectively, will depend upon the amounts actually appropriated and the Trust Fund revenues actually received. Further, the uncommitted balance in fiscal year 1996 will be affected by whether or not (and at what level) the Trust Fund taxes are extended beyond their current expiration date of December 31, 1995.

MODIFICATION OF TRUST FUND EXPENDITURE PROGRAMS

Limit on FAA operations amounts.—As reported, H.R. 2739 would reduce the current overall limit on Trust Fund financing of the FAA budget from a maximum of 75 percent to 70 percent for each fiscal year. Further, the Trust Fund amount for FAA operations and maintenance could not exceed 50 percent of the amounts appropriated each year for airport improvements, airway facilities and equipment, and research and development. (The intent of this provision is to limit the portion of Trust Fund spending to approximately one-third for FAA operations and maintenance (O&M) and two-thirds for FAA's capital-related programs (AIP, F&E, and R&D).)

Airport equipment.—As reported, H.R. 2739 would clarify (specify) that security equipment eligible for AIP funding includes explosive detection devices and universal access systems.

Noise abatement program.—As reported, H.R. 2739 would make permanent the existing authorization for soundproofing of certain residential buildings.

REASONS FOR CHANGE

The Committee on Ways and Means considers it important to continue to allow expenditures to be made from the Trust Fund to maintain and expand the Nation's airport and airway system and to improve aviation safety. The committee amendment extends the Trust Fund expenditure authority through fiscal year 1996 to reflect the Trust Fund authorization programs contained in H.R. 2739 and H.R. 2820.

EXPLANATION OF PROVISION

The committee amendment provides conforming amendments to the Trust Fund statute (code sec. 9502(d)) to (1) extend authority to make expenditures from the Trust Fund from October 1, 1995 through September 30, 1996 (fiscal year 1996), and (2) allow expenditures from the Trust Fund for the purposes provided in H.R. 2739 and H.R. 2820.

Effective date.—The committee amendment is effective on the date of enactment.

FOOTNOTES

¹1990 Act Conference Report (H.Rept. 101-964), pp. 1054-1055. However, due to a statutory drafting omis-

sion in the 1990 Act, revenues from the increases in the air passenger and air cargo taxes initially were not retained in the General Fund through 1992 as intended in the conference agreement. A technical correction was enacted in 1992 (P.L. 102-581) to reflect the intent of the 1990 Act conference agreement, and the appropriate fund adjustment was made.

²The Airport and Airway Trust Fund expenditure programs authorized under present law include: (1) the airport improvement program (airport planning, airport construction and repair, certain airport terminal facilities, land acquisition, airport-related equipment, airport noise abatement, and interactive training programs); (2) airway facilities and equipment (FAA air navigation facilities); (3) research, engineering, and development; (4) operations and maintenance (FAA air controller system); (5) small community air service ("essential air service" for certain small communities); and (6) grants to up to four vocational institutions for the acquisition of facilities for the advanced training of maintenance technicians for air carrier aircraft.

□ 1330

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

The CHAIRMAN. The time controlled by the Committee on Ways and Means is considered as having been used or yielded back.

Mr. OBERSTAR. Mr. Chairman, I yield 4 minutes to the gentleman from Illinois [Mr. SANGMEISTER].

Mr. SANGMEISTER. Mr. Chairman, I thank the gentleman for yielding this time to me.

First of all, let me thank full committee Chairman MINETA and Aviation Subcommittee Chairman OBERSTAR, as well as ranking members, BUD SHUSTER and BILL CLINGER, for their hard work and fairness in bringing this bill to the floor.

I rise in support of H.R. 2739 and urge Members to vote for its passage. I would like to take a moment, though, to address an issue of the utmost importance to the Chicago region and, for that matter, the entire aviation industry. I am speaking of the proposed development of a third major airport to serve the Chicago area.

Like most in this Chamber, I support the AIP Discretionary Grant Program. I believe it makes sense to give FAA leeway in determining which airports receive funds—they are the experts. It also is designed to take politics and pork out of the picture when disbursing limited airport funds. However, recent actions by FAA raise serious concerns about the decisionmaking process used in awarding or denying these grant

moneys. It seems that FAA has taken its "discretionary" role to new levels. Let me explain.

In January of this year, the State of Illinois was allocated \$2 million under the AIP Program to prepare a master plan and environmental assessment for development of a third airport in the south suburban area of Chicago. This allocation, in effect, set aside the funds and laid out certain requirements that had to be met before they were released. For months, the State of Illinois worked diligently to meet all of these requirements—the most important one being that they would "continue to work with all parties and communities to achieve regional consensus regarding its preferred site." The State of Illinois provided documentation of its efforts and, again, met the requirements laid out in the original allocation.

Last week, however, the FAA decided to change the rules in the middle of the game—or, I should say, with 1 second left on the clock. FAA withdrew the \$2 million allocation on September 30, the last day of fiscal year 1993. In a written statement they rationalized this action by saying that regional consensus had not been achieved. The only problem is, this never was a requirement for release of the funds. The only burden on the State of Illinois regarding "regional consensus" was that they had to work to achieve it. FAA played a card that wasn't even in the deck when the game began. That, my colleagues, is unfair and in my view poses some serious questions that I want addressed.

I would like to stress at this point that I do not think Congress should get involved in micro-managing the AIP Discretionary Grant Program by setting the requirements for grants. However, as a member of the committee with oversight of the AIP Program, I strongly believe that Congress should make sure FAA is living up to its commitments to grant applicants. FAA should not be allowed to pull the rug out from under applicants who work in good faith and meet all the requirements of allocation agreements.

Again, this episode raises some serious questions that FAA must address and at the proper time ask unanimous consent to have included in the RECORD

by October 5, 1993, letter to FAA Administrator David Hinson.

First of all, is this "regional consensus" requirement going to be applied to all AIP grant applications? If so, I would be interested in knowing how such a vague standard would be implemented. If its not going to be applied to all applicants, then one would think that, at the very least, it should be applied to all AIP grants in the Chicago area—last week's action has shown us that FAA is very concerned with the need to show consensus on airport projects in this area.

I bring it to the committee's attention, though, that this has not been the case. FAA has approved a request from the city of Chicago to do a new master plan for O'Hare International Airport—without the consensus of the States of Illinois or Indiana. Mr. Chairman, this is obviously a double standard, one that, I believe, raises questions about how the AIP Program is being run.

To be sure, there is always plenty of room for disagreement over airport improvements and expansions. The Federal Government, through the AIP Program, should be the catalyst for helping communities work through these differences so that needed infrastructure improvements can go forward. I am sure we can all agree that FAA should live up to its commitments to applicants, regardless of what political party controls the executive branch. I thank the gentleman for this time and assure the leadership of the Public Works and Transportation Committee that I will be providing them a copy of FAA's response to my inquiry.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 5, 1993.

Mr. DAVID HINSON,
Administrator, Federal Aviation Administration,
Suite 1010, Washington, DC.

DEAR MR. HINSON: In am writing in regard to FAA's recent decision not to release the \$2 million in previously approved Airport Improvement Program (AIP) funds to study a third major airport for the Chicago area. I am concerned that the decision to tie any planning funds for this project to a showing of "regional consensus" not only reverses the terms of the original grant allocation, it sets a troubling precedent.

It is my understanding that the applicant, the State of Illinois, has satisfied all terms of the original allocation. However, FAA has now changed the terms of that agreement by tying any planning funds for this project to a showing of regional consensus between the States of Illinois and Indiana and the City of Chicago. This is an obvious departure from the original agreement, which simply required that the State of Illinois pledge "to continue to work with all parties and communities to achieve regional consensus regarding its preferred site."

The first question I would like answered is: what is FAA's definition of "regional consensus" in this particular case? Does FAA's decision not to award these funds mean that the City of Chicago and the States of Illinois and Indiana must agree on a site for a third airport or simply the need for a third airport? As I am sure you know, a great deal of

time and money has been invested in the planning process for this project. I need to know if these efforts are meaningless without the City of Chicago's approval of a specific site.

The other question I would like answered is whether this new "showing of regional consensus" standard will be applied to all future AIP discretionary grant applications. If so, I would like to know FAA's plans for implementing this policy. If not, I would like to know the Department's justification for singling out this particular application.

I would appreciate your prompt attention to this matter and look forward to hearing from you soon.

Sincerely,

GEORGE E. SANGMEISTER,
Member of Congress.

cc: Chairman Norman Mineta, House Committee on Public Works and Transportation; Chairman James Oberstar, House Subcommittee on Aviation.

Mr. CLINGER. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. KIM], a member of the committee.

Mr. KIM. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in support of this important, bipartisan legislation. As a member of the Aviation Subcommittee and having helped shape this measure, I believe that by and large this is a good bill that represents a sound investment in American's airports and airways. It's the kind of constructive, affordable progress the American public wants to see from Congress.

The 3-year reauthorization of the Airport Improvement Program will help direct stable, long-term investment in airports across the Nation, including many in southern California. Funding for these improvements comes mostly from the Aviation Trust Fund, a special account entirely supported by aviation consumer user fees like passenger ticket, freight waybill, international department and jet fuel taxes.

These aviation taxes have already been collected as evidenced by the \$4 billion uncommitted surplus in the Aviation Trust Fund. They cannot be used for anything else. Therefore, these aviation infrastructure improvements do not add to the deficit. We are simply fulfilling the promise made to the taxpayer to put those already collected monies to work upgrading our Nation's air services.

These improvements will help stimulate new job creation and economic growth around the country at no new cost to the taxpayer. Through continued modernization of our air transportation system, we help ensure our economic leadership in today's and tomorrow's increasingly interdependent and competitive global market.

For example, Ontario International Airport—an important transportation hub in California's rapidly growing inland empire—is undergoing a major expansion and modernization program which includes the construction of a new passenger terminal to meet cur-

rent and future growth. Just last week, an \$11 million Federal down payment on the apron and enplanement infrastructure was made. A \$22 million letter of intent is pending with the FAA. All this is possible because of the AIP we are reauthorizing today.

This legislation also sets aside 10 percent of the AIP for improvements to small reliever airports, like those in Chino and Upland, CA. Unlike major airports, they cannot rely on airlines and concession fees for supplemental income. The AIP is their primary resource for safety and other needed improvements.

This bill also responsibly addresses a number of smaller, but locally significant, problems. For example, it includes a provision I added that helps provide relief to Orange County residents adversely affected by aircraft noise coming from the new flight patterns at John Wayne International Airport. These flight path changes were made by the FAA for safety reasons. I am encouraged that John Wayne will now be able to compete for noise mitigation funds just like other airports around the country. This is a win-win measure as it helps improve safety at the airport while positively addressing the quality of life concerns raised by John Wayne's neighbors.

While not a perfect bill, this is a positive measure deserving support. It is product of careful, bipartisan work on the Public Works Committee. I want to commend Chairman MINETA, RANKING member SHUSTER, Subcommittee Chairman OBERSTAR and Subcommittee ranking member CLINGER for their leadership in directing the responsible measure. I urge my colleagues to join me in voting for H.R. 2739.

The CHAIRMAN. The Committee on Science, Space, and Technology controls 20 minutes of the time.

The Chair recognizes the gentleman from North Carolina [Mr. VALENTINE].

Mr. VALENTINE. Mr. Chairman, for the purpose of debate, I yield 10 minutes of that time to the ranking member of our subcommittee, the gentleman from Florida [Mr. LEWIS], and I ask unanimous consent that he be allowed to yield portions of that time.

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

There is no objection.

Mr. VALENTINE. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, I rise in support of title III of H.R. 2739 which was reported from the Committee on Science, Space, and Technology as H.R. 2820. I speak as chairman of the Subcommittee on Technology, Environment and Aviation which reported H.R. 2820 and as the Member who introduced that bill.

Title III authorizes appropriations for the FAA Research, Engineering and Development for fiscal years 1994, 1995,

and 1996. This legislation has been thoroughly reviewed and has widespread support. We held hearings and received testimony from some of the most knowledgeable people in aviation. Before considering this legislation we had meetings with universities, industry, and the FAA as well.

For the past several years, the committee has requested that FAA submit a research budget that would be sufficient to address the safety and capacity issues facing the aviation community. The committee is pleased that the administration now has begun to place increased emphasis on the research program. The administration's fiscal year 1994 request is equivalent to the committee's authorization of \$250 million. We look forward to working cooperatively with the administration as we strive toward continuous improvement in our air traffic control system.

For fiscal year 1994, H.R. 2739 replaces the \$336 million authorization level contained in Public Law 102-581, to reflect the amount requested by the administration. The authorized level of \$250 million is \$20 million above the fiscal year 1993 appropriated level. The bill authorizes for fiscal years 1995 and 1996, \$275 million and \$302 million for FAA Research, Engineering and Development.

These additional funds would come from the Airport and Airway Trust Fund and be used for research, engineering and development, and demonstration projects and activities. Portions of the funding would be used to establish two new programs—a research and development program to enhance the competitiveness of the U.S. aviation industry and an aircraft cabin air quality research program. Finally, the bill would impose "made in America" requirements for all funded projects.

I urge my colleagues to support this legislation.

Mr. Chairman, I reserve the balance of my time.

□ 1340

Mr. LEWIS of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I strongly support H.R. 2739.

The Federal Aviation Administration's research authorization before the House represents a strong bipartisan effort to enhance the Agency's research programs.

The legislation mandates that FAA establish a long-term research program in cabin air quality.

Airplane cabin air quality has not shown to be harmful. However, that is the heart of the problem. The potential transmission of diseases by bacteria and viruses has never been studied scientifically.

In 1979 an outbreak of flu occurred, infecting 72 percent of the passengers

on a commercial aircraft that was delayed on the ground for 3 hours.

In 1981 and in 1982 outbreaks of measles occurred among international passengers who flew to the United States.

Currently, the Centers for Disease Control is involved in four separate investigations on the possibility of the transmission of tuberculosis in the cabin air environment.

The author of the only scientific study of the airline cabin environment testified that " * * * further research should be done to investigate links between reduced ventilation rate and potential for increased transmission of infections or diseases."

A similar request was made by flight attendants.

In response to all this information FAA admitted that such research had never been conducted.

The legislation mandates that FAA study the cabin air quality. If there is a problem, it should be addressed before major health problems occur.

On the other hand, if the cabin air quality and disease transmission are not problems, then FAA will have a scientific database on which to base future decisions.

The FAA R&D authorization also contains a provision requiring the Agency to establish a joint dual-use aviation research and development program.

One solution that addresses the decreasing defense technology base and, at the same time enhances U.S. aviation competitiveness, is the Joint Aviation R&D program.

The program calls for the establishment of a joint FAA-Federal Agency aviation research and development program, which will be conducted by grants to industry.

The intent is to assist the defense sector in making the transition to civilian sector. This would preserve both the high technology involved and the jobs.

Moreover, the technologies developed could be used by industry to improve U.S. aviation competitiveness, which would benefit all taxpayers.

This approach utilizes the expertises of FAA, with its long history of joint DOD-FAA industry projects, that has produced many commercially viable technologies. To be successful, a joint program must be industry led.

In order to make advancements in aviation safety and to develop future technologies, FAA must have a strong research program.

This authorization before the House accomplishes that goal.

I want to thank Chairman BROWN, and ranking Republican member, Mr. WALKER, for their leadership and support of the FAA research programs.

I also want to thank subcommittee chairman, Mr. VALENTINE, for his willingness to work in a bipartisan manner to draft the authorization legislation

and to include and support the provisions I discussed earlier.

Finally, I want to thank Public Works chairman, Mr. MINETA, and ranking member, Mr. SHUSTER, for their willingness to work with the Science Committee to include the research provisions in the legislation before the House.

I also want to thank the subcommittee chairman, Mr. OBERSTAR, and ranking member, Mr. CLINGER, for their leadership.

Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. VALENTINE. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. CLINGER. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. MCKEON], a member of the subcommittee.

Mr. MCKEON. Mr. Chairman, I thank my colleague for yielding time to me.

Mr. Chairman, subsection "C" of section 105 of H.R. 2739 designates funding for infrastructure improvements at current and former military airports. This program increases system capacity by encouraging joint-use agreements at military airports and promoting civilian use of former military airports. Currently, there are 12 airports which the Federal Aviation Administration has designated for this program. Under H.R. 2739, this number would be increased to 16.

Mr. Chairman, Palmdale Regional Airport, which is located in my district, and has operated under a joint-use agreement since 1990, has sought FAA designation under this program. I know that members of the Aviation Subcommittee, including our chairman, Mr. OBERSTAR, have visited this facility and realize that it meets the criteria for inclusion under section 105. The military airport set-aside is especially timely in this era of defense conversion, and I was pleased that Norton Air Force Base, which is represented by our California colleague, Mr. LEWIS, was the first California installation selected to this program.

Mr. Chairman, Palmdale Airport, which is situated in an area dominated by aerospace, should also be included as part of this ongoing effort to ensure successful civilian use of military airports. I look forward to continuing to work with the Aviation Subcommittee and the FAA on this issue, and urge my colleagues to support this legislation.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana [Mr. VISCLOSKEY].

Mr. VISCLOSKEY. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I would call your attention to page 16 of House Report 103-240, which accompanies H.R. 2739, the Aviation Infrastructure Investment Act of 1993.

This section of the committee's report encourages a \$2 million Federal grant to the Illinois Department of Transportation for a study of the south suburban area of Chicago, IL, for the Chicago metropolitan region's third major airport. I am strongly opposed to the release of any Federal moneys to the State of Illinois by the FAA for the purpose of site selection for a third Chicago airport because any money spent without the consensus of the State of Indiana, the State of Illinois, and the city of Chicago will be completely wasted.

As you know, the site selection for a third Chicago airport has been debated and studied for many years. The tri-state site selection process, which originally included the State of Wisconsin, led to the bistate site selection process when all proposed sites had been narrowed down to those within the States of Indiana and Illinois. After more than 7 years and the expenditure of more than \$7 million, no ground has been broken and no airport is being built.

Mr. Chairman, I am specifically concerned about language in the second paragraph under item No. 3, "New Chicago Airport," which states:

The Committee * * * encourages the Secretary [of Transportation] and the FAA Administrator to take all necessary steps to ensure that the release of this \$2 million award is carried out within 30 days after the enactment of this legislation.

On September 30, 1993, the FAA notified the Illinois Department of Transportation that it was withdrawing the conditional allocation of the \$2 million for this study made in the final days of the Bush administration. I will include a copy of this FAA letter for printing in the RECORD.

Mr. Chairman, I realize that the committee filed its report on September 14, 1993—more than 2 weeks before the FAA sent its letter to the Illinois Department of Transportation. Thus, I would ask for clarification that, in light of the September 30 FAA letter, the committee recognizes that since fiscal year 1993 has ended, these funds can no longer be released. Finally, I would like clarification that it remains the committee's position that, before any further grant award is made to the State of Illinois for the purpose of developing an air carrier airport in the south suburban area of Chicago, IL, the State of Illinois, the city of Chicago, and the State of Indiana should continue to work to achieve regional consensus regarding a proposed site for this project.

U.S. DEPARTMENT OF TRANSPORTATION,
Des Plaines, IL, September 30, 1993.
Hon. KIRK BROWN,
Secretary, Illinois Department of Transportation, Springfield, IL.

DEAR SECRETARY BROWN: On January 19, 1993, the Federal Aviation Administration conditionally approved an allocation of \$2,000,000 in fiscal year 1993 Airport Improve-

ment Program funds to prepare an airport master plan and environmental assessment (Phase 2A) for the development of an air carrier airport at a site located in the south suburban area of Chicago, Illinois.

I am writing to inform you that we have concluded that it is necessary to withdraw the allocation at this time.

I want to express our appreciation for your cooperation. If you have any questions, please feel free to contact me.

Sincerely,

LOUIS H. YATES,
Manager,
Chicago Airports District Office.

□ 1350

Mr. OBERSTAR. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, the gentleman has stated the issue essentially correctly. The committee report language does state very clearly that the Secretary should first determine that the State of Illinois is attempting to work with all interested parties and affected communities to achieve regional consensus regarding the proposed site.

In consultation with my colleagues from Illinois on the subcommittee, there is a clear consensus that all parties should be consulted and that there should be a continual effort working toward regional consensus.

Mr. VISLOSKEY. Mr. Chairman, I thank the gentleman.

Mr. CLINGER. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana [Mr. BUYER] for purposes of engaging in a colloquy with Chairman OBERSTAR and myself.

Mr. BUYER. Mr. Chairman, I rise today to bring to the attention of the committee a difficulty that has developed regarding the interpretation of regulations at the Federal Aviation Administration with regard to the designations of primary airports.

For that reason, Mr. Chairman, I wish to entertain a colloquy with the gentleman from Minnesota [Mr. OBERSTAR] and the gentleman from Pennsylvania [Mr. CLINGER].

For the last 3 years, Kokomo Airport in my district in Indiana has received the designation as a primary airport for the purpose of participation in the Airport Improvement Program. Now the FAA has changed its mind and claims that it made a mistake with the original classification as a primary airport in 1990. An airport just outside my district in Anderson which is in the district of the gentleman from Indiana [Mr. SHARP] is similarly affected, and any negative repercussions would be strongly felt in the entire area.

While I am concerned for my local community, I am also concerned that this is another blow to rural America. Here is another barrier to rural America's economic well-being that is not felt by our urban areas, who are much better placed to seek alternative sources of funding, not only for airport services, but also general economic development. This interpretation on the

part of the Federal Aviation Administration is another governmental roadblock on rural areas that large cities do not encounter.

I am also concerned that this is discriminatory in that the users of small airports contribute to the Airport Improvement Program through the payment of aviation fuel taxes, yet they do not receive the comparable access or availability of funds as do other end users.

This removal of the designation as a primary airport will have negative consequences to the Kokomo Airport and the surrounding community. I am concerned over the airport's continued capability to maintain and improve needed aviation services. I am also concerned over the ability of the airport to serve as a drawing card for economic development. Kokomo Airport is used extensively by one of the largest employers in the community, that being Delco Electronics, a subsidiary of G.M. We also have Chrysler there in Kokomo.

I recognize that these two airports in Indiana may not be the only ones impacted by this situation. I have only recently learned that administrative remedies that were pursued at the Department of Transportation have been denied. Therefore, I am hopeful that the Committee will look into the definition of revenue passenger, its use in determining primary airports under the Airport Improvement Program, and what relief might be available to small airports that nonetheless have significant passenger movements, not only in my district in Indiana, but also across this country.

Mr. OBERSTAR. Mr. Chairman, will the gentleman yield?

Mr. BUYER. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, the gentleman has raised a very important issue here. It is unique in his circumstance, but not unique in the whole country. There are other airports, and we do not know the extent of the question, there are other airports in a similar situation.

While the fuel tax yields less than 1 percent of the total revenues into the Aviation Trust Fund, there should be a means—it is 5 percent, less than 5 percent let us say, into the trust fund, there should be a way that we can accommodate the gentleman's concern in order to assure that the Komomo Airport, which is making a contribution to air travel but in a different way, participate more fully in the Aviation Improvement Program.

With my colleague, the gentleman from Pennsylvania, we will be glad to work with the gentleman and the FAA to come to perhaps a happier resolution of this matter.

Mr. CLINGER. Mr. Chairman, will the gentleman yield?

Mr. BUYER. I yield to the gentleman from Pennsylvania.

Mr. CLINGER. Mr. Chairman, I just would indicate that I share the gentleman's concern. I appreciate the gentleman bringing this matter to our attention.

Coming from a rural area, I can appreciate what the gentleman is raising here. I think it is an important issue and we look forward to working with the gentleman to try to resolve this.

Mr. BUYER. Mr. Chairman, I thank both gentlemen and look forward to working with them.

Mr. OBERSTAR. Mr. Chairman, I yield 3½ minutes to the gentleman from Illinois [Mr. LIPINSKI].

Mr. LIPINSKI. Mr. Chairman, I would like to comment on some of the things said by my friends and colleagues, the gentlemen from Illinois and Indiana.

I have worked with the gentleman from Illinois throughout this reauthorization in an attempt to resolve this regional issue. While I certainly look forward to working with him in the future, Mr. VISCLOSKY raises a point here today that deserves my support.

Although we are talking about spending Federal money, this is really just a regional issue. Other than the Federal Government, the three units of Government involved are: The city of Chicago, the State of Illinois, and the State of Indiana. All three will be significantly impacted by the construction of a third Chicago airport.

This impact will be felt whether or not the airport is built in Peotone.

The Governor of Illinois is up for reelection and wants to build an airport so that he can say to the voters, "Hey, look what I can do. I can bring Federal money back to the State of Illinois."

The problem with the Governor's plan is that we in this House must also answer to the voters. We must be able to defend how we spend the taxpayers' money. We must make good decisions, based on sound data and not on political whim.

I opposed the \$2 million grant award for one very simple, straightforward reason: There is no need to build a third airport in the Chicago Metropolitan Area. It would be a waste of money to build—or even study the building—of such a facility.

Chicago is home to two of the Nation's premier airports: Midway Airport and O'Hare International. These facilities serve as international gateways and hub facilities for major carriers and regional airlines. Both airports serve as the economic base for the local community and the entire region. Thousands of jobs depend on the continued vitality of these airports.

Each of these airports have been improved—and will continue to be improved—with Federal dollars. This is because O'Hare and Midway are capable of handling any future increase in air traffic. A third airport would only serve to divert traffic away from these two facilities.

Mr. SANGMEISTER has raised the subject of O'Hare and its master plan—that the FAA should now ensure that the State of Illinois is consulted on—and supportive of—grants to Chicago's airports. After all, he correctly pointed out, the \$2 million was denied because the State could not achieve regional consensus on Peotone.

Let me just say that the FAA is completely within the law to approve funding for O'Hare and Midway Airports, without regard to the desires of the State or Governor of Illinois.

O'Hare and Midway are real. They are viable facilities that help this Nation transport its citizens and their goods. The Federal Government is committed to providing the funding necessary to carry out these important missions.

Peotone is fantasy. There is no comparison, legally or otherwise, between grants made to O'Hare and Midway, and the grant for the Peotone study. I think the State of Illinois would do well to remember this fact.

I understand Mr. VISCLOSKY's motivation for raising this important subject today. I also understand why Mr. SANGMEISTER has felt the necessity to speak out.

All three of us have remained—and will remain—deeply involved in local aviation issues. But, regardless of the committee report, the grant has now been denied. The FAA acted within its rights and saved the taxpayers \$2 million that would otherwise have been wasted. I cannot help but join my colleague from Indiana in applauding this action.

□ 1400

Mr. CLINGER. Mr. Chairman, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I yield 2½ minutes to the gentleman from Pennsylvania [Mr. KLINK].

Mr. KLINK. Mr. Chairman, I was prepared to offer an amendment. I understand some concerns by the subcommittee and feel that I can probably address this by making a comment to the committee and to the House at this time. I want to talk about a program administered in Beaver County, PA, in the western part of my district. It has been a program that has successfully trained and placed students in air traffic control towers in good-paying technical jobs and at no cost to taxpayers. Ironically this program now is being pitted against more traditional programs with similar objectives which are completely financed with Federal taxpayer dollars. Now I am convinced the FAA air traffic control college training program can serve as a model for our new era of reinventing Government which can produce greater results while expending fewer resources. It is in the same vein that I would like to express my utter dismay at recent events which would serve to undermine

the continued success of the FAA air traffic control college training initiative and an institutional bias against programs which trained qualified air traffic controllers at no cost to the Federal Government. I want to add that now the FAA has continued to keep many of these CCBC graduates on the waiting list for up to 1½ years after initially hiring 33 of these graduates who have distinguished themselves very well in control towers.

Now in order to give these demonstration programs an opportunity to work, Mr. Chairman, employment must be found for these graduates. I understand that some 300 air traffic controllers may be expected to retire this year, opening new opportunities for some of these graduates. Of course, the FAA has the authority to discontinue this former relationship.

As I was saying, the FAA has the authority to discontinue its former relationship with the ATC CTI institutions; however, I cannot imagine the logic behind a decision to drop support for a program which has provided the FAA with well screened, well trained employment candidates and at no cost to the FAA. The Community College of Beaver County program has proven that academic institutions can, without direct financial support from the FAA, prepare students for the air traffic control profession with a level of competence which qualifies them for direct placement into air traffic control positions, and I think this is the direction we want to go.

Mr. OBERSTAR. Mr. Chairman, I yield myself 30 seconds for the purpose of saying I appreciate the gentleman raising this issue. It is our position on the subcommittee that graduates of all the various air traffic controller programs should receive equal consideration for hiring by the FAA on the basis of qualification. There should be no preferential treatment for any particular group, nor should any group be discriminated against because of one or another independent judgment levied by the FAA.

Mr. KLINK. I agree, Mr. Chairman.

Mr. CLINGER. Mr. Chairman, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Chairman, if the gentleman from Pennsylvania [Mr. CLINGER] has no other speakers, I will yield myself such time as I may consume just to make a few concluding remarks. I will then yield back, and then we can proceed under the 5-minute rule.

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

Mr. OBERSTAR. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in conclusion of general debate I simply want to say that I think the issues have been laid out very thoroughly in discussion on both the Republican side and on our side.

This is a \$28 billion investment program in aviation for the next 3 years to enhance and expand the capacity of our air traffic control system, make air travel safer, make it more efficient, reduce cost to the traveling public, keep the airlines operating efficiently and sustain competition, and that is our principal objective, and we urge support for this legislation.

Mrs. COLLINS of Illinois. Mr. Chairman, I rise in strong support of H.R. 2739, Aviation Infrastructure Investment Act of 1993, which authorizes the appropriation of funds to improve the Nation's airports and airways. It expands and clarifies much needed language which I proposed and was adopted in 1987 to insure that disadvantaged business enterprises are encouraged to participate as contractors at airports across the country. As former chair of the Government Operations Subcommittee with jurisdiction in this area, the former Government Activities and Transportation Subcommittee, I have followed the ups and downs of our aviation system over the years and I am keenly aware of the importance of investing in the appropriate systems and structures to insure that we retain the most modern and efficient aviation industry in the world. We must continue to provide the appropriate supports to this system which is vital to our Nation's health.

While generally pleased that this bill continues in our tradition of insuring safe air travel for all, I am particularly pleased that the report includes language that expands and clarifies the Disadvantaged Business Enterprise Program as I proposed and was adopted in the Airport and Airway Safety, Capacity and Expansion Act of 1987. The language would permit the airport owner-operator and businesses operating at the airport concessions, including automobile rental and all other consumer products and services, to achieve compliance with the statutory minimum 10-percent goal through direct ownership arrangements with DBE's. Where direct ownership is not practical, the statute provides an alternative means for achieving DBE participation through the purchase of goods and services from DBE firms.

The past administration was particularly slow in publishing proposed regulations on this program. Even though the legislation gave the administration 180 days to promulgate regulations after becoming law, we had to wait until this week for them to be printed in the Federal Register. I hope and expect that the Clinton administration will move more quickly in printing the regulations for H.R. 2739 than the previous administration.

In the report the committee notes that the DBE Program has been hampered by inadequate funding to assist minority contractors to take advantage of potential contracts. The report explains that one of the barriers to this program is the lack of knowledge by many airport sponsors that the costs of DBE Program development and implementation are allowable costs under the Airport Improvement Program [AIP] when they are incurred in connection with approved AIP projects. I am sure that the new Department of Transportation can get the word out. In addition, I am hopeful that the final regulations proposed by the Department

of Transportation will make it clear that the same barriers exist for the implementation of DBE programs at airport consumer services and products concessions, such as automobile rental and other consumer services. Clearly funds must be made available so that disadvantaged business enterprises can be made aware of the programs that exist to increase their participation in these contracts.

Mr. Speaker, I once again commend the committee on its fine work and I look forward to working with them and the administration in insuring that the programs included in this bill are administered effectively. I urge my colleagues to join me in voting in favor of H.R. 2739.

Mr. EWING. Mr. Chairman, I rise to express my strong opposition to the delay of \$2 million in funding for a study of a third major regional airport for the Chicago area, to be undertaken in Peotone, IL. The Chicago region is facing two serious aviation constraints which are negatively impacting air travel nationwide. First, O'Hare airport, the world's busiest, is nearing its capacity to handle additional aircraft. Second, operating delays at O'Hare are costing the airlines hundreds of millions of dollars and affecting airline schedules nationwide.

Funding for a study of a third major airport in the Chicago area has been stalled because the Federal Aviation Administration asserts there is no regional consensus for the Peotone site. From the outset of this project, exceptional efforts were made to include all parties impacted by a new airport in the Chicago area. While no site received the complete support of all parties involved, such a consensus could not be realistically expected given the size and impact of this type of project and the diverse makeup of the parties involved in the negotiations for a site.

I find it unfortunate that partisan tactics have won the day over real progress. If the regional consensus is to be the standard against which all major projects of this type are to be judged, then I would expect the FAA apply this same criteria to any expansions of Chicago's O'Hare or Midway Airports. Any plans to expand these airports would necessarily be at the exclusion of a third site and would therefore impact communities that would benefit from a third airport.

Mr. MANTON. Mr. Chairman, while I will support H.R. 2739, the Aviation Infrastructure Investment Act of 1993, I do so with some reservations. I hope the chairman of the Aviation Subcommittee, my friend JIM OBERSTAR, understands my concerns and will work with me to ensure that my concerns are unfounded.

Mr. Chairman, section 210 of the bill, "High Density Rule and Reallocation of Slots," causes me some distress. The purpose and potential effect of this provision is certainly open to a myriad of interpretations. As a Congressman representing one of the Nation's busiest airports, La Guardia, a high-density airport which operates under the slot system, I want to make absolutely sure that it is not the intent of the Committee on Public Works and Transportation that this legislation be a backdoor method of changing existing statutes and regulations and regard to high density airports.

As the good chairman of the Aviation Subcommittee knows, I have long been concerned

about the safety of operations at La Guardia and other high density airports and the impact these airports have on the citizens living near them, particularly with regard to noise. In fact, Chairman OBERSTAR was kind enough to work with me during the development of the aviation provisions contained in Public Law 101-508, the Fiscal Year 1991 Budget Reconciliation Act, to address the concerns of my constituents in Queens, NY, who have long suffered from airport noise pollution.

Mr. Chairman, I appreciate the language included in H.R. 2739 which ensures that the high-density study called for under section 210 will take into account the concerns of citizens living adjacent to major airports, including the residents of Queens, with regard to safety and noise. I am particularly pleased that the proposed study involves the cities, the airport authorities and, most importantly, the citizens most directly affected by airport operations.

As the chairman of the subcommittee knows, I fully support the accelerated development of quieter airplanes. I believe the Federal Government should do its utmost to facilitate the phase-in of stage III aircraft and I stand ready to assist Chairman OBERSTAR any way I can to achieve this goal.

Mr. Chairman, I look forward to an exhaustive study of operations at high density airports which will focus on the impacts of airport operations on the surrounding communities. However, I will strongly oppose any attempts to white-wash these complicated issues so as to force high density airports to grant additional slots to airlines which are not warranted and which will pose an adverse risk to the safety and well-being of the average citizen living near these airports.

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

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute consisting of the following four titles will be considered by titles as an original bill for the purpose of amendment and each title is considered as read:

First, titles I and II consisting of the text of the amendment in the nature of a substitute printed in H.R. 2739;

Second, title III consisting of the text of the amendment in the nature of a substitute printed in H.R. 2820; and

Third, title IV consisting of the text of the amendment printed in House Report 103-277.

No amendment affecting the subject matter of title IV is in order.

Upon designation of title IV, no further amendment is in order.

The Clerk will designate section 1.

The text of section 1 is as follows:

H.R. 2739

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 "Aviation Infrastructure Investment Act of 1993".

Mr. CARR. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to congratulate the subcommittee members for

their work. We track on the Appropriations Transportation Subcommittee their work and know it well. We know that they have worked very, very hard. There are many good things in this particular bill, and I want to commend the chairman and the ranking member of those many good things.

I reluctantly, however, have to oppose the bill in its present form, Mr. Chairman. Perhaps through the amendment process we would get to a better bill, and I want to alert the House that I had intended to offer an amendment to strike section 102(b)(5), which I will get to in a few minutes, but I am not going to do that today in the interests of time. We understand that the bill that has been introduced on the other side does not contain this provision. We hope and urge the subcommittee members not to recede to the Senate, if they are successful in passing their bill, without this particular provision which I am going to talk about in a minute, and we will handle it that way.

I merely want to make a couple of comments and, hopefully, constructive criticism of the bill.

Mr. Chairman, we hear from the same people in the Transportation Appropriations Subcommittee that the gentleman's committee hears from, the FAA and from people around the country. The evidence before our committee discloses that the AIP program is sorely deficient in that it does not have or contain a mechanism by which we can have accountable investment criteria used for the many airport grants that are spread across the Nation. It is as if one were taking grass seed and throwing it out on the lawn hoping that something good was going to happen from it, and we know that when one broadcasts grass seed on their front lawn, only about 5 percent of that germinates. My guess is that, when we broadcast airport dollars across the Nation with no real investment criteria, we only get for the economy a rate of return that is very, very low. On the other hand, where we target our grass seed in our lawn, and where we drill it and we plant it, we can get germination rates of 95 percent, and we believe that one of the great deficiencies in our aviation airport grant program is that we are not doing enough to require the FAA to create an investment criteria so that we can guarantee to the taxpayers that we are investing their scarce dollars in a priorities manner which will ensure a positive economic rate of return.

□ 1410

Mr. Chairman, it is quite clear that there is a return to whatever community gets to spend the money. The question is whether their spending the money in that particular location is the best and highest use from an economic rate of return for the entire aviation system. And we submit that it really is not.

I was sorely disappointed that the authorizing subcommittee did not take this opportunity to really investigate investment criteria, trying to get a positive economic rate of return to the economy, and somehow or other fold that into the authorization program. We really would urge them to do that in the future.

I think the second problem that we have is that it is a 3-year authorization. As you know, the administration only asked for a 1-year authorization. Apparently the other body is into a 1-year authorization. We believe that a 1-year authorization is prudent at this time, while we are going through the reinvention of Government, the proposal by the Gore task force to alter the construct of the FAA. We think that would have been a preferable way to deal with this. In fact, this appropriator is more pleased when the authorization committee is doing the job more frequently. We think that is a more productive interplay for both our committees and enhances cooperation.

Lastly, let me get to the point I raised earlier that I wanted to deal with by way of amendment, but will not, in the interest of time today.

The CHAIRMAN pro tempore (Mr. BARLOW). The time of the gentleman from Michigan [Mr. CARR] has expired.

(By unanimous consent, Mr. CARR was allowed to proceed for 4 additional minutes.)

Mr. CARR. Mr. Chairman, the Members of this body should be aware that there is a provision in this bill which is bad public policy, is opposed by the administration, and should not be enacted into law. That is section 102(b)(5), which brings back a so-called penalty clause. Similar legislation was in effect from 1976 through 1990. The purpose of the provision was to force the Appropriations Committees to fully fund the authorized levels recommended for capital investment programs of the FAA. In effect, the provision penalized the general taxpayers of this country by requiring that they unfairly subsidize the aviation system out of general tax revenues, while aviation user fees built up in the Aviation Trust Fund.

According to the Congressional Budget Office, the penalty clause was directly responsible for the accumulation of unobligated funds in the Aviation Trust Fund. Let me quote from a report they issued in December 1988:

The current accumulated surplus in the aviation trust fund is illusory. While this surplus appears to indicate that private sector users have paid more in taxes than they have received in service, the opposite is, in fact, the case. The uncommitted balance in the trust fund has developed, ironically, because private sector users of the aviation system have received more in capital and operating spending than they have paid in taxes.

According to CBO in March 1989, "the major financial effect of the penalty clause is the buildup of a trust fund

surplus * * * \$5.3 billion of the current \$6.8 billion surplus—about 75 percent—may be attributed to the penalty clause."

The overpayment of aviation expenses by the general fund was affirmed by the Assistant Secretary of Transportation for Governmental Affairs, who wrote the House Appropriations Committee in January 1990 that "aviation users are getting more than they are paying for, but at the expense of the general taxpayer."

The penalty clause was discontinued in 1990, because it was finally realized that the provision was not effective at forcing the Appropriations Committee to fully fund particular programs without regard to program realities, the need to reduce the deficit, or congressionally mandated budget allocations. Since the repeal of the penalty clause, trust fund expenses have greatly exceeded annual revenues, drawing down the trust fund balance. For example, in fiscal year 1993, trust fund revenues are estimated at \$4.5 billion, while appropriations from the trust fund are \$7.2 billion. Over that single year, the trust fund balance is being reduced from \$10.5 billion to \$7.9 billion.

However, in this bill, the Public Works Committee is recommending that the penalty clause be put back into place. Their report, page 10, even admits that the uncommitted trust fund balance will rise over the period covered by this authorization, after falling significantly between 1990 and 1994. The amount of the FAA's budget which would come from the trust fund would be reduced to 70 percent, even though the experts in the FAA and the Department of Transportation say that the fair share from the trust fund is 85 percent. The general taxpayer will have to pick up the rest of the bill, while unused funds build up again in the Aviation Trust Fund.

In summary, Mr. Chairman, the penalty clause is not a partisan issue—it has been opposed by Republican and Democratic administrations alike. It is not supported by the experts in the Congressional Budget Office, the FAA, or the Department of Transportation. It is not even effective at achieving its stated purpose.

We would kindly ask the chairman, the ranking member, and all the members of the Subcommittee on Aviation if in conference they would not remove this provision from the bill.

The CHAIRMAN pro tempore. Are there any amendments to section 1?

Mr. PRICE of North Carolina. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise today to amplify and support the comments of the gentleman from Michigan, the chairman of the Transportation Appropriations Subcommittee, on the so-called penalty clause, section 102b6.

Just a few days ago, this body agreed that the Aviation Trust Fund should

pay \$2.3 billion of the FAA's operating expenses for fiscal year 1994. According to the FAA, however, the penalty clause in this bill would cause that amount to be reduced by over \$350 million and made up from general revenues. That is money that will sit unused in the Aviation Trust Fund while the general taxpayer subsidizes aviation users. I believe the Members of this body are tired of jurisdictional games with the transportation trust funds. Just 3 years ago, the FAA Administrator testified before the Public Works Committee that 85 percent of the agency's budget should be financed from the Aviation Trust Fund. This bill caps that amount at 70 percent, and the effective percentage is considerably less than that: general fund taxpayers will have to subsidize aviation travelers, while the taxes paid by aviation users pile up in the Aviation Trust Fund.

We have been down this road before, Mr. Chairman. The trust fund balance builds up due to the penalty clause, then there are calls to take the trust fund off budget to ensure that funds are spent. I would hope the Members would see through these kinds of gimmicks, and not reinstitute a failed provision that was dropped in 1990.

I want to assure my colleagues that this is not a partisan issue. The penalty clause is opposed by the Clinton administration, just as the previous penalty clause was opposed by the Republican administration. The Department of Transportation has written to the chairman of the Public Works Committee that this provision is one which gives DOT serious concern, and they recommend the provision not be enacted.

I hope the committee will reconsider its position on the penalty clause when members go to conference, because in general this is a good bill and one which lays out a solid foundation for aviation infrastructure in this country. I want to compliment Mr. OBERSTAR, Mr. MINETA, and Mr. CLINGER for their leadership on this legislation, and I look forward to working with them on this and other matters in the coming months.

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

Mr. Chairman, my colleagues have heard the Committee on Appropriations' side of this issue. Now I shall attempt to clarify the issue and lay out the facts and the reality.

The reality, first of all, is there is no penalty clause reinstated. There was a penalty clause in the years prior to 1990. Together with the gentleman from Pennsylvania [Mr. CLINGER], I endeavored with the then chairman of the Transportation Appropriations Subcommittee, the gentleman from Florida [Mr. LEHMAN], to work out a means by which we could repeal the penalty

clause, achieve an increasing level of funding out of the trust fund for airport improvement programs commensurate with the inflow of tax dollars from the ticket tax to the trust fund, in sufficient amount to ensure a dedicated revenue stream to keep on track the improvements in airport capacity enhancement that are necessary to accommodate air traffic growth and reduce delays in the systems. We achieved that understanding.

This chairman, in the committee-reported bill in 1990, worked out language that repealed that penalty clause, I say to my colleague the gentleman from North Carolina [Mr. PRICE] and to the gentleman from Michigan [Mr. CARR].

□ 1420

And in walking in lockstep, the Office of Management and Budget, the Department of Transportation, the Federal Aviation Administration, the House Committee on Appropriations, Subcommittee on Transportation, the Senate Transportation Appropriations Subcommittee, and our committee moved ahead with an authorization level that was matched by the appropriation level without the penalty clause and, at the same time, we agreed to increase to 75 percent the amount of money coming out of the Aviation Trust Fund into operations and maintenance, an amount that was agreed upon with OMB, the Department, the Subcommittee on Transportation and the aviation-using and traveling public as an amount that was appropriate, an amount that reflects the Department of Defense usage, the public interest role in air traffic control and the contribution of general revenue dollars that would be appropriate at that level.

For 2 years, this accommodation worked. For fiscal 1993, the appropriation level was reduced. For fiscal 1994, the appropriation level was drastically reduced from the amount authorized.

We intended that level to go up to \$2.1 billion, and we were slowed down by the other body that refused to approve a 3-year bill last year. We got into a 1-year bill.

The gentleman from Michigan raised the question of more frequent authorizations. Our objective is a little different. We think it is more useful to set forth a 3-year authorization level so that the aviation community, the Office of Management and Budget, the Department of Transportation, the FAA can all plan on dependable amounts of money for airport improvement projects and that the Committee on Appropriations can look ahead down the line. And we worked with the committee to see not what is needed in the system but what level of funding do they think they can provide. And we put an authorization that reflected their judgment as well as that of the executive branch.

Now, if we reduce the amount of money out of the Aviation Trust Fund for the AIP Program, and we keep the percentage going out of the trust fund into O&M, then there is going to be a very great disparity over time. And the amount of money going into O&M out of trust fund dollars will escalate as the AIP goes down.

We do not think that that is appropriate. We do not think that that is fairness in the context of the agreement that we reached almost 3 years ago. In fact, if we look at the levels of funding, we see that when the amount went down from \$1.8 billion, which the administration requested, to \$1.5 billion that the Subcommittee on Transportation in the House reported to this body, we see some very significant changes in the way in which the O&M is funded.

If we cut it even further, we would even exceed that 75-percent amount coming out of the O&M. So I think it is appropriate, keeping the two in check.

The CHAIRMAN pro tempore (Mr. BARLOW). The time of the gentleman from Minnesota [Mr. OBERSTAR] has expired.

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

Mr. OBERSTAR. There are two ways to accommodate the concerns of the gentleman from North Carolina and the gentleman from Michigan.

One, for the tax to be reduced, to take that 2 percentage points which we did not ask for in the 1990 summit that were added on to the ticket tax, take that 2 percent off. That will slow down the amount of build up into the Aviation Trust Fund.

Or, second, the Committee on Appropriations could appropriate up to the level authorized.

Now, we will be glad to sit with the Committee on Appropriations and work out an accommodation on the dollar amounts that they believe are appropriate for aviation, that they believe under their 602(b) allocation can go into aviation. But when that subcommittee took the 1.8 that the administration requested and took \$300 million out of it and shifted it to surface transportation, it really shortchanged aviation.

So I say to my colleagues on the Committee on Appropriations, let us, as the Prophet Isaiah said, "Sit down and reason together."

The CHAIRMAN pro tempore. If there are no further amendments to section 1, the Clerk will designate title I.

The text of title I is as follows:

TITLE I—AIRPORT AND AIRWAY IMPROVEMENT ACT AMENDMENTS

SEC. 101. AIRPORT IMPROVEMENT PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 505(a) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 2204(a)) is amended—

(1) by striking "and" following "1992."; and
 (2) by inserting after "1993" the following: ", \$18,071,700,000 for fiscal years ending before October 1, 1994, \$20,232,700,000 for fiscal years ending before October 1, 1995, and \$22,446,700,000 for fiscal years ending before October 1, 1996".

(b) **OBLIGATIONAL AUTHORITY.**—Section 505(b)(1) of such Act is amended by striking "1993" and inserting "1996".

SEC. 102. AIRWAY IMPROVEMENT PROGRAM.

(a) **AIRWAY FACILITIES AND EQUIPMENT.**—Section 506(a)(1) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 2205(a)(1)) is amended by striking "\$11,100,000,000" and all that follows through "1995" and inserting the following: "\$10,724,000,000 for fiscal years ending before October 1, 1994, \$13,394,000,000 for fiscal years ending before October 1, 1995, and \$16,129,000,000 for fiscal years ending before October 1, 1996".

(b) **OTHER EXPENSES.**—Section 506(c) of such Act is amended—

(1) by striking "1995" in the heading for paragraph (4) and inserting "1993";

(2) by striking "1993, 1994, and 1995" in paragraph (4) and inserting "and 1993"; and
 (3) by adding at the end the following:

"(5) **FISCAL YEARS 1994-1996.**—The amount appropriated from the Trust Fund for the purposes of clauses (A) and (B) of paragraph (1) of this subsection for each of fiscal years 1994, 1995, and 1996 may not exceed the lesser of—

"(A) 50 percent of the amount of funds made available under section 505 and subsections (a) and (b) of this section for such fiscal year; or

"(B) 70 percent of the amount of funds made available under section 505, subsections (a) and (b) of this section, and section 106(k) of title 49, United States Code, for such fiscal year; less

"(ii) the amount of funds made available under section 505 and subsections (a) and (b) of this section for such fiscal year."

(c) **PRESERVATION OF FUNDS.**—Section 506(e)(5) of such Act is amended by striking "1995" and inserting "1996".

SEC. 103. OPERATIONS OF FAA.

Section 106(k) of title 49, United States Code, is amended by striking ", \$5,100,000,000" and all that follows through "1995" and inserting ", \$4,576,000,000 for fiscal year 1994, \$4,674,000,000 for fiscal year 1995, and \$4,810,000,000 for fiscal year 1996".

SEC. 104. APPORTIONMENT OF FUNDS.

(a) **MINIMUM AMOUNT FOR PRIMARY AIRPORTS.**—Section 507(b)(1) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 2206(b)(1)) is amended by striking "\$400,000" and inserting "\$500,000".

(b) **CONSIDERATION OF DIVERSION OF REVENUES IN AWARDING DISCRETIONARY GRANTS.**—Section 507 of such Act is further amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

"(f) **CONSIDERATION OF DIVERSION OF REVENUES IN AWARDING DISCRETIONARY GRANTS.**—In deciding whether or not to distribute funds to an airport from the discretionary funds established by subsections (c) and (d), the Secretary shall consider as a factor militating against the distribution of such funds to the airport the fact that the airport is using revenues generated by the airport or by local taxes on aviation fuel for purposes other than capital or operating costs of the airport or the local airports system."

SEC. 105. USE OF APPORTIONED AND DISCRETIONARY FUNDS.

(a) **INTEGRATED AIRPORT SYSTEM PLANNING SET-ASIDE.**—Section 508(d)(4) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 2207(d)(4)) is amended by striking "1/2" and inserting "3/4".

(b) **MILITARY AIRPORT SET-ASIDE.**—Section 508(d)(5) of such Act is amended by striking "and 1995" and inserting ", 1995, and 1996".

(c) **DESIGNATION OF MILITARY AIRPORTS.**—Section 508(j)(1) of such Act is amended by striking "12" and inserting "16".

(d) **CONSTRUCTION OF PARKING LOTS, FUEL FARMS, AND UTILITIES.**—Section 508(f)(6) of such Act is amended by striking "and 1995" and inserting "1995, and 1996".

SEC. 106. PROJECT SPONSORSHIP.

Section 511(a) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 2210(a)) is amended—

(1) by striking "and" at the end of paragraph (16);

(2) by striking the period at the end of paragraph (17) and inserting "; and"; and
 (3) by adding at the end the following:

"(18) the airport owner or operator will submit to the Administrator and make available to the public an annual report listing in detail (A) all amounts paid by the airport to any other unit of government and the purposes for which each such payment was made, and (B) all services and property provided to other units of government and the amount of compensation received for provision of each such service and property."

SEC. 107. INCLUSION OF TERMINAL DEVELOPMENT AS A PROJECT COST.

Section 513(b)(2) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 2212(b)(2)) is amended—

(1) in the second sentence by inserting after "may be used" the following: ", subject to the approval of the Secretary."; and

(2) by adding at the end the following: "All or any portion of the sums to be distributed at the discretion of the Secretary under sections 507(c) and 507(d) for any fiscal year may be distributed for use by primary airports each of which annually has .05 or less of the total employments in the United States for project costs allowable under paragraph (1) of this subsection."

SEC. 108. INCLUSION OF EXPLOSIVE DETECTION DEVICES AND UNIVERSAL ACCESS SYSTEMS.

Section 503(a)(2)(B)(ii) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 2202(a)(2)(B)(ii)) is amended by inserting after "or security equipment" the following: ", including explosive detection devices and universal access systems."

SEC. 109. DECLARATION OF POLICY.

Section 502(a) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 2201(a)) is amended—

(1) by striking "and" at the end of paragraph (13);

(2) by striking the period at the end of paragraph (14) and inserting "; and"; and
 (3) by adding at the end the following:

"(15) the airport improvement program should be administered to encourage the development and use of innovative concrete and other materials in the construction of airport facilities to minimize initial laydown costs, minimize time out of service, and maximize lifecycle durability."

SEC. 110. TECHNICAL AMENDMENTS.

(a) **DEFINITIONS.**—Section 503(a)(2)(B) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 2202(a)(2)(B)) is amended by moving clauses (vii) and (viii) 2 ems to the right.

(b) **AIRPORT PLANS.**—Section 504(a)(1) of such Act (49 U.S.C. App. 2203(a)(1)) is amended by redesignating clauses (1), (2), and (3) as clauses (A), (B), and (C), respectively.

(c) **AIP OTHER EXPENSES.**—Section 506(c)(3)(B)(i) of such Act (49 U.S.C. App. 2205(c)(3)(B)(i)) is amended by striking "and," and inserting ", and".

SEC. 111. LETTERS OF INTENT.

Section 513(d)(1) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. App.

2212(d)(1)) is amended by adding at the end the following new subparagraph:

"(H) **LIMITATION ON STATUTORY CONSTRUCTION.**—Nothing in this section shall be construed to prohibit the obligation of amounts pursuant to a letter of intent under this paragraph in the same fiscal year as the letter of intent is issued."

The CHAIRMAN pro tempore. Are there any amendments to title I?

AMENDMENT OFFERED BY MR. MCCANDLESS

Mr. MCCANDLESS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MCCANDLESS: Page 8, after line 22, insert the following:

SEC. 112. PALM SPRINGS, CALIFORNIA.

(a) **AUTHORITY TO GRANT RELEASE.**—Notwithstanding section 4 of the Act of October 1, 1949 (50 U.S.C. App. 1622c), and subject to the provisions of subsection (b), the Administrator of the Federal Aviation Administration shall grant releases from all of the terms, conditions, reservations, and restrictions contained in the deed of conveyance dated September 15, 1949, under which the United States conveyed certain property to Palm Springs, California, for airport purposes. The releases shall apply only to approximately 11 acres of lot 16 of section 13, and approximately 39.07 acres of lots 19 and 20 of section 19, used by the city of Palm Springs, California, for general governmental purposes.

(b) **CONDITIONS.**—Any release granted by the Administrator of the Federal Aviation Administration under subsection (a) shall be subject to the following conditions:

(1) The Administrator shall waive any requirement that there be credited to the account of the airport any amount attributable to the city's use for governmental purposes of any land conveyed under the deed of conveyance referred to in subsection (a) before the date of the enactment of this section.

(2) The city shall abandon all claims, against income of the Palm Springs Regional Airport or other assets of that airport, for reimbursement of general revenue funds that the city may have expended before the date of the enactment of this section for acquisition of 523.39 acres of land conveyed August 28, 1961, for airport purposes and for expenses incurred at any time in connection with such acquisition, and such claims shall not be eligible for reimbursement under the Airport and Airway Improvement Act or any successor Act.

Mr. MCCANDLESS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment 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.

Mr. OBERSTAR. Mr. Chairman, will the gentleman yield?

Mr. MCCANDLESS. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, is this the amendment that deals with the transfer of land at the Palm Springs Airport?

Mr. MCCANDLESS. Mr. Chairman, the gentleman is correct.

Mr. OBERSTAR. Mr. Chairman, if the gentleman will continue to yield, we have reviewed this amendment and we are prepared to accept it.

Mr. CLINGER. Mr. Chairman, will the gentleman yield?

Mr. MCCANDLESS. I yield to the gentleman from Pennsylvania.

Mr. CLINGER. Mr. Chairman, we have also had a chance to review the amendment on this side and are prepared to accept it.

Mr. MCCANDLESS. Mr. Chairman, I thank the gentlemen for their acceptance of the amendment.

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

The amendment was agreed to.

The CHAIRMAN pro tempore. Are there any further amendments to title I?

If not, the Clerk will designate title II.

The text of title II is as follows:

TITLE II—MISCELLANEOUS PROVISIONS

SEC. 201. PROTECTION OF SMALL COMMUNITY AIRLINE PASSENGERS.

(a) ACCESS TO HIGH DENSITY AIRPORTS.—Section 419(b) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1389(b)) is amended by adding at the end the following new paragraph:

“(10) ACCESS TO HIGH DENSITY AIRPORTS.—

“(A) NONCONSIDERATION OF SLOT AVAILABILITY.—In determining what is basic essential air service and in selecting an air carrier to provide such service, the Secretary shall not give consideration to whether slots at a high density airport are available for providing such service.

“(B) MAKING SLOTS AVAILABLE.—If basic essential air service is to be provided to and from a high density airport, the Secretary shall ensure that a sufficient number of slots at such airport are available to the air carrier providing or selected to provide such service. If necessary to carry out the objectives of this subsection, the Secretary shall take such action as may be necessary to have such slots transferred or otherwise made available to the air carrier; except that the Secretary shall not be required to make slots available at O'Hare International Airport in Chicago, Illinois, if the number of slots available for basic essential air service to and from such airport is at least 132 slots.”

(b) TRANSFERS OF SLOTS AT HIGH DENSITY AIRPORTS.—Section 419(b)(7) of such Act (49 U.S.C. App. 1389(b)(7)) is amended—

(1) by striking “TRANSFER OF OPERATIONAL AUTHORITY AT CERTAIN” and inserting “TRANSFERS OF SLOTS AT”;

(2) by striking “an airport at which the Administrator limits the number of instrument flight rule takeoffs and landings of aircraft” and inserting “a high density airport”;

(3) by striking “operational authority” and inserting “slots”;

(4) by striking “has to conduct a landing or takeoff” and inserting “have”;

(5) by striking “such authority” the first place it appears and inserting “such slots”;

(6) by striking “such authority is” and inserting “such slots are”; and

(7) by inserting “basic essential” after “used to provide”.

(c) DEFINITIONS.—Section 419(k) of such Act (49 U.S.C. App. 1389(k)) is amended by adding at the end the following new paragraphs:

“(6) HIGH DENSITY AIRPORT.—The term ‘high density airport’ means an airport at which the Administrator limits the number of instrument flight rule takeoffs and landings of aircraft.

“(7) SECRETARY.—The term ‘Secretary’ means the Secretary of Transportation.

“(8) SLOT.—The term ‘slot’ means a reservation for an instrument flight rule takeoff or

landing by an air carrier of an aircraft in air transportation.”

SEC. 202. ACCESS OF FOREIGN AIR CARRIERS TO HIGH DENSITY AIRPORTS.

(a) IN GENERAL.—Title IV of the Federal Aviation Act of 1958 (49 U.S.C. 1371–1389) is amended by adding at the end the following:

“SEC. 420. ACCESS OF FOREIGN AIR CARRIERS TO HIGH DENSITY AIRPORTS.

“(a) IN GENERAL.—The Secretary shall not take a slot at a high density airport from an air carrier and award such slot to a foreign air carrier if the Secretary determines that air carriers are not provided equivalent rights of access to airports in the country of which such foreign air carrier is a citizen.

“(b) DEFINITIONS.—In this section, the terms ‘high density airport’, ‘Secretary’, and ‘slot’ have the meaning such terms have under section 419.”

(b) CONFORMING AMENDMENT.—The portion of the table of contents contained in the first section of such Act relating to title IV is amended by adding at the end the following:

“Sec. 420. Access of foreign air carriers to high density airports.

“(a) In general.

“(b) Definitions.”

SEC. 203. RULEMAKING ON RANDOM TESTING FOR PROHIBITED DRUGS.

Not later than 1 year after the date of the enactment of this Act, the Secretary of Transportation shall complete a rulemaking proceeding and issue a final decision on whether there should be a reduction in the annualized rate of random testing for prohibited drugs now required by the Secretary for personnel engaged in aviation activities. If the Secretary does not issue the final decision on or before the last day of such 1-year period, then, effective on the succeeding day, the annualized rate of random testing shall be 25 percent of such personnel.

SEC. 204. PASSENGER FACILITY CHARGES.

(a) CLARIFICATION OF APPLICABILITY.—

(1) GENERAL RULE.—Section 1113(e)(1) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1513(e)(1)) is amended by adding at the end the following new sentence: “After the date of the enactment of this sentence, no public agency authority shall collect a fee authorized to be imposed under this subsection from a passenger enplaning at an airport if the passenger did not pay for the air transportation which resulted in such enplanement, including any case in which the passenger obtained the ticket for the air transportation with a frequent flier award coupon without monetary payment.”

(2) LIMITATION ON STATUTORY CONSTRUCTION.—The amendment made by paragraph (1) shall not be construed as requiring any person to refund any fee paid before the date of the enactment of this Act.

(b) USE OF REVENUES AND RELATIONSHIP BETWEEN FEES AND REVENUES.—Section 1113(e)(2) of such Act is amended—

(1) by striking “and” at the end of subparagraph (A);

(2) by striking the period at the end of subparagraph (B)(iii) and inserting “; and”; and

(3) by adding at the end the following:

“(C) that the application includes adequate justification for each of the specific projects.”

SEC. 205. TERM OF OFFICE OF FAA ADMINISTRATOR.

Section 106(b) of title 49, United States Code, is amended by adding at the end the following: “The term of office for any individual appointed as Administrator after the date of the enactment of this sentence shall be 5 years.”

SEC. 206. NOISE ABATEMENT PROGRAM.

(a) SOUNDPROOFING OF CERTAIN RESIDENTIAL BUILDINGS.—Section 104(c)(2) of the Aviation

Safety and Noise Abatement Act of 1979 (49 U.S.C. App. 2104(c)(2)) is amended—

(1) by inserting “(A)” before “to operators of airports”; and

(2) by striking the period at the end and inserting “; and (B) for projects to soundproof residential buildings—

“(i) if the operator of the airport involved received approval for a grant for a project to soundproof residential buildings pursuant to section 301(d)(4)(B) of the Airport and Airway Safety and Capacity Expansion Act of 1987;

“(ii) if the operator of the airport involved submits updated noise exposure contours, as required by the Secretary; and

“(iii) if the Secretary determines that the proposed projects are compatible with the purposes of this Act.”

(b) SOUNDPROOFING AND ACQUISITION OF CERTAIN RESIDENTIAL PROPERTIES.—Section 104(c) of such Act is further amended by adding at the end the following:

“(4) SOUNDPROOFING AND ACQUISITION OF CERTAIN RESIDENTIAL PROPERTIES.—The Secretary is authorized under this section to make grants to operators of airports and to units of local government referred to in paragraph (1) for projects to soundproof residential buildings located on residential properties, and for projects to acquire residential properties, at which noise levels are not compatible with normal operations of an airport—

“(A) if the operator of the airport involved amended an existing local aircraft noise regulation during calendar year 1993 to increase the maximum permitted noise levels for scheduled air carrier aircraft as a direct result of implementation of revised aircraft noise departure procedures mandated for aircraft safety purposes by the Administrator of the Federal Aviation Administration for standardized application at airports served by scheduled air carriers;

“(B) if the operator of the airport involved submits updated noise exposure contours, as required by the Secretary; and

“(C) if the Secretary determines that the proposed projects are compatible with the purposes of this Act.”

SEC. 207. LABOR MANAGEMENT RELATIONS.

The Metropolitan Washington Airports Act of 1986 (49 U.S.C. App. 2451–2461) is amended—

(1) in section 6007(c)(5) by striking “to the extent that the Federal Aviation Administration is so authorized on the date of enactment of this title”;

(2) by redesignating sections 6010, 6011, and 6012 as sections 6011, 6012, and 6013, respectively; and

(3) by inserting after section 6009 the following new section:

“SEC. 6010. LABOR MANAGEMENT RELATIONS.

“(a) APPLICATION OF FEDERAL LABOR LAWS.—Except as otherwise provided by this section, the provisions of the National Labor Relations Act and the Labor Management Relations Act, 1947 shall apply to labor-management relations between the Airports Authority and labor organizations representing bargaining units at the Metropolitan Washington Airports.

“(b) SUITS.—

“(1) JURISDICTION OF U.S. COURTS.—The courts of the United States shall have jurisdiction with respect to actions brought by the National Labor Relations Board under this section to the same extent that such courts have jurisdiction with respect to actions brought under the National Labor Relations Act.

“(2) LABOR CONTRACT VIOLATIONS.—Suits for violation of contracts between the Airports Authority and a labor organization representing bargaining units at the Metropolitan Washington Airports, or between any such labor organizations, may be brought in any district court of the United States having jurisdiction of the parties, without respect to the amount of controversy.

"(3) AGENTS OF LABOR ORGANIZATIONS.—A labor organization described in paragraph (2) and the Airports Authority shall be bound by the authorized acts of their agents. Any such labor organization may sue or be sued as an entity and in behalf of those whom it represents in the courts of the United States. Any money judgment against such a labor organization in a district court of the United States shall be enforceable only against the organization as an entity and against its assets and shall not be enforceable against any individual member or the member's assets.

"(c) COLLECTIVE-BARGAINING AGREEMENTS.—

"(1) PERIOD OF EFFECTIVENESS.—Collective-bargaining agreements between the Airports Authority and labor organizations shall be effective for not less than 2 years.

"(2) RESOLUTION OF GRIEVANCES.—Collective-bargaining agreements negotiated by the Airports Authority shall provide for procedures for resolution by the parties of grievances and other disputes arising during the term of the agreement, culminating in binding third-party arbitration, unless the parties agree otherwise.

"(3) RESOLUTION OF DISPUTES IN NEGOTIATIONS.—The Airports Authority and a labor organization may by mutual agreement adopt procedures for the resolution of disputes or impasses arising in the negotiation of a collective-bargaining agreement.

"(d) LABOR DISPUTES.—

"(1) WRITTEN NOTICE REQUIREMENT.—If there is a collective-bargaining agreement between the Airports Authority and labor organizations in effect, no party to such agreement shall terminate or modify such agreement unless the party desiring such termination or modification serves written notice upon the other party to the agreement of the proposed termination or modification not less than 90 days prior to the time it is proposed to make such termination or modification. The party serving such notice shall notify the Federal Mediation and Conciliation Service of the existence of a dispute within 45 days of such notice if no agreement has been reached by that time.

"(2) MEDIATION OF DISPUTES.—If the parties fail to reach agreement or to adopt a procedure providing for a binding resolution of a dispute by the expiration date of the agreement in effect, or the date of the proposed termination or modification, the Director of the Federal Mediation and Conciliation Service shall direct mediation of the dispute. For this purpose, the Director shall submit to the parties a list of not fewer than 10 names. If the parties fail to select a mediator, the selection shall be made by the Director.

"(3) ARBITRATION BOARD.—

"(A) ESTABLISHMENT.—If no agreement is reached within 90 days after the expiration or termination of the agreement or the date on which the agreement became subject to modification under paragraph (1) of this subsection, or if the parties decide upon arbitration but do not agree upon the procedures therefor, an arbitration board shall be established consisting of 3 members, 1 of whom shall be selected by the Airports Authority, 1 by the bargaining representative, and the third by the 2 thus selected who shall be designated chairman. If either of the parties fails to select a member, or if the members chosen by the parties fail to agree on the third person within 5 days after their first meeting, the selection shall be made utilizing the rules of the American Arbitration Association.

"(B) HEARINGS AND DECISIONS.—The arbitration board shall give the parties a full and fair hearing, including an opportunity to present evidence in support of their claims, and an opportunity to present their case in person, by counsel or by other representative as they may elect. All procedural disputes shall be decided by

the board. The board shall have the authority to administer oaths and compel the attendance of witnesses and the production of documents. Decisions of the board shall be conclusive and binding upon the parties. The board shall render its decision within 45 days after its appointment, unless a later date is mutually agreed upon by both parties.

"(C) COSTS.—Costs of the arbitration board shall be shared equally by the Airports Authority and the bargaining representative.

"(D) PROCEDURES.—In the case of a bargaining unit whose collective-bargaining representative does not have an agreement with the Airports Authority, if the parties fail to reach agreement within 90 days of the commencement of collective bargaining, mediation will take place in accordance with the terms of paragraph (2) of this subsection, unless the parties have previously agreed to another procedure for a binding resolution of their differences. If the parties fail to reach agreement within 180 days of the commencement of collective bargaining and if they have not agreed to another procedure for binding resolution, an arbitration board shall be established to provide conclusive and binding arbitration in accordance with the terms of paragraph (3) of this subsection.

"(E) CONSIDERATIONS IN MAKING AWARDS.—Except insofar as compensation and benefits may be specified elsewhere in this title, the arbitration board, in arriving at its award, shall take into account compensation, benefits, and conditions of employment of comparable employees in Alexandria, Arlington, and Fairfax Counties, Virginia; the District of Columbia; and Montgomery and Prince Georges Counties, Maryland, and other criteria traditionally considered in collective bargaining.

"(e) NO STRIKES OR LOCKOUTS; MAINTENANCE OF STATUS QUO.—Notwithstanding any other provision of law, the parties to a collective bargaining agreement between the Airports Authority and a labor organization shall not resort to strike or lockout. The parties shall refrain from making changes in working conditions pending the resolution of labor disputes as provided in subsection (d) of this section."

SEC. 208. TECHNICAL AMENDMENT.

Section 9130 of the Aviation Safety and Capacity Expansion Act of 1990 (49 U.S.C. App. 2226b) is amended by striking "subsection" and inserting "section".

SEC. 209. REPORT ON CERTAIN BILATERAL NEGOTIATIONS.

The Secretary of Transportation shall report every other month to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the status of all active aviation bilateral negotiations and informal government-to-government consultations with United States aviation trade partners.

SEC. 210. HIGH DENSITY RULE AND REALLOCATION OF SLOTS.

(a) HIGH DENSITY RULE.—

(1) STUDY.—The Secretary of Transportation shall conduct a study and provide recommendations to Congress on whether improvements in the technology and procedures of the air traffic control system and the use of quieter aircraft make it possible to eliminate the limitations on hourly operations imposed by the high density rule contained in part 93 of title 14 of the Code of Federal Regulations or to increase the number of operations permitted under such rule. The study shall include consideration of the effects of the elimination of limitations or an increase in the number of operations allowed on each of the following:

(A) Safety.

(B) Congestion and delay in any part of the national aviation system.

(C) The impact of noise on persons living near the airport.

(D) Competition in the air transportation system.

(E) The profitability of operations of airlines serving the airport.

(2) COORDINATION.—In conducting the study under this subsection, the Secretary of Transportation shall consult with officials of airports subject to the high density rule, the cities in which such airports are located, representatives of citizens living in the vicinity of such airports, air carriers now serving such airports or interested in inaugurating such service, and other interested persons.

(3) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Transportation shall transmit the findings of the study conducted under this subsection, together with recommendations, to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(b) SLOTS FOR FOREIGN AIR TRANSPORTATION.—

(1) STUDY.—The Secretary of Transportation shall conduct a study to determine the impact of a change in law or regulations that would prohibit the withdrawal of a slot from an air carrier providing interstate air transportation at a high density airport in any case in which such slot is withdrawn in order to allocate it to an air carrier or foreign air carrier to provide foreign air transportation.

(2) CONTENTS.—In conducting the study under this subsection, the Secretary shall examine the following:

(A) The impact of a prohibition described in paragraph (1) on the aviation relationship between the United States Government and foreign governments.

(B) Whether such a prohibition would result in the withdrawal of slots from general aviation and military aviation in order to allocate them to air carriers and foreign air carriers providing foreign air transportation and the impact of such a withdrawal of slots on general aviation and military aviation.

(C) The impact on air carriers providing interstate air transportation of the current practice of withdrawing slots in order to allocate them to air carriers or foreign air carriers providing foreign air transportation.

(D) The impact of the planned relocation of Air Force Reserve units and the Air National Guard at O'Hare International Airport on the future availability of slots at that airport.

(3) REPORT.—Not later than June 1, 1994, the Secretary of Transportation shall transmit to Congress a report on the results of the study conducted under this subsection, together with such recommendations for legislative or administrative action as the Secretary determines appropriate.

SEC. 211. REPEAL.

Section 31 of the Airport and Airway Development Act of 1970 (49 U.S.C. App. 1731) is hereby repealed.

AMENDMENT OFFERED BY MR. GLICKMAN

Mr. GLICKMAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GLICKMAN:

SEC. 212. LOVE FIELD, TEXAS.

Section 29 of the International Air Transportation Competition Act of 1979 is repealed.

Mr. GLICKMAN. Mr. Chairman, at the outset, I want to say it is my intention to ask unanimous consent to withdraw this amendment.

This amendment is controversial, and it is one that I have been working for many years on with the chairman of this subcommittee, the gentleman from Minnesota [Mr. OBERSTAR], and the gentleman from Pennsylvania [Mr. CLINGER] and others.

But I wish to at least bring it to the attention of the body today. The section I am attempting to strike is commonly known as the Wright amendment, named after our former Speaker. That amendment prohibits commercial air carriers from providing service between Dallas Love Field and points located outside of Texas or its four surrounding States. That is, out of Dallas Love Field we can only fly airplanes within the State of Texas or within the States of New Mexico, Oklahoma, Arkansas, and Louisiana.

It is the only airport in the country which restricts flights based upon point of destination, what State one is in.

I have come down to the floor and railed about this amendment, because the city I represent, Wichita, is only about 45 miles from the Oklahoma border. Unfortunately, our airport, our city is not eligible to be served from Dallas Love Field, because we are not in the next contiguous State.

Over the last several years, we have had a very nice, low-cost carrier operating out of Dallas Love Field, which has served points within the four contiguous States at a much lower price, much lower fare than they offer people outside of the four-State area.

This statute was originally passed as part of a law, the International Air Competition Act of 1980, to protect then relatively new Dallas-Fort Worth Airport, DFW.

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It was developed to ensure commercial air carriers moved from the older Love Field to the new primary airport at DFW. However, now DFW is the second busiest airport in the United States. Its gates are full. Its runways are jammed, as anybody knows who flies there. It no longer needs protection from Love Field's competition.

It is time to allow the power of the marketplace, rather than the intrusion of unnecessary Federal law, to dictate who our airports serve.

In any event, I am going to put most of my statement in the RECORD. I would have to acknowledge, however, that fares from Dallas-Fort Worth to Wichita have been much lower in recent months. American Airlines has made a significant attempt, it has led the way, to bring down the excessively high fares Wichita and other cities shut out by the Wright amendment have experienced over the last several years, and Delta Airlines has in many cases followed suit. Both carriers have been working with me and others on ways to try to improve the fare differential.

In my judgment the Wright amendment is still unreasonable and wholly unfair. By allowing travel to Love Field only from points in Texas, Louisiana, Oklahoma, Arkansas, and New Mexico, it arbitrarily permits service from cities such as Albuquerque to Love Field, which is nearly 600 miles, but does not allow service from Wichita, which is 330 miles, to Love Field. The amendment does not even permit connecting service.

In any event, I have pursued this matter for some time. I do know that the air carriers today are in very serious trouble, and at least for the time being, I am intent on working with the carriers and the airport authorities to see if we can get this matter resolved without the need for legislation. I am convinced that as long as this threat of legislation is there, the carriers will be responsible and deal with me on this issue.

However, I am going to tell them that I am going to continue to monitor the issue, and as I saw once in a movie, and I cannot remember which one, I think it was the movie "Oliver," where Fagan said, "I am reviewing the situation." Well, I will be constantly reviewing the situation to make sure that we continue to work responsibly with the carriers, who I know are having some serious financial problems, particularly in this era.

I want to thank the chairman of the Subcommittee on Aviation for his help generally on these and many other issues, and look forward to his working with me side-by-side to continue monitoring the fares and route problems arising out of the Wright amendment.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN pro tempore. (Mr. BARLOW). Is there objection to the request of the gentleman from Kansas?

There was no objection.

The CHAIRMAN pro tempore. (Mr. BARLOW). The amendment is withdrawn.

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

Mr. Chairman, I appreciate the gentleman from Kansas [Mr. GLICKMAN] withdrawing the amendment. He has been a vigorous advocate for his community and for increased competition, and as an advocate for competition, I share that outlook and I respect his doggedness and determination and perseverance on this subject.

The gentleman is correct, Love Field is the only airport in the country governed by a Federal law that regulates services to and from that airport. However, the context was that this was part of an agreement between the two cities of Dallas and Fort Worth, and made possible the construction of the new airport. We have held extensive hearings on the subject at the gentleman's request, and specifically on his bill.

Mr. Chairman, I have two concerns, but the first concern is of opening Love Field to greater traffic creates very serious safety problems. There does not appear to be a way to resolve those safety problems by pursuing the matter in the context that the gentleman from Kansas chooses to pursue it; that is, by expanding services at Love Field to the entire United States. There would be very, very limited separation, and an unsafe distance of roughly 2 miles from aircraft that would be making the approach to Love Field and aircraft making an approach to DFW.

I have reviewed those traffic patterns very, very carefully and held extensive discussions. In fact, I went to the tower and the TRACON at DFW to talk with air traffic controllers about this and other safety matters, and remain very deeply concerned about that. I do not think there is the technology today to make such approaches safe, without setting off conflict alerts and causing serious problems for air traffic controllers and pilots, even with TCAS as it now exists.

Second, I have a concern about the genuineness of Southwest Airlines in their desire to compete. I interceded with DFW Airport to make, and received a commitment from them, to make an equal number of gates available to Southwest at DFW, equal to the number they now operate out of Love Airfield, and to do so at the time this occurred, which was a little over 2 years ago, within 3 weeks. They made a commitment to do so, made the offer to Southwest Airlines, but its chairman refused the offer. They do not want to compete at DFW.

Therein is the dilemma. We are not going to get enhanced competition unless Mr. Kelleher is willing to move his airline operations out of Love Field to DFW, where he would have a bigger airport, more space, more gates, growth opportunities, but then he has to compete with American.

The gentleman from Kansas [Mr. GLICKMAN] proceeds on this issue from one perspective, therefore, and we proceed on it from another perspective. As we continue to work on this issue, I think we hopefully will be able to come to an accommodation that will reduce the cost of travel for the gentleman's constituents.

Mr. GLICKMAN. Mr. Chairman, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Kansas.

Mr. GLICKMAN. Mr. Chairman, I appreciate the gentleman yielding.

Mr. Chairman, I appreciate the gentleman's point. The problem we have with this agreement is that Southwest would have to move the base of operations from Love Field to DFW, an airport they currently do not serve, and it would have been a major capital expenditure for them to do it.

I understand that the gentleman made that offer in good faith and they

chose not to do it. I would still say that it gnaws on me and my constituents that we have to drive 47 miles south to the Oklahoma border, and at that point we are eligible to be served by a low-cost carrier because they can fly into the State just south of us, but they cannot fly into our State.

Something is wrong in our system of free enterprise, which the gentleman and I both extol all the time, that that kind of arbitrary, paternalistic rule is still in effect. One of these days I hope the people will feel that DFW is sufficiently enough built up that it can take the competition from another airport, and we have the technology to not raise any safety issues.

I am not sure those safety issues are necessarily true, because as the head of the Department of Transportation indicated, we could in fact do this without abridging safety. However, I understand the gentleman's concerns, and I look forward to working with him.

Mr. OBERSTAR. I thank the gentleman.

Mr. BURTON of Indiana. Mr. Chairman, I ask unanimous consent to return to title I.

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

There was no objection.

The CHAIRMAN. There being no objection, the committee will now consider any amendments to title I.

AMENDMENT OFFERED BY MR. BURTON OF INDIANA

Mr. BURTON of Indiana. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BURTON of Indiana: Page 8, after line 22, insert the following:

SEC. 112. EXPLOSIVE DETECTION K-9 TEAMS.

Section 529 of the Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 2225) is amended to read as follows:

SEC. 529. EXPLOSIVE DETECTION K-9 TEAMS.

“(a) GRANTS.—The Secretary shall make grants for expenses of training and evaluation of dogs for the explosive detection K-9 team training program for the purpose of detecting explosives at airports and aboard aircraft. Not later than 180 days after the date of the enactment of the Aviation Infrastructure Investment Act, the Secretary shall extend such program to the largest 50 airports in the United States, as determined by the number of passenger enplanements in calendar year 1992.

“(b) FUNDING.—There is authorized to be appropriated from the Trust Fund for carrying out subsection (a) such sums as may be necessary for fiscal years beginning after September 30, 1993. Such funds shall remain available until expended.”

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

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

There was no objection.

Mr. BURTON of Indiana. Mr. Chairman, I will offer two amendments. One is to title I and one is to title II. It goes back to 1989. The gentleman from Minnesota [Mr. OBERSTAR] and the ranking Republican and I talked about this. We have been talking about this for the past 3 to 4 years, now.

The necessity for taking this kind of action, I think, is much more apparent today than it was about 3 or 4 years ago. We had the World Trade Center bombing. We saw some terrorist activity that destroyed a very, very important structure, at least almost destroyed it, and caused a lot of personal injury and property damage.

One of the concerns that I have had since 1989 was the possibility of terrorists with plastic explosives getting onto commercial aircraft in this country, with small detonating devices that are not picked up by a metal detector, something about the size of the gentleman's watch, and putting that detonating device into the plastic on the plane and the timer goes off and it kills a bunch of innocent people flying across this country.

One of the ways to guard against this was to build and put in all the airports around the country things called thermal neutron analysis devices, which cost a great deal of money. I think that is what they were called, TNA's.

The other alternative, instead of spending all that money, was to put sniffer dogs at the airports. These sniffer dogs are being used right now to detect narcotics, they are being used by police agencies around the country to detect plastic explosives and other explosive devices, and they have been very effective.

The problem with them is that they are good for about 45 minutes, and then they have to have another team come on. What we suggested in 1989 was two teams of German Shepherds or other dogs or animals that can do this job for the 25 major airports around the country, and the cost of that for the training and getting them implemented with the people that would be taking them around to the airports was about \$2 million. This \$2 million takes into account the initial cost of training the dogs, which costs about \$10,000 for the teams, including the dogs and their handlers.

□ 1440

Mr. Chairman, a lot of people might say, “My gosh, do we really need to do this?”

There have been meetings around the world of terrorist groups in places like Khartoum involving a number of countries, and their total objective is to try to cause problems for their enemies, including the United States of America.

These are fringe groups. These are not large ethnic or religious groups but fringe groups that are doing this. I

want to emphasize that very thoroughly, because there are a lot of people who may have the same religious beliefs as some of these groups that are not involved in this kind of activity but are tarred with the same brush. But there are fringe lunatic groups that are planning to do this.

So since we know that they have done this to the World Trade Center and since we know there have been terrorist activities that have destroyed planes and other aircraft around the world, it seems to me the prudent thing for this Congress to do since it costs so little is to try to protect people flying across this country on commercial aircraft from our major airports or the major international airports.

So I would just like to say to the chairman of the subcommittee and the ranking Republican that I hope they will take a serious look at this because I think we would be penny-wise and pound-foolish to not do something of this nature, and I would ask the gentleman from Minnesota [Mr. OBERSTAR] if he would engage in a colloquy with me for just a moment.

I understand the gentleman has some objection to these amendments right now because he has not had time to really take a close look at them, but I also understand that he has said he would take a serious look at these to see if he thinks it is necessary when he goes to conference.

Mr. OBERSTAR. Mr. Chairman, if the gentleman will yield, I compliment the gentleman on his perseverance—I will not say doggedness, but his perseverance—in persisting on this issue. The gentleman has raised it as far back as 1989 when our subcommittee held hearings on security issues and brought legislation to the House floor. We had a dialogue about this matter, and the gentleman from Pennsylvania [Mr. CLINGER] and I made a commitment to inquire of the FAA, and we did have the FAA come up and visit with us. We have never had testimony at a hearing on sniffer dogs, but the extensive discussions we have had brought evidence, as the gentleman has already said, that the endurance of the dogs is not sufficient to sustain through hours and hours of sniffing baggage flowing through an airport.

Mr. Chairman, if the gentleman will continue to yield and allow me to continue, I will see that the gentleman gets sufficient time if his time runs out.

The CHAIRMAN. The time of the gentleman from Indiana [Mr. BURTON] has now expired.

(On request of Mr. OBERSTAR, and by unanimous consent, Mr. BURTON of Indiana was allowed to proceed for 4 additional minutes.)

Mr. OBERSTAR. Mr. Chairman, if the gentleman will continue to yield, security experts today that we have

talked with about this matter say there is, of course some deterrence quality from the appearance of dogs at airports or in key areas, but technology has really advanced significantly, and while TNA is still not quite experimental, it is not a fully operational device yet, but it is the best technology for detecting the plastic explosives.

There are sniffer electronic systems that can detect explosives. We have not visited this issue in hearings, and we would have welcomed the gentleman's appearance and we would have had the FAA at the same hearings. I would like to suggest that we again bring the FAA to our committee office with the gentleman in attendance and explore this issue more fully.

Mr. BURTON of Indiana. Mr. Chairman, I would be happy to do that, and I appreciate the gentleman's willingness to do it.

Let me just say that the technology to which the gentleman refers has been questioned by a number of people, as the gentleman knows. There are a number of people, including scientists and others, who feel that this is not as effective as it should be and the technology has to evolve further.

Mr. OBERSTAR. And that is why it is not fully operational at this time.

Mr. BURTON of Indiana. That is right. And in the interim it seems to me, since there has been a manifestation, a very real manifestation, of terrorism within the United States, at the World Trade Center and other areas, that we need to be very prudent and do something as a stopgap measure until we get this technology to protect the major airports and the people going across this country on commercial aircraft. So I do appreciate my colleague's saying that he would do this.

Mr. CLINGER. Mr. Chairman, will the gentleman yield to me?

Mr. BURTON of Indiana. I yield to the ranking member of the subcommittee.

Mr. CLINGER. Mr. Chairman, I would just like to join in this and indicate that I think the gentleman has brought a matter of real concern to us. I think the gentleman has also correctly pointed out that recent events certainly give some urgency to the need to be ensuring that we have proper security measures at our airports.

I would share with the chairman of the subcommittee his concern that TNA clearly is not the final answer. It is an evolving technology. There are other technologies evolving as well. I would join with the gentleman and say that we ought to sit down and say, "OK, can we work it out and have an interim kind of a thing here that would address the concern that you and I both have?"

Mr. BURTON of Indiana. Yes, I agree. And in closing, let me just say: I really appreciate both the chairman and the

ranking Republican agreeing to meetings on trying to work this thing out. We may have to spend \$4 or \$5 million, but as I said before, the amount of money we are talking about in the overall scheme of things is very small compared to the protection we can provide to the American traveling public.

With that, Mr. Chairman, I thank the gentleman very much, and I ask unanimous consent to withdraw my amendment.

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

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

Mr. BONIOR. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise today to engage the manager of the bill in a colloquy on an airport situation in my district that is of great concern to me and my constituents.

The Berz-Macomb Airport is a privately owned airport in Macomb County, MI.

The operation of this airport affects rapidly developing residential neighborhoods in both Macomb and Shelby Townships—two of the fastest growing residential areas in Michigan.

There are already significant environmental problems associated with the present level of airport operations, which are a continuing threat to the quality of life in these communities.

I do not believe that Berz-Macomb should be considered as a candidate for expansion or for any further development.

As the FAA makes determinations about where to spend its very limited resources for airport development, it would be unwise to allocate dollars for any expansion of Berz-Macomb.

The high population density and type of community development here indicate that this area is not compatible with further airport expansion.

The people in this community and community leaders including myself are determined to oppose any further development at Berz-Macomb.

Expansion of Berz-Macomb would be a detriment to our community and would be strongly opposed by the local citizens.

The allocation of any Federal funds for this purpose would be a serious mistake and an unwise use of tax dollars.

I would appreciate the bill manager's comments on the situation at Berz-Macomb.

Mr. OBERSTAR. Mr. Chairman, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, I thank the gentleman for yielding.

I concur in the gentleman's assessments. The gentleman has provided the subcommittee with extensive documentation on the Berz-Macomb Airport

problem. This is one of the classic situations in the country where typically local government by inaction or by inattentiveness has allowed population to encroach upon an airport, and then the airport finds it wants to expand but its expansion means unacceptable noise levels to airport neighbors.

If I recall rightly, this airport is less than 40 miles from the Detroit-Wayne County Airport, the major airport of Detroit.

Mr. BONIOR. That is right.

Mr. OBERSTAR. It does not seem reasonable for this facility to seek expansion when there is already a sizable airport, one of the Nation's most competitive airports, nearby. The AIP dollars, as we saw in the exchange just a little bit ago with the chairman of the Transportation Subcommittee of the Appropriations Committee, are too scarce to squander on expansion of facilities where such expansion does not make sense locally and does not contribute to the national portfolio of airport capacity enhancement.

Mr. BONIOR. Mr. Chairman, I appreciate the gentleman's comments, and I thank him for his concern with this issue.

The CHAIRMAN. Are there any further amendments to title I?

If not, are there further amendments to title II?

AMENDMENT OFFERED BY MR. LIGHTFOOT

Mr. LIGHTFOOT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LIGHTFOOT: At the end of title II of the bill add the following:

SEC. 212. CHILD RESTRAINT SYSTEMS ON COMMERCIAL AIRCRAFT.

(a) IN GENERAL.—Section 601 of the Federal Aviation Act of 1958 (49 U.S.C. App. 1421) is amended by adding at the end the following new subsection:

“(g) CHILD RESTRAINT SYSTEMS.—Not later than 90 days after the date of the enactment of this subsection, the Secretary shall issue regulations requiring the use of child safety restraint systems approved by the Secretary on any aircraft operated by an air carrier in providing interstate air transportation, intrastate transportation, or overseas air transportation. Such regulations shall establish age or weight limits for children who are to use such systems.”

(b) CONFORMING AMENDMENT.—The table of contents contained in the first section of such Act is amended by inserting at the end of the matter relating to section 601 the following new item:

“(g) Child restraint systems.”

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

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

There was no objection.

□ 1450

Mr. LIGHTFOOT. Mr. Chairman, I am very pleased to join with my colleague from Washington State, JOLENE

UNSOELD, in offering an amendment which will protect, in fact, the smallest, most vulnerable, of our Nation's airline passengers. The Lightfoot-Unsoeld amendment will require the use of child safety restraint systems on commercial aircraft. It's very simple, only one page.

Under current FAA regulations adults are required to be restrained during takeoff, landing, and turbulent conditions. Under current FAA regulations your baggage must be secured at your feet of in an overhead compartment. Under current FAA regulations your pet, traveling by air, must be safely secured in a cage yes, even cadavers must be safely secured in place.

Yet under current FAA regulations, infants under the age of 2 may sit in the lap of the parent and must take his or her chances that it will be a smooth flight. Sadly, despite aviation's enviable safety record, our tiniest passengers have been put at needless risk.

I first became involved in this issue back in 1989 after the Sioux City crash. In that crash, of four children on the aircraft, one child died and two were injured.

One child was found 15 rows from where they had actually been seated, in an overhead baggage compartment, only because someone heard it cry.

Their lives may have been saved or injuries minimized by the use of a child safety seat.

Children are at risk in more than just plane crashes. Early this year, a flight from Miami to San Francisco encountered turbulence so severe that 26 people were injured. Nine people were hospitalized including one person who suffered a broken leg. Sadly, two infants, seated on their parents' lap were among the injured. The children could have been spared with the use of a simple child safety restraint system.

The Lightfoot-Unsoeld amendment is supported by the National Transportation Safety Board, our country's leading safety experts, the Air Transport Association, which represents all the airlines, the Aviation Consumer Action Project, which basically represents airline passengers, the Air Line Pilots Association, which is the pilots on the airlines, and the Association of Flight Attendants, those folks who work with airline passengers every day and every night of the year.

Who would oppose legislation endorsed by safety professionals, consumers, aviation management, and aviation labor? Sadly, it is the FAA. The FAA has objected to protecting the lives of children on aircraft because they believe it would lead to ticket price increases and ultimately force young families to drive.

The FAA's conclusions were reached via a \$63,000 tax-supported contract study they commissioned. However, the National Transportation Safety Board analyzed the FAA's study and

concluded the results were flawed in the major assumptions used to reach its conclusions. The FAA provided the contractor bad numbers and, coupled with the contractor's inexperience with aviation, other errors were made. Simply put, garbage in, garbage out.

Further, General Motors Research Institute also looked into the issue and concluded it is twice as safe for families with young children to drive 300 miles as it is to fly and just as safe to drive as to fly 700 miles.

The Lightfoot-Unsoeld amendment has been worded to give the Secretary of Transportation the broadest possible latitude in setting the rules requiring child safety restraints. But it is a violation of an infant's basic rights when we give them one level of protection and adults another much higher level. After all, a child cannot be taken to or from the airport without a safety seat, why should they fly without one?

This House has had a long and honorable history of demanding from the FAA a higher level of protection for the flying public. This House has taken the lead in issues the flying public now takes for granted like floor level lighting, protective breathing devices, and smoke detectors. Today we can close one of the final loopholes in aviation safety by giving our children the protection they deserve.

After all, if you cannot take them to the airport, or take them away from the airport without the use of a safety seat, why in the world should they be the only thing on a commercial aircraft that is not required to be tied down?

I think one of the things that leads to some misconception of the arguments that we have heard is that the airlines then will suddenly start charging for seats.

It has been suggested to us by the airline industry that child safety seats very well could be one of the best market promotion tools they have, offering reduced fares for adults, kids fly free during off-peak hours, just as one example. It seems to me that anything that the airlines can do to enhance the use of commercial aircraft certainly accrues to their benefit and they obviously are not going to get out and promote something that is detrimental to getting people to ride on airplanes.

So, Mr. Chairman, I think the time has come, we have labored over this for a number of years. I am extremely pleased that JOLENE UNSOELD has offered her very able assistance on this particular package. I believe today we can finish one loophole that has caused us a great deal of concern and problems over the years.

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

Mrs. UNSOELD. Mr. Chairman, I move to strike the last word.

Mr. Chairman, imagine yourself flying with an unrestrained infant when

an emergency hits. You are told to wrap the baby in pillows, place it on the floor between your legs, and—without removing your seat belt—brace it with your body. Without an infant restraint system, this is the best you can do to protect your child. Tragically, that's rarely good enough.

Mr. Chairman, listen to the story of a woman in her own words on the plane that crashed in Sioux City, IA, in 1989.

I can still remember the look in the flight attendant's eyes as we both knew this baby had a slim chance of surviving the crash landing. Picture me—a person only 5 feet 3 inches tall—trying to bend over to reach the floor to hold onto my baby, a task that was almost physically impossible. Imagine the sickening feeling of realizing our baby was being sucked out of my grasp as the plane flipped over. There has never been such a feeling of helplessness and terror in my life.

It is a miracle that her daughter survived.

You may think a larger person—a stronger person—could have held on to that baby. Think again. During a crash landing, a child as small as 30 pounds can be thrown forward with 1,000 pounds of force—1,000 pounds.

Clearly, the Federal Aviation Administration recognizes the risk parents take by flying with infants on their laps. That's why the FAA recommends infants be secured during takeoff and landing. But they cannot bring themselves to require it. That is right—they require that you, the other passengers, the flight attendants, the pilot, the bags in the overhead compartment and even the soda cans in the kitchen be secured, but not your infant. This is crazy Mr. Chairman, and it can be deadly.

All we are asking is that children under the age of 2 be given the same protections as you or I. Please support the youngest and most vulnerable of your constituents. Please think of their future. Please support the Lightfoot-Unsoeld amendment.

AMENDMENT OFFERED BY MR. OBERSTAR AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. LIGHTFOOT

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

The Clerk read as follows:

Amendment offered by Mr. OBERSTAR as a substitute for the amendment offered by Mr. LIGHTFOOT: At the end of title II of the bill add the following:

SEC. 212. CHILD RESTRAINT SYSTEMS ON COMMERCIAL AIRCRAFT.

(a) IN GENERAL.—Section 601 of the Federal Aviation Act of 1958 (49 U.S.C. App. 1421) is amended by adding at the end the following new subsection:

“(g) CHILD RESTRAINT SYSTEMS.—Not later than 90 days after the date of the enactment of this subsection, the Secretary shall issue regulations requiring an air carrier to provide, upon the request of a revenue passenger on behalf of a revenue child passenger, a child safety restraint system approved by the Secretary on any aircraft operated by such air carrier in providing interstate air transportation, intrastate transportation, or

overseas air transportation. Such regulations shall establish age or weight limits for children who may use such systems."

(b) CONFORMING AMENDMENT.—The table of contents contained in the first section of such Act is amended by inserting at the end of the matter relating to section 601 the following new item.

"(g) Child restraint systems."

Mr. OBERSTAR (during the reading). Mr. Chairman, I ask unanimous consent that the amendment offered as a substitute for the amendment offered by Mr. LIGHTFOOT be considered as read and printed in the RECORD.

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

There was no objection.

Mr. OBERSTAR. Mr. Chairman, I respect very deeply and very greatly the sincerity, genuineness with which both the gentleman from Iowa [Mr. LIGHTFOOT] and the gentlewoman [Mrs. UNSOELD] have pursued this issue. When the gentleman from Iowa served on the Subcommittee on Aviation some years ago, he asked Mr. CLINGER and me to hold a hearing on the subject of child restraints, and we conducted that hearing, accumulating many pages of documentation from expert witnesses, extensive review of the subject matter from all parties both for, against, neutral, expert witnesses.

You know, when we started out with this issue, I thought this has got to be the simplest thing in the world we can do to save lives and require child safety restraints onboard aircraft.

At the end of the hearing, frankly, my views were changed. We heard the powerful and heartwrenching statements that the gentlewoman from Washington referred to.

□ 1500

We also received testimony and carefully reviewed studies that suggested young families who would be required to buy a seat for their child would most likely abandon air travel, get in their cars and drive to reduce the cost of travel, putting themselves and their children at greater risk.

If you look at the stark contrast between highway safety records and aviation safety records, you see very quickly the great disparity that exists between the two modes. The number of passengers who would die in highway accidents would be far greater than the number of infant lives saved in the situation where the law might require the purchase of an airline ticket for a safety seat for the child.

A study done by the University of Maryland and included in our documentation concluded:

Given that highway travel is less safe than air travel, the mandatory use of child safety belts in air transport will result in an increase in the number of lives lost.

Accident analyses that we have had completed for the subcommittee's purposes indicated that over a 10-year pe-

riod, three infant lives were lost in aviation because the child was unrestrained, only three in 10 years.

The same analysis of how many families would be diverted to the highways if they had to purchase a ticket indicates that some 300,000 families would make that choice.

The result if you took that option, according to this analysis, would be 115 lives lost over 10 years, compared to 3 lives lost in the 10-year period of unrestrained children on board aircraft.

Far more significant for safety of passengers aboard aircraft in the event of a tragedy has been the subcommittee's insistence that the FAA proceed with its seat strengthening requirement for airlines, to strengthen from 9 G's to 16 G's the force resistance of airline seats.

As the Sioux City crash indicated, typically in a crash of that type the seats just accordion forward and lives are lost by the impact. In that terrible tragedy, lives were saved because seats stayed in place due to the seat strengthening requirements and the modifications of aircraft that have taken place over the years and are continuing to take place as new aircraft come on board and older aircraft are modified to meet that standard.

I do not think it makes sense to require families to pay out an awful lot of money, but I do think that they ought to have the choice.

The amendment that I have offered as a substitute for the gentleman's amendment would give parents that choice. If they choose to buy a ticket for a child and want a child restraint seat, the air carrier is required to provide an approved child safety restraint device or seat for that child passenger.

I think this substitute amendment reinstates in the equation the element of choice and puts the choice on the passenger, on the parent, rather than forcing or imposing a requirement on the airline and upon all the traveling public at great cost, with rather minimal benefit.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. OBERSTAR. Mr. Chairman, I ask unanimous consent to proceed for 1 additional minute.

The CHAIRMAN. Let the Chair advise the Member, the Chair has been advised that there will be objections to extensions of time ultimately, other than just a few minutes for each Member. The Chair would just advise the Members let us try to keep it as short as possible if we can.

Is there objection to the request of the gentleman from Minnesota to proceed for 1 additional minute?

There was no objection.

Mr. BILBRAY. Mr. Chairman, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Nevada.

Mr. BILBRAY. Mr. Chairman, I just was curious, in this provision as I un-

derstand it, under the gentleman's provisions unless the passenger pays for an additional seat, the airline is not obligated to provide a child restraint seat.

What about the fact, as often happens, I have a grandchild 18 months old, often when they fly out here my daughter and my son-in-law often have the middle seat that is empty because the plane is not full. Would the airline be required to provide a seat in that case, even though they did not buy the seat, even though it is available and they have restraint seats?

Mr. OBERSTAR. Under my provision, the airline would be required to provide a child restraint seat for a ticketed child.

Mr. BILBRAY. But when there is an open seat, I can understand the argument, the fact that some parents will not travel, as the gentleman said, with two seats, I mean buying an additional seat, but if there are open seats and often airlines fly with open seats and sometimes the center seat is open and they have their child in it, why not require at least in that particular case where there is an open seat that the airline would be required to provide the child restraint seat.

Mr. OBERSTAR. That is still an option for the airline under the circumstance to allow the child to do that.

Mr. BILBRAY. I understand it is an option, but why not require it?

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

Mr. Chairman, I rise in support of the Lightfoot-Unsoeld amendment. This amendment, which would require the use of child safety restraint systems on commercial aircraft, takes an important step toward maintaining safety in the skies.

On January 25, 1990, a B-707 crashed in Cove Neck, NY. Of the seven infants on board, six were injured and one was killed. On July 19, 1989, a DC-10 crashed in Sioux City, IA. Of the three infants and one small child on the plane, one infant was killed and the two other infants and the small child were injured. On November 15, 1987, a DC-9 crashed in Denver, CO. A 6-month-old infant was one of the 25 passengers killed. None of these children were using an FAA-approved child-restraint device.

Mr. Chairman, these are only some of the statistics from some of the recent airline crashes. There are vast statistics of injuries sustained by infants during turbulence. We have all heard, at one time or another, a horror story about an infant being pulled from his parents' arms and propelled through the cabin in a crash or turbulence.

It is sad that a society which takes such pride in the safety and well-being of its children could have overlooked this vital safety measure for so long. There are safety requirements for infants and small children riding in cars

and safety requirements for children riding on bikes, but there are no specific safety requirements for infants and small children on commercial aircraft. Ironically, passengers on aircraft are allowed to hold children on their laps, but they are not allowed to hold their briefcases, which may weigh much less than a child.

In recent years, the FAA has developed many new regulations aimed at improving occupant protection and cabin safety. None, however, have included mandatory infant and child restraints. Although a voluntary policy was instituted, the National Transportation Safety Board [NTSB] stated in 1990 testimony before the Subcommittee on Aviation, that it had been ineffective. The time has come to require a mandatory policy of compliance to ensure the safety of our children.

Mr. Chairman, I am an original cosponsor of H.R. 1533, a bill identical to this amendment. It was one of the first bills I signed onto as a Member of Congress. I am a cosponsor because I feel very strongly about the safety of children, perhaps because of my two very young daughters.

This amendment would afford infants and children the same level of protection we offer all other passengers on airplanes. I urge my colleagues to vote "yes" on this important child safety issue.

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

Mr. Chairman, I would say at the outset that the gentleman from Minnesota [Mr. OBERSTAR] and I are good friends. There are a number of issues that we have agreed upon and still agree upon, but apparently we have a little difference of opinion on this particular one.

As the chairman pointed out, we did have a hearing on child safety seats, but at the time the FAA brought that study to us, the very day of the hearing, which did not give any of the groups who were in opposition to the proposal an opportunity to analyze it.

Then the Public Works Committee asked the NTSB to do an analysis of the study and they said, I will use a couple quotes:

The Board found several errors in the study's analysis of fatalities and injuries under (2) because it was, first of all, prepared by persons with no knowledge of aircraft crash worthiness, kinematics and injury mechanicals.

The NTSB also included a sample of accidents examined by the contractor was not valid to demonstrate the effectiveness of child safety seats.

□ 1510

In essence what they did, they used all highway statistics. That includes everyone that is killed inside the city limits of a community. I say to my colleagues, "If you have driven around the

Beltway of Washington, DC, that's a lot more dangerous than it is going on I-80 in Chicago to Omaha, NE, and I think, if you're going to compare apples to apples, then you have to compare interstate highway miles only, and that's basically what the GM folks came up with."

The gentleman also mentioned, and I keep hearing this statement come up by those who are not really in love with our approach here, that we are going to require parents to buy a ticket. That is not true. There is nothing in this amendment that says anything about requiring anyone to buy a ticket. It simply says that child safety seats will be used on commercial aircraft, and, as the gentleman from Nevada mentioned a moment ago, current practice is to allow parents who have children, if there are vacant seats on the aircraft, allow those children to occupy those seats. There is absolutely no reason to believe that that would change.

Again we talk about, as you know, the number of lives. We are not just talking about crashes here. I have been flying for, I guess, 20-some-odd years. I got a commercial rating, and there are a lot of hazards with aviation that are not confined just to crashes. In fact, somebody once said that a good landing is a controlled crash one walks away from, but, be that as it may, a lot of accidents occur, a lot of injuries occur, when aircraft come in contact with what is called clear air turbulence. At this point in time we still do not have the kind of technology we need to accurately predict where that might be, and, when one is riding on an airplane and when the captain says, "Even though the seatbelt light is turned off, please keep your belts fastened while you are in the seat," it is not just some rhetoric they are going through. It is for very valid safety reasons.

I was in an aircraft or got to see an aircraft after it landed that had gone through some clear air turbulence over the State of Kansas last year. It happened right after the meal, and they just served lasagna, and it was not a pretty sight, and there were several people who were injured who were up and walking around at the time they hit the turbulence.

I would say again, with the greatest of respect for the gentleman from Minnesota [Mr. OBERSTAR], my basic disagreements with him on his substitute would be that we are going to force the airlines now to provide the seat, and at a time when we are worried about the viability of airlines it does not seem to me that it is appropriate that we force them to come up with some additional kinds of equipment which they have no way of predicting when it would be needed. Parents who travel now because of the laws in all 50 of our States own DOT approved child safety seats.

They bring the child to the airport in that safety seat, they leave the airport with that child in the safety seat, and it just seems that it is logical for them to be allowed to use that safety seat while they are en route in the aircraft, and that is all we are merely asking to do.

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

Mr. Chairman, I rise in support of the substitute offered by the gentleman from Minnesota [Mr. OBERSTAR] and against the mandatory requirement. The anecdotal evidence here is always touching, wrenching, when we talk about anybody being killed, particularly infants, but I would remind my colleagues that we charge the FAA with the safety provisions. It is up to the FAA to set these standards, and the FAA is opposed to this mandatory provision introduced by my good friend, the gentleman from Iowa [Mr. LIGHTFOOT].

In fact, Mr. Chairman, the one study that is available, and there may well be flaws in it, but the one study that is available says that more lives will be lost by passing this because people will move into the automobile with their infants, and I would suggest to my good friend that I think it is a bit disingenuous to say that the amendment offered by the gentleman from Iowa [Mr. LIGHTFOOT] does not require people to buy seats for infants because the amendment does indeed require a safety seat be used, and how can one fulfill that requirement unless they buy a seat?

The evidence is clear. In fact, the FAA says that the cost will be about \$250 million a year of increased costs for parents to do this, and the evidence is very unclear. In fact, the only evidence that we have in terms of statistical studies shows that this could have a perverse effect of actually increasing total fatalities in transportation.

So, Mr. Chairman, for all of those reasons I certainly understand the well-meaning intent of the gentleman from Iowa [Mr. LIGHTFOOT], my good friend, but I believe the hard evidence suggests that we should not place this mandate, one more mandate, on the American people when indeed we have the FAA in place and charged with the responsibility of setting the safety standards.

So, I, therefore, urge support for the substitute amendment offered by the gentleman from Minnesota [Mr. OBERSTAR].

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

Mr. Chairman, I would like at this time to enter into a colloquy with the gentleman from Minnesota [Mr. OBERSTAR] based on the fact of talking about empty seats that are available to parents, as I brought up earlier, and

whether or not a legislative history can be created and the fact that the committee would urge the Secretary to pass regulations that would provide that, when empty seats are available, as often happens, that child restraint seats be made available at the airline for those infants at that time.

Mr. OBERSTAR. Mr. Chairman, will the gentleman yield?

Mr. BILBRAY. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, the gentleman has made a very useful suggestion in the course of our earlier exchange, and I think that clearly in the course of rulemaking, as this amendment provides and directs the Secretary to accomplish, that in the course of rulemaking the Secretary can direct the making available of seats that are not purchased at the time of flight, available for child restraint systems, as the gentleman has suggested. I would say that my substitute offers a way to accommodate both the concerns of the gentleman from Iowa [Mr. LIGHTFOOT] and those of the FAA. Passengers who cannot afford to buy a seat for their child would be able to do so, and they would get a restraint system, but under my substitute passengers who could not afford an infant seat would not be required to do so. They would not be forced at the highways, but, when seats are available, as the gentleman has suggested under rulemaking, the Secretary can direct that such seats be made available.

Mr. BILBRAY. Mr. Chairman, what I was hoping that the gentleman from Minnesota [Mr. OBERSTAR] would do on behalf of the committee was to urge the Secretary to do so, not just—

Mr. OBERSTAR. We will do so.

Mr. BILBRAY. So not just say he can do such.

Mr. OBERSTAR. We will do so, and, when this legislation gets through conference and we bring it back, we will pursue that approach that the gentleman from Nevada [Mr. BILBRAY] suggests.

Mrs. UNSOELD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have appreciated all the work that the chairman has done in this committee, and I am particularly appreciative of his high regard for life and, in fact, the sacred quality of life. We require infant restraints in automobiles. I would plead with the chairman to keep in mind that sacred quality of life and provide the same protection in this instance that is in force in others.

Bucking the safety issue to FAA, as was suggested by a colleague on this other side of the aisle, is really shirking our responsibility. The Government is repleat with examples of agencies, regulatory agencies, that become captive to those they regulate, and it is the role of Congress to redirect policy

or to remind agencies of their responsibility.

I would plead with the gentleman from Minnesota [Mr. OBERSTAR] to endorse this proposal because of his high regard for life.

Mr. OBERSTAR. Mr. Chairman, will the gentlewoman yield?

Mrs. UNSOELD. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, I appreciate the very genuine and sincere approach the gentlewoman from Washington [Mrs. UNSOELD] has taken and her enormous sensitivity to life. In so many respects and so many ways she has been an advocate for quality of life.

But in the highway program, Mr. Chairman, there is no Federal law requiring child safety seats on board automobiles.

Mrs. UNSOELD. Mr. Chairman, I used "we" loosely. It is required in many States.

Mr. OBERSTAR. Yes, but with this amendment we would be going further than Federal highway safety law does today for the purposes of aviation.

Mrs. UNSOELD. It is a little difficult to keep a plane within the State's borders.

Mr. OBERSTAR. But we are still doing more than Federal highway safety laws do today, and we are leaving the element of choice, as there is in most States and under most laws, for the automobile, and still only less than half of parents choose to use child safety restraints in automobiles. I think we are actually going further in this language for aviation than Federal law does, than State law does.

□ 1520

Mrs. UNSOELD. Mr. Chairman, you have the wrong committee for me to help you work on that issue. But I would urge you to please give consideration to those infants and those under 2 years old, who are so helpless and are dependent upon us adults to make the decisions for them that are going to protect them. They should be as safe as the pop cans on the planes.

Ms. PELOSI. Mr. Chairman, I rise today in strong support of the Lightfoot-Unsoeld child safety restraint amendment to the Aviation Infrastructure Investment Act. As a cosponsor of H.R. 1533, the bill on which this amendment is modeled, I support the use of child safety restraints for children under 2 years old on commercial flights.

Presently, children under the age of 2 years are held in their parents' laps on commercial flights. These children are more at risk than any other airplane passengers, who are restrained in their seats. It is absurd that present policy treats the safety of an infant with less regard than the safety of an adult. Young children traveling in airplanes should be provided with safety features which are provided for adults—that is, an effective restraint such as an infant seat. As we all know, children in cars must be strapped into an infant seat. Young children traveling in airplanes should be af-

forded the same level of safety as children traveling in cars.

The Association of Flight Attendants is among the supporters of this amendment. Flight attendants are responsible for the safety of their passengers, yet they cannot protect unrestrained infants in the event of severe turbulence or—even worse—an accident.

This amendment does not mandate one type of safety restraint, but would give the Secretary of Transportation ample latitude in setting requirements for proper child restraints on commercial flights.

Mr. Chairman, the Lightfoot-Unsoeld amendment is an important amendment protecting our youngest children. I urge my colleagues to vote in favor of this amendment to the Aviation Infrastructure Investment Act.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. OBERSTAR] as a substitute for the amendment offered by the gentleman from Iowa [Mr. LIGHTFOOT].

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

RECORDED VOTE

Mr. LIGHTFOOT. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 270, noes 155, not voting 13, as follows:

[Roll No. 487]

AYES—270

Allard	Collins (IL)	Glickman
Andrews (ME)	Collins (MI)	Gonzalez
Andrews (TX)	Combest	Goodlatte
Applegate	Cooper	Gordon
Archer	Coppersmith	Goss
Arney	Costello	Grams
Bacchus (FL)	Coyne	Gunderson
Bachus (AL)	Cramer	Hall (OH)
Baessler	Crane	Hall (TX)
Baker (CA)	Danner	Hamburg
Barcia	de Lugo (VI)	Hamilton
Barlow	Deal	Hefner
Barrett (WI)	DeLay	Hilliard
Barton	Derrick	Hoagland
Bateman	Deutsch	Hobson
Beilenson	Dickey	Hochbrueckner
Bentley	Dicks	Hoke
Bereuter	Dingell	Horn
Bevill	Dixon	Houghton
Bilbray	Doolittle	Hoyer
Bilirakis	Dreier	Huffington
Bishop	Duncan	Hughes
Blackwell	Durbin	Hutto
Blute	Edwards (CA)	Inhofe
Boehlert	Edwards (TX)	Istook
Bonior	Emerson	Johnson (CT)
Borski	English (OK)	Johnson (SD)
Boucher	Ewing	Johnson, E. B.
Brewster	Farr	Johnson, Sam
Brooks	Fawell	Kanjorski
Browder	Fazio	Kaptur
Brown (CA)	Fields (TX)	Kildee
Brown (FL)	Fingerhut	Kim
Brown (OH)	Foglietta	Kloczka
Bryant	Ford (MI)	Klein
Bunning	Ford (TN)	Kolbe
Buyer	Fowler	Kyl
Calvert	Franks (CT)	LaFalce
Camp	Frost	Lancaster
Canady	Gallo	Lantos
Cantwell	Gejdenson	LaRocco
Carr	Gekas	Laughlin
Castle	Gephardt	Levin
Chapman	Geren	Levy
Clay	Gibbons	Lewis (FL)
Clement	Gilchrest	Lipinski
Clyburn	Gillmor	Lloyd
Collins (GA)	Gilman	Machtley

Mann
Manton
Manzullo
Martinez
Mazzoli
McCandless
McCloskey
McCurdy
McHugh
McInnis
McKeon
Meehan
Meek
Menendez
Meyers
Mica
Miller (CA)
Miller (FL)
Mineta
Minge
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Natcher
Neal (MA)
Neal (NC)
Norton (DC)
Oberstar
Obey
Ortiz
Owens
Oxley
Packard
Parker
Paxon
Payne (VA)
Penny
Peterson (FL)
Peterson (MN)

Petri
Pickett
Pickle
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Richardson
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Sabo
Sangmeister
Santorum
Sarpanius
Sawyer
Saxton
Schaefer
Schiff
Schumer
Sharp
Shaw
Shuster
Siskisky
Skaggs
Skeen
Skelton
Slattery
Smith (NJ)

Snowe
Solomon
Spence
Spratt
Stearns
Stenholm
Stokes
Studds
Stupak
Sundquist
Swett
Synar
Tanner
Tausin
Taylor (MS)
Taylor (NC)
Tejeda
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Upton
Valentine
Vento
Volkmer
Vucanovich
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wise
Wynn
Yates
Young (AK)
Young (FL)
Zimmer

Washington
Waters

Wolf
Woolsey

Wyden
Zeliff

Ackerman
Berman
de la Garza
Dellums

Faleomavaega
(AS)
Flake
Green
Lewis (CA)

McDermott
McNulty
Murphy
Quillen
Wilson

NOT VOTING—13

□ 1543

Messrs. ROSTENKOWSKI, JEFFERSON, McHALE, SCOTT, HEFLEY, REYNOLDS, and SMITH of Michigan changed their vote from "aye" to "no."

Miss COLLINS of Michigan and Messrs. COMBEST, BAESLER, DE LUGO, HOAGLAND, TORKILDSEN, DREIER, GILCHREST, NEAL of Massachusetts, GOODLATTE, PORTER, WAXMAN, and GOSS changed their vote from "no" to "aye."

So the amendment offered as a substitute for the amendment, was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN (Mr. COLEMAN). The question is on the amendment offered by the gentleman from Iowa [Mr. LIGHTFOOT], as amended.

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

RECORDED VOTE

Mr. LIGHTFOOT. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 374, noes 48, not voting 16, as follows:

[Roll No. 488]

AYES—374

Abercrombie
Andrews (NJ)
Baker (LA)
Ballenger
Barca
Barrett (NE)
Bartlett
Becerra
Bliley
Boehner
Bonilla
Burton
Byrne
Callahan
Cardin
Clayton
Clinger
Coble
Coleman
Condit
Conyers
Cox
Crapo
Cunningham
Darden
DeFazio
DeLauro
Diaz-Balart
Dooley
Dornan
Dunn
Engel
English (AZ)
Eshoo
Evans
Everett
Fields (LA)
Filner
Fish
Frank (MA)
Franks (NJ)
Furse
Gallegly
Gingrich
Goodling
Grandy
Greenwood
Gutierrez
Hancock
Hansen
Harman

Hastert
Hastings
Hayes
Hefley
Herger
Hinchee
Hoekstra
Holden
Hunter
Hutchinson
Hyde
Inglis
Inslee
Jacobs
Jefferson
Johnson (GA)
Johnston
Kasich
Kennedy
Kennelly
King
Kingston
Klink
Klug
Knollenberg
Kopetski
Kreidler
Lambert
Lazio
Leach
Lehman
Lewis (GA)
Lightfoot
Linder
Livingston
Long
Lowe
Maloney
Margolies-
Mezvinsky
Markey
Matsui
McCollum
McCrery
McDade
McHale
McKinney
McMillan
Mfume
Michel
Walsh

Morella
Murtha
Myers
Nadler
Nussle
Olver
Orton
Pallone
Pastor
Payne (NJ)
Pelosi
Pombo
Reynolds
Roemer
Romero-Barcelo
(PR)
Rose
Rostenkowski
Roth
Rowland
Roybal-Allard
Barlow
Rush
Sanders
Schenk
Schroeder
Scott
Sensenbrenner
Serrano
Shays
Shepherd
Slaughter
Smith (IA)
Smith (MI)
Smith (OR)
Smith (TX)
Stark
Strickland
Stump
Swift
Talent
Thomas (CA)
Thomas (WY)
Thompson
Underwood (GU)
Unsoeld
Velazquez
Visclosky
Walker
Walsh

Canady
Cantwell
Cardin
Carr
Castle
Chapman
Johnson (FL)
Bachus (AL)
Baesler
Baker (CA)
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Barton
Bateman
Becerra
Beilenson
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Blute
Boehlert
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (FL)
Brown (OH)
Bryant
Bunning
Buyer
Duncan
Durbin
Edwards (CA)
Edwards (TX)

Emerson
Engel
English (AZ)
English (OK)
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (NJ)
Franks (NY)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Gordon
Goss
Grams

Grandy
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hansen
Harman
Hastert
Hastings
Hayes
Hefner
Herger
Hilliard
Hinchee
Hoagland
Hobson
Hochbrueckner
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hutchinson
Hutto
Hyde
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Kaptur
Kasich
Kennedy
Kildee
Kim
King
Kleczka
Klein
Klink
Klug
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (FL)
Lewis (GA)
Lipinski
Livingston
Lloyd
Long
Lowe
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-
Mezvinsky
Markey
Martinez
Matsui
Mazzoli

McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
Meehan
Meek
Menendez
Meyers
Mfume
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Norton (DC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Rahall
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roemer
Rogers
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister

Santorum
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shepherd
Shuster
Siskisky
Skaggs
Skeen
Skelton
Slattery
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stokes
Strickland
Studds
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tausin
Taylor (MS)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Underwood (GU)
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walsh
Washington
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—48

Allard
Armey
Baker (LA)
Ballenger
Bartlett
Bliley
Boehner
Bonilla
Burton
Callahan

Coble
Condit
Cox
Crapo
DeFazio
DeLay
Doolittle
Dornan
Dunn
Goodling

Hancock
Hefley
Hoekstra
Hoke
Hunter
Inglis
Kanjorski
Kingston
Knollenberg
Lightfoot

NOES—155

Linder	Pombo	Smith (MI)
Mica	Ramstad	Stenholm
Michel	Roberts	Stump
Myers	Rohrabacher	Taylor (NC)
Nussle	Royce	Upton
Penny	Sarpalius	Walker

NOT VOTING—16

Ackerman	Flake	Quillen
Berman	Green	Romero-Barcelo
Brown (CA)	Kennelly	(PR)
de la Garza	Lewis (CA)	Wilson
Dellums	McDermott	
Faleomavaega	McNulty	
(AS)	Murphy	

□ 1602

So the amendment, as amended, was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MS. DANNER

Ms. DANNER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. DANNER: Page 12, before line 8, insert the following:

SEC. 203. PROCESSING FEES.

Section 313(f) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1354(f)) is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and (2) by inserting after paragraph (2) the following:

“(3) FOREIGN REPAIR STATION CERTIFICATION AND INSPECTION FEES.—The Administrator shall establish and collect fees for certification and inspection of repair stations outside of the United States equivalent to the costs of providing the certification and inspection services.”

Redesignate subsequent sections of title II of the bill accordingly.

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

The CHAIRMAN. Is there objection to the request of the gentlewoman from Missouri?

There was no objection.

Mr. OBERSTAR. Mr. Chairman, will the gentlewoman yield?

Ms. DANNER. I yield to the chairman of the subcommittee, the gentleman from Minnesota [Mr. OBERSTAR].

Mr. OBERSTAR. I thank the gentlewoman for yielding.

Mr. Chairman, we have examined this amendment. It deals with fees on foreign repair stations, to recover the costs of FAA certification and inspection of repair stations in other countries. We accept the amendment.

Mr. CLINGER. Mr. Chairman, will the gentlewoman yield to me?

Ms. DANNER. I yield to the gentleman from Pennsylvania.

Mr. CLINGER. I thank the gentleman for yielding to me.

Mr. Chairman, we have had a chance to see the amendment on this side. I think it makes eminent good sense. It was a recommendation of the National Performance Review. It is a sensible amendment. We are delighted to accept it.

Mr. DANNER. Mr. chairman, my amendment takes language from Vice President

GORE's Reinventing Government report and codifies his recommendation by calling on the Federal government to start charging fees for the services it provides. This is a good government amendment and the beginning of what I hope will be further action to enact Mr. GORE's recommendations so we may create a government that works better and costs less.

Specifically, the amendment will require the Federal Aviation Administration to recoup the expenses it incurs when it sends FAA inspectors to certify and do spot checks of foreign repair stations.

I believe it is financially responsible to charge these facilities for the full expense the Federal Government incurs for FAA certification and surveillance. With my amendment, the FAA will now be required to charge for all the expenses it incurs for these inspection.

In speaking with the airlines, the FAA and air cargo groups, none felt the additional costs will be significant or have an adverse impact on their operations.

Mr. Chairman, I urge adoption of this good Government amendment and thank the chairman of the Aviation Subcommittee and his staff for their support on this matter.

Mr. Chairman, I thank the gentlemen, and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Missouri [Ms. DANNER].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. OBERSTAR

Mr. OBERSTAR. Mr. Chairman, I offer an amendment.

The clerk read as follows:

Amendment offered by Mr. OBERSTAR: Page 26, line 1, strike “June 1” and insert “January 15”.

Mr. OBERSTAR. Mr. Chairman, the purpose of this amendment is to accelerate the date by which the FAA is to complete the study required by section 210 of the bill for a system for allocating slots for international service at O'Hare Airport.

Mr. CLINGER. Mr. Chairman, if the gentleman will yield, I rise in very strong support of this amendment, and I just wish to indicate that it will accelerate the time in which there will be a report due. It moves the time up by 6 months, to January. I think it is an excellent amendment, and we are happy to support it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. OBERSTAR].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. MORAN

Mr. MORAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MORAN: Page 24, after line 18, insert the following:

(4) NONAPPLICABILITY TO WASHINGTON NATIONAL AIRPORT.—This subsection shall not apply to operations at Washington National Airport.

Mr. OBERSTAR. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments

thereto be limited to 20 minutes, to be equally divided between the gentleman from Virginia [Mr. MORAN] and myself.

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

Mr. WOLF. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. MORAN. Mr. Chairman, this bill includes a provision that would require the FAA to review the slot restrictions that currently exist at four high-density airports: O'Hare, J.F.K., LaGuardia, and Washington National Airports.

My amendment would delete Washington National Airport from that review. The reasons are very clear.

First of all, there has been an iron-clad commitment that was signed by all the parties, including the local Governments in this region, that the slot restrictions at National Airport would not be changed. We currently have 62 takeoffs and landings at National Airport, more than 1 a minute; 37 commercial slots. The principal concern is one of safety, safety for airline passengers, safety for the residents who live in this very populous metropolitan area.

Mr. Chairman, any breach of that commitment would be unconscionable, and that is exactly the intent of this review.

You would not do the review of the slot restrictions unless there was an intent to lift or remove restrictions on these high-density airports.

Mr. Chairman, \$1.5 billion has been invested in a capital improvement program at Washington National Airport. That capital improvement program is based upon the assumption that those slot restrictions will not change.

Mr. Chairman, National Airport is not the only airport, not the only access that people in the Washington metropolitan area have available to them. The fact is that Washington/Dulles Airport, which is undergoing a \$1 billion expansion, has plenty of capacity; Baltimore-Washington International Airport [BWI], has underutilized capacity. It does not make sense to divert flights from those airports to Washington National Airport.

We sit right in the heart of a very populous area. This is a sensitive area, as well, from a political standpoint, as the chairman and my colleagues would understand.

I would like to posit one further reason why this amendment should pass, and that is that if it does not, it is going to be interpreted as one more action that the Congress has taken for its own convenience. Rightfully or wrongfully, that is the way it will be interpreted.

Mr. Chairman, we have a commitment that the slot restrictions at National Airport will not be changed. It is inappropriate to conduct this review.

I ask my colleagues to support the amendment.

Mrs. MORELLA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the Moran amendment to eliminate Washington National Airport from the review of slot restrictions at our Nation's high density airports.

The existing slot rule at National Airport was a compact between Federal, local, and airport officials. Its establishment by the Federal Aviation Administration was in response to the many appeals of citizens and local elected officials for relief from airport noise. Its preservation is essential to the promises that were made during the development of legislation providing for the transfer of National and Dulles airports from FAA control to the Metropolitan Washington Airports Authority. Indeed, the rule allowing only 37 commercial slots per hour has been established by the Washington Metropolitan Airport Act itself.

Over the past 5 years, there have been legislative and administrative attempts to alter the slot rule at National Airport. In the past, these attempts have been cited as necessary for airline competition. However, I want to emphasize again, that any efforts to alter the slot rule would be a breach of the good faith agreement that led to legislation transferring control of National and Dulles airports from the FAA to a local authority. Changes in the slot rule would destroy years of hard work by citizens, by Members of Congress, and airport officials to provide genuine relief to the surrounding communities impacted by the traffic in and out of National Airport.

My constituents in Montgomery County, MD, are hard-hit when it comes to airport noise. They are impacted by flights, not only from Washington National Airport, but from Dulles and Baltimore-Washington International Airport, as well. It would be simply unfair to expect my Montgomery County Community to bear the brunt of any additional noise as a result of any tampering with the existing slot rule.

I urge my colleagues to support the Moran Amendment that would delete Washington National Airport from the FAA study of the slot rule at high density airports.

□ 1610

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

Mr. Chairman, I rise to oppose this amendment as strongly as I can. It would exclude, make an exception and exclude National Airport from a study provision, and I think it has to be emphasized this is a study provision in this bill, which requires the Secretary to study and provide recommendations on the efficacy of the High Density Rule. That is what it does.

If there were to be any changes whatever in any of the slot-controlled air-

ports, be it National, O'Hare, LaGuardia, there would be required new legislation which would come before this body and be subject to a full debate at that time.

But, Mr. Chairman, since this slot-control rule was enacted in 1969, there have been enormous changes in our aviation world, refinements, improvements. The technology has improved dramatically. Our ability to control aircraft has improved dramatically.

It seems to us that it is time, it is a reasonable period of time to at least take a look at this and see if in fact the improvements in technology, the improvements in our ability to control aircraft have reached a stage where we could review this and perhaps make changes in the slot control group.

I would also point out that we have had dramatic improvements in our ability to control noisy aircraft. It will not be too much longer that we are going to have an absolute prohibition on the use of the noisier aircraft. We move to stage 3.

I know that is a concern of those who are in favor of this amendment, but we have made strides in all these areas.

All we are asking and all we are proposing is that we have an opportunity to study this question. If it turns out there is no merit in what we are proposing, then obviously there will not be legislation proposed, but I do think it is a little harsh to say that we cannot even look at it. We cannot even consider whether or not changes that have existed would make it feasible to make those changes.

So, Mr. Chairman, I would urge opposition to this amendment.

Mr. CARDIN. Mr. Chairman, will the gentleman yield?

Mr. CLINGER. I am happy to yield to the gentleman from Maryland.

Mr. CARDIN. Mr. Chairman, one of the concerns that we have in support of the Moran amendment is that the study, what assurances do we have that the agreements that were reached in 1986 when the National Airport was transferred to the Authority, there were arrangements made between the jurisdictions, Maryland, Virginia, and the District of Columbia, as to the number of flights.

Will the study be mindful of the commitments that were made in 1986? It seems to me the study is just going to be looking at the congestion-noise issues and would not take into consideration commitments that have been previously made by the local jurisdictions. That is one of our concerns.

What assurances can the gentleman give us that that would also be part of the study?

Mr. CLINGER. I think clearly we are going to have a study which is obviously going to be mindful of this. At the moment, as the gentleman knows, by law there is a limitation of 37 slots. So that is clearly a part of the mix.

That was part of the agreement that was made. That would have to be a part of any consideration of a study that would be made in regard to this issue.

Mr. CARDIN. Would the study take into consideration commitments that were given when the current arrangements at National Airport were established in 1986?

Mr. CLINGER. In 1986?

Mr. CARDIN. Yes.

Mr. CLINGER. It is part of the law. That is in the law now. That would have to be a part of the consideration of any study that would be undertaken.

Therefore, Mr. Chairman, I would again urge opposition to this amendment which simply calls for a study, nothing beyond that.

Ms. NORTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to say to my colleagues that I rise to strongly support the Moran amendment and to say to my colleagues, you should not want to touch this one with a 10-foot pole. Not only does it break a promise that there would be no increase in the number of slots at National Airport, because it says there may well be an increase in the number of slots at National Airport, but National Airport is nationally regarded as the plantation of the Congress itself. National Airport is seen, and I might say not without cause, as an airport the Congress has kept close to itself for its own convenience as, if you will forgive me, a perk of the Congress.

National Airport was handed over to local control in the late eighties with a promise not to change the number of slots.

Who wants this change? It is the big airlines who want this change. They have been trying for years to expand the number of slots at National Airport. If you vote against the Moran amendment, you will be seen by your constituents as voting for your own convenience, as voting to expand slots so that you can more easily come in and go out of National Airport. That may not be what you mean, but that is how it will be read to mean.

To throw National Airport into any group of airports like this is to forget what the history of National Airport has been. Members had control of National Airport itself until the courts threw out that control only within the last couple of years.

This very evening by coincidence, Mr. Chairman, I am going to an FAA noise hearing in the District of Columbia about a promise that has not been kept on noise in this region, despite the number of slots we now have.

The gentleman says what harm can it do to study the number of slots? We have not done anything about the number of slots.

The gentleman forgets that we have outstanding bonds, may have more,

that we are in the middle of construction. Do we want to send a signal that this construction may be undone, despite the millions of dollars that are tied up in it by a study that has now been thrown on the table out of nowhere by the Congress and again it will be interpreted that we are doing the bidding of the airlines and that we are doing our own bidding.

I do not mean to suggest that is what this bill is about, but it is time that this Congress understood the appearances it gives when it takes actions like this.

I am asking that we omit National Airport. It is not just another airport. It is an airport fraught with history, a history in which this Congress is deeply implicated.

National Airport is not a perk. If you vote against the Moran amendment and it appears to be a perk and it looks as though we want to expand the number of slots for our own convenience and that we are not treating National Airport as we treat all other airports. We do not need to send that signal during this Congress.

Mr. Chairman, vote for the Moran amendment.

□ 1620

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

Mr. Chairman, I rise against the amendment, in opposition to what the committee has done, and in strong support for the amendment offered by the gentleman from Virginia [Mr. MORAN].

For those of my colleagues who are new here since 1986, this airport used to be the airport that everyone thought that Congress controlled. The Congress did a bold act, and, quite frankly, when the Congress ran this airport, it was the worst run airport in the Nation. The congestion was a mess. They could not even connect the metro to the terminal. It was a fiasco.

So, working together in a bipartisan manner, Mr. Chairman, we developed a program, Maryland, Virginia, and the entire country, of slot limits on this airport.

Now what my colleagues will be voting on today—think of two words. This is special interest legislation for an airline or two to come in here, and, second, this is what I call the aluminum sky policy. They want to pour every aircraft that they can into this airport regardless of anything.

Now what are the meanings? One, congestion at the airport, as the gentlewoman said, this airport is being planned for the limits that we have, but for those of my colleagues who are new, it was a snowy day, it was a snowy day in Washington, when an Air Florida airplane hit the 14th Street Bridge, and many people died. If my colleagues recall, Lenny Scutnick was the one who was the hero who saved many, many people.

They want to bring in as many as they possibly can. They do not care how much noise comes up into Georgetown.

Let me just say for the Members who are listening:

This airport is not in my congressional district. Now it used to be in my congressional district. I helped fashion a compromise with the gentleman from Maryland [Mr. HOYER] and the other Members from this region, and the gentlewoman from Maryland [Mrs. MORELLA]. It was bipartisan. But now they want to come in, and they want to pour them in.

Now, if FAA wants to do this and they say it is just a study, well, that is the way this thing begins.

Lastly, the Congress does not have the right to do this. I say to my colleagues, "You wouldn't want this done in your own airport in your own region. Think in terms of the gentleman from Virginia who represents this airport, the gentlewoman from the District of Columbia who represents this airport. You don't have any right to come in and tell them what their slot limits should be. Let's respect what was done in the past."

Now, Mr. Chairman, most businessmen come and say they can never rely on what the Congress does because they do something 1 year, and then they change the tax laws 4 or 5 years later. This would be doing the same thing. It is the aluminum sky policy to bring congestion and, I believe, perhaps dangerous.

The last point is the Airline Pilots Association took a poll about 2 months ago, and National Airport, this airport that they want to bring more aircraft in, was voted as the most dangerous airport in the Nation—the most dangerous airport in the Nation. Now, my colleagues' families come through this airport, my colleagues' staff comes through this airport, people come through this airport that live in this region. It is wrong. It is unfair. I strongly urge my colleagues to support the gentleman's amendment to keep the agreement that was fashioned after so many years of animosity that completely works, and I urge a yes vote for the amendment offered by the gentleman from Virginia [Mr. MORAN].

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

Mr. Chairman, we need some truth in amending here, and accuracy in amending.

First of all, Mr. Chairman, this amendment strikes that language unnecessarily. It proposes to remove a study of the slot or the high-density rule that happens to include National Airport. It does not, the provision in the bill does not, have implementing language. No administrative action can result from the study to be undertaken. This study, I would say to the

gentleman from Virginia [Mr. WOLF], was not stimulated by some airline. In fact, I would suspect that the airlines would not like to have an increase in the number of slots at National because they like the control, they like to have those slots priced very high, and they like to limit the number of the operations there because it increases their bottom line. The Presidential Commission on Airlines recommended a study of the high-density rule. We did not focus on National Airport.

Second, I want to point out that in the law, the high-density rule, the administrator may not increase the number of instruments flight rule, takeoffs and landings, authorized for air carriers by the high-density rule at Washington National Airport and may not decrease the number of such takeoffs and landings except for reasons of safety.

Mr. Chairman, we have to study the high-density rule to determine whether the Nation's and the world's busiest airport, O'Hare, can make adjustments in the way that airport operates to accommodate the increasing number of international arrivals, the increasing numbers of commuters, the increased numbers of essential service operations that want to use that airport, and, if we have service to Chicago out of National, as we do, then National has to be included in the study.

But make no mistake about it. Let us be honest. The provision in the bill does not change this law. It does not change the law.

Mr. WOLF. Mr. Chairman, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, the gentleman says it does not change the law, but it provides for the study which will lead to that.

Second, this is—

Mr. OBERSTAR. Reclaiming my time, Mr. Chairman, I have the time. "Lead to" means another act of Congress.

The gentleman had plenty of time.

If any other act were ever proposed to move then against any such act—

Mr. WOLF. Mr. Chairman, would the gentleman yield?

Mr. OBERSTAR. And there would be hearings, there would be full action by the committee, before any such action would be taken.

Mr. WOLF. Mr. Chairman, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Virginia.

Mr. WOLF. I think, if I tell the gentleman the difference here that the Congress has enacted on the other airports, we are not trying to kill the study for the other airports. We are not trying to kill the study for the three other airports. The Congress, working under the leadership of the gentleman

from California [Mr. MINETA] fashioned this compromise—

Mr. OBERSTAR. Mr. Chairman, I reclaim my time. The gentleman refused to accede to a limitation on time. We could have had this debate all concluded by now. But I insist on pointing out that this is a study. It does not single out National Airport. It deals with the four slot-controlled airports. If we are going to improve air traffic in this country, we have got to look at the totality. We cannot say, "Study the high-density rule, but, by the way, don't include one-fourth of it." That does not make any sense.

Furthermore, Mr. Chairman, when this study is complete, it has to be submitted to the White House, to the Congress; that is, to this body, to the other body. No action can be taken to implement one whit of a recommendation, and before any further action be taken, this Subcommittee on Aviation would hold hearings, we would explore the issue publicly, but I repeat: The focus is not on National Airport. There is no intention here to change the high-density rule at National Airport. But we do have to study it as part of the total air system in America.

Mr. Chairman, no airport is an isolated island. Do not make it out to be something that it is not. Never fear to study, but never study out of fear.

Mr. CLINGER. Mr. Chairman, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Pennsylvania.

Mr. CLINGER. In regard to that, in regard to the study that has been proposed here, it is suggested that somehow it is going to be made in a vacuum, that there is going to be somebody who is going to rule on high that this has to be changed. But I would call the attention of the Members of the legislation which says:

In conducting the study under this subsection, the Secretary of Transportation shall consult with officials of airports subject to the high density rule, the cities in which such airports are located, representatives of citizens living in the vicinity of such airports, air carriers now serving such airports or interested in inaugurating such service.

So, this is going to be a very comprehensive study, and everybody is going to have an opportunity to be heard and to have their concerns considered.

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

Mr. Chairman, first I would like to thank the gentleman from Minnesota [Mr. OBERSTAR] for his comments. I certainly feel better listening to his explanation of the committee's action of requesting a study, and I know that the gentleman is sincere, and I know that the gentleman from Pennsylvania is sincere, in looking at the total needs of our air traffic in this country.

But let me tell my colleagues why I hope this Committee will adopt the

amendment offered by the gentleman from Virginia [Mr. MORAN]. I think it is very important that this amendment be adopted. It is important that we look at the high density rules and the impact that the high density rules have on the three airports that were mentioned other than National.

□ 1630

But if you include National in the review, I am afraid that it will become a political issue, and not an issue on the policies of where additional flights may in fact be slotted.

The history at National Airport and the number of slots involves a great deal of political compromise. The three jurisdictions involved, all their representatives support the slot agreements that were reached in 1986. For, you see, two of the regional airports are under the Authority; one is not. There are different funding mechanisms involved here and different considerations.

So I think it is very important that we go forward with the study that the chairman wants to see. That study should look at safety issues, customer convenience issues, and noise issues. But if you include National in the study, I am afraid it is going to be a political review.

Now, the question I asked the gentleman from Pennsylvania is, in the study, would the understandings that were reached in 1986 concerning the number of flights out of National be part of the study? Because the number of flights at National is involved in the political arrangements reached on the running of the three airports, and it should be part of the considerations. But if you start looking at that, I think you compromise the other study.

Mr. Chairman, I want to thank you for your comments and the way your committee is going about this review. But for the sake of the work of your committee, I hope this Committee will adopt the Moran amendment.

Mr. OBERSTAR. Mr. Chairman, will the gentleman yield?

Mr. CARDIN. I will be glad to yield to my friend from Minnesota.

Mr. OBERSTAR. Mr. Chairman, I appreciate the gentleman's thoughtful analysis of the subject. But how can you proceed on a study of the high-density rule that covers four major airports in America without at least including the traffic that originates and terminates at National Airport, when traffic goes from this airport to those other three?

Mr. CARDIN. Mr. Chairman, reclaiming my time, I interpret the Moran amendment to allow the study to look at all flights going into the other three airports, including those originating at National Airport, as part of its study. If we need to clarify that, I am sure we would be supportive of a clarifying amendment to make it clear that the

study would look at flights that are at National Airport that involve the other three airports.

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

Mr. Chairman, I rise in support of the Moran amendment.

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

Mr. Chairman, I want to join my colleague, the gentleman from Maryland [Mr. CARDIN], in saying how much respect we have for the chairman of the subcommittee, as well as for the chairman of the full committee. In particular, I worked closely with the chairman of the full committee, who was then chairman of the subcommittee, that worked so hard on the agreement to put National Airport and Dulles Airport under the Authority. I was opposed to that initially and served on the Holton Commission. Senator SARBANES, my colleague, sat on that commission as well. As you will remember, rare for Senator SARBANES, there was a minifilibuster in the Senate which placed the legislation in jeopardy.

In the course of the consideration, there was clearly an agreement. That agreement, as the chairman has so ably expressed, incorporated into the statute the limitation on slots.

Mr. Chairman, the reason for the Moran amendment, which I very strongly support, is that we ought not in any way to implicitly or explicitly, and I agree with the chairman, we do not explicitly do that, send a message that in the course of a study, that the slot limitation at National should not be perceived to be, in effect, inviolate.

The Chairman and the ranking member ask why, if this is just a study, is the Moran amendment necessary? It is necessary because it is important for us to send the message to those who do this study of the three other airports involved, that that study ought not be premised or based in its conclusions in any way that the slots at National can be modified.

Now, clearly we believe they ought not to be. But can be. If this is a part of the study, logically that will be part of the consideration. It is inevitable that that will occur.

Therefore, this amendment is not irrelevant, but is in fact on point. It is to restore the views of this Congress that in putting the Authority together, we made an agreement, and we have not changed that agreement. That agreement was that the slots will be limited. There is no such agreement with respect to the other three airports.

I would suggest further to my good friend, the gentleman from Minnesota [Mr. OBERSTAR], who so ably chairs this subcommittee, that the Moran amendment does not in any way preclude consideration by the study of what the flights are into or out of National, just as it will not preclude, although other airports are not referenced in the study, flights into

Heathrow or out of Heathrow, or into Los Angeles International or out of Los Angeles International. Obviously, in the course of that study they will have to be considered.

What the Moran amendment, however, clearly enunciates, is that we have not changed our policy.

Mr. OBERSTAR. Mr. Chairman, will the gentleman yield?

Mr. HOYER. I will be glad to yield to my friend from Minnesota.

Mr. OBERSTAR. But the language of this amendment is that this provision shall not apply to operations at National Airport. It takes National out of the equation. Furthermore, I say to the gentleman, that a study is not a threat. It does not provide any implementation authority. It does not amend the basic law. The basic law directs that the FAA shall not increase or decrease operations at National.

Mr. HOYER. Mr. Chairman, reclaiming my time to just respond to my friend, I understand that. Let me reiterate that I do not believe the Moran language in any way precludes studies, the studies including the flights and the relevance those flights have to the other three airports. Clearly they will have to look at other airports which are not mentioned in this legislation either to determine that.

What it will do, in my opinion, is it will raise the specter that possibly these will be changed. That specter ought not to be raised. Why? Because this region, in the consideration of that legislation, agreed to the Authority concept and the Authority reality on the basis of this agreement. We think that ought not be changed.

Mr. Chairman, we would ask our colleagues to support that amendment.

The CHAIRMAN pro tempore (Mr. MFUME). The question is on the amendment offered by the gentleman from Virginia [Mr. MORAN].

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

RECORDED VOTE

Mr. MORAN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 110, noes 294, not voting 34, as follows:

[Roll No. 489]

AYES—110

Abercrombie	Clayton	Frank (MA)
Bacchus (FL)	Coleman	Gephardt
Baesler	Collins (IL)	Gilchrest
Bartlett	Collins (MI)	Gonzalez
Bateman	Condit	Goodlatte
Becerra	Cooper	Gutierrez
Bellenson	Derrick	Hall (OH)
Bentley	Dooley	Harman
Bevill	Edwards (TX)	Hastings
Blackwell	Engel	Hefley
Bliley	English (AZ)	Hefner
Bonilla	Eshoo	Hinchee
Boucher	Fields (LA)	Hoagland
Brown (OH)	Fingerhut	Horn
Byrne	Foglietta	Hoyer
Cardin	Fowler	Huffington

Jefferson	Nadler	Sisisky	Poshard	Sensenbrenner	Tauzin
Johnson (CT)	Norton (DC)	Smith (IA)	Quinn	Serrano	Taylor (MS)
Johnson, E. B.	Owens	Spratt	Rahall	Shaw	Taylor (NC)
Kanjorski	Pallone	Stokes	Ramstad	Shays	Tejeda
Kennedy	Parker	Stupak	Ravenel	Shuster	Thomas (CA)
Kennelly	Pastor	Swift	Richardson	Skaggs	Thomas (WY)
Klein	Payne (NJ)	Tanner	Roberts	Skeen	Torkildsen
Lancaster	Payne (VA)	Thompson	Roemer	Skelton	Torres
Lantos	Pelosi	Thornton	Rogers	Slattery	Trafficant
Lehman	Pickett	Thurman	Rohrabacher	Slaughter	Tucker
McDermott	Price (NC)	Underwood (GU)	Ros-Lehtinen	Smith (MI)	Upton
McKinney	Rangel	Unsoeld	Rose	Smith (NJ)	Valentine
McMillan	Reed	Velazquez	Rostenkowski	Smith (OR)	Vento
Meek	Regula	Watt	Roth	Smith (TX)	Visclosky
Meyers	Reynolds	Waxman	Roukema	Snowe	Volkmer
Mfume	Roysbal-Allard	Wheat	Rowland	Solomon	Vucanovich
Mink	Rush	Williams	Royce	Spence	Walker
Montgomery	Sawyer	Wolf	Sabo	Stark	Weldon
Moran	Scott	Woolsey	Sanders	Stearns	Whitten
Morella	Sharp	Wynn	Sangmeister	Stenholm	Wise
Myers	Shepherd		Santorum	Strickland	Wyden

NOES—294

Allard	Duncan	Knollenberg
Andrews (ME)	Dunn	Kolbe
Andrews (NJ)	Durbin	Kopetski
Andrews (TX)	Edwards (CA)	Kreidler
Applegate	Emerson	Kyl
Archer	English (OK)	LaFalce
Army	Evans	Lambert
Bachus (AL)	Everett	LaRocco
Baker (GA)	Ewing	Lazio
Baker (LA)	Farr	Leach
Ballenger	Fawell	Levin
Barca	Fazio	Levy
Barcia	Fields (TX)	Lewis (FL)
Barlow	Filner	Lewis (GA)
Barrett (NE)	Fish	Lightfoot
Barrett (WI)	Ford (MI)	Linder
Barton	Ford (TN)	Lipinski
Bereuter	Franks (CT)	Livingston
Bilbray	Franks (NJ)	Lloyd
Bilirakis	Frost	Long
Bishop	Furse	Lowe
Blute	Galleghy	Maloney
Boehlert	Gallo	Mann
Boehner	Gejdenson	Manton
Bonior	Gekas	Manzullo
Borski	Geren	Margolies-
Brewster	Gibbons	Mezvinsky
Brooks	Gilman	Martinez
Browder	Gingrich	Matsui
Brown (CA)	Glickman	Mazzoli
Brown (FL)	Goodling	McCandless
Bunning	Gordon	McCloskey
Burton	Goss	McCollum
Buyer	Grams	McCrery
Callahan	Grandy	McCurdy
Calvert	Gundersen	McDade
Camp	Hall (TX)	McHale
Canady	Hamburg	McHugh
Cantwell	Hamilton	McInnis
Carr	Hancock	McKeon
Castle	Hansen	Meehan
Clay	Hastert	Menendez
Clement	Hayes	Mica
Clinger	Heger	Michel
Clyburn	Hilliard	Miller (FL)
Coble	Hobson	Mineta
Collins (GA)	Hochbrueckner	Minge
Combest	Hoekstra	Moakley
Conyers	Hoke	Mollinari
Coppersmith	Holden	Mollohan
Costello	Hughes	Moorhead
Cox	Hutchinson	Murtha
Coyne	Hutto	Natcher
Cramer	Hyde	Neal (MA)
Crane	Inglis	Neal (NC)
Crapo	Inhofe	Nussle
Cunningham	Inslee	Oberstar
Danner	Istook	Obey
Darden	Jacobs	Olver
de Lugo (VI)	Johnson (GA)	Ortiz
Deal	Johnson (SD)	Orton
DeLauro	Johnson, Sam	Oxley
DeLay	Johnston	Packard
Dellums	Kaptur	Paxon
Deutsch	Kasich	Penny
Diaz-Balart	Kildee	Peterson (FL)
Dickey	Kim	Peterson (MN)
Dicks	King	Petri
Dingell	Kingston	Pickle
Doilittle	Kleczka	Pombo
Dornan	Klink	Pomeroy
Dreier	Klug	Portman

NOT VOTING—34

Ackerman	Greenwood	Quillen
Berman	Houghton	Ridge
Bryant	Hunter	Romero-Barcelo
Chapman	Laughlin	(PR)
de la Garza	Lewis (CA)	Schaefer
DeFazio	Machtley	Torricelli
Dixon	Markey	Towns
Faleomavaega	McNulty	Walsh
(AS)	Miller (CA)	Washington
Flake	Murphy	Waters
Gillmor	Porter	Wilson
Green	Pryce (OH)	Yates

□ 1700

The Clerk announced the following pair:

On this vote:

Mr. Quillen for, with Mr. DeFazio against. Messrs. TRAFICANT, HAYES, TAUZIN, BARCIA of Michigan, OLVER, and EMERSON changed their vote from "aye" to "no."

Mr. BARTLETT of Maryland and Mr. SAWYER changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

□ 1700

Mr. OBERSTAR. Mr. Chairman, I ask unanimous consent that all debate on the remainder of the bill and any amendments thereto be limited to a total of 1 hour and 15 minutes, of which 1 hour shall be for an amendment, if offered, by the gentleman from Virginia [Mr. WOLF], with 30 minutes to be controlled by the gentleman from Virginia [Mr. WOLF], and 30 minutes to be controlled by myself.

Mr. CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. OBERSTAR. 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. BARLOW] having assumed the chair, Mr. COLEMAN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill

(H.R. 2739) to amend the Airport and Airway Improvement Act of 1982 to authorize appropriations for fiscal years 1994, 1995, and 1996, and for other purposes, had come to no resolution thereon.

PERSONAL EXPLANATION

Mr. GENE GREEN of Texas. Mr. Speaker, due to a recent series of previously scheduled town hall meetings and individual meetings with constituents I was unable to register my votes.

Had I been present:

On October 7: Rollcall votes 488 and 489. I would have voted "aye" on No. 488 and "no" on No. 489.

LEGISLATIVE PROGRAM

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

Mr. MICHEL. Mr. Speaker, I ask for this time that I might inquire of the distinguished majority leader the program for next week, and I am happy to yield to my friend, the gentleman from Missouri [Mr. GEPHARDT].

Mr. GEPHARDT. I thank the gentleman for yielding, Mr. Speaker.

Obviously there are no more votes today. There will not be votes on tomorrow. There will not be votes on Monday, October 11, which of course is Columbus Day. In fact, the House will not be in session on Monday.

On Tuesday, October 12, the House will meet at 12 noon and will begin consideration of 10 bills under suspension of the rules. The bills are:

H.J. Res. 228, Romania MFN;

H. Con. Res. 113, relating to the Asia Pacific Economic Cooperation Organization;

H. Con. Res. 140, commemorating the 60th anniversary of the Ukraine famine;

H.R. 2650, to designate portions of the Maurice River and its tributaries in New Jersey as components of the National Wild and Scenic Rivers Systems;

H.R. 914, Red River Designation Act of 1993;

H.R. 1425, American Indian Agriculture Act of 1993;

H.R. 2399, Catawba Indian Tribe of South Carolina Lands Claims Settlement Act of 1993;

H.R. 1102, Court Arbitration Authorization Act of 1993;

H.R. 2632, Patent and Trademark Office Authorization Act of 1993; and

H.R. 2840, Copyright Royalty Tribunal Reform Act of 1993.

Recorded votes on those bills will be postponed until the end of those suspensions, and we expect no votes until 4 p.m. on Tuesday.

We will also be taking up H.R. 2446, military construction appropriations conference report, and H.R. 2445, a motion to go to conference on energy and water development appropriations.

On Wednesday, October 13, and the balance of the week, the House will meet at 10 a.m. Bills to be considered will be H.R. 1804, Goals 2000: Educate America Act, subject to a rule; H.R. 2739, Aviation Infrastructure Investment Act of 1993 to complete consideration; H.R. 3167, the unemployment compensation program extension, subject to a rule; H.R. 1845, National Biological Survey Act of 1993 to complete consideration; H.R. 2351, the Arts, Humanities, and Museums Amendments of 1993, modified open rule, 1 hour of debate; and H.R. 2151, the Maritime Security and Competitiveness Act of 1993, subject to a rule.

We do have a number of bills in conference that are appropriation bills, the D.C., appropriation, Commerce, Justice and State appropriation, Interior appropriation, VA-HUD appropriation, and Transportation appropriation, and some of those or all of those could be available during the week.

Mr. MICHEL. The gentleman will recall our earlier conversation this morning about the number of items that we are going to have to contend with before we adjourn this session of Congress. And with the hope that that could be done by Thanksgiving, as distinguished from spilling over into December, I think we were in agreement that we wanted to admonish our Members, or at least remind our Members that we are going to have to have an accelerated schedule around here, which does not call for our being back in our districts on Mondays and Fridays maybe as much as we have in the past. It ought to be probably a 5-day workweek. And I think if we would alert the Members to that early enough, that the prize for doing that is having an adjournment that we can maybe before Thanksgiving.

If the majority leader would sustain or corroborate what this Member feels about it, why may be we can spark a fire here.

Mr. GEPHARDT. The gentleman stated correctly our goal which we talked about together. We do hope to be able to finish our work by Thanksgiving. In fact, a number of days before Thanksgiving so that Members can get back to their districts on time. We realize that the Wednesday before Thanksgiving is a very hard day to travel, so we would like to be able to get done much prior to that.

If we do that, it means that there has to be a number of Monday and Friday activities here. Next Friday we are going to be here. The week after that, October 18, we intend to be here, a Monday, and October 22, a Friday. Then the next week, October 25 and 29 we intend to be here on Monday and again on Friday. And Members should expect that we are trying to get all the appropriation bills done on time. The continuing appropriation runs out on October 21. So we will be having a lot of activity coming up to that date.

So the gentleman has stated it correctly. If we are going to reach the goal of getting out on or before or about November 22 for this year, this session of Congress, then we have to work Mondays and Fridays between now and then.

Mr. MICHEL. I thank the majority leader, because I think the members all appreciate knowing specifically the dates that he enumerated, the Fridays and Mondays when we are expected to be here. I know the gentleman has the same complaint that I have, "Why didn't you tell me? I planned this or that for such and such a date." And we are trying to give all Members notice that we have just got to be working those days. If there is cooperation of the membership, we can meet our target date, and I thank the distinguished gentleman.

Mr. SANTORUM. Mr. Speaker, will the distinguished minority leader yield?

Mr. MICHEL. I yield to the gentleman from Pennsylvania.

Mr. SANTORUM. Mr. Speaker, I thank the gentleman for yielding.

As the majority leader knows, the unemployment benefits last extension ran out on October 2, which was last week. And the Ways and Means Committee promptly reported a bill to the Rules Committee, and the Rules Committee reported a bill to the floor to solve that problem and extend benefits from October 2 for the next 4 months.

We have yet to see this bill come to the floor. The chairman of the Ways and Means Committee did an excellent job in coming up with a funding mechanism. It is a paid-for bill; it is as noncontroversial bill that sailed through the Ways and Means Committee. I am wondering, since these benefits expired on October 2, and the soonest we can take this bill up under the schedule here is October 13, I would just question the majority leader as to what is the holdup of this noncontroversial measure?

Mr. GEPHARDT. If the gentleman will yield further, obviously it is not as noncontroversial as the gentleman would state. There are difficulties that we are trying to surmount. We are talking with the members of the committee. We are talking with other people on this side, and we will bring the bill to the floor as quickly as we possible can.

Mr. SANTORUM. If the gentleman will continue to yield, what we have heard on this side is that there is a problem with one of the funding provisions having to do with welfare funds for aliens, and that the provision of giving money to aliens is holding up benefits for citizens who pay taxes into the unemployment compensation fund.

Is that an accurate assessment of the problem with the funding mechanism?

Mr. GEPHARDT. There are a variety of problems, that not being the only

one, and we are trying to work our way through all of the problems.

Mr. SANTORUM. I thank the gentleman.

Mr. MICHEL. Mr. Speaker, if there are no other requests, I yield back the balance of my extended minute.

□ 1710

ETHANOL IS GOOD FOR THIS COUNTRY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. EWING] is recognized for 5 minutes.

Mr. EWING. Mr. Speaker, I take this 5-minute special order to have the opportunity to talk about something that is very important in my district. I think it is very important in the United States and in the Midwest particularly.

Since I took office in July 1991, I have spent a great deal of time trying to assure that ethanol will receive fair treatment in the Clean Air Act regulations.

Ethanol, of course, is the alternate fuel.

Reformulated gasoline, RFG, that program requires a different gasoline to be sold in the summer in cities with the worst smog problems. When the Clean Air Act was amended in 1990, Congress clearly intended that ethanol, which is a renewable fuel made from corn, particularly from corn, would be able to compete in the RFG Program.

Now, that was not stated that ethanol would be the only ingredient to be put in the reformulated fuel program, but that it would be one of those elements.

However, the EPA issued regulations last year which would have prevented ethanol from competing in this program. Despite attempts by President Bush to settle this matter last fall, the issue is still very much unresolved.

The EPA is under a Federal court order to announce its final decision in December 1993. In a recent letter which I had from President Clinton in response to my correspondence to him about the urgency of this matter, the President seems to be distancing himself from the decision of the EPA and in the letter he indicated that whatever regulations the EPA is to recommend, it will be outside of his control.

Now, Mr. Speaker, the President made some commitments during his campaign. When he campaigned in the Midwest in the Corn States, he made commitments about ethanol. The President has certainly intervened in a number of other instances where regulatory decisions were being considered—food safety, wetlands, the Northwest forests—and the bottom line is that the decision made by the EPA on this issue will say a lot about how im-

portant agriculture and rural America is to the President.

The facts are that ethanol is good for the environment. A recent study by the Council on Great Lakes Governors confirmed that ethanol is just as effective in fighting smog as is its main competitor, MTBE.

Ethanol will create jobs for American agriculture and in rural America. Currently, 1 out of every 7 bushels of corn in Illinois is used for ethanol production. Inclusion in the RFG Program could add more than 20 cents a bushel to the price of corn.

Ethanol is good for energy security because it is a renewable fuel. MTBE is derived from methanol and is mostly imported. Ethanol is domestically produced from domestically grown crops.

Ethanol is good for America. The EPA and President Clinton should assure that it is able to compete as one of those elements in the Clean Air Act programs.

Mr. Speaker, it will create hundreds of jobs, it will help bring prosperity back to the farm, to the cornbelt and to the Midwest, and I ask the President and the EPA to look with every haste at coming to a conclusion that will include ethanol.

BAD ADVICE FROM MORTON HALPERIN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana [Mr. LIVINGSTON] is recognized for 5 minutes.

Mr. LIVINGSTON. I thank the Speaker.

Mr. Speaker, if reports in today's Washington Times are true, then we now have evidence that Mr. Morton Halperin, the administration's designee as Assistant Defense Secretary for Democracy and Human Rights, is singularly unsuited to any position of authority or counsel to deal with the security needs of the United States of America.

The news this week is filled with horror stories from Somalia which stem from the Clinton administration's approaches to the problems of that country.

The news that the Defense Department twice turned down requests from its own generals relayed through Gen. Colin Powell to send armored personnel carriers to protect our troops in Somalia is disturbing, to say the least.

Several months ago an American soldier there told the Washington Post, and I quote, "We aren't doing nothing for the Somalis but dodging bullets." And they should not be dodging bullets anyway. They would not be, had we maintained our original mission to provide neutral security for the delivery of food to the starving Somalis. But at the very least, if our generals say they need armament to keep our troops from getting killed by those bullets,

then they darned well should be provided with that armament.

According to the Washington Times, which I include for the record, Halperin, although not yet confirmed in his post, was one of the few Defense Department officials who most strongly urged that armament not be sent, for the ridiculous and spurious reason that to send it "would appear too offensive." That is from the Washington Times today, that it "would appear too offensive."

Too offensive? We are talking about protecting the American soldiers in a hostile environment. What is really offensive to me, as I am sure it is to all Americans, is the thought of U.S. soldiers getting killed who might otherwise have easily been protected. And the bad advice came from Morton Halperin. This is the same Morton Halperin who reportedly was a prime mover behind the ill-conceived Presidential Directive 13, which would have made U.S. military forces subservient to the whim of the United Nations.

It is just such thinking which expanded the Somali mission into something called nation-building in the first place. In fact, it is such thinking which has marked the statements and writings of Morton Halperin for two decades, in his seemingly endless quest to have the United States give up its sovereignty on military matters in favor of multinational authority.

For example, in the left-wing publication, *The Nation*, Halperin wrote on June 9, 1979, that:

All of the genuine security needs of the United States can be met by a simple rule which permits us to intervene only when invited to do so by a foreign government.

If we had followed that advice, we would not have saved our medical students in Grenada, nor would we have stopped the Communists from using immense stores of arms there to foster revolution throughout the Americas.

If we had followed that advice, we would never have tracked down, and toppled from illegitimate power, that drug-running thug, Manuel Noriega.

Adopting Halperin's approach is just stupid and dangerous, as we are now coming to realize. It is also immoral.

The list of other Halperin idiocies is long and well documented. Halperin wrote in 1976 that "covert actions and spies should be banned and the CIA's clandestine Service Branch disbanded," and in 1987 he repeated the call to "abolish covert operations."

And just this summer he wrote that "The United States should explicitly surrender the right to intervene unilaterally in the internal affairs of other countries by overt military means or by covert operations."

Mr. Speaker, if we had followed that advice, we never would have won the cold war, and millions of people who now are free would instead still be shackled in brutal oppression and slavery.

Even a novice to intelligence activities understands that wars can be avoided with properly directed covert action.

Now is the time—indeed, it is well past time—for Mr. Clinton and his Defense Secretary, Les Aspin, to withdraw Mr. Halperin's name from Senate consideration, to completely sever all Defense Department ties, formal and informal, with Mr. Halperin, and to convince the American people that U.S. troops will only be deployed in the interest of the United States, not at the whim of the ineffective and often counterproductive United Nations.

Unfortunately, the deaths of our soldiers who were denied the protection of necessary armament make it abundantly clear that either Mr. Halperin does not care about or he does not understand the needs of the troops in the field, and so he should not be confirmed as an Assistant Secretary of Defense or any other functionary of the U.S. Department of Defense.

Mr. Speaker, I include the article from the Washington Times by Bill Gertz, as follows:

ASPIN UNDER FIRE FOR SAYING NO TO EARLIER ARMS REQUESTS
(By Bill Gertz)

Gen. Colin Powell twice last month asked Defense Secretary Les Aspin for tanks and armored vehicles to protect U.S. forces in Somalia but was rebuffed for political reasons.

Defense officials close to the decision said yesterday that military leaders wanted to deploy the armor in early September but Pentagon civilians opposed it because they feared Congress' reaction.

"It was politics, pure and simple," said one official.

Meanwhile in Mogadishu, the Army major who is the chief spokesman for the U.N. mission in Somalia said U.S. forces have switched from peacekeeping to a "fugitive hunt" for Somali warlords—a job they are not trained for.

"We have this fugitive hunt—this is not a military operation," said Maj. David Stockwell. "So the military winds up taking casualties and looking inept. If there is a problem, maybe it is a problem with the mission."

In a telephone interview that echoed with the sound of automatic-weapons fire in the background, Maj. Stockwell said U.S. forces needed tanks and armored personnel carriers Sunday to speed up the rescue of two downed helicopters and 70 Army Rangers pinned down by Somali gunfire and rocket attacks.

"If U.S. forces had armor, they could have reacted more quickly, since they have common communications, training and tactics," the major said. Instead, they had to wait four hours for Pakistani and Malaysian armored vehicles.

On Capitol Hill yesterday, members of Congress criticized Mr. Aspin for not sending the armor. Sen. Alfonse M. D'Amato, New York Republican, called the inaction "unconscionable," while Rep. James T. Walsh, New York Republican, called on Mr. Aspin to resign.

Military officials close to the operation said Army Maj. Gen. Thomas M. Montgomery, deputy commander of U.N. forces and commander of U.S. forces in Somalia, sought tanks and armored vehicles for his troops in early September.

Gen. Montgomery sent the request to Gen. Joseph P. Hoar, commander of the Central Command, who relayed it to Gen. Powell.

Gen. Powell, who retired last week as chairman of the Joint Chiefs of Staff, appealed to Mr. Aspin that the tanks and armored vehicles were needed as part of force-protection operations, military officials said.

"Powell brought the request to Aspin's attention on two separate occasions," one official said.

An Aspin spokesman declined comment yesterday.

Pentagon officials told reporters Tuesday that Mr. Aspin deferred a decision on the matter because he received conflicting advice from his advisers. Air Force Maj. Tom LaRock, a Pentagon spokesman, said deployment decisions "are classified and come to Secretary Aspin on a daily basis."

"He bases his decisions on the best military and diplomatic information available at the time," Maj. LaRock said.

But Pentagon sources said military leaders, including Gen. Powell pressed for the armor.

An Army official said Pentagon civilians—including Deputy Undersecretary of Defense Frank Wisner, designated Assistant Defense Secretary Morton Halperin and other Aspin aides—opposed the military's request because they feared it "would appear too offensive-oriented."

"A month later you wonder why it wasn't already there," the official said. "General Montgomery obviously saw this coming."

Maj. Stockwell said that the first group of 14 armored vehicles began arriving in Mogadishu yesterday. Four tanks also will be sent.

He said the military's mission in Somalia needs to be changed or clarified to avoid a repeat of Sunday's costly events.

Twelve U.S. soldiers were killed and 78 wounded in a Somali guerrilla attack. The remains of two soldiers are in Somalia custody, and one U.S. helicopter pilot has been captured. At least six other soldiers are missing.

The U.N. spokesman's unusually blunt comments are likely to spur demands in Congress that the Clinton administration clarify its Somalia policy and set a deadline to bring troops home.

Maj. Stockwell said "we are undertaking efforts" to retrieve Army Chief Warrant Officer Michael Durant, a helicopter pilot captured by Somalia on Sunday. But no contacts with the Somalis holding him have been made. U.N. forces also are trying to recover the remains of the two soldiers displayed on videotape, he said.

Maj. Stockwell said a rescue force had to shoot its way into the sites of the downed aircraft and stranded Rangers and it suffered a number of casualties in the process.

"The Rangers, who were pinned down, took most of their casualties early on and fended off fire that was unbelievably thick," Maj. Stockwell said. "We resupplied them with water, ammunition and food and supplied air cover. There must have been several hundred militias firing at 70 guys."

The Rangers had surrounded the downed helicopter and informed the U.S. commander that they did not require immediate evacuation from the scene, Maj. Stockwell said, adding that gave Gen. Montgomery time to organize the rescue force.

Maj. Stockwell, an Army Ranger, defended Gen. Montgomery's quick actions to mount the multinational operation that fought its way through Mogadishu for several hours to rescue U.S. servicemen.

Under the U.N. command structure, none of the multinational forces are required to take part in dangerous "quick reaction" missions and they cannot be ordered to do so, Maj. Stockwell said.

The U.N. forces have "all the responsibility but very little authority," he said.

Sunday's rescue force had to blast through Somali street barricades and overcome heavy fire from small arms, machine guns and grenade launchers en route to the two crashed helicopters.

The helicopters were shot down during a "search and seizure" operation to nab aides to Somali warlord Mohamed Farrah Aidid. Two of his top aides and 17 other Aidid guerrillas were captured.

THE SITUATION IN SOMALIA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Hawaii [Mrs. MINK] is recognized for 5 minutes.

Mrs. MINK. Mr. Speaker, I rise today to express my dismay and distress over the deteriorating situation in Somalia.

When United States military forces were first sent to Somalia to join the United Nations peacekeeping mission in December 1992, the objective for the United States forces appeared both clear and limited: To deliver food and humanitarian aid to Somalia's starving masses. In deploying the first American forces to Somalia, President George Bush indicated he expected the forces to achieve this objective quickly and then return home.

Because the American forces achieved the objective of alleviating the misery in Somalia, the United States had begun the process of withdrawing its forces. However, as the U.S. forces were being withdrawn, the U.S. role there was being recast from humanitarian to a militant and political one. This was a terrible mistake.

While the United States Congress supported the use of American forces to deliver food and humanitarian aid and thereby alleviate the immediate problem in Somalia, the Congress did not endorse the use of United States forces to fight one or another of Somalia's warring clans. Nor did the U.S. Congress endorse the use of U.S. forces to capture and punish General Mohammed Farah Aideed, leader of the most powerful of the warring clans. Finally, the Congress did not at anytime endorse the use of U.S. forces to build a nation where none now exists.

Neither the United Nations nor the United States can influence the outcome of the ongoing Somalia power struggle. For this reason and also because the United States position with regard to Somalia has grown unclear, unrealistic, and untenable, the United States should leave Somalia immediately and allow the Somalis to find their way to establishing their own indigenous government.

CHANGE OF SPECIAL ORDER TIME

Mrs. BENTLEY. Mr. Speaker, I ask unanimous consent to address the House for 5 minutes in lieu of my previously approved 60-minute special order.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

NO PRINCIPLES

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, there is an old term in politics for people who keep switching principles to keep in the limelight on important issues. They are allied political prostitutes. Anyone earning that name is quickly shunned from substantive issues.

The Wall Street Journal points out some of these people who have switched principles in an article "Some Former Foes of NAFTA Join Administration, Find Discomfort in Clash of Past, Present Views." This article only confirms the suspicions of the American public that those serving in Government or former Government officials are nothing more than hired guns for special interests.

I can understand lobbying—but an individual switching principles for a buck is not respected—unless he or she always was just an opportunist and nothing more.

One person named in the article is Michael Waldman, who is in charge of President Clinton's communication strategy on the NAFTA. What is so surprising is that Michael Waldman was director of Public Citizen's Congress Watch. In that capacity he wrote many anti-NAFTA pieces.

I applaud his former boss, Ralph Nader, who claims that "everytime he—meaning Waldman—talks on NAFTA his prior words will be paraded in front of him."

Ralph Nader has the right idea—hold these people accountable for their words and views.

Chuck Fox is another escape from the anti-NAFTA forces. He worked for Friends of the Earth, and strongly opposed the North American Free-Trade Agreement. Previously, he helped develop opposition to NAFTA. Now he is pushing the agreement as a special assistant at the Environmental Protection Agency.

In fact, he is assigned to the war room and is locating and coordinating support among the environmentalists, in support of the agreement. He claims the agreement is a precedent-setting green trade agreement. How can he say that when the Canadian Provinces have the opportunity to opt out of the agreement? It is time that former organization people and Federal officials do not get away with selective memory. The American people are the big losers in the process.

Another official who has switched sides, according to the Wall Street Journal, is Ron Brown, Secretary of Commerce. Remember, Mr. Brown was chairman of the Democrats national committee. In that position he spoke

against NAFTA because his principal goal was to elect Democrats.

Now—I submit to you—it is either a good agreement or it isn't. You can't have it both ways. As Secretary of Commerce, Mr. Brown is supporting the agreement because he claims it creates jobs and his principal goal is to promote economic growth. On the surface, this at best looks like the actions of political opportunism. The job growth, I question.

What is lacking though in the debate about NAFTA—or any other trade agreement is leadership. The one person who has stood up for principle in this debate against the pressure of his party is the distinguished majority leader, Congressman RICHARD GEPHARDT.

What should we call those who are paid and switch from the antiforces to the proforces arguing any side of the issue? How can the American people trust their judgment—or believe they are hearing the truth?

In the article, Lori Wallach of Public Citizen summed it up best. She said,

When you look at those folks in those jobs you can come to only two conclusions: Their heart is not in it, or they have no principles.

The American people deserve better than this. We are debating the future of American—indeed changing the very legal map of the country and our constitutional protections. There is no place for hired guns or political prostitutes in this debate.

THE NORTH AMERICAN FREE-TRADE AGREEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. BONIOR] is recognized for 60 minutes.

Mr. BONIOR. Mr. Speaker, I am here once again this evening to talk about the North American Free-Trade Agreement.

The longer this debate goes on and the more I listen to the arguments of the NAFTA supporters, I cannot help but think of that old story about an admiral on a battleship steaming along on a dark sea when he sees lights dead ahead.

The admiral says, "Signal him to alter his course."

The signalman sends out a signal, and back comes the message, "You alter your course."

"Tell him he is under orders to alter his course. I am an admiral."

Back comes the message, "I am a seaman first class. You alter your course."

Now the admiral is getting upset. He says, "Tell that pipsqueak to move or we will blow him out of the water. We are on a fully armed Navy destroyer."

And the message comes back, "You better move. I am on a lighthouse."

Mr. Speaker, sometimes those of us who oppose NAFTA feel like that light-

house. We are trying to change the course and steer America away from NAFTA before our economy, our jobs, and our standard of living ends up on the rocks, because I think when all is said and done the debate over NAFTA comes down to one thing, jobs, jobs and the standard of living that those jobs make possible.

The one argument that I have heard time and again on this floor from supporters of NAFTA is this, they admit that NAFTA will cause job dislocation in the short term, but they say that the jobs that will move south of the border will be low-wage, low-skilled jobs, not the high-wage, high-skilled jobs needed to compete in the future, because they say Mexico does not have the capacity to handle high-skilled jobs.

□ 1730

Well, I would like to direct their attention, and the attention of people who share that opinion, to an article that appeared in yesterday's edition of the Washington Post on the business page, an article which in its own words illustrates some of the economic pressures central to the debate over NAFTA. This article ran in the business section. The headlines read, and I quote, "A High-Tech, Low-Wage Lure, Hughes' Move to Mexico Illustrates a Thorny NAFTA Issue."

Mr. Speaker, it tells a story of Hughes Aircraft Company, a high-technology defense contractor in Newport Beach, CA. They make microcircuits for missiles, jet fighters, and other defense systems, which is difficult work by anybody's standards.

The article begins, and I quote,

When former Hughes Aircraft Co. project manager William Lewis was assigned the task in 1988 of defending a company decision to transfer high-technology U.S. defense work from Newport Beach, Calif., to a Hughes plant here in Mexico, he was suspicious.

"I had to live the lie," Lewis said in a telephone interview, referring to claims that jobs wouldn't be lost. "I knew that somewhere down the line, people would lose their jobs because of this."

And they did, Mr. Speaker.

Mr. Speaker, within months after the decision was made Hughes Aircraft closed its doors in Newport Beach for good, and hundreds of workers lost their jobs to Mexico. But the thing is they were not low-skilled jobs or low-wage jobs. These were high-precision, high-skilled, microcircuit jobs that started people off at \$17 an hour.

And how did they end up in Mexico? Well, Mr. Speaker, they ended up in Mexico for the same reason that 500,000 other American jobs migrated to Mexico in the past 10 years, the same reason that thousands more will go if NAFTA passes. It is because Mexico has lax environmental laws, no health and safety laws, a corrupt judicial system, a 58-cent-an-hour minimum wage

just beckoning companies to move south, and NAFTA does nothing to change that. It just makes it easier for companies to move.

Mr. Speaker, if my colleagues do not believe me or the article in the Washington Post, maybe they will believe the Mexican Government. This is an ad they are running in major business publications, or did run in major business publications, throughout the United States. It says, "You can't cut labor costs 300 percent in 90 minutes. Yes, you can in Yucatan, a place in Mexico." This ad goes on to say, "Come on down where we pay a dollar an hour in wages and benefits, or less than a dollar an hour in wages and benefits." On this side of the ad it says, "You can save \$15,000 per worker, and you and your plant manager can live well, and your company will be more competitive," that is, American jobs will be gone. And then there is a number to call.

Of course we called the number, Mr. Speaker, and of course they had been flooded from this ad by inquiries by American companies just eager to go south.

Hughes moved to Tijuana for one simple reason, because Mexican workers earn less in an entire day than workers in Newport Beach make in an hour. Workers in Newport Beach started out, as I said, at \$17 an hour, but, as the story points out, the starting wage in Tijuana for a line operator, the people manning the microscopes and chip assembly lines, is 20 Mexican pesos a day, or about \$6.40 a day. Six dollars and forty cents a day, and NAFTA will encourage more of the same.

But, if my colleagues listen to the arguments of NAFTA supporters, that is not supposed to happen because Mexican workers cannot do high-skilled work. Indeed the story points out that only a few years ago companies like Hughes had seemed immune to the southbound trend of lower technology industries. After all, they say, the precision work performed by defense contractors was regarded as too sensitive to delegate to workers in a developing country such as Mexico.

But the story points out, high-technology companies, such as Hughes, are finding that with proper training and supervision Mexican workers are just as capable as their United States counterparts in manufacturing the complex microchips that go into aerospace and defense products. The story says that inside dust-free production rooms at the Hughes plant in Tijuana, Mexicans from dirt-poor neighborhoods don smocks and surgical masks each day to operate 100,000 dollars' worth of machines, and do my colleagues know what they do? They produce and test tiny microcircuits whose construction is so intricate, so delicate, that microscopes are required to examine wiring one-eighth the thickness of a human hair.

Mr. Speaker, does that sound like low-skilled work? Does that sound like easy work that anybody can do? Of course not, and it is exactly the kind of high-skilled jobs that everybody agrees America needs to compete in the future.

I am not saying that our future lies in defense contracts, but we are clearly beginning the process of conversion in this country. But if Mexican workers can do this kind of work, what does that mean for the future of jobs at American electronics companies? In the future of jobs at computer plants and assembly plants that will rely on the same kind of high-skilled labor, what happens to those jobs if NAFTA makes it easier for them to move to Mexico?

Mr. Speaker, it is simple questions like this that NAFTA supporters cannot answer. Never mind the fact that Hughes and the U.S. Government were using U.S. tax dollars through defense contracts to take away American jobs. That is a whole separate issue. The fact is Mexico is spending a record \$30 million to hire lobbyists to sell NAFTA, and the American companies are pitching in a few million dollars' worth more, and they still cannot answer some very basic, simple questions like:

Why would an employer pay \$17 an hour when NAFTA will make it easier for him or her to pay 58 cents an hour?

Simple questions, Mr. Speaker.

They tell us that NAFTA will help Mexican workers to buy our products. But we have to ask ourselves this: How are they supposed to buy American cars when a week's wage will barely allow them to buy a set of spark plugs?

Simple questions.

Supporters say NAFTA will help Mexican workers. They say, as their productivity rises, wages will rise.

Well, let us look at the facts. Since 1979, and this is a startling fact, productivity in Mexico has gone up dramatically, but wages have gone down at least 25 percent, and, if one looks at the bureau of statistics, government bureau of statistics in Mexico, and our Bureau of Labor Statistics, they say 32 percent. Why should it be any different under NAFTA, and who is getting all of these profits?

Simple questions, Mr. Speaker.

NAFTA supporters claim that each Mexican buys \$450 worth of American goods. But that is only true if my colleagues believe the average Mexican is buying robots for his home and large industrial equipment for his basement, if he has one. I say to my colleagues, "The truth is, if you look at that figure that they talked about in terms of \$5 billion in surplus in exports to Mexico, 85 percent of the goods Mexico buys are parts and machines for factories that they are going to build. We are literally shipping our factories to Mexico, and our jobs will follow. Why don't they ever mention that?"

Simple questions.

Lobbyists concede that NAFTA will send many jobs to Mexico, but they say, "Down the road, down the road, others will take its place."

Mr. BROWN of Ohio. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. Mr. Speaker, I yield to my friend, the gentleman from Ohio, who has been exceptionally articulate and well versed on this issue, and I thank him for his leadership.

Mr. BROWN of Ohio. Mr. Speaker, I thank the gentleman from Michigan.

I want to go back to some of the things the gentleman said about wages and the incredible wage differential between Mexican wages and American wages and how the differential has only gotten worse. In fact, as productivity in Mexico has gone up so that their workers are producing more and more efficiently, their wages have actually gone down. At the same time, and this has a major bearing on the number of multinational corporations that will continue to go and go in a greater rate to Mexico under NAFTA, it is what happened this week on some issues on worker safety.

In Mexico, Mr. Speaker, Mexican workers not only are not paid very much. Their environmental laws are not only weak, those that are in effect are unenforced. The whole issue of Mexican worker safety is a major, major problem in Mexico.

This week our U.S. Trade Representative dismissed, even mocked, the U.S. Trade Representative's responsibility to enforce existing U.S. trade law. Specifically our Trade Representative dismissed a 43-page petition which detailed systematic workers rights violations in Mexico.

□ 1740

He accepted the GSP's problems that were cited in countries like Pakistan, Costa Rica, Paraguay, Peru, the Dominican Republic, and the Republic of Haiti, but he simply threw out the 43-page petition in great detail outlining the Mexican worker violations by Mexican employers or by multinational company employers in Mexico.

His doing that simply is saying we do not care what Mexico does to its workers. Now, that is not only a bad thing for Mexico and Mexican workers, but what that means in terms of NAFTA is that, first, of all, American companies closed down places in Macomb County, MI, and Lorain County, OH. They close the plant down and move to Mexico because, first, the wages are so much lower in Mexico; second, the environmental laws are so much poorer in Mexico; and, third, the American Government clearly, the United States Trade Representative clearly does not care that workers are being exploited by avoiding labor laws, child labor laws, worker safety laws, occupational

hazard laws, and all those kinds of things.

So this decision by the United States Trade Representatives, in violation of American law, says again to an employer, go ahead and go to Mexico. You can pay less wages. You do not have to worry about the minimum wage. You do not have to worry about protecting workers. You do not have to worry about the health of workers.

You have to in this country. So if you have got to follow OSHA in this country, and you have got to pay a minimum wage, and you have got to pay a decent wage, and you have got to follow environmental laws, you do not have to do any of that in Mexico.

So it is not just the wage differential that you cite where you say you cannot cut labor costs 300 percent in 90 minutes, yes, you can, in Yucatan. It is also environmental laws, it is worker safety laws, it is all the things that our country stands for. This Congress has fought, and DAVID BONIOR, the majority whip, has been one of the leaders, in fighting for safety in the workplace, for good environmental laws. We are just throwing that out the window and saying go to Mexico. You do not have to follow any of that stuff.

Mr. BONIOR. What is so disturbing about this is that corporations that normally behave in a fair and decent manner here in the United States, although many of them have to be pulled to the table and recognize the rights of neighbors and workers to a decent and clean standard of living, nevertheless, they have accepted that principle, at least recently, have gone down there, without any feeling, or understanding, corporate ethic, or sensibility.

The people of Mexico, they have gone down there. If you look at the maquiladora areas along the border of the United States and Mexico, Matamoros, Tijuana and other places, there are 500 corporations along those borders where they assemble parts and basically ship things right back to the United States or overseas, where the Mexican consumer does not really see it. It is just a place to assemble and ship and export;

If you look at those places, the wages are phatically low, as you mentioned. The environmental standards are ungodly in many instances. People living in filth, living with toxic chemicals, polluted streams and rivers where they get their water and where they bathe. It is absolutely a horror story out of a Third World nightmare that goes on. Normal corporations that consider these things in this country do not think anything about their lack of ethics in Mexico. And that is disturbing, because these often are the same corporations who are trying to extend NAFTA. They are part of NAFTA—USA, or whatever they call themselves, the people that are behind this NAFTA project.

And you are absolutely right. The people who work so hard in this country to give us decent wage standards, child protection laws, clean environmental laws, health and safety benefits, you know, the labor union gets a bad rap in this Chamber and in this country now. They are not in vogue anymore. They only represent, what, 17 percent of the people now in the country.

But people have to understand a lot of the wonderful standards that have been brought to this country in terms of health care and in terms of clean environment and in terms of worker rights and the right to petition your employer, the right to a decent wage, the right to safe working conditions, are the product of people like A. Phillip Randolph, and Gumpers, and Meany, and all the labor people in this country who sweated and were literally beaten on the picket lines over the centuries, to get us to the point where we have a relatively good decent place where our workers and families live today.

If this treaty goes through, what we will be doing is lowering our standard to meet the Mexican standard. And the Mexican standard, which as you have correctly pointed out and which I have tried to, is pathetically low. It is taking us back. It is not moving us forward to the future.

My bottom line on NAFTA, and I think yours and others in this chamber, is their standards should have to come up to ours. Not only these environmental standards and worker standards and wage standards, but the democratization standards which we have talked a good deal about on this floor.

Mr. BROWN of Ohio. If the gentleman will yield, you are exactly correct in that we in this country proudly over the last particularly 30 and 40 years have come to a consensus. I mean, we argue about our environmental regulations, too stringent or not stringent enough; our worker safety regulations, too stringent, or not stringent enough; or public health standards, clean water, and clean air. Do we go too far, or not quite far enough. All of those kinds of discussions.

But we have reached a consensus in this country, local health departments, State governments, this Government in Washington, all of us have reached some general consensus that we have good solid clean air, clean water, safe drinking water laws, that we have good public health laws, that we take care of our children and our families and our neighborhoods and our environment that way.

That is why those groups that fought, that is why we owe so much to those groups that you mentioned, to organize labor groups and environmental groups, to farmers and all of us who have been part of that.

Now, what we do with NAFTA though is erode those. NAFTA in some cases can override some of those state laws and some of those perhaps even county health department laws. It can override. It will do what you say it will. It will harmonize downward.

They love to talk about harmonization of standards. But I heard, I believe it was Mr. Kantor, the other day talking about harmonizing upward Mexican standards.

Well, the word "harmonize" means they go up and we go down. It means a pulling on our wage rates, our wage levels down, which means a worse standard of living for us. It means a pulling down of our environmental standards. It means a dilution of pulling down of child labor laws and other kinds of labor standards.

The agreement is not constructed in a way that it pulls Mexico up. It really does not do that. As you said so well, with all these multinational corporations in Mexico, while productivity has gone up, wages have still gone down. It is because it is a government they have that is not free. As you said so many times, you cannot have free trade without trading with a free government, without free elections.

What NAFTA does, more than anything, is put an American Government Good Housekeeping Seal of Approval on the behavior of the Mexican Government, on those kind of "Yes, you can, Yucatan" ads. It puts a Good Housekeeping Seal of Approval on Mexican antidemocracy standards and all the things they have done to have one-party rule in that country. It puts our Government's Good Housekeeping Seal of Approval on their keeping their wage rates down and wrecking the environment and hurting workers, and all the things the Mexican Government has done that our country blessedly has risen above over the years and reached that consensus. NAFTA is just bad news in that way, absolutely.

Mr. BONIOR. That is one of the most distressing points of this whole debate, is we will be rewarding the people who have perpetrated these bad environmental laws, these antidemocratization standards, these phony unions they have down there. We will be saying to them because you have done this, because you have a political system where 58 opposition leaders were assassinated over the last 10 years by the state police, because you have a political system where 23 journalists were killed in the last 4 years under Salinas, we are going to reward you.

We should be doing what the Europeans have done to countries that wanted to enter the European Community. The European Community has taken 30 years and spent over \$100 million between 1989 and 1993 to integrate countries whose political and economic systems were a lot closer than ours is to Mexico. When countries like Spain,

Portugal, and Greece, whose democratization standards and standard of living were not quite the same as the French, the British, the Germans, when they wanted to enter the EC they were told you have got to meet two criteria. It is written right into the EC documents. A, you have got to raise your standard up, and you have got to increase your democratization. When they did that, then their acceptance was embraced, or will be embraced.

□ 1750

And it is what we are doing to Turkey today. We ought to be engaged in that same type of a process. Yet we are trying to do the same thing that the Europeans have taken 40, 45 years, spent hundreds of millions of dollars, as I said, in the last 4 years. We are trying to do this within months, without spending a dime.

We cannot get people to come forward and say, how are we going to pay for NAFTA. When you say, what do you mean pay for NAFTA? Well, you are going to lose \$2.5 to \$3 billion in tariff revenue. You have got border cleanup that is going to cost in the billions of dollars. You have got infrastructure, roads, bridges, and highways that are going to cost. Texas alone wants \$10 billion for infrastructure improvement.

You have got worker retraining that is going to cost billions of dollars, it has been guesstimated, where the cost is anywhere between 40 and 50 billion. And we cannot even get them to come here and suggest to us how we are going to pay the next tranche of extension of unemployment benefits for people who have been out of work for a long time.

Mr. BROWN of Ohio. Mr. Speaker, that is exactly right. All the reasons that the majority whip and so many others in this Chamber in both parties oppose NAFTA are very valid.

One of the reasons that has only more recently been discussed is plain and simple, NAFTA is a \$50 billion new Government program.

We could not get the votes in this Chamber to pass a stimulus package, to create jobs in our country. We are having trouble getting the votes for an unemployment compensation benefits for our workers, many of whom will be put out of work more, if NAFTA passes. We cannot get enough deficit reduction in this Chamber because people on both sides of the aisle sometimes fail. We cannot do a lot of the things we need to do.

But the Members that support NAFTA, who say we have to have deficit reduction, who say this, who say that, who will not vote for programs for our own workers to retrain them and our own workers for investment in their futures and highways and bridges and schools and vocational training, want to vote for NAFTA and say, do not worry about it. We will come up with the \$50 billion later.

They are not being honest. They are not being truthful. They are not being straightforward, and they are selling the American people a bill of goods with a \$50 billion new Government program.

Mr. BONIOR. Mr. Speaker, I yield to the gentleman from California [Mr. DREIER], who is one of the strongest supporters of NAFTA, an articulate spokesman, always a challenge to deal with on the floor of the House of Representatives.

Mr. DREIER. Mr. Speaker, how about upstairs in the Rules Committee?

Mr. BONIOR. A challenge that is not quite so daunting up there.

Mr. DREIER. Mr. Speaker, I thank my very dear friend, the gentleman from Mt. Clemens, and my friend, the gentleman from Lorain. I have the utmost regard for both. Frankly, I have the utmost regard for all the Members who have been involved in this debate.

I would just like to take one moment to respond to some of these things.

I do not want to take a lot of your time. I am going to be going through some specifics myself in a few minutes, when you all complete. I would be happy to let you-all challenge any of the things that I have to say.

The only thing that I would like to point to is, we have regularly seen this chart, "Yes, you can, Yucatan," night after night after night.

I am not going to stand here as an apologist for that. The fact of the matter is, we have seen behavior that has taken place during the 60-year history of one-party control, the Institutional Revolutionary Party's control of Mexico, that I would not support. And my friend from Mt. Clemens would not support, and my friend from Lorain would not support. No one in this Congress would support it, but we must acknowledge that since the last part of the Miguel de la Madrid administration, when President Miguel de la Madrid joined the General Agreement on Tariffs and Trade and then, of course, the full presidency of President Salinas, I am not going to stand as an apologist of the killing of 23 journalists or any other human rights violations which have taken place, but I would argue that as serious as those are, they pale in comparison to the behavioral pattern that we have seen in the past.

So what my friend talks about, the fact that in Europe years were spent trying to overcome some of the problems that existed between countries, we have seen over the past 6 years tremendous improvements in moving in the direction of a free market.

We have seen improvements in moving in the direction towards greater political pluralism. There are still problems in Mexico.

I stand here and say, yes, there are problems in Mexico. But I happen to believe that implementation of a North American Free-Trade Agreement will

help move us in the direction of improving those rather than maintaining the status quo.

Mr. BONIOR. Mr. Speaker, I thank my colleague for his contribution.

I would rebut this arguments by suggesting that when I started this debate, frankly, I had been under the impression that the Madrid government and now the government of President Salinas was an improvement over the past. You read about it all the time. You heard about it.

But when you look at the statistics, the human rights reports that were written by Amnesty International, the numbers that I cited with respect to opposition leaders, 58 assassinated by the state police. Twenty-three journalists, actually, there are more than 23, there were 61 journalists killed in the last 10 years, 23 in the last 4 years.

You look at the wage scale. I agree with you, they have moved to a free economy, but who has it benefited? Basically, a few rich. Mexico has increased the number of billionaires, "b," not "m," "b," from 2 to 13 in the last few years, the fastest growth of any country on Earth.

Mr. DREIER. The middle class and the upper-middle class in Mexico has increased to almost the same size as the Canadian middle- and upper-middle class. We have seen an explosion in the increase in middle-income wage earners in Mexico over the past 6 years. That cannot be ignored. We have seen real improvement and change.

Mr. BONIOR. The fact of the matter is that half of the people in Mexico live in poverty. The fact of the matter is that real wages now are lower than they were in 1979. That is not me saying it. Those are statistics that come from the Mexican Government. They come from our own Bureau of Labor Statistics.

Yes, in the last 5 years they have increased somewhat, because 1987 was the worst year in Mexican history in terms of wages. They bottomed out.

Mr. DREIER. The last 5 years wages rates have gone up at a higher rate than productivity has gone up. In the last 5 years wages rates have exceeded productivity.

Mr. BROWN of Ohio. Mr. Kantor came in front of our committee the other day and sang this same song, which is tiresome at best, that productivity has exceeded wage rates. By any measurement, there is one example that they can use to build their case, but by any other measurement you make, if you go back 7 years, if you go back 9 years, 10 years, 12 years, that is simply not the case.

If you go back those 12 years to the year 1980 or 1981, as the gentleman from Michigan [Mr. BONIOR] said, wage rates have dropped 30 percent and productivity has gone up 40 percent. That is clearly an economy that is run from the top down with no democracy injected into it, not real capitalism. It is statism.

In any free society, as productivity goes up, wages roughly shadow, within a point or two, or three, or four, or five, roughly shadow those wages. So all those businesses have gone, all those American companies have moved to Mexico, stealing American jobs, hiring mostly young women in Mexico that they use for a few years and then get rid of them and hire more young women, hire them at very low wage rates. They cannot build any decent kind of standard of living to buy much.

Mr. BONIOR. They live in corrugated cardboard huts. It is unbelievable, the poverty line.

Mr. BROWN of Ohio. And the whole point of NAFTA, the major selling block, the major fundamental foundation of the pro-NAFTA people in selling their case is, if we pass NAFTA, a big middle class will be born in Mexico and will grow, and grow, and grow, and they will be able to buy American products.

As long as they do not have free elections and a billion dollars to bargain collectively and form unions and as long as they do not have any kind of wage standards and labor standards to allow people to join the middle class, that is not going to happen. It is only going to make the 36 families that we have talked about on this floor many times—

Mr. BONIOR. That own 54 percent of the wealth.

Mr. BROWN of Ohio. That is not doing anybody any good except them.

It is hurting Mexican workers. It is hurting American workers. It is hurting Mexican workers, who get peanuts for what they do. It is hurting American workers who always live under the hammer of an employer saying, if you do not take this give back, if you do not take this pay cut, if you do not let your health benefits be slashed, we are going to move to Mexico.

So as an employee, I will say, probably, "Well, I will take the give back."

Mr. BONIOR. Take this poster. And they will put it up on a bulletin board. They will not have to pay anything to their employees in American factories. That is what American employers are going to do.

□ 1800

The message is quite clear here. They can do it for a lot less.

Mr. BROWN of Ohio. If they are doing that during the NAFTA debate, you can bet those are going to proliferate, and Chihuahua is going to do it, and every state in Mexico is going to start doing that stuff. Yucatan is just a little bolder and a little more brazen than others. You can bet those are going to paper the country with those kinds of solicitations.

Mr. DREIER. Will the gentleman yield?

Mr. BONIOR. If the gentleman will let me finish my statement, I will be happy to yield to my friend.

Mr. DREIER. Mr. Speaker, I would first like to ask my friend, I would like to explore with my friend this issue of wage rates versus productivity.

We talk about looking at these snapshot timeframes, where we can look at 5 years, 7 years, 12 years. What I would like to ask my friends is whether or not they are aware of the developments that took place in Mexico between 1979 and 1981.

Of course, we know that during that time there was a tremendous oil boom that took place. We saw a surge in oil prices. At the same time, there was a flow of very unwise foreign lending which came in and artificially led wage rates to be increased. It seems to me we need to recognize that with that snapshot, following those developments, unwise foreign lending, then if you look at the tremendous socialistic policies that were put into place by President Jose Lopez Portillo, it created that tremendous crash. We have now seen that overcome dramatically. That is why I like to look at history and learn from history.

Mr. BONIOR. I do, as well. I think it is important to note here what happened. There was this tremendous boom in Mexico, lots of oil and gas, in the timeframe that the gentleman mentioned. What happened to all of those revenues? Were they put into nutrition programs for the kids in Mexican schools? Did they build sewer and water treatment facilities? Did they provide decent educational facilities?

Mr. DREIER. No, wage rates were artificially high.

Mr. BONIOR. They did not do any of that. Do you know what happened? It went into the pockets of a few wealthy people. That is what happened.

Mr. DREIER. Wage rates were high under that situation. Since that time, since the mid-1980's, we have seen a tremendous increase, not in the 36 families' net worth; yes, it is great, but we have seen an increase in the size of the middle- and upper-middle class. In excess of 20 million of the 88 million Mexicans fall within that category, 28 million in Canada.

It is very clear that it is a growing bloc, and we cannot ignore it, because those are the ones that have the purchasing power who will be able to buy more U.S.-manufactured goods, products, when we bring about a NAFTA.

I am here just to march in lock-step with my good friend, Mickey Kantor, and your President, Bill Clinton.

Mr. BONIOR. He is my good friend, too.

Mr. Speaker, a good middle-class job, a real good middle-class job, is to work in their Ford factory, the Escort factory, that moved, by the way, from Michigan to Mexico and took a lot of jobs with it, thousands of jobs. It is the Hermosilla plant. They pay about \$2.30 an hour, benefit package and everything. Compare that to what an auto-

worker makes in this country. That is not enough to buy, as I said earlier, a decent set of spark plugs and other things for an automobile, let alone someone can afford to purchase an automobile.

We ought to really tell it like it is. This agreement was not meant to help American workers. It was not meant to help Mexican workers. It was negotiated so a few rich people on both sides of the border could get richer, richer on the backs of working people. I do not care what the \$30 million hired guns try to tell us that are running around this town, that have money, \$30 million from Mexico, to come and influence this vote. This NAFTA is nothing but a job-stealing, worker-exploiting, community-busting agreement. We have got to do everything we can to educate the American public and our colleagues to defeat it.

The question that supporters of NAFTA never ask is the most obvious one: What happens to the workers that get left behind? They say, "Well, you know, we are going to create these jobs, and, you know, they will be re-hired again."

What happens when communities see plants leave? What happens when families are forced to pick up the pieces? NAFTA supporters predict, they predict that hundreds of new jobs will be created down the road. They cannot really say when, but they say, "Trust us. Everything is going to work out fine." The point is, these are only theories.

As one writer wrote:

American workers are being asked to jeopardize the job they have now and opt for two in the bush, when nobody can really say when or what kind of jobs are coming along.

Mr. Speaker, American workers are not stupid. That is why this thing is so unpopular in the polls. They know what will happen. They have seen it right before their eyes for the past 12 years. People in my district know that when a plant closes, it is just not the workers who are affected, it is everybody. It hits the dentist, it hits the doctor, it hits the florist, it hits the grocer, it hits the person who runs the gas station. The movie theaters see shorter lines. The grocery stores see fewer customers. The neighborhood restaurants see empty tables.

Mr. BROWN of Ohio. Will the gentleman yield on that point, Mr. Speaker?

Mr. BONIOR. I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. Mr. Speaker, it is not only that NAFTA is a job killer for people who work in factories, as the gentleman from Michigan said. It is absolutely a small business killer, too.

There are several ways that small business gets hurt from NAFTA. One is, I was talking to a plant owner, I went to the plant and was talking to the owners in a community in my district called Avon. In Avon there is a

plant that employs about 100 people. It is owned locally, owned by three brothers. Those brothers told me that one of their competitors, which happens to be a European company, but a large multinational company, is going to build a plant, if NAFTA passes, in Mexico. They have the capital, this European company has the capital to put a plant in Mexico.

My friends in Avon do not have the money to be able to do this, so they cannot go to Mexico. It is small. The plant can go to Mexico and hire people at 80 cents an hour, evade environmental laws, pay no attention to worker safety, and those kinds of things for people, and simply out-compete, because of the big, big, big differential in costs with the small business in my district.

Other kinds of small businesses, as you say, that get hurt are those small businesses that supply the larger businesses. There are two Ford plants in my district. One of them makes the Thunderbird. That Thunderbird is also made in Mexico, a small plant in Mexico. Today, anyway, it is a small plant. If NAFTA passes, if they begin to shift production from the Lorraine Ford plant assembling Thunderbirds to Mexico, that means the small suppliers around Lorraine County, in northeast Ohio and Medina County and that area, those small suppliers that have grown up, if you will, around that Ford plant, that might have 10 workers or 40 workers, they are job shops, machine shops, they are parts shops, they are all different kinds of people that build things and make things to supply the Ford plant. Those people are not big enough to go down to Mexico to supply Ford in Mexico, so that kind of small business group is hurt badly by NAFTA.

The third group is what you say, the florists, the realtors, the dentists, the self-employed persons, the movie theater owner, that simply sees less money in their community, and they are hurt by NAFTA just as much.

When we talk about NAFTA being a job-killer, it devastates small businesses and it can hurt communities.

Mr. BONIOR. We know from direct experience in our own States how devastating that can be. I could name a dozen towns that were once great in Ohio, and the gentleman could probably name a dozen in Michigan, and they were once great. I will not do it, because I do not want to embarrass the people who are trying to valiantly to make a comeback, and some are, who have in the last 15 years been absolutely devastated; great places at one time, and you can see the life blood sucked out of them because of dislocation.

Do the Members know what happens to workers who are left behind? We do not need to read about this in books. We do not need to read theories of what will happen from some economist who

sits in a designer chair in some climate-controlled office, because the gentleman and I have lived it. We have seen it.

When I drive home from Washington, and occasionally I do that, maybe once or twice a year, instead of flying, I go through those Pennsylvania, Ohio, and Michigan towns. I have seen the devastation. We have seen what happens to workers who are left behind.

My district office sometimes helps displaced workers find new jobs. In Michigan, the autoworkers who lost their \$15 an hour jobs are not seeing these new exports create high-paying jobs. They are not seeing the yellow brick road promised by NAFTA supporters. Most of them are lucky if they can find a job for \$6 an hour.

These are the fathers of four who are forced, and we see it every day, they are forced to deliver pizzas. They are the steel workers, as someone once said, with fingers too big to use a computer, and who are waiting to be trained, retrained for work. They are the fathers and mothers and brothers and sisters who sit down with the Yellow Pages and make hundreds of calls every day, trying to get an interview somewhere.

Mr. Speaker, these are parents who have mortgages to pay, families to feed, clothes to buy for their kids. This is not some kind of theory, it is real life. Is this the direction that we want our country to go in? Is this the high-wage, high-skilled path to the future that our opponents talk about?

I think we all agree that we need an agreement with Mexico and Latin America, but can we not do better than this? Of course we can, but why should that matter to people like, for instance, Bob Novak. If he is wrong about NAFTA, he is not going to lose his job. If NAFTA takes Americans' jobs, Lee Iacocca is going to go right on cashing in on his stock options and making millions.

If NAFTA forces our standard of living down, all of these former Presidents who were at the White House supporting NAFTA the other day, they are not going to feel it. They are going to get \$75,000 a pop for a speech that is shorter than we have been talking here this evening.

Mr. BROWN of Ohio. And not as good, I might add, if the gentleman will yield.

Mr. BONIOR. And not as good, the gentleman is correct, I say immodestly.

What the NAFTA debate comes down to is this. Under no conceivable circumstance would any of the people who support NAFTA be hurt if NAFTA goes through, but American workers will. We have seen that happen. We have seen the lives of our fathers and our brothers, our sisters, our neighbors destroyed over the past 10 years.

□ 1810

We have seen entire communities laid to waste in the dust of factories who have headed south. We have seen our standard of living driven down in this country, and that is why we are not going to let this agreement go through. And that is why there is so much support to kill NAFTA.

There is a general sense out there that this is a screwing, that the American people are not being treated fairly.

Mr. BROWN of Ohio. If the gentleman will yield, it is interesting that the supporters of NAFTA trot out their six Presidents, and then they trot out their newspaper publishers, and then they trot out their Harvard economists, particularly the economists that they love from the east coast and the west coast, not so many economists from the middle of the country and Middle America, and they trot out some of their friends in academia, all of the people that, as you say, will not be hurt by NAFTA. But the interesting thing about this debate is the more the people in this country know about NAFTA, the less they like it. The more that workers hear about it, the less they like it. The more that small businesses hear about it, the less they like it. And that is because, and we can feel that in this Congress more and more where Members are coming out in opposition to NAFTA, because they are getting more and more mail from home, and they are going home like in the August work recess when we were out of session and people came back here and could not believe how many talked to them about what a bad deal NAFTA was for those businesses, for their workplaces, for their communities, for their schools, for their children, and for their way of life. Over and over again it is clear that the public is just sweeping across this institution, writing letters and saying no to NAFTA. And it is just real clear that we are winning this fight in large part not because of the newspapers, or not because of anything that any of us are doing, but because the public is overwhelmingly opposed to this agreement and think it is a bad deal.

Mr. BONIOR. Let me just finish my statement and conclude by suggesting to my friend that over the past 80 years people like our parents and grandparents have worked too hard, and they have fought too long to raise the standard of living in this country. Great people in the consumer movement, in the environmental movement, in the labor movement, people like Walter Reuther, and A. Philip Randolph and others have worked so hard so that people can own enough money to raise their families, to educate their kids, to buy a car, buy a home, take a nice vacation and retire in dignity with good health. That is the American dream for many of the people that we

represent. And we cannot afford an agreement that will take us back to the Dark Ages and bring our standard of living down. We need to be moving forward.

My bottom line, as I said earlier to my friend from Ohio, my bottom line on Mexican trade is if we are going to have an agreement with Mexico it should be one that raises their standards to our level, not lower ours to theirs. Only then can we compete on the quality of the product and not on the misery and the suffering of the people who make it. And only then can we create the kind of future that we want for our communities and for our country. And only then can we avoid that lighthouse that I have talked about earlier, and have an agreement that will benefit the people of America and the people of Mexico.

We can do it. We can make this a real agreement that helps people. But you have to have people involved. You just cannot have the top corporate elite in both countries involved. You have to bring people to the table who have a stake.

We are their voices here. We are their voices, the voices of the people who are left out, who were not at the table when this thing was put together, and we will say no on their behalf. And then we will come together to form a common and decent market for workers in all of the Americas.

Mr. Speaker, I yield back the balance of my time.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Hollen, one of its clerks, announced that the Senate had passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 161. Concurrent resolution providing for an adjournment of the House from Thursday, October 7, 1993 or Friday, October 8, 1993 to Tuesday, October 12, 1993 and an adjournment or recess of the Senate from Thursday, October 7, 1993 to Wednesday, October 13, 1993.

HAITI

The SPEAKER pro tempore (Mr. BARLOW). Under a previous order of the House, the gentleman from New York [Mr. OWENS] is recognized for 60 minutes.

Mr. OWENS. Mr. Speaker, we are 23 days away from a major human rights victory in Haiti. We are 23 days away from the restoration of democracy in Haiti, 23 days away from the return of constitutional government in Haiti. In accordance with an agreement that was signed on Governors Island with the United States and the United Nations, and the illegal representatives of the illegal Government of Haiti, plus

the legal Government of Haiti, the return of President Aristide, the lawfully elected President of Haiti, elected by 70 percent of the voters, will take place on October 30, just 23 days away.

The timetable was moving forward. Whether or not we complete all of the steps in the sequence and arrive at the final solution on October 30 will depend on the resolve of the President of United States.

All parties to the agreement except one are cooperating and fulfilling and enforcing the agreement. The one party to the agreement that is not fully living up to the agreement is the illegal government that was installed as a result of the coup d'etat against President Aristide 2 years ago, although they did go to Governors Island, and they did agree that they would relinquish power by October 30. There are elements among the military, the army, and the police who are in Haiti, and the police are just a unit of the army, there are elements there who are insisting that they will not abide by the agreement. They are terrorizing the population, and they have murdered some people within the last month-and-a-half.

We are about to witness a major achievement which will set a precedent for the new world order if we pursue this agreement to its logical conclusion. But the handful of thugs, the handful of people who have the guns, you know in Haiti the army is 7,000 men only against a nation of 7 million, and 70 percent of those 70 million people voted for a President, and it is 70 percent of the population against the rest of the population, but the army has the guns. The handful of people who are terrorizing the population, they have the guns. And without threatening war, without intervention, without a United Nations special peacekeeping force, carefully and diligently, diplomats have worked out a situation whereby the army promised to back down. The army promised by October 30 that it would cooperate with the restoration of constitutional government.

Elements of the army now threaten to torpedo that agreement, and the only voice that they will listen to at this point is the voice of President Clinton. Whether or not this agreement succeeds or not, whether or not this process succeeds or not is now very much in the hands of the President. They only understand the language of firmness, the language of commitment. We do not have to threaten to send necessary troops. We just have to repeatedly let them know that this Government will not tolerate a torpedoing or a sabotaging of this agreement.

So we are urging the President at this point to take whatever actions are necessary to impress upon the handful of army commanders who are still leading a violent group against the popu-

lation, to impress upon them the fact that the United States is very serious about guaranteeing that this agreement is enforced.

About 10 days ago a CODEL of Representatives of the House went to Haiti under the leadership of Congressman RANGEL. I was a member of the CODEL. And we went there because we were requested by President Aristide and the leaders of the Haitian legal Government, the constitutional Government, to show a presence as soon as possible. They had undergone a month-and-a-half of escalation of violence, 100-some people has been killed, and people maimed, and beaten, and finally a close friend and supporter of President Aristide had been dragged out of a church and murdered.

□ 1820

So they asked us to go right away in the hope that we would express by our presence the fact that the United States was still firmly committed to this agreement. I think our trip was successful. I think it was successful in that we went and we made a firm statement about the need to stop the violence and stop the killing. President Clinton gave us a letter to give to Prime Minister Malval. Prime Minister Malval was recently installed by President Aristide as one of the steps toward restoring constitutional government.

The letter from President Clinton to Prime Minister Malval said quite clearly that the United States was still firmly committed to the enforcement of the agreement and that it would hold the coup leaders responsible for any further violence.

Our presence there I think had some effect for some short period of time. The killings stopped for about a week. The violence stopped for about a week. But now the violence has resumed again in the last few days. The killings and threats have begun again.

It is necessary for the President to send a strong message again that we intend to support this agreement all the way to October 30.

I think it would be a major achievement not only by the Clinton administration but by the Organization of American States, a major achievement by the United Nations, a major achievement in this new world order, it will be an unprecedented situation where the legally elected president or leader of a republic in this hemisphere was returned to power as a result of pressure brought by the international community and the United States.

That has never happened before. It has never happened before. The coup leaders, the military juntas across the western hemisphere and across the world have had their way. Now in this new world order committed to democracy, committed to human rights, the international community of the United

Nations and the community of nations within this hemisphere, under the Organization of American States, have made it clear that we stand firmly behind constitutional governments and against military juntas who are in power as a result of illegal coups d'etat.

This agreement that is moving forward and will culminate in the return of President Aristide by October 30 is the result of actions by President Clinton which were very vital. The situation was turned around a few months ago when President Clinton decided that he would issue an order to freeze the assets of all the coup leaders and people who supported the coup, all the assets that they had in this country would be frozen. The President decided to deny visas to those people who supported the coup and the President decided to go to the United Nations and request effective sanctions from the international community. This is after more than a year and a half of making statements—true, under President Bush we made statements that we supported the democratically elected Government of Haiti, we supported President Aristide. We made statements like that. We refuse to recognize the military junta under President Bush. But we never took any steps beyond that. It was President Clinton who turned the situation around by freezing the assets, denying visas, and going to the United Nations and calling for strong action by the entire international community.

Yes, there had been some efforts to impose sanctions by the Organization of American States. But that had fallen flat. Nobody was serious about that. Other nations outside of the Western Hemisphere did not abide by it. So the coup leaders had no threat to the economy, no threat to the loss of vital materials such as oil until the President turned the situation around by calling for United Nations strong sanctions, which were instituted. Less than 2 months after the institution of the strong actions by the United Nations, the coup leaders came to the Governors Island to negotiate. They were willing to negotiate because the country was running out of oil, the most vital ingredient, and there were other serious hardships resulting from an embargo imposed by the international community.

The coup leaders came to Governors Island, and they agreed to a process which called for the restoration of democracy in Haiti by October 30.

As I said before, this agreement sets a major precedent. We did not restore constitutional government by sending in a major invasion force, we did not restore constitutional government by taking sides in a civil war. It was all negotiated.

It would be almost a miracle if, on October 30, this process does achieve

the restoration of democracy with the return of President Aristide.

I congratulate President Clinton, I congratulate him on being willing to take the critical steps to turn the situation around, of stepping out to initiate a foreign policy which is a foreign policy very much in the interest of the American people. It is in the interest of American people to have democracy in this hemisphere, everywhere. Free-market democracies are very much in the interests of the American people. They have a direct bearing on what we do, on our economy, on our trade. There are numerous ways where the existence of free-market democracies are directly related to the prosperity and welfare of the people of this country. Free-market democracies that are achieved without war, without an investment in military operations which might result in the loss of lives, is also far more desirable than other ways to achieve democracy through more difficult means.

So it is a major precedent. It has a direct bearing on the lives of the people of this country. Many people have tried to wed the Haitian situation to the Somali situation.

Somalia was a case where we went in to bring humanitarian relief to individual human beings. Somalia is a case unprecedented, probably, in this century, where there was a complete breakdown of law and order within a society; not a civil war. You did not have one ethnic group fighting another, or one faction—one religion fighting another. Somalia was a situation where people all speak the same language, they are all the same race, they are not broken up into different ethnic groups within that race. They are all the same religion. Yet they broke up into various factions, fighting for the most selfish of reasons. And the government just disintegrated.

We did not go in to do anything except to bring relief to individuals who were just starving to death because of this chaos and because food supplies were being captured by armed gangs and could not reach people, even humanitarian aid sent from around the world.

Somalia at this point, with two-thirds of the country secured, two-thirds of the country on its way to recovery, there is no starvation in two-thirds of the country. Crops are growing again, farmers are working their fields again. Law and order has been restored to Somalia. But yet you have remaining a hot spot, one situation in Mogadishu, which has exploded and resulted in the loss of lives not only of American boys but also numerous other U.N. soldiers, and of course many innocent civilians, Somalians.

It is a most unfortunate situation. It is mostly successful, but the remaining situation leads many Americans to conclude that we should never go out-

side of our borders to try to help anybody; that it is not in our interest, we have nothing to gain from Somalia. Somalia does not have any oil, does not have any uranium, is not strategically located, there is no more cold war, so we do not care whether it falls into the hands of the Soviet Union or some other bloc. It is strictly a humanitarian gesture, for the most noble of reasons we have gone into Somalia. It is most unfortunate that one tiny faction with guns, one hard-headed, selfish, brutal, mad-dog faction has caused all this trouble. We should not equate that with Haiti, however. Haiti is a totally different situation. Haiti is not broken up into factions. Haiti is a situation where 70 percent of the people on election day, an election supervised by international observers, 70 percent agreed they wanted one man for President. That man was in the office of President for 7 months. During the 7 months that President Aristide was in office, most of the Haitian people who had been trying to get out of Haiti to come to the United States by any means necessary, using boats, rickety ships, so desperately that they would take any kind of risk, they stopped. It stopped.

□ 1830

For 7 months there were almost no Haitians attempting to enter the United States. They had hope. Not only had they voted for this man, 70 percent, they believed in him. They did not have any foreign aid program overnight. They did not have any discovery of oil overnight. They were not suddenly wealthy overnight. Nothing happened, except they felt they had a government that believed in trying to do what it could to help all the people in Haiti. This is after decades of oppression, decades of oppression under Duvalier's, Papa Doc Duvalier, Baby Doc Duvalier, who along with an elite group of people in Haiti, an elite group of people in the United States who owned some businesses there and helped to run the country from here, they ran the country of Haiti, a country of 6 million people. They ran the country as if it was a giant plantation.

The elite lived very well, but the great majority of the people lived in the most degrading kinds of conditions and turned Haiti into the poorest country in this hemisphere, one of the poorest countries in the world. All that happened before Aristide was elected. Once he was elected and the people saw they had hope they stopped trying to enter the United States illegally. We did not have a problem of large numbers of illegal Haitian refugees. We did not have a problem which made us behave in an inhumane way by denying people the right to enter the country in order to seek asylum. Many of the problems as a result of the desperate attempt of people to get out of Haiti

did not exist, and they will not exist again if President Aristide is returned. If President Aristide is returned and a stable government restored, the democracy which the Haitian people have fought for begins to blossom, you will have the creation of a new market. Instead of the Haitian populace becoming a burden on the United States or the Western Hemisphere, you will have the flowering of a new economy in Haiti which will create a new market and new kinds of relationships with all their governments within this hemisphere and the economies in this hemisphere. We would be on the side of promoting human rights. We would be on the side of promoting democracy. We would be on the side of promoting prosperity for the Haitians, a people who have fought hard and long for this democracy.

The Haitian people are to be congratulated. I first should congratulate President Clinton. He was a key force that turned this situation around.

We certainly should congratulate President Aristide. President Aristide has maintained from the very beginning that he would not countenance violence, that he would insist on a peaceful solution to the problem. With 6 or 7 million people in Haiti against an army of 7,000, even if they did not have guns and you started a guerrilla warfare, you probably ultimately after the deaths of thousands of people would be able to overwhelm the military thugs and take back the country.

President Aristide insisted that he did not want sacrifices in that kind of guerrilla warfare.

He is to be congratulated for having faith in the United Nations and in the United States and going to Governor's Island to sign an agreement which had very unusual elements in it. The agreement signed at Governor's Island provides that the people who staged the coup would be in charge right up until the very end of the process for restoring the constitutional government, right up to the end.

General Cédras and Police Chief Michel Francois, right up to the very end they would be in charge of the army, of maintaining law and order. Right up until the very end they would be expected to make certain that the transition takes place.

In the Governor's Island agreement, President Aristide was called upon to appoint a Prime Minister, but the Prime Minister could not walk into his office without having the army or the police escort him there safely. The Prime Minister could not appoint a Cabinet without the members of that Cabinet having the army or the police to protect their offices and allow them to go in and take control of their departments. All of this was in the hands of the very people who staged the coup in the first place. It took a lot of faith to believe that such a plan would work.

At the very end of the plan, by the time President Aristide returned, basically the country is still in the hands of the army and the police. The U.N. observers will be there by October 30, but there are only going to be 1,500 U.N. observers, unarmed observers, observers who have no mandate to interfere in any way in the implementation of justice in the country, along with trained police from Canada, from France that are supposed to train the army and the police and convert the coup leaders, the terrorists into a civilian force and a peaceful army that will continue with the same people basically. It takes a lot of faith to sign an agreement like that. That is the agreement that President Aristide signed. It is up to the United States and the United Nations to enforce that agreement now.

I congratulate President Aristide for having that kind of faith. He has done everything he was supposed to do to live up to this agreement.

Now I congratulate the Haitian people. The Haitian people are to be congratulated above all. They have exhibited a great hunger and thirst for democracy from the very beginning. The Haitian people, without a single set of guns or tanks or armored cars, rose up to express their discontent with dictator Duvalier and after days and days of peaceful demonstrations they forced Duvalier to leave Haiti, and that set off a chain reaction that led to the establishment of a new constitution. Nobody believed they would ever write a constitution. All kinds of efforts were put forth to prevent them from developing a constitution. They wrote the Constitution. They had an election to approve the Constitution. The Constitution was approved.

They held elections. They held their first elections. At their first elections the army came in and shot people down at the polls. Nevertheless, they resolved to hold another election. They held another election and the army rigged the election by forcing every voter to hand their ballots to a soldier first before it was cast.

Finally, they had an election that was supervised by the international community and that is the election that elected President Aristide.

It has taken many, many years to reach this point.

Finally, they elected President Aristide. After 7 months he was overthrown, and now within 23 days President Aristide will be returning to Haiti. That is 23 days away from a major human rights victory, 23 days away from a major victory for democracy, 23 days away from a major return to constitutional government which has set a new precedent for this New World order.

The members of the Codel that went to visit Haiti less than 10 days ago have called upon President Clinton to

meet with us to discuss the situation for the next 23 days.

In the last few days it has deteriorated and people have been killed. There are threats.

We worry about a mad dog faction staging a massacre at the last minute. We call upon President Clinton to do whatever is necessary to see to it that is prevented.

The Congressional Black Caucus also calls upon President Clinton to appoint a White House coordinator for the Haitian initiatives.

Beyond October 30, humanitarian aid will have to be offered. The police training process goes forward. Road building, economic development, a number of things are going to happen to rebuild the country of Haiti under President Aristide.

We call upon the President to appoint a White House coordinator for Haitian initiatives. That person would expedite the flow of decisionmaking which would facilitate the reconstruction of Haiti.

We call upon the President to also expedite the appointment of a new Ambassador to Haiti. We understand a candidate has been nominated, William Lucey Swing. His nomination is pending before the Senate.

We would like to see the new Ambassador to Haiti installed in Haiti before October 30. That again sends a signal to the thugs, it sends a signal to the opposition to the accord, the agreement.

We would like to other nations like France have their Ambassadors in place in Haiti before October 30.

□ 1840

Mr. Speaker, there are a number of other steps that the Congressional Black Caucus has voted to take in support of the restoration of democracy in Haiti, but I would like to conclude with my appeal to the American people to understand that here is a victory for nonviolence, here is a victory for a peaceful process whereby we have restored constitutional government, here is an opportunity to make certain that this nation will never again have to face a situation where illegal military forces take over.

We call upon the American people to establish a people-to-people relationship with Haiti. There are churches in Haiti which need aid; there are hospitals in Haiti which need aid. There are organizations in this country, nonprofit organizations, that know very well how nonprofit organizations have to operate in order to exist. Schools need help. We would like for churches here to adopt churches there, schools here to adopt schools there, hospitals here to adopt hospitals there.

Haiti has been isolated although it is only 500 miles away from the shores of the United States. It has been basically isolated from the benefits of American

democracy, from the interchange that is necessary. If we have an interchange, person to person, from here on, then we will never have to worry about having to fight dictators in Haiti again, we will never have to worry about having to go through a long tortuous process of diplomacy to restore a constitutionally elected government.

Mr. Speaker, we are 23 days away from victory, 23 days away from what will set a new precedent in this new world order. What we have done in Haiti we should do again and again in this hemisphere to send a clear message that we are in support of democracy, and we do not have to have guns and military intervention to enforce that democracy. It is 23 days away.

I salute the people of Haiti, I salute President Aristide, and I salute President Clinton for his very aggressive and forward-looking foreign policy initiative with respect to Haiti. In 23 days we will have a major victory for all of us.

Mr. DELLUMS. Mr. Speaker, it is with pleasure that I rise to join my honorable colleagues, the gentleman from New York [Mr. OWENS] and the gentleman from Massachusetts [Mr. KENNEDY], to address the long anticipated return to Haiti of President Jean-Bertrand Aristide on October 30, 1993.

Although we are aware of the immense difficulties that lie ahead for the President and his supporters, we also see the hope and the energy which the Haitian people now share in shouldering the task of making a new nation.

We believe that the recently formed coalitions supporting President Aristide, including community activists, dedicated supporters of democratic government, and business leaders give a positive signal that he will have the necessary support for a strong, new beginning for his democratically based Government.

The poverty in Haiti is crushing, but President Aristide is full of plans and hope, shared cautiously by many Haitian business leaders, that it is possible for the economy to recover, for human rights to be respected and protected, for corruption to be controlled, and further deterioration of the environment to be arrested.

I ask my colleagues to consider the most practical support that we can now give Haiti during its most energetic and optimistic period. Monetary assistance given in peacetime for bootstrapping operations is much cheaper than military remedies taken after civilian control is lost.

I ask that my colleagues join me in extending our strongest good wishes to President Jean-Bertrand Aristide for a successful return to Haiti and his Presidency, and that we commit ourselves to assisting our friend and neighbor in the Caribbean to achieve a healthy initiation into democracy and economic health.

ORDER OF BUSINESS

Mr. DREIER. Mr. Speaker, I ask unanimous consent that my very dear friend, the gentleman from Georgia [Mr. GINGRICH], the distinguished mi-

nority whip, be able to precede me with his 6-minute presentation.

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

There was no objection.

ANNOUNCEMENT OF CANDIDATE FOR LEADER OF THE HOUSE REPUBLICAN PARTY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. GINGRICH] is recognized for 6 minutes.

Mr. GINGRICH. Mr. Speaker, I want to put into the RECORD my statement from today when I announced for leader of the House Republican Party. Many of my colleagues suggested that it contained information important to all Members of the House, and to our staff and, frankly, to the American people. I said at that time, with 75 Members of the House gathered over in front of the Capitol:

STATEMENT OF CONGRESSMAN NEWT GINGRICH

We are gathered in front of the world's best known symbol of freedom, the U.S. Capitol. As Republicans we represent a party founded 139 years ago on the principles of free men, free labor, and free soil.

We Republicans believe in freedom, free speech, free elections, free markets, and the rights and responsibilities of free men and women. These are the practical principles that have allowed more people to achieve more prosperity than any system in history.

In our efforts to form a more perfect union and to guarantee every person their rights to "life, liberty and the pursuit of happiness" we Americans have accomplished an enormous amount.

Prosperity beyond expectation, opportunity beyond belief, scientific and technological achievements beyond anyone's dream. These have been the achievements of that amazingly diverse people called Americans.

Yet, today we are reminded by tragedies in Somalia and Bosnia, in Haiti and Russia that freedom is not automatic or easy. Even here in our nation's capital the sounds of gunfire and the sights of drugs, decay and death remind us that freedom can be lost.

As Republicans we know that no civilization can survive with twelve-year-olds having babies, fifteen-year-olds killing each other, seventeen-year-olds dying of AIDS and eighteen-year-olds getting diplomas they can't read.

As Republicans we know the welfare state has failed. Since we believe "all men are endowed by their creator with certain inalienable rights" we know this failure occurred because of a basic misunderstanding of human nature. We Republicans know that if you reduce a citizen to a client, subordinate them to a bureaucrat and subject them to rules that are anti-family, anti-work, anti-property and anti-opportunity you will create social pathologies. That is exactly what has occurred. The violence, degradation and brutality portrayed on the evening television news are the natural products of the current system's distortion of human nature.

With this failure, our generation has, in Franklin Delano Roosevelt's phrase, a rendezvous with destiny. Our generation must

replace the welfare state with an opportunity society.

We Republicans are committed to developing a replacement which will:

Create new economic growth with better jobs and more take home pay.

Establish a system of health which uses individual responsibility, market incentives, malpractice reform, and classic American principles to give the American people the best care at the lowest cost with the maximum choice.

Create new approaches to education and training that will guarantee the best learning in the world so we can have the best jobs in the world.

Develop and implement a workfare replacement for the welfare system, establish enterprise zones to encourage job creation and empower the poor so we can work with them to truly save the inner city.

Adopt thorough reforms of the criminal justice system to end the plague of violent crime and drug addiction that threatens every American.

Establish and enforce new standards of conduct for our campaign system, the lobbying process, and the legislative and executive branches. Honest self government is the foundation of our entire process of freedom under the law.

Apply the principles of quality and the information revolution to thoroughly rethink and rebuild every process government administration so we can dramatically improve services while radically lowering costs.

Establish priorities and create new approaches so we can move systematically and methodically first to a balanced budget and then to pay down the national debt.

Maintain a powerful military while rethinking its structure and overhauling its administrative overhead to lower its cost.

Work with the President to develop and implement a sound, sustainable foreign policy that protects America while enlarging the opportunities for freedom whenever practical.

These are enormous challenges. They must be met if we are to renew American civilization and maintain our freedom, our prosperity, and our safety.

We House Republicans face an extraordinary challenge in seeking to replace the welfare state and to help the American people create an opportunity society.

Yet challenges are not new to America nor to House Republicans. We all stand on the shoulders of Bob Michel, our Leader and we know the challenges he faced. The son of first generation immigrants to America, a World War II combat infantryman with a purple heart and a medal for capturing 28 German soldiers. Bob Michel has served his country in war and peace. He has worked with nine Presidents. As our Leader he has been vital to Presidents Reagan, Bush and Clinton.

As my colleague, my Leader, my mentor, and my friend Bob Michel has taught me much about the burdens of leadership, the challenges of honest self-government and the joys and tribulations of the collegial legislative process.

Bob Michel's announced retirement will create a large challenge for House Republicans. Frankly I cannot meet that challenge by myself. No younger Member could provide the wisdom, courage and experience that 50 years, a half century, of public service taught the Leader from Peoria.

However, with the help of my colleagues, with the already committed support of over 100 members of the House Republican Conference, I believe we can build a team that can fulfill our rendezvous with destiny.

With their help, with their commitment, with their talents, I am convinced we can renew American civilization. Together we can reestablish safety for all Americans, economic opportunity for all Americans, learning for all Americans and health care for all Americans.

Together we can rebuild the process of self-government so every American can pursue happiness within the rule of law.

Together we can enlarge the frontiers of freedom so our children and grandchildren can live in a world of prosperity, safety, and freedom.

Within that spirit, for that purpose, and to achieve those goals, I am a candidate for Leader of the House Republican Party.

□ 1850

THE TRUE FACTS ABOUT THE NORTH AMERICAN FREE-TRADE AGREEMENT

The SPEAKER pro tempore (Mr. BARLOW). Under a previous order of the House, the gentleman from California [Mr. DREIER] is recognized for 60 minutes.

Mr. DREIER. Mr. Speaker, I have taken out the time this evening to speak specifically about an issue which is going to be hotly debated for the next month and a half at least here in the House of Representatives, on radio talk shows, on television programs, on the floor of the other body, on the floor of this body, in committee here, and throughout the world, and that is the North American Free-Trade Agreement.

Earlier this evening we heard from two of my very distinguished colleagues, Representative SHERRON BROWN from Lorain, OH, and our distinguished majority whip, my friend from Mount Clemens, MI, Mr. BONIOR. They stand here as two articulate, committed opponents of the North American Free-Trade Agreement.

But, quite frankly, as I listen to people talk about NAFTA, most of them have indicated that while they may be leaning against the North American Free-Trade Agreement vote that is coming before us, they believe that it is the right thing to do. The reason they are leaning against it is the very simple fact that so many things have been said about it that are untrue that it has instilled in the American people a great sense of fear, and that sense of fear has led many Americans to believe strongly in the need to defeat the North American Free-Trade Agreement. So it has led them to call our offices, send letters, march in front of offices, and fall in line with Ross Perot, who has authored a book, along with Pat Choate, that has at least 193 inaccuracies.

So the American people have really come down on the side of fear, rather than facts. Tragically, many of my colleagues who have engaged in this debate here in the House have really perpetuated that, I am sorry to say.

As I was pointing out to my friend, the gentleman from Michigan [Mr. BONIOR], earlier, he was standing here next to the chart that he stands next to regularly. He carries it around, he points to it, as most opponents do. It is the chart that is an advertisement that I wish did not exist. It talks about how United States businesses should take advantage of low wage rates in the Yucatan. That is about the only thing they can point to.

When it comes down to it, Mr. Speaker, I am convinced that the North American Free-Trade Agreement is going to enhance the standard of living and the quality of life, both in Mexico, and, contrary to what many would lead you to believe, right here in the United States.

Earlier we were talking about the fact that we should renegotiate the North American Free-Trade Agreement. Mr. BONIOR talked about the need to bring about a NAFTA that we can get behind. Unfortunately, what has happened is there is not a realization that we cannot negotiate another North American Free-Trade Agreement.

Why? Because the forces that have now come out in opposition to the North American Free-Trade Agreement are so schizophrenic that they represent extremes. In fact, if you look at the opposition to the North American Free-Trade Agreement, you see Jesse Jackson and Pat Buchanan; you see my former Governor in California, Jerry Brown, and Ross Perot. It is an amazing litany of people who are opposed for different reasons.

The point that I make is that they oppose this for so many different reasons, many of which are unfounded, that they could never come together on an agreement.

I argue that the skill that has gone into this agreement, while not perfect, it is still lightyears ahead of the status quo.

Now, what is the goal of implementing a free-trade agreement like this? It is to help the consumer gain the ability to purchase the best quality product at the lowest possible price. And that is what we are really here to discuss. As that happens, as people are able to purchase the best quality products at the lowest possible price, it naturally brings out an increase in economic growth.

Now, as we look at this debate, the opponents would love to see us argue that there are winners and losers. While as we watch this baseball series continue as we head toward the World Series, there are winners and losers in many areas. There are winners and losers in sports; there are winners and losers in war; there are winners and losers in political battles that exist.

But, Mr. Speaker, in the area of trade, as barriers are reduced, trade is a win-win situation. I stand strongly

convinced that the people whom I represent in southern California will benefit greatly, almost immediately, from implementation of the North American Free-Trade Agreement.

What I would like to do, since so many of my colleagues point to this single chart, Mr. Speaker, I would like to get specific and talk about the issue of free trade itself.

Mr. Speaker, the very distinguished gentleman from Florida who chairs the Trade Subcommittee of the Committee on Ways and Means, SAM GIBBONS, wanted to be here this evening to participate. But since a number of our other colleagues took time, he had to go off to a meeting at which he was talking about tax and trade policy with some people and was unable to join us.

So I would like to make, if I could, very briefly, the argument that SAM GIBBONS makes, because clearly implementation of the North American Free-Trade Agreement is a bipartisan issue.

Mr. Speaker, I am a Republican. I support the North American Free-Trade Agreement. SAM GIBBONS is a committed, loyal Democrat. He is a free-trade Democrat who recognizes that diminishing barriers is the wave of the future.

We are also joined by another free trader, a new Member of Congress, the gentleman from Arizona [Mr. COPPERSMITH], my friend from Phoenix, who joined us here last night, and I know is going to have quite a bit to offer in just a few minutes.

But I would like to take, Mr. Speaker, the arguments that have been provided regularly by Mr. GIBBONS in press conferences and meetings that we have had in which we have talked about NAFTA.

What the gentleman says is that if you look at the past several decades, what we have seen is one-way free trade. Now, what exactly does that mean? It means basically that the Mexican producers have had virtual tariff-free access to the American consumer. They have been able to, with very little in tariffs, sell their products to the United States, whereas we have had very punitive tariff barriers which have prevented the flow of United States products from the United States to Mexico.

So if you look at this, we have had one-way free trade. Mexicans have been able to sell their goods and services here in the United States, and yet we have had what on average is a 10-percent tariff on United States-manufactured goods which we have attempted to export into Mexico.

Now, if you look at the developments which have taken place in the past several years, it is amazing. My friends, Messrs. BROWN and BONIOR, argued about the problems that exist in Mexico.

Once again, Mr. Speaker, I will say that I am in no way an apologist for

the problems that exist in Mexico. I do believe that we must recognize and all should acknowledge that over the past 6 years we have seen tremendous improvements, and we have already seen some improvements in that one-way free-trade system. But NAFTA is going to finally bring about the ultimate, and that is a zero-zero tariff.

Now, what has happened in that 6-year period? Well, in the mid-1980s, 1986, actually, we had a \$5.7 billion trade deficit with Mexico. Basically we saw the United States purchasing \$5.7 billion more in goods and services manufactured by the Mexican people than they were buying from us.

During the latter part of the 1980's we have witnessed the greatest market-oriented approach taken by a government in Mexico in the past six decades. What has happened is President Salinas has privatized the telephone industry, privatized the banking industry, and moved boldly toward political reform.

Contrary to what many people have argued, political reform has seen the opposition PAN party, the National Action Party, win mayorships throughout the country, and governorships, too. This was unheard of under the one-party control system that the PRE party has had in the past.

So, while not perfect, I am convinced that we have seen and history has now shown in the past 6 years that there has been tremendous improvement.

What has that done? It has strengthened the economy of Mexico, and we have seen some improvement in the tariff barriers which exist in Mexico. That improvement has obviously been beneficial and it has created what we have now, and that is a \$5.4 billion trade surplus with Mexico.

Basically, the Mexican people, who are so often labeled poor and unable to purchase anything, the Mexican people, who now have a middle class which is in excess of 20 million, virtually the size of the Canadian middle class, are not simply, people who live in cardboard boxes, as is so often described by opponents to NAFTA.

□ 1900

I acknowledge that there are people who live in cardboard boxes, but I believe that NAFTA is going to be one of the things that will help to create economic opportunities so that they can emerge from that substandard quality of life.

So what we have come to today is we have found that the Mexican people, last year, were able to purchase \$5.4 billion more in goods and services from the United States than we were from them because of not only the move toward privatization, which President Salinas has led, but also toward a slight reduction in tariff barriers.

But, Mr. Speaker, we still have an incredibly high tariff barrier, and I would

like to ask you, Mr. Speaker, to focus on these charts here.

First of all, if you look at the average tariff, the average tariff on computers being sold from the United States into Mexico averages between 10 and 20 percent. Mr. Speaker, one incredible example that I have shared with our colleagues here before is the fact that in California we have heard that IBM has indicated that if NAFTA passes, we will see a tremendous improvement and an opportunity for IBM made and Tandy and other companies to sell their computers in Mexico. If NAFTA fails, IBM will have no choice other than to move facilities, which it has presently in my State of California and in other States, to Mexico. Why? Because it is essential for them to be able to gain access to the 88 million consumers in Mexico.

Right now, the tariff is between 10 and 20 percent on computers going into Mexico from the United States. And the average tariff that we have on their computers coming from Mexico into the United States is between 3.7 and 3.9 percent.

When NAFTA is completely implemented, what will happen, Mr. Speaker? We will see a complete zeroing of those.

Now, one of the things that has been said very clearly is that if NAFTA is defeated, the cork on the champagne bottles will be popping. Where? In Japan and Germany and other spots which would love to have the opportunity to move to Mexico and gain access to Mexico so that they can use it as an export platform into the United States.

Mr. Speaker, if we pass NAFTA, we reduce the tariff barrier, which is between 10 and 20 percent on computers, down to zero for United States-manufactured computers going into Mexico. And we create this relationship of free trade with our neighbor that we share a 2,000-mile border with.

But, Mr. Speaker, Japan, Germany, other countries will still have the same 10- to 20-percent tariff barriers as they attempt to sell into Mexico.

Let us look at computer chips. Right now, on average, there is a 10-percent tariff on computer chips from the United States going into Mexico. Right now, there is zero tariff on computer chips coming from Mexico into the United States.

On electronic products, the average Mexican tariff, 2.6 percent; the average United States tariff, 2.4 percent.

Let us look at the tariff on cars. That is something that is so often discussed here. I think my friend from Phoenix and I discussed this last night. We have often quoted the Big 3 auto makers who have referred to the fact that they know we are only able to sell 1,000 United States-manufactured automobiles in Mexico per year. In the first year, it has been projected that we will

see 60,000 automobiles sold. That is a sixtyfold increase. Then there was this incredible figure given by Bill Hoagland, the executive vice president of General Motors, who referred to the fact that in the first year we will create 15,000 United States automaker jobs, and we will see a dramatic increase of thousands and thousands of United States-made automobiles going to Mexico.

Again, last night my friend from San Diego, the gentleman from California [Mr. HUNTER], as we were in this exchange here, referred to the fact that the average Mexican income is \$2,500. How can they afford to purchase automobiles. The average Mexican income is not the determinant here. We have to recognize that what happens, Mr. Speaker, is you see the middle- and upper-middle-class, which is growing to, as I said, in excess of 20 million citizens, those are the people who are in a position to purchase these kinds of automobiles.

The tariff right now is 20 percent. The United States tariff on Mexican-manufactured automobiles coming in is only 2 percent. It will be eliminated under a North American Free-Trade Agreement with zeroing out.

Mr. Speaker, I yield to my friend, the gentleman from Arizona [Mr. COPPERSMITH].

Mr. COPPERSMITH. Mr. Speaker, I thank the gentleman for yielding to me and just want to follow up on this.

Essentially, we sell more cars, United States manufacturers sell more cars in Japan, which is a market that is essentially closed to United States auto makers. The Japanese drive on the left and there are other reasons why it has been very difficult. There is a tremendous demand for these products in Mexico, but the current Mexican tariff acts as a significant barrier.

It is essentially a 20-percent tax that a Mexican consumer must pay, whereas, the effect of the United States tariff is only 2.2 percent, I believe, on the chart. And it is a significant problem.

I would also like to point out, the gentleman raised the point that averages can be deceiving. We all know the story of the person who drowned in a body of water that had an average depth of 6 inches. The point is not what is the average, and the point is also, as I think you raised earlier, is not just what the historical trend has been but where it is going.

Last night you gave one example of comparing Mexican wage rates and, by using 1980, you can get an artificially distorted figure. So opponents are using a figure that was artificially inflated for a number of historical reasons. We can go into it again or not, depending upon the time.

So looking at wage rates from 1980 gives you a distorted picture, rather than looking at what has happened over the past 6 years.

I think it is even more important, as you focus on the fact that there is this large Mexican middle class that is growing, that you need to keep in mind that economic growth is not necessarily going to come from the developed countries, from the G-7 group, our trading partners in Europe and Japan. Those are fully developed economies. And while they will grow and we hope they will grow rapidly, they still will not grow nearly as rapidly as the developing economies such as in Mexico.

And where economic growth and growth of exports will come from in the future is going to be that Mexican market. By turning our back on it today, by keeping the status quo, which essentially locks us from one of the fastest growing markets and one of the markets that has been growing faster for exactly the types of exports and jobs that we want to encourage in this country, we are essentially cutting ourselves off from where the growth will come from in the future.

Mr. DREIER. My friend is right on target in that he is focusing not just on Mexico but all of Latin America.

By 1995, we are going to see at least four South American countries proceed with implementation of their own free-trade agreement. We all know that people from Chile have been knocking on our doors. I am sure they probably contacted my friend over the past several years. They have contacted me saying, will you sign on in support of a United States-Chile free-trade agreement? People know that the diminution of barriers is the wave of the future, and that is what we are trying to recognize here.

I have these charts, and we can briefly go through them. I would like my friend to interject at any point here.

The point that I am making is what I call the brilliant SAM GIBBONS line. SAM GIBBONS likes to talk about one-way free trade. And our good friend, Mr. GIBBONS, talks about the fact that they have had virtually unlimited one-way free trade.

I think that this chart, these charts that I have here best outline what I call the great SAM GIBBONS thesis.

I was talking about cars earlier, which is the example that is so often used. My friend mentioned that. We have a 2.2 percent tariff on Mexican-manufactured cars coming into the United States, and they have a 20 percent tariff on cars that are manufactured in the United States going into Mexico. And people will be able to afford U.S.-manufactured automobiles. After all, we know that that decision that was made by the United Auto Workers and General Motors to move their plant from Mexico back to Lansing, MI, was a clear demonstration that they believe that they are going to find a greater level of productivity right here in the United States. And they are still going to have that won-

derful consumer market, which is big and growing, in Mexico.

Look at light trucks. Light trucks, 20 percent tariff on United States-manufactured light trucks going into Mexico; a 2.2 percent tariff on Mexican-manufactured trucks coming into the United States.

□ 1910

Auto parts. That is another big industry we hear about. We constantly hear about this auto parts industry which is going to be devastated with the implementation of the North American Free-Trade Agreement.

Right now, under the present status quo, we have a 13.1 percent tariff on United States-manufactured auto parts going into Mexico, a four-tenths of 1 percent tariff on Mexican-manufactured auto parts coming to the United States. Look at the incredible disparity that is there, nearly, what would that be, about a 26 times difference there.

Mr. COPPERSMITH. If the gentleman would yield, actually, it is higher there. It is 33 to 1. We have talked about how the average Mexican tariff is two and one-half times the average United States tariff, but these are good examples about how in specific industries, and specific industries that are quite important in terms of jobs, in terms of growth, that number can be higher. With cars and light trucks, it is a 9 to 1 ratio, and with auto parts, it is even worse, at a 33 to 1.

What people need to remember, what people need to know, is that in many ways NAFTA requires far more of the Mexican Government than it requires of the United States. It opens up opportunities to the United States as well as opportunities to Mexico, possibly to a far greater degree in exactly the kinds of industries that will lead the way to the 21st century.

Mr. DREIER. If I could even expand on my friend's points, look at chemicals: a 10 to 20 percent Mexican tariff; zero to 4 percent. I can certainly understand why the chemical industry and the workers in the chemical industry very much support the North American Free-Trade Agreement.

Why? Is it wrong for them to want to have more consumers of their product? I do not think so. If we bring about a North American Free-Trade Agreement, we are going to greatly expand the number of consumers in Mexico who will be able to be purchasing items made by the chemical industry here in the United States.

Pharmaceuticals. It is incredible when we look at the pharmaceuticals industry, a 15 percent average Mexican tariff and a 3.5 percent average United States tariff; basically, the SAM GIBBONS thesis once again proved, one-way free trade. Mexican goods are able to flow into the United States, and yet we

have that average 15 percent tariff seriously jeopardizing the flow of pharmaceuticals into Mexico.

Look at the textile and apparel industry. That is one of the most interesting ones of all. One night I read here, Mr. Speaker, a letter that came from some people in the textile industry in the Southeastern part of this country. That, by the way, is one of the very interesting arguments as it relates to trade.

Professor Michael Porter from Harvard University did a fascinating study about the fact that we have seen trading blocs emerge from within the United States, and specialization take place in different regions of this country. He likes to point to the fact that in the early part of this century there were many people in the Northeastern part of this country who decided that the Northeast would be devastated. Why? Because the textile industry was relocating from that part of the United States to the Southeastern part: Georgia, the Carolinas, other States in the Southeast.

We all know what happened. There was a natural shift that took place. That obviously is what is going to happen with us here. The textile and apparel industry recognizes today that much of their threat comes not from the Americas, but from the Pacific rim.

In NAFTA is defeated, we will see countries in the Pacific rim, Japan, Singapore, Taiwan, others, hoping to use Mexico as an export platform into the United States. If that happens, the chance for it will be enhanced.

If NAFTA is passed, the now average 14- to 20-percent tariff on U.S.-manufactured textiles and apparel will go down to zero. The average tariff of 6 percent of Mexican-manufactured textiles and apparel will also go down to zero, so there will be a natural benefit to the United States.

Let me underscore once again, from the Pacific rim, they will still be forced to deal with a 14- to 20-percent average tariff, so we will be benefiting this region and we will not be allowing those in the Pacific rim to take advantage.

As I said, they would very much like to see us defeat NAFTA, but my friend, the gentleman from Phoenix, and I are going to do everything we can to make sure that it does not happen.

Mr. COPPERSMITH. Will the gentleman yield?

Mr. DREIER. I yield to the gentleman from Arizona.

Mr. COPPERSMITH. As the gentleman points out right now, and as the chairman, the gentleman from Florida [Mr. GIBBONS] points out, we have one-way free trade. It only stand to reason that if there is two-way free trade between both markets, that there will be an expansion for the United States.

It is a point that I think we can look at by just looking at the record, by

looking at history. People, I think, when they realize and study, will realize that the whole trend of history is that lowered tariff barriers, expansion of trade, benefits both parties; that is, it is a win-win situation.

Here we are showing exactly where the win comes from for the United States. We have also got a track record to show as Mexico lowered its tariffs as part of the 1986-87 economic reforms, our exports to Mexico increased considerably, and the great majority of those exports, however we calculate the numbers, whether we use the Mexican Government's statistics or the United States Government's statistics, for goods that are consumed in Mexico, our exports to Mexico have increased tremendously, to over \$40.6 billion in 1992. That means jobs here.

By increasing that, by seeing where the trend is going, it results in jobs here in those specific sectors that will benefit the most from reducing tariff barriers and expanding.

It bears repeating, and I do not know how many times I will have to repeat it, but we will try, we will keep repeating it, that free trade, expanded trade, creates a win-win situation. The rising tide will lift all boats. Mexico will gain and the United States will gain.

Mr. DREIER. John F. Kennedy's great quote.

Mr. COPPERSMITH. Indeed, Mexico will gain, the United States will gain, and both will gain at the same time.

In many ways, people, I think especially those opposed to NAFTA, and who give their reasons, are really arguing illogically, because in many ways we want Mexico to gain. If Mexico gains, we will gain, even if it is a relative wash here, because the immigration problems are really economically driven. If Mexico's economy continues to improve, long term, that is the best solution.

Second, there are empirical studies that show that when countries reach a per capita income of about \$5,000 per year, there are more resources and more public demand to deal with environmental problems.

It is hard for me to see how we can have concern for the Mexicans by basically saying the prescription is to prevent them from having jobs, even if we maybe disagree with the types of jobs they have; to prevent them from raising their standard of living so they can deal with their environmental problems that affect our border States so much, and prevent them from developing the kind of economy that can reduce the immigration pressures and create a larger and expanding market for United States products in these sectors and in others.

Mr. DREIER. Let me, if I could, just continue with our one-way free trade arrangement, and realize how we are struggling to create two-way free trade by, again, pointing to the examples. If

we look at industrial machinery, in the area of industrial machinery, we have a 10 to 17 percent Mexican tariff on average today. The United States tariff on Mexican industrial machinery coming into the United States, between zero percent and 2 percent, so obviously, we have this wall which is much higher, and once again, industrial machinery that would be coming to Mexico from the Pacific rim, from Germany, from other countries in the world. We will still be faced with this 10 percent to 17 percent tariff that exists, but it will drop to zero under the North American Free-Trade Agreement for the United States.

Household appliances, that is one of the other areas. Many people talk about the fact that the average middle income wage earner in Mexico cannot afford to buy household appliances. Bally.

Mr. Speaker, we have seen a tremendous increase in the sale of household appliances. Many of the appliance manufacturers here in the United States have already witnessed an increase in the sale of their appliances in Mexico, and that is even with a 17.1 percent average tariff, whereas the tariff on Mexican-manufactured appliances is only eight-tenths of one percent. We have already seen an increase.

What will happen? Germany, countries in the Pacific rim, Japan, Taiwan, Singapore, Malaysia, Indonesia will still be faced with that 17.1 percent tariff, but for the United States manufacturers, for the workers here in the United States, it comes right down to zero, so that is an incredible disparity there.

Steel mill products. In steel mill products, the average tariff, 10 to 15 percent on United States manufactured steel mill items going into Mexico, and yet a 4 percent average tariff on Mexican items coming here in the steel mill products area.

Then if we can go on to look at flat glass, bearings, machine tools, the average tariff on flat glass, once again, one-way free trade, look at that wall that is incredibly high today. Under NAFTA, we bring it to zero.

□ 1920

Twenty percent is the Mexican tariff on flat glass. The U.S. tariff is only three-tenths of 1 percent, an amazing disparity there, which is almost as high as some of those my friend has referred to.

The bearing industry, look at that, 12-percent tariff to 7-percent tariff. Under NAFTA it comes right down to a zero. Machine tools, 13-percent average Mexican tariff. Mr. Speaker, the average U.S. tariff today is only 2 percent. So the benefit is accrued directly to the United States. The benefit is much greater to the United States than it is to Mexico.

It seems to me that as we look at this argument again that the Mexican

people are so poor they cannot afford to purchase these items that are manufactured in the United States, again, it is hogwash. Why? Because while my friend from Lorain, OH, Mr. BROWN, proceeded to talk earlier about the fact that people are so impoverished on one side, and we have only 36 extraordinarily wealthy families, he is ignoring the 20 million Mexicans who buy American products and fall in the middle- to upper-middle area and that group is growing.

I want to see the people who are tragically relegated to living in cardboard boxes, as we have seen in those pictures, have the opportunity to have a decent standard of living. We all want to see that happen. Maintaining the status quo, which has created that situation, is not in any way going to improve their quality of life. Implementing the North American Free-Trade Agreement will.

In Mexico, a middle-class family is one who falls in the following category: They own a home, they take at least a week vacation a year in Mexico, they own a stove and a refrigerator, often manufactured right here in the United States, and 50 percent of them have microwave ovens, 30 percent a videocassette recorder. And this market of the middle- and upper-middle-class Mexican is roughly the same as the middle- and upper-middle-class market that exists in Canada.

So often we hear that we are very happy with the arrangement we have embarked upon with Canada, and yet the arrangement, or the possibility of including Mexico in that would be devastating for us.

I am happy to yield to my friend from Arizona.

Mr. COPPERSMITH. Mr. Speaker, I think the one tariff that we have not explored is what will happen to the relative tariffs on charts, and I think that is an omission that my colleague from Claremont needs to clarify the next time.

But I want to interject with two points here. One is, you talked about a number of household goods. And I think this ties in, and I can tie some personal experience here. I served as a Foreign Service officer and lived overseas for a little over 2 years working at a United States embassy. I think it is difficult for many Americans who have never spent significant time out of the country to understand exactly how powerful an influence the United States is. What a cachet, what desire foreign consumers have for things American. I think maybe you have stories about that in terms of the spread of McDonald's, or of NBA basketball. But I think until you actually spend time overseas, and shop in an overseas supermarket or an overseas market, and understand exactly what power American brands and American quality has overseas, a lot of times we lose

sight of that, and we take for granted the products that our workers produce, their skills, and their abilities.

Mr. DREIER. And Mexico is probably the best example. I know that my friend, coming from Arizona, has certainly traveled throughout Mexico. My being a Representative here from California, I have spent time traveling throughout Mexico. One of the things that I have observed is that the people of Mexico desperately want to have the opportunity to purchase United States-manufactured goods.

Mr. COPPERSMITH. As my friend pointed out, they have the ability to do so, and the middle class in Mexico is growing. It is increasing. While Mexico may represent 5 percent of the gross domestic product of the North American free-trade area, it will account for 15 percent of the economic growth in the years forthcoming.

Mr. DREIER. Absolutely. It is one of the fastest growing, and it is the 13th largest economy on the face of the Earth, and it is one of the fastest growing. That growth is what is creating an opportunity for them to have increased buying power. And it has come about because of privatization. And as that expands, another great line that my hero, SAM GIBBONS, talks about is the fact that there are 500 million people South of our border, and that is a tremendous market for us. And we need to do everything that we possibly can to take advantage of that market. Clearly, if this Congress were to be so stupid as to turn down the North American Free-Trade Agreement, we would basically be slamming the door on the prospect of a half a billion consumers, because defeating NAFTA would clearly create a situation that would open the door to one of the things that was said to me today in one of the many meetings that I attended on NAFTA, which is that basically what we have today is a tax, a tax that prevents the flow of United States goods to Mexico. It is a tax that is being shouldered by the people of Mexico, jeopardizing the flow of United States goods there. And it is the tax which prevents the number of goods that the consumers of Mexico would like to have from getting there.

That is why doing everything that we possibly can to ensure passage of NAFTA is the best route toward increasing opportunity. And I am happy to yield further to the gentleman from Arizona.

Mr. COPPERSMITH. It goes without saying that right now the Mexican market has a significant barrier to entry for American goods. In Mexico it is only possible for many goods to be sold there to that rapidly growing market if they are manufactured in Mexico.

Under NAFTA, that NAFTA lowers the Mexican tariffs, and it ends the one-way free trade, allows two-way free trade, and allows companies to choose

to ship goods from the United States and serve both markets, whereas in many industries, computers being one, companies have to locate in Mexico to serve the Mexican market, the expanding Mexican market.

Mexico has to do much more under NAFTA because it has to lower more significant barriers, 2.5 times on average. We have discussed some of the specific sectors.

What is most interesting is a number of those sectors are exactly the high-tech, high-wage, higher value industries with the jobs that we need to create for the rest of this decade and for the 21st century.

Going back to some historical experience, we have talked about the national figures that as Mexico went through its economic reforms how our trade expanded to approximately \$41 billion in the past year. We have experience in Arizona that as that happened our local experience was industries were able to expand their exports to Mexico, and the jobs that were export-related and created by that increase in Mexican demand are exactly the type of jobs that we need to encourage for this decade and for the 21st century. It has been well documented from studies that jobs tied to export pay a significant premium, 10 percent to 15 percent higher than jobs that do not involve it.

Mr. DREIER. Actually 17 percent on average is the wage-rate disparity. I mean, it is that much higher for those involved in the export industry than those who are not involved in the export industry, and that has been the one area where we have seen growth.

Now I know that the economy of Arizona is doing much better than the economy of California. One of the reasons is that many of the great industries in California have moved to Arizona.

Mr. COPPERSMITH. A wonderful trend which I will not debate with my friend here tonight.

Mr. DREIER. But what we have found is that we still have very serious problems, a 9-percent unemployment rate in the State, 10-percent unemployment in Los Angeles County. And the one area where we in California have seen growth is in the export sector. In fact, there is no way that Arizona will ever be able to overcome California as the gateway to the Pacific rim. Clearly, we have a geographic advantage there, and that will continue, and we have been exporting to the Pacific rim. We also have been exporting in great numbers to Mexico, and clearly as we work to enhance opportunities, to find markets throughout the world, which is essential, I would like to use the old line that trade is the currency of friendship. And clearly as we look toward increasing our relationships, strengthening them with our friends and neighbors throughout the world,

working to diminish those barriers is the way to do it.

People talk often about, in a pejorative way, Mexico, and we in both of our States have problems of illegal immigration and other things. Clearly, illegal immigration is one of my greatest concerns, and one of the greatest concerns of the constituents whom I represent. And it is my belief that the best way to get at the root of the illegal-immigration problem is to strengthen the economy in both Mexico and the United States. As the economy of Mexico is strengthened, what we will see is people who often leave Mexico seeking economic opportunity, and then sending money back to their families, they would, with NAFTA, and increased opportunities in their own country, be able to stay with their families, which of course is their first choice.

I also should say that I hope very much that we can end the welfare magnet which often draws people across the border, leading them to come here for health care, for education, welfare, and other government services. That happens in large part because this institution has imposed on the States an unfunded Federal mandate which dictates to them the requirements that they provide those government services. I believe we should end those unfunded mandates, and at the same time pass the North American Free-Trade Agreement so that we can enhance economic opportunity within Mexico, so that people will have the incentive to stay with their families and will not be drawn for economic opportunity to the border.

□ 1930

Mr. COPPERSMITH. I thank the gentleman for yielding.

Mr. Speaker, moving back to, I think, the point the gentleman raised earlier, which is that the United States can win while Mexico wins through expanded trade and that improvements to the Mexican economy and raising their standard of living not only increases the market for American products but also helps alleviate some of the problems we have discussed that are created by the status quo, the environmental problems, the movement of jobs, movement of people and so on.

There have been many ironies in public life, but I think one of them is that people who argue against the North American Free-Trade Agreement make the argument that is not supported by the great majority of economists who have studied the issue, that it will move jobs to Mexico. But at the same time they can argue with a straight face that somehow NAFTA is a bad deal for Mexican workers. And it's that kind of an argument that is a little awkward where we insist that somehow this will benefit Mexico, to then turn around and say, well, it really will not benefit Mexico.

Mr. DREIER. Reclaiming my time, I am very happy that my friend brought up the issue of economists. Now, I do not regularly stand here and argue in behalf of the findings of economists, but I found it very interesting in the exchange that took place between our two colleagues, Messrs. BROWN and BONIOR, in which they referred to the fact that there may be some economists out on the west coast, some economists on the east coast, who support the North American Free-Trade Agreement, but there are very few of them in the Midwest.

I would challenge that by saying that certainly at a great institution like the University of Chicago there are obviously many economists who have come to the conclusion that the North American Free-Trade Agreement is a positive thing and in fact there are 276 economists who have signed a letter to President Clinton stating their strong support and commitment to the North American Free-Trade Agreement, believing that it is going to enhance the job opportunities and economic growth on both sides of the border.

Mr. Speaker, I further yield to the gentleman.

Mr. COPPERSMITH. Earlier this evening the gentleman reminded me that I have quoted from John F. Kennedy, and I would like to quote from Harry Truman, who once—

Mr. DREIER. Let us find a Republican someplace, at some point.

Mr. COPPERSMITH. Well, I think I will leave that task up to the gentleman from California if he really wants to do the heavy lifting.

But I want to quote from Harry Truman, who once asked his advisers if they could find a one-armed economist. They wondered why. And he said, "Because every time I talk to an economist, he says, 'On the one hand, but then on the other hand.'" He thought he could put an end to that problem.

But here you have a situation where the vast majority of economists—this is not a "on the one hand, on the other hand" issue; I think most people, most experts, all living ex-Presidents who have looked at the issue, recognize that this is a good thing for the United States.

It opens up a market that we need to access, it opens up a fast-growing market; exports, where the economic action is going to be during this decade and the 20th century; and it would be a terrible mistake for us to start a round of protectionism, for us to turn our backs on a rapidly growing market and just hand it over to the Europeans and the Japanese.

Mr. DREIER. That is exactly what we would be doing, clearly.

Mr. Speaker, my friend talked last night about this wage situation briefly, and our friend, the majority leader in his speech referred to the fact that wage rates, which is productivity, from

1980 to 1992, was one which has actually seen productivity far exceed wage rates. The fact of the matter is that has not been the case. In the latter 1970's, 1979 to 1981, actually, we saw a surge in oil prices and an unwise foreign lending, which went to Mexico, creating a situation which led wage rates to artificially increase and then during the early part of the 1980's we saw socialist policies which brought about a major collapse. And if you look at the entire time period since the Salinas presidency has been in place, we have seen an increase in wage rates of 26.2 percent and productivity increase by 23.1 percent.

I thank very much my friend for participating in this.

Mr. Speaker, this debate is going to be continuing on for the next 45 days. I actually look forward to the night when I will not be charged with standing here in the well taking my colleagues' and friends' and staff members' time to talk about the North American Free-Trade Agreement. But until we pass this agreement, I am going to be doing everything that I possibly can to argue in behalf of what I believe is the best and most important economic growth package we could possibly put forward.

With that I yield back the balance of my time.

A FURTHER UPDATE ON THE SITUATION IN SOMALIA AS IT AFFECTS THE SITUATION HERE IN THE UNITED STATES

THE SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DORNAN] is recognized for 60 minutes.

Mr. DORNAN. Mr. Speaker, again, as I do whenever I take a special order, I want to note, to save my staff from answering a lot of phone calls that are well-meaning but dealing from a lack of knowledge, about the audience that watches these special orders. Going back two speakers ago—and this should have been undone by now—a fine Irish politician from Massachusetts, out of anger at a Member who was heading toward the highest leadership on this side of the aisle come next Congress, out of anger at this Member from Georgia, he asked these six cameras, paid for by the taxpayers, to peruse the House to show an empty Chamber to indicate that we are talking to ourselves or to all our good recorders of official debate here and whoever is sitting in the chair, like yourself, Mr. Speaker, and a few police officers who assure the security of the galleries, and that no one else is listening.

So, I say slowly, and with some accuracy, that over a million fellow American citizens, most of them keenly interested in the political process and what happens in this, the larger Chamber, both physically and in number of

Members, the descendant of the Mother of Parliaments in London and certainly arguably the world's most important deliberative body on the planet, the House of Representatives, people who are interested in this are most assuredly voters, all of them taxpayers, interested, and 1 million-plus out of 260 million Americans is a sizable audience.

They are listening intently tonight, given the fact that I could not even call my own office from the cloakroom here because of the calls that have been received throughout the night and the entire day about my special order on yesterday.

I know how keenly and, in some cases, how desperately Americans are trying to find out what is going on in Somalia.

Since I addressed the House almost 24 hours ago from this lectern—and I am using this lectern because I want to be able to spread out my material and try to give some coherence to this special order because I was unable to do that because of the welcome participation of three colleagues trying to get things off their chest about the bloodshed in Somalia.

Now, the most important thing that has happened since I spoke is not the President's speech delivered earlier this evening or this afternoon west coast time, it is that two more Americans have died. One of them died of mortar fire yesterday. That would be No. 24.

No. 25 died of wounds received Sunday in the fire fight to rescue the crew of the first helicopter that was downed. I am sorry I was unable to get the name of the man who died yesterday or even whether he was a marine or a soldier, from a mortar attack by Aideed's forces, and the man who died today from wounds received Sunday. He is a ranger. He died of multiple gunshot wounds to his chest and abdomen.

These men are in the absolute peak of physical condition, probably the reason he was able to have clung to life through Monday, Tuesday, Wednesday, and today, endured a hospital plane evacuation to our major casualty hospital in Germany, where he died.

□ 1940

His earthly remains will be on the way back probably to Fort Campbell or Fort Drum, NY, or Campbell, KY, at this moment. I hope to be able to go Wednesday to Fort Campbell to offer some congressional presence at the funeral for many of the men from that base who died in Sunday's fire fight.

Now, as I stand here, Mr. Speaker, I am probably, through some unrelenting efforts on my part, the most thoroughly briefed Member of the U.S. Senate or the U.S. House on what happened on Sunday and into the early hours of Monday morning, October 4.

Let me try and relate, and some of the families are watching it at Fort

Campbell, let me try and relate what happened. Then I will discuss the intelligence aspects of it, without giving away any of the honor that has been bestowed on me to serve on the Intelligence Committee. I am not giving away any sources or analyses, just a relation of what has happened and what will be common knowledge over the next few days as this is given to the news media.

Michael Durant, chief warrant officer, 3d class, to use his own words, Black Hawk pilot, should be the major focus of our foreign policy and our military policy right now, to get him out, not only because he is as important to our Nation as is the President himself—that is what a nonroyalist, nonmonarchist, republican form of Government is all about—that every single citizen is equal in stature in his country to the President of the United States; but Michael Durant—and we will get him back. He will probably be nominated, as the senior surviving officer on the scene of the second crash site, he will probably be nominated for the Congressional Medal of Honor, with the two rangers who repelled down to the site to give added fire power to Michael Durant and his three crew members.

Here is what happened. We felt we had a lead in Somalia on where Aideed was, certainly where most of his lieutenants were. The Olympic Hotel was the highest facility in that area, five stories across the street, was one of Aideed's many safe house areas.

Let me put a footnote on here, having been to Somalia, briefly, so many years ago, almost two decades ago. It blends in my excellent memory in with some other cities in that area; but my daughter, Robin, before she was married years ago in the early eighties went over to help Mother Teresa and some of her young nuns in that area. She went into the International Airport at Mogadishu, went to the AID compound, visited some houses and then went out in the field to some of the camps, that even then were holding off starvation. This would probably have been on my daughter's way back from Sawankhalok Camp in Thailand helping Vietnamese refugees. She came home through Somalia.

She was reminding me what I can see in the photograph, the imagery I have seen today, that every home is a fortress. They are not open areas with lawns or open areas like some other African countries with humble abodes where you can see the people. It is more in the style of an ancient city like Damascus, where the streets are dusty and narrow. Most of the streets around both helicopter crash sites were so narrow you could barely get a jeep through them. Then the highways where you can have traffic intersect these noncompass directed streets. These cities just sort of grow up over centuries.

My daughter, Robin, said, "Remember, every home is a fortress with walls around it."

So that Aideed's allies and forces sympathetic to him, people who want to kill U.N. workers or kill relief workers or create a problem, every home area around this Olympic Hotel is a fortress with people behind the walls. They can pop up, shoot over the wall, shoot through the gates, come out in the streets, create road blocks and ambushes, which is what happened, and then retreat back into their houses.

By the way, the reason my daughter just called me in the Cloakroom is that the Toronto Star reporter, Paul Watson, who was in Mogadishu, was interviewed on CNN immediately following the President's speech, which had many positive aspects to it, particularly extending his grief to the whole Nation, to the families who lost their young heroes in Sunday's and Monday's action and yesterday's mortaring and the man who died in the hospital in Germany from Sunday's combat.

The CNN reporter comes up to interview Paul Watson of the Toronto Star in Mogadishu, because he is the only man available.

Here is what my daughter tells me that Paul Watson said. I would like to interview him and debate him. I offer a challenge through CNN to let me have access to him to debate what he said.

He said, "You know, what happened to the Americans was terrible."

He is one of the ones who wrote about what the President called and what I called last night desecration of the bodies of our heroes.

He said, "You know, we have got to realize that I, Paul Watson, have seen Somali babies in hospitals."

My daughter said, she was alerted to a possible connection that we were killing Somali babies. Therefore, who are we to get too exercised over the abuse and probably torturing to death, given what I said last night and I will say it again: Nobody puts handcuffs on a dead body.

One of the men, the man who was not stripped naked, but the one who had half of his flight suit trousers on, he had a white plastic handcuff which we brought to that area, so they were taken off our men, around one of his wrists. They had been cut. He was obviously handcuffed alive, captured at the scene, and then beaten to death later.

Until I am proven otherwise on that, nobody puts handcuffs on a dead body.

Was Watson indicating that something is equal here?

And the CNN reporter—I am not going to use his name because I have heretofore respected him, he said, "You mean, Paul, there is simply too much focus on the Americans?"

My daughter, Robin, said he used the words "focus on the Americans."

Well, we are Americans. Our President was just speaking to us about the

sacrifice of these men, how we had saved under President Bush's Operation Restore Hope close to a million human beings. The country is only half the size of L.A. County in population. It is bigger than the State of California in land mass. There are only 3 million people in Somalia.

Mr. Speaker, if we saved a third of that country from dying a horrible slow death of starvation and if babies have been killed because of fire fights; for example, after they had murdered under Aideed 24 Pakistanis and the crowd overwhelmed them and women had participated in the killing. The next day the Pakistanis were ambushed.

Yes, they fired into a crowd because they knew that their fellow soldiers had been eviscerated. They had been disemboweled, is what I had described to me by people returning from the scene, and they did not want that to happen to them.

But then are the Pakistanis trained for urban containment of rioting?

The death toll in Moscow just went up to 187 from fire fights there around the biggest government building in and around what was once the Evil Empire, and still the biggest building in the largest remaining state of Russia.

When you get fire fights going in the city, of course, women and children, particularly if they are being used as "human shields," which is another description of how the attacks were made on the Nigerians last month and the Pakistanis in the first 2 weeks of June. If that happened, are we going to put a Canadian on the air because no American journalist had the intestinal fortitude as journalists to remain in Somalia?

Remember the scenes of them swarming the beaches when we first arrived the first week in December under Restore Hope, the operation to stop the dying of a million people, a third of the country?

Where is all the press now so that we have to go to a Canadian who is trying to use the old moral equivalency argument that a lot of other Canadians of a liberal stripe used all during the Cuban through Vietnam years, and say that we are focusing too much on Americans?

□ 1950

No, my focus tonight is on Americans. We lost 19 Americans trying to liberate Grenada. We lost 23 in seeking the arrest of the drug warlord and killer Noriega who had killed Major Heraldi, tortured him to death, and shot another freedom-loving Panamanian to death outside his office. Noriega cools his heels in a Miami jail today, but we lost 23 Americans trying to effect the arrest of Noriega, and all of that came to pass after the murder at a checkpoint of a United States officer born in Colombia, but a naturalized

citizen, Lt. Roberto Paz. Add him to the 23 that died. That is 24. So, it is 19 in Grenada, 24 in Panama, including Lieutenant Paz.

Mr. Speaker, we have now passed that today. Twenty-five dead in Somalia.

Enough about Paul Watson and the Toronto Star. Now back to the chronology of what happened Sunday.

We have intelligence reports of a gathering the press reported as 19 of Aideed's henchmen successfully apprehended. It was actually 20. There was a miscount. Our rangers rappelled onto the roof of the Olympic, came down through the floors, moved up a short distance to this safe house of Aideed's forces, where they were gathering like a mafia meeting, and they got 20 of them. One American ranger died in that operation.

Once that had happened, groundfire took down the first American Black Hawk with four crew members about 4:15-4:20. Very bright lighting. He came down hard, but right side, on a roof's edge, and the helicopter toppled into the alley, the rotor blades tearing up the helicopter partially, and it appears one of the crewmen was killed on impact. The other three scrambled out, prepared to defend themselves, and about 90 rangers, and this is what the President alluded to tonight in his speech, moved not too far, several hundred yards, from the safe house in the Olympic Hotel area up to the first crash site, formed a defensive perimeter around the downed chopper and the three surviving of the four crewmen, and then the crowds began to form.

Aideed's people began a major fire-fight that lasted for hours, from 4:30 in the afternoon well into the night. During this period, as the other ranger Black Hawk helicopters from one of our classified units that the press is printing about all the time now, the 160th out of Fort Campbell, they were circling, trying to offer what air support they could, and within the hour another Black Hawk, Durant's, was hit. They went down to the southwest, about the same equidistance from the Olympic Hotel safe house area, and they hit upright. All four crewmen appeared to have survived.

And then one of the other helicopters that had some rangers on board came over, and two U.S. rangers volunteered, a fire-fight had not started yet at the second crash site, volunteered to rappel down ropes to the crash site. They went down heavily armored with extra rifles and with much ammunition to develop a holding position for the four down crewmen. They rappelled down safely, and their fate is unknown to this moment.

I started to say it last night: St. John, the Evangelist, 15:13: "Greater love than this has no man that he gives up his life for his friends." That is

what these rangers were offering, their lives on a voluntary basis above and beyond the call of duty. Maybe rangers do not think this is above and beyond the call. They are outstanding, exceptionally well trained, the best trained men in the world like our Seals, like the fighter pilots of all services, like these combat helicopter pilots that fly with the 160th Special Operation Aviation Regiment, open parentheses, airborne, close parentheses, and a fire-fight soon developed there.

Now comes the rescue effort and where our policy was not thought through. There were no armored vehicles, and Mr. Aspin, our Secretary of Defense, has honorably stepped forward today and said, "Yes, I made a wrong call, but nobody had suggested we needed armor for rescue missions." That is sort of a given if you have military experience though. I always think in terms of rescues, having been plucked out of the ocean at 6 miles out with no Mae West and no liferaft. In peacetime I think in terms of all military operations: "What's the backup contingency for rescues if people get in trouble?"

I do not think people were thinking through our mission here if we did not have armor on the ground to go through these medieval streets in Mogadishu to get to a fire-fight scene, and, by the way, there have been warnings that Aideed was building up his forces far more powerful than we thought, and there have been warnings that he was lusting to take a hostage, a diplomat, of course a high-ranking military person, any U.N. person, to trade for Osman Atto, O-s-m-a-n A-t-t-o, his chief lieutenant, his main financier, some sort of Somali millionaire. It seems hard to comprehend anybody would have money in this country wracked with poverty. It is always on the edge of famine. Since my daughter was there 12 years ago, it has been on the edge of famine. But we hold this key lieutenant. We took him some weeks back, Osman Atto, and he wants him back as of a week ago. We knew he was lusting to take a hostage.

Now he has Michael Duran, and, God willing, he has three more. I will clarify that in a second, but we are not sure.

A rescue was to be run by Malaysian/U.S. forces and some Pakistanis. They had the armored vehicles. What type of armored vehicles? Ancient, obsolete armored vehicles condemned by us because we have Bradley M-2's, fighting vehicles, and M-1 tanks. So, we had none of those available because Colin Powell, who retired 3 days before this loss of 13 Americans, 14 now, he recommended several times over the last few months we must put armor in there to have them available for a worse-case scenario.

So, we joined up some of our other regular Army men and rangers with

the rescue force in Malaysian vehicles, and we started up one of the main streets near a major what I call a British roundabout, like the spokes of a wheel where these streets that you can travel or cut through all of these medieval alleyways, and before they had reached the first major intersection, they were ambushed, and a rocket propelled grenade destroyed a big truck which you have seen burning on the evening news, killed a Malaysian, injured some of our men, and the fire-fight was on at the ambush site. It took them 4 or 5 hours to get to the Olympic Hotel area and the two crash sites.

It is now past 3 o'clock in the morning. In the dead of night they reached site one, relieve our rangers. The commander, Danny McNight, was wounded. Lt. Col. Danny McNight, they have food, water and extra ammunition dropping to them all during this elongated fire-fight, and they started taking the wounded rangers and the survivors of the first crash out to the north to the main, I think, October 21 Road. That is the name of a road, a revolutionary date, and they got them up to the compound, I think, of the United Arab Emirates U.N. forces, and then began to chopper them out or truck them out in the dead of night to begin the medical evacuation of the most seriously wounded to Germany.

□ 2000

Now they then had to fight their way to the second crash site. When they got to the second crash site, there was no one there. This was where Chief War-rant Officer Black Hawk Pilot Michael Durant had gone down.

They found the signs of, and I am going to not tell everything that was described to me until this comes out, and it will be written about carefully some day, hopefully by, most assuredly by, Michael Durant. But there were signs of a horrendous fire-fight, where these six American were surrounded. They obviously used their door guns. There were cartridges from NATO 7.62 weapons all over the place. And many cartridges from 9-millimeter handguns, automatics.

I do not know whether the Rangers used Berettas, which is the standard military weapon today, replacing the old reliable Colt .45, or whether they have the option to get the best state-of-art, which is the German Sig-Sauer, which our Seals opt for, because I have seen them with those, and they told me it won the competition, but Beretta was willing to make weapons in New Jersey. The Germans said no, we will not manufacture in the United States.

So maybe it was Sig-Sauers, and maybe Berettas. It does not matter if it was old Browning high powers. There were 9-millimeter cartridges, pistol cartridges, everywhere, which means they were down to fighting with their sidearms.

There was much sign of struggle. There were no bodies of Aided's people. They were all dragged away. And it appears that the two bodies that were so badly abused were from that site.

I think I am at liberty to say that we have the remains of our heroes who were so horribly pictured on American television over the last 3 days. Those remains are not only back in the arms of their loving fellow countrymen, but they are on American soil as I speak tonight, and the identification process is going on.

As I said this morning, I got a call from my office last night, one of my staffers, as I was doing last night's special order, that an Army wife from Fort Campbell had been told that another Army wife had identified her beloved husband as one of those whose remains were being abused in the street.

So, we are going to get back Warrant Officer Michael Durant. We have the remains of two of the heroes from that second site fire. And, God willing, we will be able to account for, we pray alive, the three missing men from that site.

Now, where do we go from here? What did the President say in his speech?

Immediately after the speech I was stopped by a camera crew that they said was a pool crew out in front in the lobby of the Rayburn Building in front of the Armed Services room. They said, "What do you think?"

I said, "Well, I feel like I wrote the speech, most of it, so obviously I am not going to criticize it in its totality."

I have received some criticism all day yesterday that I had suggested from the well in the morning and in my special order that we put at least 5,000 combat-trained of America's best in that area to seek the release of Mike Durant and to figure out what we were going to do after we had made our men safe, with armor and well-trained people. And I said, and the President used this tonight, "under U.S. control. Not under U.N. control."

I have no contempt for the United Nations, and I am not an anti-U.N. person. And I have never had a bumper sticker on a car that said United States out of the United Nations and United Nations out of the United States.

I believe that world organization has done much good. But they are no good in combat situations, because they always have to rely on the fighting men of individual countries. Nobody has the training, the skill, or the high-technology equipment that the United States does. We have fought for that tooth and nail, conservative Democrats and conservative Republicans, against the handful of liberal Republicans, usually under 5 or 6, certainly under 10, and, many times in the mid-1980's, a majority of Democrats, liberals, trying

to hollow out America's forces, not part of the Reagan rebuilding of our forces.

We have brought ourselves to the point where in Desert Shield and Storm we had a 42-day air war and a 100-hour land war. Because of the training of our men and women and our high-technology weapons, we were able to defeat the army of Iraq, which was the fourth, fifth, or sixth in size in the world, with top Soviet equipment. It is fine after the fact to say they did not know how to use it and they were soft enemies for us and it was not a highly achieved victory.

Tell that to the families of the over 200 Americans who died, and tell it to the 199 allies who died at our side in that 28-nation allied group that drove Saddam Hussein out of Kuwait.

But when it comes to the United Nations, in any tough conflict, we are the teeth of the United Nations. Everybody defers to the United States.

What did Clinton say a couple of days ago? That they will not come out of their compounds to fight? What is that, a charge of cowardice against the U.N. forces? When you are being ambushed at every single intersection of every alley way, and you do not have British Challenger tanks, German Leiper tanks, or U.S. Abrams M-1 tanks, maybe you do not want to come out in thin-skinned trucks, which was the lead vehicle smashed in the Malaysian rescue effort.

I said yesterday that greater love hath no man, and that applies to the Malaysian young man who died trying to rescue our Rangers.

The situation there now, when President Clinton calls for a March 31, cut-off date, is probably evolving like this. Did Aided watch the President's speech in some television safe house in Mogadishu? Undoubtedly. Saddam Hussein used to watch all of President Bush's speeches, and to this day watched CNN and brags that he, what President Bush called the insipient Hitler, Saddam Hussein, brags today to every visitor that comes through Baghdad that he has outlasted, politically out-survived, George Bush, Margaret Thatcher, Brian Mulroney, the Prime Minister of Japan, and several other leaders of countries that were part of protecting the world's oil reserves and liberating Kuwait from the torture of its people.

After all, when I got home last night my wife said, "How many presidents has Castro politically survived?" And I held up eight fingers.

My wife said, "So we are going to get Aided. And you, BOB DORNAN, want to get Aided for what he has done to 25 Americans." And before I could answer, my wife Sally says, "Have we gotten Pol Pot yet for murdering 2 million people?" She knew what the answer was. Have we gotten Idi Amin, who

killed 400,000 of his own people? Who dissected his wives, made his children look at it, and engaged in cannibalism? No. Idi Amin, because he professes an Islamic faith, a false profession, he has been given sanctuary for all these years, since his serial killing and mass slaughter, he has been given sanctuary by our good friends, the Saudis. He lives like a Saudi prince in Saudi Arabia somewhere.

How are we doing with Baby Doc Duvalier, living like a king in Cote D'Azur French Riviera with stolen money secreted away in Swiss bank accounts? Money stolen from the impoverished nation of Haiti?

How are we doing with Qaddafi, who is still holding back the 2 people who murdered 259 people on Pan Am 003, and 11 innocent Scot citizens on the ground? Two hundred and seventy dead because of Qaddafi.

Qaddafi set off the bomb in the La Belle disco April 5, 1985. On all the headlines it said American Jimmy Ford, African-American Sergeant Spec. 5, died in the La Belle disco with a Turkish lady who was dating one of our servicemen.

We forgot to ever point out to our fellow Americans that 2 months later, on June 5, in the same German hospital where the American died today from the Somalia fire, Sergeant Jimmy, also Jimmy Goines, died, with his wife holding one hand and his son holding the other.

□ 2010

Both his legs had been amputated. They were waiting to award him his Purple Heart when he would be well enough to participate in the ceremony. Unfortunately, he died, and it was awarded posthumously. He was killed by Mu'ammarr Qadhafi. Both those sergeants and that Turkish lady were killed by him.

How are we doing getting him? He lives like a king in Libya with oil money still flowing into that country. Most of it illegally, and he is sweating the sanctions that the U.N. is about to crank up on him right now. So he may yet deliver his two humble, uneducated killers that ran the plot to blow up 007.

Finally, my wife said to me, who have we gotten, these world serial killers? And I said, well, let us see. The Bolivians got Che Guevara. He is still glorified on some U.S. college campuses by Marxist teachers, and a few posters go up in college dorms with Che Guevara's Argentine face on it for the killing he pulled off in most of Central America and South America.

I said the Romanians managed to get Mr. and Mrs. Ceausescu on Christmas Day a few years back, I guess 1989 it was.

The Israelis got the mass serial killer Adolf Eichmann, who managed to kill a great percentage of the fellow Hungarian Jews of my colleague, the gentleman from California [Mr. LANTOS] in

the slaughter that was still going on even though they knew the victory would go to the Allies and not to the Nazis. They got Adolf Eichmann and they got Klaus Barbie. But Klaus Barbie is eating well in a jail somewhere in France. While Jean Melan, who was tortured to death by Klaus Barbie's Gestapo, his relatives have not had the benefit for half a century of that beautiful man's heroism as the leader of the French Underground, the Meke.

Let us see. Who else did we get? Not a good track record at all.

God took out Dr. Mengele in the surf in Brazil. The Ayatollah died in his sleep in Iran, and all those that did the killing in his name are still loose. As a matter of fact, it is Iranian weapons, and they are buying heavy weapons from North Korea. They ship weapons to Sudan, Khartoum and they are driven across Ethiopia on a latitude right into central Somalia. So the killing still goes on from Iran.

My point, in response to my wife's rhetorical challenge to all Americans and all freedom-loving people, is we do not have a very good track record in bringing to justice serial killers who kill in the tens and sometimes hundreds of thousands. We do not have a good track record. So if it comes down to Michael Durant versus Osman Oto, what would the American people say? And that is why we need a clear, concise vision of a foreign policy vis-a-vis the forsaken country of Somalia.

ROBERT BYRD said the other day, one of the senior Senators in the majority party in the Senate, "Americans by the dozens are paying with their lives and limbs for a misplaced policy on the altar of some fuzzy multiculturalism." Senator BYRD is demanding that we are out of this by December.

Representative BENJAMIN GILMAN of New York, my good friend, ranking Republican on the House Foreign Affairs Committee, urged that Congress accelerate its timetable to debate the administrative policy.

We passed a weak resolution here asking that the President tell us by November 15 what is the policy. Is he going to substitute this speech tonight for a real hard policy?

SAM NUNN, who more or less liked the President's speech, said, yesterday, "Right now I am concerned because we do not have sufficient military power to protect our own forces."

As we speak, C-5's are landing, what they call combat offloading. That means almost with the engines running. Not with the big C-5, but the C-130 offloading means your engine is running and you take off as soon as your cargo and pilots are out the back door. In the C-5 case, it is out the giant open nose of a mouth, and we are bringing tanks and supplies in there right now. Senator NUNN says it is very unusual for the United States to be in

a position where we cannot really rescue our own forces.

Now I guess we will be able to do that, as Aideed prepares to replace the 80 or so of his henchmen that died in this fire fight. Yes, they had about 500 wounded. That is what this Canadian was prattling on about. I read that last night about Black Hawks, the figure 25.

The Somali capital is going to be torn apart by warlords in the far foreseeable future. That is why we have to have a clear foreign policy.

Tonight CBS, after the President's speech, did a service for me, because I have here the President's remarks from May 5. I asked my staff to get them for me today, because that is the day when George Bush had his involvement here ended.

CBS said tonight there is a poll, a brandnew poll, I forget who CBS joins up with, that says 32 percent of our fellow Americans blame Clinton for this mess in Somalia. But 45 percent, over 32, blame President Bush.

Now, I am not being blindly partisan when I defend my friend President Bush, but the President tonight did give him credit for saving, he called it, "American leadership," a million lives and that the President-elect Clinton signed off on that policy when our forces landed on the beach by the International Airport, a massive lighted beach by our media.

But President Clinton, and I will read his exact words in a minute, ended Operation Restore Hope on May 5 when he used those 24 Marines in combat fatigues. And I repeat what I said last night, nobody in the military goes to the White House in anything but their very best pressed Class A uniform with all the brass shining, all the ribbons attached that you had ever earned anywhere, anytime in your service. I have never seen people in fatigues on the White House lawn or inside.

The word I was groping for last night was props. I said supernumeraries. I said extras. Most of you may not know, unless you have been to a Universal Studio tour, that means they were props.

As he stood there, he turned to Scotland-born U.S. Marine Corps Gen. Robert Johnston, who was the Operations Commander under Schwarzkopf in Desert Storm. And he said, "The General has told me, mission accomplished."

Those are the words that came out of the President after he shook the hand of every single one of those picked 24 Marine props to say, hey, I am part of this, even though it was Bush's deal. Here I am. I am part of it. Mission accomplished. We won. We are out of there. Restore Hope is over.

One month to the day later, the 24 Pakistani U.N. troops are ambushed and murdered by Aideed forces, and then we began this gray period where we are the teeth of the United Nations. We are supposed to go out and do their bidding and hunt down Aideed.

Here is something that a 20-year-old infantryman, who refused to give his name, said. He personally believes that it is time to get a clear policy and resolve this thing.

He said, "Yes, we should probably avenge the casualties." That could be your husband, your brother, your father. You raise up your kids decently. You give them birthday parties. You dress them up for all the holidays, Thanksgiving dinner, and then you see this person covered with dust, naked, broken, dragged through the streets. Kids dancing on them, playing around on them.

They went over there on a humanitarian mission to feed them.

□ 2020

This was actually a military family lady. "We have done our part. We have fed them. It is time to come home."

What Americans were saying is that these people do not look hungry in Mogadishu. They never have. They did not look hungry in Addis Ababa just in the north when I went through there, but when I went out to the camps of Insilka and Ibet, I saw 100,000 people and 10,000 of them were dead 3 weeks later because they were forced out of the camps by the Marxist government and died on the road.

I physically saw 10,000 human beings from a small knoll. I looked at them. Some of them, I saw their faces as I walked through the camp, and counted 7 dead bodies, 10,000 people dead 3 weeks after I looked at them in this large camp. That was the government killing people while the rest of the free world is trying to figure out how to help them.

One lady named Joyce spoke about the death of her 24-year-old husband, another 75th Ranger Regiment hero. "My husband enjoyed being a Ranger. That was his job. He died for his country. I am sure he has no regrets."

It is up to us to figure out where we are going with this policy. Last night they put the heading on my remarks in the CONGRESSIONAL RECORD as "Operation: No Name." That is the problem when you are letting the U.N. command your troops. I do not have time tonight, but here is a whole report by one of the chiefs of staff of one of our Congress Members who has made himself an expert and chairs our Task Force on Terrorism on all the connections between Aideed. He brought it to my attention, a speech that went unreported right down the road here at the National War College at Fort McNair, by one of Clinton's better appointments, Ambassador Madeleine Albright, our permanent representative to the United Nations.

She said in the speech last month, she heavily hinted that Mogadishu outlaw Mohamed Farah Aideed is being assisted by Islamic, and she said fundamentalists, but I think the word

should be terrorists. The liberal media has so much fun attacking anybody who has fundamentalist Jewish, fundamentalist Protestant, or fundamentalist Catholic beliefs, as I do, in this country, that she should have said, "by Islamic terrorists," who disgrace one of the world's three great religions, Islam.

She said, "In Somalia we have indications that a tactical alliance may be forming between Aideed's faction, terrorists based in Sudan, and the government of Iran."

It is very hard to quantify, by the way, Brent Scowcroft says, "Do not look to scapegoat other people. Aideed is a horror and terror in his own right."

She continued, "I am not going to quantify. Let us just say there are some who have no stake in the international systems, and they operate together to undermine the international community."

Another author, an Arab author, Mohamed Mohad Dessin, wrote a book, "Islamic"—there is that word again—"Fundamentalism, The New Global Threat."

He says that, "Diplomatic visitors report a noticeable increase in Iranian activity in Mogadishu and the Somali capital," and there are terrorist training camps. I wish all Americans could avail themselves of this long report.

I mentioned briefly last night how we were raised in my generation that every American like Michael Durant is as important as the President. I was thinking about this last night.

In the third and fourth grade in New York City at De La Salle, a Christian Brothers school, I had the same teacher, and actually I had him for three grades, Brother William. He taught me the first time about Teddy Roosevelt and a conflict in 1904 where a thug, an outlaw like Aideed named Raisuli, captured, and I have learned since from the Library of Congress not an American but a Greek who had applied for American citizenship.

How is that for Teddy Roosevelt, the President, saying "This guy wants to be an American, so I am treating him like an American." Roosevelt sent the whole fleet available in the Atlantic waters then into the harbor at Tangier, and he told the Sultan of Morocco, "I want Ian Perdicaris alive or Raisuli dead," and they got Mr. Perdicaris out alive.

I was taught that again by the nuns, the Sacred Heart Sisters, that taught me in Beverly Hills Catholic School, Good Shepherd, years later that Teddy Roosevelt, when he said, "I want this one person freed or we are coming after the outlaw to kill him," that is when I picked up in my education that every American citizen anywhere in the world has the full protection of the U.S. Government, which at this point in time happens to be the only superpower in the world.

Here is the wire service story off the wire service machines out here. This is what we tried to ask about today, with no success.

"Gen. Colin Powell was rebuffed twice last month when he recommended sending tanks and armored vehicles along with additional troops to Somalia," a military source asking anonymity, of course, said today.

"As Chairman of the Joint Chiefs of Staff, Powell passed on the request from a military commander in Somalia." Maj. Gen. Thomas M. Montgomery, commander of United States forces in Somalia, asked for these. It was one of several requests.

Now we are going to have to find out what went wrong there. Why did people in the Pentagon, civilians, McNamara's peace kid types from the 1960's, why did they think we did not have to have the armor as backup protection for our men carrying most of the combat burden now?

If there is an absence of a Clinton doctrine, I am afraid it is because there is a Morton Halperin doctrine. I hope our Republican leader in the Senate, because that is their responsibility for advice and consent, I hope Bob Dole will mobilize his forces, which he was unable to do with Joycelyn Elders, with political correct appointees up and down the line, I hope he can focus on stopping the appointment of Morton Halperin.

This operation, nonoperation, unnamed operation, has the fingerprints of Morton Halperin all over it. It has the fingerprints of the 1960's thinking all over it, that what Senator BYRD called fuzzy multinationalism is the way to go.

Listen to some of the questions I wanted to ask and was unable to ask at this Somali briefing: "What was the extent of involvement by the United Nations command in the planning of Sunday's raid?"

Mr. Speaker, may I ask how much time I have remaining?

The SPEAKER pro tempore (Mr. BARLOW). The Chair advises that the gentleman from California [Mr. DORNAN] has 10 minutes remaining.

Mr. DORNAN. Mr. Speaker, I will put in all these questions in the RECORD. There are nine of them, with many sub-questions. I will include this in the RECORD, and anybody who wants to follow the RECORD, Mr. Speaker, can see how many of these questions the Republican staff on the Committee on Armed Services worked up will get answered by next week:

QUESTIONS/ISSUES FOR SOMALIA BRIEFING

(1) What was the extent of involvement by the UN (UNOSOM II) command in the planning and execution of Sunday's raid?

Was operational control of those U.S. forces involved in any way subordinated to non-U.S. control?

Precisely who is making the call as to where and how U.S. forces are employed against Aideed?

(2) What kind of U.S. force was kept in reserve to support the contingent conducting the raid?

Do U.S. forces routinely depend on non-U.S. forces to provide back-up capability during military operations?

Why did it take up to 7 hours for the UN multi-national contingent to reach the Rangers pinned down in support of the downed helicopter?

(3) It is widely reported that the armored reinforcements going into Somalia were actually requested by General Montgomery back in early September. Is this true, and if so, why were they denied?

(4) President Clinton expressed concern on Monday for the adequacy of the protection for U.S. forces in Somalia. Has the Joint Staff, CENTCOM or anyone else in the command chain expressed concern prior to this past weekend about inadequate available capability to protect our forces?

(5) What capabilities will the mechanized company with one platoon of tanks give the U.S. forces in Somalia?

Tanks are usually very vulnerable when used in city or built-up area as they lose their stand-off and mobility advantage. Why do we think 4 or 5 tanks will give U.S. forces a decisive advantage?

(6) Why were the AC-130s operating in June out of Djibouti withdrawn?

(7) It has been suggested that the force levels we have in Somalia are on the minimal end of the scale for what is required to support continued operations. Given this past weekend's experience do we have enough forces in Somalia, even after the small reinforcements on the way?

Do we have enough forces to enjoy a "decisive" advantage?

Have we moved away from the "decisive force" doctrine?

(8) Who authorized the change in the employment of the U.S. Quick Reaction Force (QRF) from the original concept of a garrisoned reaction capability to their current use as a day-to-day military force?

When the tactical mission changed, did anyone reassess force requirements for the new mission?

(9) Given the vulnerability of our helicopters, why was this operation conducted in broad daylight?

How has the Somali anti-aircraft/air defense capability evolved over the past few months?

Since we don't have the forces to maintain open lines of communication on the ground and air mobility now appears to be in question, how will our forces conduct future operations?

I do at this point want to read something from today's October 7 Washington Post that is stunning. It was the President yesterday being quoted in today's paper. This is the liberal Washington Post, one of America's three great dominating newspapers, all of them liberal on their editorial pages, and all of their reporters, I have never met a conservative reporter. I take it back, yes, at the L.A. Times, one long ago at the L.A. Times, none at the other, and none at the Capital City's paper, the reporters, with the Washington Times, thank God, on its heels all the time.

This is the Post. Listen to this:

The President suggested in an interview with Copley News Service published yesterday that the United Nations had changed its

mission unwisely, failed to provide military operation to back up peacekeepers, and staffed the units with troops untrained for their jobs who refused to venture outside their areas and refused to take orders.

Doesn't this sound like vintage Clinton?

The President also referred to U.N. actions as if he and his U.N. Ambassador has had no role in formulating or approving them. The United States sits on the Security Council and can veto any resolution. The Clinton Administration supported the resolution that established the peacekeeping effort, in line with Clinton's campaign rhetoric of relying more on multinational institutions to address international problems. When the United Nations included efforts to hunt down Aided and his key aides for the murders of Pakistani troops, the Clinton Administration voted for the resolution. But in the interview, Clinton expressed doubts about the operation. He said, "the Copley interview we were asked to come in and, in effect, be the police officer in this thing, to start this thing going * * * And then the U.N. shifted course and said we ought to stay there until nation-building takes place."

Clinton said he did not want "our young people in harm's way in the absence of the United Nations aggressively proceeding with a plan to turn this country back over to the Somali or to have a long-term peace-keeping strategy that does not involve the United States."

But Clinton made the commitment to leave the troops in Somalia as part of the U.N. force when the mission changed, the key decisionmaking point for the president. At that time, there was no specific date for turning the country back, or any schedule for withdrawing all Americans.

□ 2030

Mr. Speaker, I would like to put in the RECORD at this point reasons why Morton Halperin should not be confirmed as the newly created Under Secretary of State, that is level 2, right under the Secretary, for Democratic Institutions around the world.

THE CASE AGAINST MORTON HALPERIN

Morton Halperin has been nominated to be Assistant Secretary of Defense for Democracy and Peacekeeping, a new position created by the Clinton Administration. Mr. Halperin:

Is a principal architect of Presidential Decision Directive #13, a blueprint for largely subsuming U.S. participation in "peacekeeping" to UN command and control.

Favors considerably augmenting the capabilities and responsibilities of the UN, to include the authority to raise revenues by taxing multilateral transactions such as arms sales, telecommunications, and multinational corporate sales.

Has, since the early 1970s, consistently strongly opposed U.S. covert operations abroad. (He now claims that within the last two years, he has changed his mind.)

Has participated in leadership positions with radical leftist groups engaged in public campaigns to shut down the counterintelligence capabilities of the FBI and Justice Department and to reduce drastically the foreign intelligence capabilities of the CIA.

Considers his role in defeating Senator Dole's constitutional amendment to the Constitution prohibiting the burning of the American flag a crowning career achievement.

Opposes the unilateral use of U.S. force except in very limited circumstances (e.g., opposed American intervention in Grenada and Panama).

Opposes random drug-testing for federal employees, including those in sensitive positions such as air traffic controllers and national security officials.

Consistently excused the actions of the Soviet Union and its client like Cuba at the height of the Cold War, characterizing their intentions as benign.

Spent five months leading Daniel Ellsberg's defense team and testified on Ellsberg's behalf, characterizing the Pentagon Papers as inconsequential to U.S. national security interests.

Flew to the U.K. to testify on behalf of Philip Agee, CIA renegade who exposed the identities of hundreds of American intelligence agents, including Athens CIA Station Chief Richard Welch who was subsequently murdered.

Filed a "friend of the court" brief in defense of David Truong, a Vietnamese expatriate convicted of espionage on behalf of communist Vietnam and theft of government property.

Played an integral role in orchestrating the Clinton Administration's campaign to allow gays in the military.

Considers such issues as mental health, prior arrest record, drug or alcohol abuse, or members in the Communist Party irrelevant questions to be asked for security clearance background checks.

I am going to do a special order, ironically, last week on all of the material that I have called the case against the Halperin nomination. If, as reported in the Washington Times, the Post, and I believe the New York Times, it was Mr. Halperin that advised Mr. Aspin not to send armored vehicles to that area, and if Mr. Aspin is not going to resign, and I do not believe at this point he should, certainly Mr. Aspin should withdraw the Halperin nomination.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BARLOW). The gentleman will please not refer to actions of the Senate.

Mr. DORNAN. In closing again, I will put in the RECORD the case against Mr. Halperin.

I want to close by reemphasizing something that the President said that was positive at the end of his speech where he said the Nation is grateful to these men.

All of the analogies to the Ia Drang Valley battle, where we inserted only two companies at first of the 1st Battalion, the 7th Cavalry of the 1st Cavalry Airmobile in that terrible week of November 14 to 18 of 1965, when we lost 304 men on the ground, and one Skyraider Air Force pilot died trying to support them, all the comparisons in the Ia Drang Valley model to November 1965, all of the comparisons to Vietnam in general by the American people in the street, in interviews, I want to point something out to my liberal colleagues. Americans do not question our mission in Vietnam. Rarely do you see

that, unless it is some leftover 1960's flower child. Most Americans still agree with Ronald Reagan that Vietnam was a noble cause to save half of Vietnam from the curse of communism that wrecked so much of the world. And we are still reading of the wreckage of lives and the environment. And we still see China hurting the people with communism, and the North Koreans into the mischief, and the China nuclear testing, and North Korea making nuclear weapons. Castro still has 11 million people living in Castro's decaying Communist island prison. And Vietnam, all of it suffering under communism. It was the halfhearted way we pursued the noble cause, the political battles fought and lost here on Capitol Hill, the lack of resolve, no policy, no commitment, McNamara driving a negotiating process with the blood of Americans. In any other democracy McNamara would have resigned in disgrace, not have been given by a President a tax-free \$250,000-a-year job in 1960 dollars as head of the World Bank. Maybe a British Secretary or Minister of Foreign Affairs or Defense would resign over an issue like this.

One of the Republican Senators is demanding Les Aspin's resignation. All I am asking Les to do is re-look at this Halperin nomination and reevaluate the flawed 1960's McNamara-type advice. Aspin used to work for McNamara. That is where he started out in public service, one of the whiz kids over there.

Let us have more definitive Reagan doctrine foreign policy. And I will ask to put in again the Cap Weinberger six rules that we should study before we even go into a humanitarian operation.

Outlined by former Secretary of Defense Caspar Weinberger in a November 28, 1984, speech:

First, is the situation vital to United States or allied national interests?

Second, have all other options already been considered or used?

Third, is there a clear commitment, including allocated resources, to achieving victory?

Fourth, are there clearly defined political and military objectives?

Fifth, will our commitment of forces change if our objectives change?

Sixth, will the American people and Congress support the action?

Let us rethink what we are doing, and let us debate it in this Chamber and in the Senate Chamber at the north end of this building. Let us be careful how we remove ourselves and to set a date certain of March 31. Does this not drive Aided to go underground, to bury his weapons, so to speak, and wait until we are gone on March 31, and then, according to Clinton, the rest of the U.N. forces, so poorly trained, will flee. That is what Boutros Boutros-Ghali, Secretary of the United Nations said, they will all pull out if we pull out. And then he

goes on with his killing again, and brags to the world that he drove the world's only superpower out of his nation, and the famine starts again, and the brave camera crews, which we do not have any American types these days, and I do not blame them after they tore apart five CNN crew and murdered them right in the street after an incident last month. Then do our cameramen go back and show us those beautiful little faces of those starving African children in Somalia? Where are the cameras in south Sudan where Africans of Christian heritage are being slaughtered in the tens of thousands by those from north Sudan, and the arms flow from there, meanwhile, through terribly suffering Ethiopia into the killing of Somalia.

I will do a special order, Mr. Speaker, on this again next week when we have had a weekend to reflect on what policy should evolve out of all of this in this Chamber and in concert with the executive branch.

COMMUNICATION FROM DIRECTOR, NON-LEGISLATIVE AND FINANCIAL SERVICES OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from Leonard P. Wishart III, Director, Office of the Director, Non-Legislative and Financial Services, U.S. House of Representatives:

NON-LEGISLATIVE AND
FINANCIAL SERVICES,
Washington, DC, October 6, 1993.

Hon. THOMAS S. FOLEY,
Speaker, House of Representatives, Washington,
DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that a member of my staff has been served with a subpoena issued by the United States District Court for the District of Columbia.

After consultation with the General Counsel to the House, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,
LEONARD P. WISHART III, Director.

COMMUNICATION FROM THE HONORABLE OWEN PICKETT, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable OWEN PICKETT, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, October 4, 1993.

Hon. THOMAS S. FOLEY,
Speaker, House of Representatives, Washington,
DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that I have been served with a subpoena issued by the Juvenile and Domestic Relations District Court, Virginia Beach, Virginia.

After consultation with the General Counsel, I have determined that compliance with

the subpoena is consistent with the privileges and precedents of the House.

With kindest regards, I am
Sincerely yours,

OWEN PICKETT,
Member of Congress.

CONFERENCE REPORT ON H.R. 2446

Mr. HEFNER submitted the following conference report and statement on the bill (H.R. 2446) making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1994, and for other purposes:

CONFERENCE REPORT (H. REPT. 103-278)

The Committee of Conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2446) "making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1994, 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 2, 5, 8, 18, 19, 41, 43, 44, 45, 46, 47, and 48.

That the House recede from its disagreement to the amendments of the Senate numbered 34, 35, 36, 37, and 39, and agree to the same.

Amendment numbered 10:

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$562,008,000; and the Senate agree to the same.

Amendment numbered 14:

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$247,491,000; 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 sum proposed by said amendment insert: \$102,040,000; and the Senate agree to the same.

Amendment numbered 16:

That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$25,029,000; and the Senate agree to the same.

Amendment numbered 21:

That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$1,069,601,000; and the Senate agree to the same.

Amendment numbered 22:

That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$1,298,486,000; and the Senate agree to the same.

Amendment numbered 31:

That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$26,337,000; 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 sum proposed by said amendment insert: \$26,496,000; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 1, 3, 4, 6, 7, 9, 11, 12, 13, 17, 20, 23, 24, 25, 26, 27, 28, 29, 30, 33, 38, 40, and 42.

W.G. (BILL) HEFNER,
THOMAS M. FOGLIETTA,
CARRIE P. MEEK,
NORMAN D. DICKS,
JULIAN C. DIXON,
VIC FAZIO,
STENY H. HOYER,
RONALD D. COLEMAN,
WILLIAM H. NATCHER,
BARBARA F. VUCANOVICH,
SONNY CALLAHAN,
HELEN DELICH BENTLEY,
DAVID L. HOBSON,
JOSEPH MCDADE,

Managers on the Part of the House.

JIM SASSER,
DANIEL K. INOUE,
HARRY REID,
HERB KOHL,
ROBERT C. BYRD,
SLADE GORTON,
TED STEVENS,
MITCH MCCONNELL,
MARK O. HATFIELD,

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 Houses on the amendments of the Senate to the bill (H.R. 2446) making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1994, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

ITEMS OF GENERAL INTEREST

Reprogramming of Authorized Projects.—The conferees note that funding for many military construction projects could not be accommodated in this conference agreement because of budget constraints. However, the conferees expect that the Department of Defense Authorization Bill for fiscal year 1994, when enacted, will contain authorizations for projects not included in this conference report. In light of this situation, the conferees direct the Department of Defense to give priority consideration to those authorized by unfunded projects in its fiscal year 1995 budget submission for military construction. In addition, the conferees will consider reprogramming requests for such authorized projects that are executable in fiscal year 1994.

Reprogramming Thresholds.—The conferees believe it appropriate to raise the thresholds for both active and reserve components. As a

part of the dual criteria, the current 25 percent threshold will remain for both active and reserve components. However, the conferees agree to increase the dollar amount to \$2,000,000 for the active components and \$600,000 for the reserve components. The increase for the active components will apply to both military construction and family housing construction programs and will be retroactive for projects funded in prior years.

Family Housing Reprogramming Criteria.—To provide the individual services the flexibility to proceed with construction contracts without disruption or delay, the costs associated with environmental hazard remediation such as asbestos removal, radon abatement, lead-based paint removal or abatement, and any other legislated environmental hazard remediation may be excluded, provided that such remediation requirements could not be reasonably anticipated at the time of budget submission. This exclusion applies to projects authorized in the budget year as well as projects authorized in prior years for which construction contracts have not been completed. This exclusion applies to reprogrammings as well as to the calculations to determine the requirement for advance notification to the Committees regarding maintenance and repair expenditures in excess of \$15,000 for a military family housing unit, or \$25,000 for a General or Flag Officer Quarters. However, the Committees will continue to require an after-the-fact notification where such costs cause the thresholds to be exceeded. The notification shall include work scope, cost break-out and other details pertinent to asbestos and/or lead-based paint removal work and shall be reported on a semi-annual basis.

Family Housing Operation and Maintenance.—The conferees regret the need to reduce the family housing operation and maintenance account. The conference action is driven by budget constraints with regard to outlays. Given the reduced funding available for the family housing program, the services should consider closing units which have deteriorated, especially when they are in localities having adequate and affordable housing in the private community. The conferees expect the Department to adequately provide for maintenance of its housing inventory in future budget submissions.

Rescission.—The conferees agree to rescind \$277,595,000 from appropriations made in fiscal years 1990, 1991, 1992 and 1993. The rescissions represent the amount for projects at military bases that are no longer needed because of the approved 1993 base realignment and closure recommendation. The rescissions also represent projects that are no longer required because of mission changes and force structure reductions. Below is a summary of the rescissions listed by appropriation account:

Military construction:	
Army	\$13,900,000
Navy	122,627,000
Air Force	30,095,000
Defense-wide	15,500,000
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Subtotal, military construction	182,122,000
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Family housing:	
Navy and Marine Corps ..	40,371,000
Air Force	55,102,000
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Subtotal	95,473,000
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Total	277,595,000

Matters Addressed by Only One Committee.—The language and allocations set forth in

House Report 103-136 and Senate Report 103-148 should be complied with unless specifically addressed to the contrary in the conference report and statement of the managers. Report language included by the House which is not changed by the report of the Senate or the conference, and Senate report language which is not changed by the conference is approved by the committee of conference. The statement of the managers, while repeating some report language for emphasis, does not intend to negate the language referred to above unless expressly provided herein. In cases in which the House or the Senate have directed the submission of a report from the Department of Defense, such report is to be submitted to both House and Senate Committees on Appropriations.

**MILITARY CONSTRUCTION, ARMY
(INCLUDING RESCISSIONS)**

Amendment No. 1

Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum stricken and inserted by said amendment, insert: *\$906,676,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference appropriates \$906,676,000 for Military Construction, Army instead of \$837,644,000 as proposed by the House and \$723,505,000 as proposed by the Senate. The conferees agree to the following additions and deletions to the amounts and line items as proposed by the House:

Alabama—Fort Rucker: Road upgrade	+ \$1,300,000
Alaska—Fort Richardson: Joint mobility center	+10,000,000
Alaska—Fort Wainwright: Waste oil burning power plant	+740,000
Colorado—Fitzsimons Army Medical Center: Dial center office facility	+4,400,000
Georgia—Fort Gillem: Physical fitness center	+2,600,000
Kansas—Fort Riley: Barracks and administration renovation	+9,900,000
Battle simulation facility	+4,742,000
Nevada—Hawthorne AAP: Rehabilitate rail line	+4,700,000
North Carolina—Fort Bragg: Library	+5,500,000
Overseas Classified: Communications maintenance facility	-3,600,000
Unspecified Worldwide Locations: General reduction	+28,750,000
Various locations: Rescission, fiscal year 1992	-4,700,000
Rescission, fiscal year 1993	-9,200,000

The conferees agree to fund all other items in conference at the level proposed by the House, as shown below:

Alabama—Anniston Army Depot: Ammunition demilitarization facility, phase IV	\$110,900,000
Alabama—Fort Rucker: Personnel services facility	14,400,000
Alaska—Fort Richardson: Road improvements	0

Kentucky—Fort Campbell: Rail spur	0
Maryland—Edgewood Arsenal: Child development center	1,450,000
New Mexico—White Sands Missile Range: Rehab facilities	0
New York—Fort Drum: Range complex	0
North Carolina—Fort Bragg: Overhills tract land acquisition	15,000,000
Simmons airfield land acquisition	1,450,000
Oklahoma—Fort Sill: Central vehicle wash facility	7,600,000
Environmental training center	3,700,000
Texas—Fort Bliss: Tactical equipment shop	12,800,000
Tactical equipment shop	2,800,000
Texas—Fort Hood: Battalion command and control building	5,600,000
Deployment storage facility	1,500,000
Texas—Fort Sam Houston: Fire station	1,300,000
Utah—Tooele Army Depot: Treaty compliance facility	1,500,000
Kwajalein: Sewage treatment facility	11,200,000
Unaccompanied personnel housing	10,000,000
Unspecified worldwide locations: Planning and design	84,441,000
Unspecified minor construction	12,000,000

New York—Fort Drum.—The conferees agree that a reprogramming request will be considered for two projects at Fort Drum as follows:

Range control	\$2,950,000
POL storage	1,550,000

Alaska—Fort Richardson: Road Improvement.—The conferees agree that the Road Improvement project at Fort Richardson, Alaska fits within the definition of Minor Construction. Therefore, the conferees direct the Army to address this project during fiscal year 1994.

Kentucky—Fort Campbell: Rail Spur.—There is a clear division in the community over this project. The conferees direct the Army to hold public hearings to ascertain the real cost of this project and to assure public safety and public concerns are addressed. The Army should consult with the Chamber of Commerce, municipal officials, local farm representatives and the Economic Development Council, and other interested citizens prior to moving forward with this project.

Texas—Fort Bliss: Barracks Modernization.—The conferees understand that there is a shortfall in funds in the amount of \$1.4 million to complete a fiscal year 1991 barracks modernization project (project number 33758) at Fort Bliss. The Army is directed to utilize funds from available savings to complete this project and submit a reprogramming request, if necessary.

Amendment No. 2

Earmarks \$109,441,000 for study, planning, design, architect and engineer services as proposed by the House instead of \$88,000,000 as proposed by the Senate.

Amendment No. 3

Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which rescinds a total of \$13,900,000. The House bill proposed a general reduction rather than rescissions. The conference agreement rescinds funds for projects that are no longer required due to Base Realignment and Closure, Part III.

MILITARY CONSTRUCTION, NAVY
(INCLUDING RESCISSIONS)

Amendment No. 4

Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum stricken and inserted by said amendment, insert: \$681,373,000

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement appropriates \$681,373,000 for Military Construction, Navy instead of \$575,971,000 as proposed by the House and \$580,033,000 as proposed by the Senate. The conferees agree to the following additions and deletions to the amounts and line items as proposed by the House:

California—Alameda Naval Air Station: Control tower complex	-\$4,700,000
California—El Toro Marines Corps Air Station: Maintenance hangar addition	-1,950,000
California—San Diego Naval Training Center: Fire protection system	-700,000
Connecticut—New London Naval Submarine Base: Pier improvements	+4,200,000
Florida—Cecil Field Naval Air Station: Sanitary wastewater system upgrade	-1,500,000
Hawaii—Barbers Point Naval Air Station: Fire fighting training facility	-1,350,000
Maryland—Indian Head NSWC: Hazardous waste treatment facility	+10,000
Maryland—NAS Patuxent River: Sewage treatment plant	+1,000,000
Maryland—Patuxent River NAWC: Hazardous material storage facility	+3,400,000
Mississippi—CBC Gulfport: Family service center	+2,000,000
Child development center	+2,400,000
Tennessee—Memphis Naval Air Station: Fuels trainer facility	-600,000
Virginia—Norfolk Naval Aviation Depot: Aircraft rework facility—DBOF	-17,800,000
Virginia—Oceana NAS: Replace fuel tank farm	+1,800,000
Virginia—Quantico Marine Corps Combat Dev Command: Rehab instruction space	+5,000,000
Guam—Fleet and Industrial Supply Center: Gas bottle storage facility—DBOF	-1,240,000
Guam—Military Sealift Command Office: Operations building	+2,170,000
Guam—Naval Magazine: Inert storehouses	-3,750,000

Guam—Naval Oceanography Command Center: Oceanography building alterations	-690,000
Guam—Navy Public Works Center: Transportation parts storage facility—DBOF	-1,610,000
Waterfront utilities—DBOF	-11,840,000
Unspecified worldwide locations: General reduction	+135,492,000
Various locations:	
Rescission, fiscal year 1990	-7,662,000
Rescission, fiscal year 1991	-14,406,000
Rescission, fiscal year 1992	-62,899,000
Rescission, fiscal year 1993	-37,660,000
The conferees agree to fund all other items in conference at the level proposed by the House, as shown below:	
Arizona—MCAS Yuma: Barracks	0
California—Camp Pendleton: Emergency off-base water supply main	\$750,000
Flood protection-sewage treatment plant	1,000,000
Relocate water wells	1,800,000
Replace drainage structures	3,000,000
Indiana—Crane NSWCD: Ordnance environmental test facility	9,600,000
Maryland—Annapolis, Naval Academy: Visitors center	0
Maryland—Patuxent River NAWC: Advance system integration facility, phase II	10,000,000
Jet engine test cell	4,900,000
Mississippi—Pascagoula: Academic instruction facility	0
Electrical distribution upgrade	0
Mississippi—CBC Gulfport: Warehouse	0
Pennsylvania—Philadelphia Naval Shipyard: Asbestos removal facility	2,300,000
Power plant modernization	11,500,000
Guam—Andersen AFB Naval Air Facility: Bachelor enlisted quarters renovation	3,560,000
Bachelor officer quarters modernization	3,750,000
Guam—Fleet and Industrial Supply Center: Integrated storage handling facility—DBOF	21,200,000
Guam—Naval Hospital: Child development center	2,460,000
Guam—Naval Station: Child development center addition	2,020,000
Explosive ordnance disposal operations facility	12,500,000
Guam—Navy Public Works Center: Sewerage treatment plant—DBOF	7,230,000
Italy—Naples Naval Support Activity: Quality of life facilities, phase I	11,740,000
Italy—Sigonella Naval Air Station: Child development center	3,460,000

Spain—Rota Naval Station: Child development center	2,670,000
Unspecified Worldwide Locations: Planning and design	64,373,000

Amendment No. 5

Earmarks \$64,373,000 for study, planning, design, architect and engineer services as proposed by the House instead of \$59,373,000 as proposed by the Senate.

Amendment No. 6

Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of matter inserted by said amendment, insert: : *Provided further, That of the funds appropriated for "Military Construction, Navy" under Public Law 101-148, \$7,662,000 is hereby rescinded: Provided further, That of the funds appropriated for "Military Construction, Navy" under Public Law 101-519, \$14,406,000 is hereby rescinded: Provided further, That of the funds appropriated for "Military Construction, Navy" under Public Law 102-136, \$62,899,000 is hereby rescinded: Provided further, That of the funds appropriated for "Military Construction, Navy" under Public Law 102-380, \$37,660,000 is hereby rescinded*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement rescinds a total of \$122,627,000. The House bill proposed a general reduction rather than rescissions. The conference agreement rescinds funds for projects that are no longer required due to Base Realignment and Closure, Part III, as well as funds for projects that are no longer required due to force structure changes or mission changes.

MILITARY CONSTRUCTION, AIR FORCE
(INCLUDING RESCISSIONS)

Amendment No. 7

Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum stricken and inserted by said amendment, insert: \$1,021,567,000

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement appropriates \$1,021,567,000 for Military Construction, Air Force instead of \$913,297,000 as proposed by the House and \$963,726,000 as proposed by the Senate. The conferees agree to the following additions and deletions to the amounts and line items as proposed by the House:

Alaska—Eielson AFB: Upgrade water treatment plant	+\$3,750,000
Upgrade waste water plant	+1,750,000
Alaska—Elmendorf AFB: Runway repair	+2,500,000
Fort Richardson-Joint mobility center	+5,500,000
Florida—Eglin AFB: Renovate climatic test chamber, phase II	-20,000,000
Georgia—Moody AFB: Aircraft pavements	+9,000,000
Large aircraft hangar	+4,700,000
Georgia—Robins AFB: Add/alter logistical systems operations center	+3,000,000
Hawaii—Hickam AFB: Dormitory	+50,000

Louisiana—Barksdale AFB: Replace apron/fuel hydrants	+10,000,000
Apron lighting	+1,300,000
New Mexico—Holloman AFB: Fighter maintenance facility	+1,900,000
New Mexico—Kirtland AFB: Upgrade utility system	+8,000,000
North Dakota—Grand Forks AFB: Repair aircraft pavements	+10,200,000
North Dakota—Minot AFB: Repair runway/taxiway	+8,500,000
Ohio—Wright Patterson AFB: Acquisition management complex	+14,400,000
Fire station	+1,230,000
Fire protection system	+1,400,000
South Dakota—Ellsworth AFB: Consolidated admin center, phase I	+6,200,000
Tennessee—Memphis Naval Air Station: Add/alter high-bay technical training facility	-3,000,000
Alter technical training facility	-2,000,000
Renovate dormitory	-1,200,000
Virginia—Langley AFB: Base civil engineering complex, phase I	+1,300,000
Guam—Anderson AFB: Underground fuel storage tanks	-4,100,000
Oman—Thumrait AB: War readiness material covered storage facility	-1,800,000
Qatar—Doha: War readiness material warehouse	-5,500,000
Unspecified Worldwide Locations: General reduction	+51,190,000
Various locations: Rescission, fiscal year 1990	-8,315,000
Rescission, fiscal year 1991	-6,550,000
Rescission, fiscal year 1992	-12,980,000
Rescission, fiscal year 1993	-2,250,000
The conferees agree to fund all other items in conference at the level proposed by the House, as shown below:	
Alabama—Maxwell AFB: Upgrade runway	\$5,000,000
Arizona—Davis—Monthan AFB: Consolidated parts storage	0
California—Beale AFB: Education center/library	3,100,000
California—McClellan AFB: Convert to integrated media center	1,600,000
Repair aircraft parking apron	6,700,000
California—Travis AFB: Add/alter dormitories, phase VI	5,100,000
Florida—Tyndall AFB: Add to base supplies and equipment warehouse	3,200,000
Security police operations	2,400,000
Georgia—Moody AFB: Mission equipment storage	0

Large aircraft wash rack	0
Georgia—Robins AFB: Hydrant refueling system	0
Maryland—Fort George Meade: Add to operations facility	1,450,000
Nevada—Nellis AFB: Add/alter physical fitness training facility	4,350,000
New Mexico—Cannon AFB: Renovate and expand dormitory	3,100,000
New Mexico—Kirtland AFB: Add/alter base support facilities	0
North Dakota—Grand Forks AFB: Hydrant fuel system	3,250,000
North Dakota—Minot AFB: Fire station	0
Oklahoma—Altus AFB: Drop zone land acquisition	780,000
Oklahoma—Tinker AFB: Consolidated vehicle maintenance facility	0
Oklahoma—Vance AFB: Airfield pavements, phase IV	5,000,000
Texas—Brooks AFB: Center for environmental excellence	8,400,000
Texas—Dyess AFB: Add/alter dormitories	5,200,000
Utah—Hill AFB: Upgrade industrial wastewater collection system	6,200,000
Virginia—Langley AFB: Add/alter operations facility	0
Antigua Island—SLFI—upgrade backup generator	1,000,000
Ascension Island—SLFI—wastewater treatment plant	3,400,000
Diego Garcia: GPS instrumentation facility	1,700,000
Satellite tracking storage facility	560,000
Germany—Ramstein AB: Child development center	3,100,000
Greenland—Thule AB: Wastewater treatment plant	5,492,000
Turkey—Incirlik AB: Add/alter dormitories	2,400,000
United Kingdom—RAF Mildenhall: C-130 phase maintenance hangar	4,800,000
Unspecified Worldwide Locations: Planning and design	63,882,000
<i>California—DOD/VA Joint Venture at Travis Air Force Base.—</i> The conferees understand that the Department of Veterans Affairs (DVA) is currently negotiating with the Naval Facilities Command (NAVFAC) to manage the renovation and expansion of the David Grant Medical Center at Travis AFB. Once completed, the joint use facility will provide medical services to veterans in Northern California. The conferees are concerned that the veterans population will continue to be underserved in Northern California until such time as the new hospital additions are completed. Therefore, should the DVA and NAVFAC reach a project management agreement, the conferees expect and strongly encourage NAVFAC to use all means necessary to expedite the completion of the renovation and expansion of the medical center.	
<i>Florida—Homestead Air Force Base.—</i> The conferees are concerned about the undue	

delay by the Air Force in initiating construction of facilities to support the 482nd F-16 Fighter Wing (AFRES) and the 301st Rescue Squadron (AFRES) at Homestead Air Force Base. Funds in the amount of \$10 million for planning and \$66 million for construction were previously appropriated in the 1992 Supplemental Appropriations Act (P.L. 102-368) for restoring airfield operations at Homestead Air Force Base. The conferees note that progress in restoring operations together with providing for Air Force Reserve facilities consistent with Base Realignment and Closure recommendations has been lacking. Therefore, the conferees direct the Air Force to submit to the Appropriation Subcommittees on Military Construction an expedited plan and schedule for construction of various facilities at Homestead Air Force Base no later than November 20, 1993.

*Guam.—*The conferees direct the Air Force to report to the Appropriation Subcommittees on Military Construction as to why a consolidation of military air assets on Guam cannot include the integration of the Navy with the Air Force in these times of reduced funding and changing military threats.

Amendment No. 8

Earmarks \$63,882,000 for study, planning, design, architect and engineer services as proposed by the House instead of \$58,180,000 as proposed by the Senate.

Amendment No. 9

Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert: *Provided further, That of the funds appropriated for "Military Construction, Air Force" under Public Law 101-148, \$8,315,000 is hereby rescinded: Provided further, That of the funds appropriated for "Military Construction, Air Force" under Public Law 101-519, \$6,550,000 is hereby rescinded: Provided further, That of the funds appropriated for "Military Construction, Air Force" under Public Law 102-136, \$12,980,000 is hereby rescinded: Provided further, That of the funds appropriated for "Military Construction, Air Force" under Public Law 102-380, \$2,250,000 is hereby rescinded*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement rescinds a total of \$30,095,000. The House bill proposed a general reduction rather than rescissions. The conference agreement rescinds funds for projects that are no longer required due to Base Realignment and Closure, Part III.

MILITARY CONSTRUCTION, DEFENSE-WIDE (INCLUDING RESCISSION)

Amendment No. 10

Appropriates \$562,008,000 for Military Construction, Defense-Wide, instead of \$618,770,000 as proposed by the House and \$524,165,000 as proposed by the Senate. The conferees agree to the following additions and deletions to the amounts and line items as proposed by the House:

Kentucky—Fort Campbell: Expand aircraft ramp, SOF	\$+2,650,000
Louisiana—Fort Polk: Elementary school	+4,950,000
Maryland—Forest Glen (WRAIR): Army institute of research, phase II	-33,140,000
Maryland—Fort Meade: Supercomputer facility, phase I	-12,720,000

Ohio—Defense Electronics Supply Center, Dayton: Install gas-fired boilers ..	-6,000,000
Texas—Fort Sam Houston: Hospital replacement, phase VII	-25,000,000
Puerto Rico—Defense Fuel Support Point Roosevelt Roads: fuel tankage	-5,800,000
Unspecified Worldwide Locations: General reduction	+14,298,000
Planning and Design: Special operations command	+2,000,000
Unspecified Minor Construction: Special operations command	+2,000,000
Various Locations: Rescission, fiscal year 1992	-15,500,000

The conferees agree to fund all other items in conference at the level proposed by the House, shown below:

Alaska—Elmendorf AFB: Hospital replacement, phase II	\$37,000,000
Arizona—Yuma Marine Corps Air Station: Add/alter medical/dental clinic	6,000,000
Florida—Eglin Aux Field 9: Add to weapons maintenance shop	580,000
Rhode Island—Newport Naval Education and Training Center: Medical clinic, phase II	4,000,000
Diego Garcia: Fuel tankage Overseas Classified: Powerhouse	9,558,000
Unspecified Worldwide Locations: Contingency construction	10,755,000
Planning and design: Defense level activities ..	12,200,000
Defense medical support activity	10,305,000
Unspecified Minor Construction:	25,865,000
Joint Chiefs of Staff	5,975,000
DOD dependent schools ..	4,000,000
Defense medical support activity	3,757,000

Maryland—Walter Reed Army Institute of Research.—The conferees have provided \$15 million in fiscal year 1994 for the next increment for construction of a new facility for the Walter Reed Institute of Research. The fact that this is less than the budget request should in no way be construed as a diminution in support.

The Committees on Appropriations have had a long standing interest in replacing the deplorable and inadequate facilities housing the Walter Reed Institute of Research. The conferees note that the Department has recommended studying the possible reutilization of existing facilities as a possible alternative to construction of a new facility. The conferees are aware that utilization of the Armed Forces Institute of Pathology (AFIP) was considered in 1987 as a possible alternative and was dismissed as having inadequate space and as being unacceptably expensive to modify. The conferees also note that while the National Performance Review recommended closure of the Uniformed Services University of the Health Sciences (USUHS), that facility includes most of the same deficiencies and cost implications as found in AFIP. The conferees wish to point out that ground breaking and award has already been delayed twice from an original date of November 1992 and subsequently June

1993 while the OSD studied and restudied the issue. The conferees are firm in their belief that this issue has been studied enough and want to reiterate that no more delays in award will be tolerated. The conferees therefore direct that an award be made for a new WRAIR not later than December 25, 1993. In addition, the conferees direct the Department to include the next increment of funding in the fiscal year 1995 budget and include the balance if required in the five year defense plan.

Amendment No. 11

Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum stricken and inserted by said amendment, insert: \$44,405,000

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement appropriates \$44,405,000 for study, planning, design, architect and engineer services instead of \$42,405,000 as proposed by the House and \$37,405,000 as proposed by the Senate.

Amendment No. 12

Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which rescinds \$15,500,000. The House bill proposed a general reduction rather than a rescission. The conference agreement rescinds funds for projects that are no longer required due to Base Realignment and Closure, Part III.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

Amendment No. 13

Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum stricken and inserted by said amendment, insert: \$302,719,000

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement appropriates \$302,719,000 for Military Construction, Army National Guard instead of \$203,980,000 as proposed by the House and \$291,250,000 as proposed by the Senate. The conferees agree to the following additions and deletions to the amounts and items as proposed by the House:

Alabama—Birmingham: Aviation support facility	+4,907,000
Alabama—Montgomery: Organizational maintenance shop	+389,000
Arizona—Camp Navajo: Water filtration system ..	+1,000,000
California—Camp Parks/ Dublin: Armory and OMS	-9,967,000
California—Van Nuys: Armory addition	+6,518,000
California—Burbank: OMS modification	+905,000
Connecticut—Bradley Field: Aviation facilities	+6,000,000
Florida—Eglin AFB: Range, multipurpose complex (MPRC)	-3,825,000
Hawaii—Molokai: Armory	+1,050,000
Hawaii—Oahu: Armory	+4,300,000
Indiana—Camp Atterbury: State military facility ..	+16,000
Indiana—Evansville: Armory and/or OMS	+801,000

Iowa—Camp Dodge: Battalion complex, phase II	+3,800,000
Consolidated paint facility	+37,000
Kansas—Fort Riley: Maintenance and training equipment site wash rack	+3,398,000
Kentucky—Fort Knox: Maintenance and training equipment site facility	+10,000,000
Massachusetts—Ayer: Add/alter combined support maintenance shop	+3,002,000
Minnesota—Various Locations: Alter fourteen armories and maintenance shops	-4,527,000
Mississippi—Camp Shelby: Vehicle wash facility	+5,000,000
Mississippi—Jackson: Armory	+2,550,000
Missouri—Fort Leonard Wood: Armory/OMS	+2,349,000
New Mexico—White Sands: OMS	+2,940,000
Tactical site	+1,995,000
Maintenance and training equipment site facility	+3,570,000
North Dakota—Bismark: Aviation C-12 hangar	-656,000
Oklahoma—Camp Gruber/Briggs: Modified record fire range	-937,000
Oregon—Camp Withycombe: Support maintenance shop	+7,569,000
Oregon—Pendleton: Aviation support facility	+3,515,000
Pennsylvania—Fort Indiantown Gap: Flight simulator and aeromedical physiology complex	-4,584,000
State military facility ..	+9,200,000
South Carolina—Columbia: Combined support/maintenance shop	+8,616,000
Land acquisition	+950,000
South Carolina—Leesburg: Wash rack/fuel facility ..	+1,009,000
South Carolina—Summerville: OMS	+834,000
South Dakota—Sioux Falls (Joe Foss Field): Armory addition	+30,000
Maintenance shop	+1,700,000
Tennessee—Camden: Armory addition	+714,000
Tennessee—Milan: Armory	+1,357,000
Tennessee—Tiptonville: Armory	+1,157,000
Tennessee—Waverly: Armory addition	+587,000
Texas—Corpus Christi: Add/Alter armory	+2,719,000
Organizational maintenance shop	+991,000
Texas—San Antonio: Organizational maintenance shop	-1,578,000
Vermont—Jericho: Training facility	+3,200,000
Wisconsin—Camp Williams: Combined maintenance facility	+11,900,000
Wyoming—Camp Guernsey: Barracks renovation	+3,338,000
Unspecified Worldwide Locations—Planning and design	+900,000

The conferees agree to fund all other items in conference at the level proposed by the House, as shown below:

Alabama—Fort McClellan: Training site addition	0	Texas—Weslaco: Armory and OMS	5,567,000	Georgia—Dobbins AFB (Marietta): Small arms range	0
Arizona—Marana: Dining facility/dormitory	\$2,919,000	Wisconsin—West Bend: Armory	0	Illinois—Capital MAP (Springfield): Upgrade runway	2,300,000
Arkansas—Camp Robinson: Training site, sewer improvement	4,424,000	Guam—Barrigada: U.S. Property/fiscal office/warehouse, phase II	1,573,000	Indiana—Hulman Field (Terre Haute) dining hall and medical training facility	3,800,000
California—Fort Funston/San Francisco: Military vehicle storage building	739,000	<i>California—Camp Parks/Dublin—Planning and Design.</i> —The conferees agree that, within planning and design funds for the Army National Guard, \$900,000 shall be allocated for design of an armory and an organizational maintenance shop.			
California—Fort Irwin: Maintenance pad covers	1,265,000	<i>Texas—Lubbock: Organizational Maintenance Shops AFRC, Phase II.</i> —The conferees have agreed to provide funding of \$1,726,000 for this project but understand that additional funding may be required. If additional funding is required, the Department should request necessary reprogramming of funds.			
Connecticut—Groton: Aviation facilities	0	MILITARY CONSTRUCTION, AIR NATIONAL GUARD			
Illinois—Rock Island: Armory	3,310,000	<i>Amendment No. 14</i>			
Indiana—Camp Atterbury: Training facilities, phase VIB	7,545,000	Appropriates \$247,491,000 for Military Construction, Air National Guard instead of \$161,761,000 as proposed by the House and \$254,923,000 as proposed by the Senate. The conferees agree to the following additions and deletions to the amounts and line items as proposed by the House:			
Indiana—Indianapolis: Combined support/maintenance facility	0	Alaska—Eielson AFB: Fuel system maintenance hangar	+\$8,900,000	Oregon—Portland IAP: Site restoration	0
Indiana—Lafayette: Armory and OMS	3,116,000	Georgia—Robins AFB: Support and hydrant system	+\$5,750,000	South Dakota—Joe Foss Field (Sioux Falls): Power check pad	0
Iowa—Des Moines: Remove underground fuel tanks ..	0	Hawaii—NAS Barking Sands: Forward air control point facility	+\$8,500,000	Texas—Kelly AFB (San Antonio): Base supply warehouse	4,300,000
Kansas—Nickell Barracks (Salina): Training site complex, phase I	6,168,000	Hawaii—Hickam AFB: Consolidated support facility	+\$9,700,000	Virginia—Richmond IAP: Fuel storage complex	0
Kansas—Salina: Training site, phase I	0	Idaho—Idaho training range	+\$6,700,000	Guam—Andersen AFB: Base supplies and equipment warehouse	400,000
Kansas—Salina: Training site, phase II	0	Kentucky—Standiford (Louisville): Relocation facilities, phase IV	+\$5,000,000	Puerto Rico—Puerto Rico IAP: Add/alter F-16 avionics shop	320,000
Louisiana—Ruston: Armory/OMS	0	Massachusetts—Barnes Airport: Alter ops/training facility	+\$600,000	Alter fuel systems maintenance facility	750,000
Maryland—Hagerstown: Add/alter armory	1,776,000	Massachusetts—Otis ANGB: Communications/electronics facility	+\$3,000,000	Upgrade F-16 aircraft parking ramp security system	2,000,000
Minnesota—Inver Grove Heights: Armory and OMS	4,571,000	Massachusetts—Worcester ANGB: Base supply warehouse	+\$390,000	Unspecified Worldwide Locations: Planning and design	10,868,000
Minnesota—Various Locations: Add/alter seven armories	3,225,000	Mississippi—Gulfport Mpt: Troop camp quarters	-\$5,300,000	<i>Idaho—Gowen Field: Idaho Training Range.</i> —The conferees agree to provide funding of \$6,700,000 to the Air National Guard for the development of expanded training capabilities for the Air Force's composite wing at Mountain Home Air Force Base. The conferees support the concept of expanded training capabilities for the composite wing and understand that an environmental impact statement is being prepared. However, the conferees direct that none of the funds provided for expansion of training capabilities be obligated until the Secretary of Defense has provided to the Committees on Appropriations certification in writing that the funding is required for training and readiness and is consistent with the full environmental impact statement that reviews alternatives.	
Mississippi—Camp Shelby: Regional school facility, phase I	6,000,000	Missouri—Rosecrans Memorial Airport (St. Josephs): Jet fuel storage ..	+\$4,000,000	MILITARY CONSTRUCTION, ARMY RESERVE	
Mississippi—Camp McCain: Range and training area improvements	5,500,000	Nebraska—Lincoln MAP: Replace heat system	+\$1,500,000	<i>Amendment No. 15</i>	
Mississippi—Greenville: Armory	2,230,000	Nevada—Reno IAP: Aircraft arresting systems ..	-\$1,830,000	Appropriates \$102,040,000 for Military Construction, Army Reserve instead of \$87,825,000 as proposed by the House and \$124,794,000 as proposed by the Senate. The conferees agree to the following additions and deletion to the amounts and line items as proposed by the House:	
Mississippi—Tupelo: Add/alter Army aviation support facility	3,210,000	New Hampshire—Pease AFB: Upgrade KC-135 hydrant refueling system ..	-\$5,100,000	Georgia—Fort McPherson: Command headquarters, phase I	+\$15,000,000
Mississippi—Various Locations: Add/alter six armories	5,204,000	Oregon—Portland IAP: Drainage improvements	+\$350,000	South Carolina—Fort Jackson: USARC/OMS/DS shop	-2,728,000
Missouri—Poplar Bluff: Armory and OMS	2,842,000	Oregon—Kingsley Field/Klamath Falls: Repair runway/taxiway	+\$8,500,000	Unspecified Worldwide Locations: Planning and design	+1,943,000
Nebraska—Camp Ashland: Education facility	0	Unspecified Worldwide Locations: General reduction	+\$35,070,000		
Nevada—Las Vegas/Clark County: Armory, phase II	1,430,000	The conferees agree to fund all other items in conference at the level proposed by the House, as shown below:			
Oklahoma—Frederick: Armory	1,200,000	Alabama—Abston ANG station (Montgomery)	0		
Pennsylvania—Johnstown: Addition to joint Armed Forces aviation facility	5,004,000	Alabama—Birmingham MAP: Road relocation	6,300,000		
Army expansion	3,309,000	Alabama—Maxwell AFB: Runway extension	0		
South Carolina—Leesburg: Regional NCO academy ..	0				
South Carolina—Eastover: Add/alter armory	0				
Tennessee—Elizabethton: Armory storage addition	100,000				
Tennessee—Jefferson City: Armory	952,000				
Tennessee—Sevierville: Armory	1,352,000				
Tennessee—Symrna: Armory	3,934,000				
Warehouse	710,000				
Texas—Lubbock: OMS and AFRC, phase II	1,726,000				

The conferees agree to fund all other items in conference at the level proposed by the House, as shown below:

California—Los Alamitos: Logistic Facility	0
New Jersey—Fort Dix: Up- grade range 65	2,700,000
Washington—Fort Lawton: Reserve center	0
<i>Washington—Fort Lawton (Seattle): Planning and Design.</i> —The conferees agree that, with- in planning and design funds for the Army Reserve, \$1,943,000 shall be allocated for design of a reserve center. The conferees also direct that construction funds for the re- serve center be included in the Department's fiscal year 1995 budget submission.	

MILITARY CONSTRUCTION, NAVAL RESERVE

Amendment No. 16

Appropriates \$25,029,000 for Military Construction, Naval Reserve instead of \$28,647,000 as proposed by the House and \$25,013,000 as proposed by the Senate. The conferees agree to the following additions and deletion to the amounts and line items as proposed by the House:

Maryland—Baltimore: MCRC improvements	+ \$460,000
Michigan—NRRC Detroit: MCRC repair/construction	+698,000
New Jersey—West Trenton: MCRC replacement con- version	+264,000
Washington—Bangor: Re- serve center	+3,000,000
Unspecified Worldwide Lo- cations: General reduc- tion	-8,040,000

The conferees agree to fund all other items in conference at the level proposed by the House, as shown below:

Louisiana—Naval Support Activity New Orleans: Marine Corps reserve force headquarters	\$8,700,000
Unspecified Worldwide Lo- cations: Planning and de- sign	1,815,000

MILITARY CONSTRUCTION, AIR FORCE RESERVE

Amendment No. 17

Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum stricken and inserted by said amendment, insert: *\$74,486,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement appropriates \$74,486,000 for Military Construction, Air Force Reserve instead of \$66,136,000 as proposed by the House and \$68,427,000 as proposed by the Senate. The conferees agree to the following additions to the amounts and line items as proposed by the House:

Florida—Homestead AFB: Medical training facility	+ \$2,750,000
New York—Niagara Falls IAP: Corrosion control facility	+800,000
Unspecified Worldwide Lo- cations: General reduc- tion	+4,800,000

The conferees agree to fund all other items in conference at the level proposed by the House, as shown below:

Georgia—Dobbins AFB: Firing range	\$1,900,000
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Flight simulation center	6,000,000
Ohio—Youngstown MAP: Munitions maintenance complex	0
Unspecified Worldwide Lo- cations: Planning and de- sign	3,989,000

NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

Amendment No. 18

Restores House language stricken by the Senate which appropriates \$140,000,000 for North Atlantic Treaty Organization Infrastructure programs.

Amendment No. 19

Deletes Senate language which established a new account for construction outside the United States, appropriated \$300,000,000 and included a certification requirement regarding burdensharing.

FAMILY HOUSING, ARMY

Amendment No. 20

Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum stricken and inserted by said amendment, insert: *\$228,885,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement appropriates \$228,885,000 for Construction, Family Housing, Army instead of \$218,785,000 as proposed by the House and \$228,385,000 as proposed by the Senate. The conferees agree to the following addition to the amounts and line items as proposed by the House:

Construction improve- ments	+ \$10,100,000
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The conferees agree to fund the other item in conference at the level proposed by the House, as shown below:

Nevada—Hawthorne AAP: Demolish Abandoned Housing Units	\$500,000
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Construction Improvements.—Within the total funding amount for Construction Improvements, \$4,400,000 shall be allocated to Fort Richardson, Alaska and \$5,700,000 for Fort Wainwright, Alaska.

Amendment No. 21

Appropriates \$1,069,601,000 for Operation and Maintenance, Family Housing, Army instead of \$1,067,922,000 as proposed by the House and \$1,125,601,000 as proposed by the Senate. The conferees agree to the following addition to the amounts and line items as proposed by the House:

General reduction	+ \$1,679,000
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Amendment No. 22

Appropriates a total of \$1,298,486,000 for Family Housing, Army instead of \$1,286,707,000 as proposed by the House and \$1,353,986,000 as proposed by the Senate. This sum is derived from the conference agreement on amendments numbered 20 and 21.

FAMILY HOUSING, NAVY AND MARINE CORPS (INCLUDING RESCISSIONS)

Amendment No. 23

Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum stricken and inserted by said amendment, insert: *\$370,208,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement appropriates \$370,208,000 for Construction, Navy and Marine Corps instead of \$367,769,000 as proposed by the House and \$354,738,000 as proposed by the Senate. The conferees agree to the following addition and deletions to the amounts and line items as proposed by the House:

Washington—NAS Whidbey Island: 106 units	+ \$10,000,000
Various locations: Rescission, fiscal year 1990	-14,100,000
Rescission, fiscal year 1991	-25,018,000
Rescission, fiscal year 1993	-1,253,000
Construction improve- ments	-7,561,000

The conferees agree to fund the other item in conference as proposed by the House, as shown below:

United Kingdom: Naval Ac- tivities London (purchase 81 leased units)	\$15,470,000
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Amendment No. 24

Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum stricken and inserted by said amendment, insert: *\$772,055,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement appropriates \$772,055,000 for Operation and Maintenance, Family Housing, Navy and Marine Corps instead of \$781,952,000 as proposed by the House and \$835,055,000 as proposed by the Senate.

The conferees agree to the following deletion to the amounts and line items as proposed by the House:

General reduction	- \$9,897,000
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Amendment No. 25

Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum stricken and inserted by said amendment, insert: *\$1,142,263,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement appropriates a total of \$1,142,263,000 for Family Housing, Navy and Marine Corps instead of \$1,149,721,000 as proposed by the House and \$1,189,793,000 as proposed by the Senate. This sum is derived from the conference agreement on amendments numbered 23 and 24.

Amendment No. 26

Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert: *Provided, That of the funds appropriated for "Family Housing, Navy and Marine Corps" under Public Law 101-148, \$14,100,000 is hereby rescinded; Provided further, That of the funds appropriated for "Family Housing, Navy and Marine Corps" under Public Law 101-519, \$25,018,000 is hereby rescinded; Provided further, That of the funds appropriated for "Family Housing, Navy and Marine Corps" under Public Law 102-380, \$1,253,000 is hereby rescinded*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement rescinds a total of \$40,371,000 previously appropriated for construction of new family housing units and for improvement of existing family housing units. These projects are no longer required due to Base Realignment and Closure, Part III.

**FAMILY HOUSING, AIR FORCE
(INCLUDING RESCISSIONS)**

Amendment No. 27

Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum stricken and inserted by said amendment, insert: \$187,035,000

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement appropriates \$187,035,000 for Construction, Family Housing, Air Force instead of \$192,197,000 as proposed by the House and \$195,035,000 as proposed by the Senate. The conferees agree to the following addition and deletions to the amounts and line items as proposed by the House:

Italy—Comiso AB (purchase 460 leased units)	-\$20,200,000
Various locations:	
Rescission, fiscal year 1992	-6,400,000
Rescission, fiscal year 1993	-48,702,000
Construction improvements	+15,038,000

The conferees agree to fund the other items in conference at the level proposed by the House, as shown below:

Illinois-Scott AFB: Housing Relocation, Phase II	\$10,000,000
Planning	\$11,901,000

Construction Improvements.—Within the total funding amount for Construction Improvements, up to \$15,100,000 shall be allocated to Nellis Air Force Base, Nevada and \$6,900,000 shall be allocated to Kirtland Air Force Base, New Mexico.

Amendment No. 28

Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum stricken and inserted by said amendment, insert: \$790,912,000

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement appropriates \$790,912,000 for Operations and Maintenance, Family Housing, Air Force instead of \$805,847,000 as proposed by the House and \$853,912,000 as proposed by the Senate.

The conferees agree to the following deletion to the amounts and line items as proposed by the House:

General reduction	-\$14,935,000
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Amendment No. 29

Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum stricken and inserted by said amendment, insert: \$977,947,000

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement appropriates a total of \$977,947,000 for Family Housing, Air Force instead of \$998,044,000 as proposed by the House and \$1,048,947,000 as proposed by the Senate. This sum is derived from the conference agreement on amendments numbered 27 and 28.

Amendment No. 30

Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which rescinds a total of \$55,102,000 previously appropriated for construction of new family housing units and for improvement of existing family housing units. These projects are no longer required due to Base Realignment and Closure, Part III.

FAMILY HOUSING, DEFENSE-WIDE

Amendment No. 31

Appropriates \$26,337,000 for Operation and Maintenance, Family Housing, Defense-Wide instead of \$25,711,000 as proposed by the House and \$27,337,000 as proposed by the Senate. The conferees agree to the following addition to the amounts and line items as proposed by the House:

General reduction	+\$626,000
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Amendment No. 32

Appropriates a total of \$26,496,000 for Family Housing, Defense-Wide instead of \$25,870,000 as proposed by the House and \$27,496,000 as proposed by the Senate. This sum is derived from the conference agreement on amendment numbered 31.

HOMEOWNERS ASSISTANCE FUND

Amendment No. 33

Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which allows the appropriated amount for Homeowners Assistance Fund, Defense to remain available until expended.

**BASE REALIGNMENT AND CLOSURE ACCOUNT,
PART I**

Amendment No. 34

Appropriates \$12,830,000 as proposed by the Senate instead of \$27,870,000 as proposed by the House. The conferees agree that the reduction of \$15,040,000 from the House proposed amount shall be applied against the Navy's allocation because of projects no longer needed as a result of the approved 1993 base closure recommendations.

Amendment No. 35

Deletes House language which establishes a minimum funding level for environmental restoration.

**BASE REALIGNMENT AND CLOSURE ACCOUNT,
PART II**

Amendment No. 36

Appropriates \$1,526,310,000 as proposed by the Senate instead of \$1,800,500,000 as proposed by the House. The reduction reflects projects no longer required as a result of approved 1993 base closure recommendations.

Washington—Naval Station Everett: Bachelor Enlisted Quarters.—The conferees direct that within Base Realignment and Closure, Part II funds, \$7,450,000 be for the construction of a Bachelor Enlisted Quarters at Naval Station Everett, which is required due to the closure of Sand Point. The conferees urge the Navy to continue to support the ongoing facility requirements at Naval Station Everett, and direct the Navy to include funds for a second Bachelor Enlisted Quarters as part of its fiscal year 1995 Military Construction budget submission.

Amendment No. 37

Deletes House language which restricts appropriated funds to the approved 1991 base realignments and closures.

**BASE REALIGNMENT AND CLOSURE ACCOUNT,
PART III**

Amendment No. 38

Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum stricken and inserted by said amendment, insert: \$1,144,000,000

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement appropriates \$1,144,000,000 for Base Realignment and Closure, Part III instead of \$1,200,000,000 as proposed by the House and \$1,197,000,000 as proposed by the Senate.

New Jersey—McGuire AFB.—The conferees direct that, within Base Realignment and Closure, Part III funds, the Air Force allocate the funds necessary to start construction at McGuire Air Force Base of housing and dormitory space in order to alleviate the housing shortage that the accelerated realignment at McGuire will create.

Amendment No. 39

Deletes House language which restricts appropriated funds to the approved 1993 base realignments and closures.

GENERAL PROVISIONS

Amendment No. 40

Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter stricken by said amendment, insert:

SEC. 122. (a) Notwithstanding any other provision of law, the Secretary of the Army shall transfer, no later than September 30, 1994, without reimbursement or transfer of funds, to the Architect of the Capitol, a portion of the real property, including improvements thereon, consisting of not more than 100 acres located at Fort George G. Meade in Anne Arundel County, Maryland, as determined under subsection (c).

(b) The Architect of the Capitol shall, upon completion of the survey performed pursuant to subsection (c) and the transfer effected pursuant to subsection (a), utilize the transferred property to provide facilities to accommodate the varied long term storage and service needs of the Library of Congress and other Legislative Branch agencies.

(c) The exact acreage and legal description of the property to be transferred under this section shall be determined by a survey satisfactory to the Architect of the Capitol and the Secretary of the Army, and in consultation with officials of Anne Arundel County, Maryland.

(d) Any real property and improvements thereon transferred pursuant to this section shall be under the jurisdiction of the Architect of the Capitol, subject to the rules and regulations providing for the use of such property as may be approved by the House Office Building Commission and the Senate Committee on Rules and Administration: *Provided* that any existing improvements made available by the Architect to the Librarian of Congress, under the direction of the Joint Committee on the Library, or hereafter erected upon such real property pursuant to law for the purposes of providing for the long term storage and service needs of the Library of Congress shall be subject to the provisions of sections 136, 141 and 167 to 167j of Title 2, United States Code.

(e) Portions of the real property and any improvements thereon transferred pursuant to this section that are not determined to be immediately required for storage or service needs by the Architect are authorized to be leased temporarily to the Secretary of the Army: *Provided*, That nominal lease payments made by the Secretary of the Army shall be credited to the appropriation "Architect of the Capitol, Library Buildings and

Grounds, Structural and Mechanical Care, No Year".

(f) There are authorized to be appropriated to the Architect of the Capitol such sums as may be necessary to carry out the provisions of this section.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The previously recommended transfer of property located at the Army Research Laboratory, Woodbridge Research Facility, Virginia, to the Architect of the Capitol for use of storage and service needs of the Library of Congress and the Legislative Branch agencies has not been endorsed by the conferees. Instead, property in Fort George G. Meade, Maryland, has been identified for such use. The property in Fort George G. Meade identified which would meet the Library's goal is located generally north of State route 32 and south of Rock Avenue and First Street. The Architect is directed to consult with appropriate officials of Anne Arundel County, Maryland, concerning the exact acreage and legal description of the property. The conferees direct that the Architect of the Capitol and Secretary of the Army enter into an agreement to determine the utilities and services to be provided by the Secretary to the property. The conferees further direct that the Architect provide landscaping to

maintain an appearance appropriate for the surrounding area.

Amendment No. 41

Deletes Senate language which proposed a general reduction.

Amendment No. 42

Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter stricken by said amendment, insert:

SEC. 124. None of the funds appropriated in this Act or any other Act may be used for the purposes of establishing any criminal detention or rehabilitation facility or program at Fort George Meade, Maryland.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement deletes House language which waives certification requirements for a defense access road at Camp Dodge, Iowa, and inserts language which prohibits the use of funds in this act or any other act during fiscal year 1994 to be used for the purposes of establishing any criminal detention or rehabilitation facility or program at Fort George G. Meade, Maryland.

Amendment No. 43

Restores House language stricken by the Senate regarding compliance with the "Buy American Act".

Amendment No. 44

Restores House language stricken by the Senate regarding in the purchase of American-made equipment and products.

Amendment No. 45

Restores House language stricken by the Senate regarding fraudulent "Made in America" labels.

Amendment No. 46

Deletes language proposed by the Senate which would earmark \$4,400,000 for a Dial Central Office Facility at Fitzsimons Medical Center, Colorado. Funding for this project is provided under Military Construction, Army account.

Amendment No. 47

Deletes language proposed by the Senate which would earmark \$2,800,000 for an ACMI support facility at the Gulfport-Biloxi Regional Airport, Mississippi.

Amendment No. 48

Deletes language proposed by the Senate regarding land transfer in Hawaii.

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
ALABAMA		
ARMY		
ANNISTON ARMY DEPOT		
AMMUNITION DEMILITARIZATION FACILITY, PHASE IV....	110,900	110,900
FORT RUCKER		
OPERATIONS FACILITY.....	1,150	1,150
PERSONNEL SERVICES FACILITY.....	---	14,400
PETROLEUM LAB AND FUEL STORAGE.....	5,800	5,800
BARRACKS.....	20,000	20,000
ROAD UPGRADE.....	---	1,300
AIR FORCE		
GUNTER AFB		
CHILD DEVELOPMENT CENTER.....	2,700	2,700
EMERGENCY POWER GENERATOR PLANT.....	1,200	1,200
HAZARDOUS WASTE ACCUMULATION FACILITY.....	310	310
SPILL CONTAINMENT CONTROLS.....	470	470
MAXWELL AFB		
AIR FORCE QUALITY CENTER.....	4,650	4,650
UPGRADE RUNWAY.....	9,200	5,000
SPILL CONTAINMENT CONTROLS.....	970	970
TAXIWAY/RAMP.....	3,800	3,800
UNDERGROUND FUEL STORAGE TANKS.....	1,700	1,700
UPGRADE UTILITY SYSTEMS, PHASE I.....	5,050	5,050
DEFENSE-WIDE		
FORT MCCLELLAN		
FT MCCLELLAN ELEMENTARY SCHOOL ADDITION.....	2,798	2,798
ARMY NATIONAL GUARD		
CULLMAN		
ADD/ALTER COMBINED SUPPORT MAINTENANCE SHOP.....	---	5,070
BIRMINGHAM		
AVIATION SUPPORT FACILITY.....	---	4,907
MONTGOMERY		
ORGANIZATIONAL MAINT SHOP.....	---	389
MOBILE		
ORGANIZATIONAL MAINTENANCE SHOP.....	502	502
AIR NATIONAL GUARD		
ABSTON ANG STATION (MONTGOMERY)		
COMMUNICATIONS AND ELECTRONICS TRAINING FACILITY..	693	693
BIRMINGHAM MAP		
AIRCRAFT MAINTENANCE HANGAR.....	5,500	5,500
FUEL CELL DOCK.....	4,400	4,400
ROAD RELOCATION.....	---	6,200
DANNELLY FIELD (MONTGOMERY)		
VEHICLE MAINTENANCE COMPLEX.....	1,750	1,750
ARMY RESERVE		
BIRMINGHAM		
BATTLE PROJECTION CENTER.....	4,719	4,719
TOTAL, ALABAMA.....	188,262	216,328
ALASKA		
ARMY		
FORT RICHARDSON		
JOINT MOBILITY CENTER.....	---	10,000
FORT WAINWRIGHT		
WASTE OIL BURNING POWER PLANT.....	---	740
AIR FORCE		
CAPE ROMANZOV AFS		
REPLACE TRAMWAY SYSTEM.....	3,350	3,350

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
<hr/>		
EIELSON AFB		
CHILD DEVELOPMENT CENTER.....	5,400	5,400
FIRE TRAINING FACILITY.....	2,400	2,400
UPGRADE WATER TREATMENT PLANT.....	---	3,750
UPGRADE WASTE WATER PLANT.....	---	1,750
ELMENDORF AFB		
ADD TO SANITARY SEWER SYSTEM.....	5,100	5,100
CHILD DEVELOPMENT CENTER.....	5,070	5,070
CORROSION CONTROL FACILITY.....	5,975	5,975
DINING FACILITY.....	6,800	6,800
HAZARDOUS WASTE STORAGE FACILITY.....	3,900	3,900
MUNITIONS EQUIPMENT FACILITY.....	1,860	1,860
MUNITIONS MAINTENANCE FACILITY.....	2,100	2,100
RUNWAY REPAIR.....	---	2,500
FORT RICHARDSON		
JOINT MOBILITY CENTER.....	---	5,500
DEFENSE-WIDE		
DEF REUTILIZATION & MKTG OFC FAIRBANKS		
COVERED STORAGE.....	6,500	6,500
ELMENDORF AIR FORCE BASE		
HOSPITAL REPLACEMENT, PHASE II.....	135,000	37,000
AIR NATIONAL GUARD		
KULIS ANGB (ANCHORAGE)		
REPLACE UNDERGROUND STORAGE TANKS.....	1,100	1,100
EIELSON AFB		
FUEL SYSTEM MAINTENANCE HANGAR.....	---	8,900
ARMY RESERVE		
FORT RICHARDSON		
ADD/ALTER USARC/OMS/DS-GS/AMSA/STORAGE.....	10,324	10,324
TOTAL, ALASKA.....	194,879	130,019
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ARIZONA		
ARMY		
FORT HUACHUCA		
BATTALION HEADQUARTERS.....	4,800	4,800
GENERAL PURPOSE ADMINISTRATIVE FACILITY.....	4,050	4,050
AIR FORCE		
DAVIS-MONTHAN AFB		
UNDERGROUND FUEL STORAGE TANKS.....	650	650
VEHICLE MAINTENANCE FACILITY.....	---	5,500
LUKE AFB		
DINING FACILITY.....	4,700	4,700
FIRE TRAINING FACILITY.....	800	800
FLOOD CONTROL.....	---	6,000
UNDERGROUND FUEL STORAGE TANKS.....	1,250	1,250
NAVAJO ARMY DEPOT		
ALTER MINUTEMAN II STORAGE FACILITIES.....	7,250	7,250
DEFENSE-WIDE		
YUMA MARINE CORPS AIR STATION		
ADD/ALTER MEDICAL/DENTAL CLINIC.....	---	6,000
ARMY NATIONAL GUARD		
CAMP NAVAJO		
WATER FILTRATION SYSTEM.....	---	1,000
MARANA		
OMS.....	---	553
DINING FACILITY/DORMITORY.....	---	2,919

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
ARIZONA		
AIR NATIONAL GUARD		
TUCSON IAP		
ADD/ALTER COMMUNICATIONS FACILITY.....	700	700
REPLACE UNDERGROUND STORAGE TANKS.....	440	440
TOTAL, ARIZONA.....	24,640	46,612
ARKANSAS		
AIR FORCE		
LITTLE ROCK AFB		
ADD/ALTER ENGINE INSPECTION AND REPAIR SHOP - DBOF	1,200	1,200
ADD/ALTER CHILD DEVELOPMENT CENTER - DBOF.....	2,250	2,250
ALTER OPERATIONS CENTER.....	1,050	1,050
ARMY NATIONAL GUARD		
CAMP ROBINSON		
ARMORY.....	3,205	3,205
RANGE, MODIFIED RECORD FIRE.....	907	907
TRAINING SITE, SEWER IMPROVEMENT.....	4,223	4,424
TRAINING SITE, UTILITIES RENOVATION.....	1,275	1,275
AIR NATIONAL GUARD		
LITTLE ROCK AFB		
AIRCREW TRAINING FACILITY.....	3,750	3,750
FT SMITH MAP		
AIRCRAFT CORROSION CONTROL FACILITY.....	1,100	1,100
TOTAL, ARKANSAS.....	18,960	19,161
CALIFORNIA		
ARMY		
FT IRWIN		
WHOLE BARRACKS RENEWAL.....	5,900	5,900
NAVY		
ALAMEDA NAVAL AIR STATION		
CONTROL TOWER COMPLEX.....	4,700	---
BARSTOW MARINE CORPS LOGISTICS BASE		
INDUSTRIAL WASTE TREATMENT PLANT.....	8,690	8,690
CAMP PENDLETON MARINE CORPS AIR STATION		
RADAR AIR TRAFFIC CONTROL FACILITY ADDITION.....	3,850	3,850
CAMP PENDLETON MARINE CORPS BASE		
WEAPONS STORAGE.....	480	480
AUTOMATED FIELD FIRING RANGE.....	1,340	1,340
SEWERAGE FACILITY.....	7,930	7,930
WATER DISTRIBUTION SYSTEM IMPROVEMENTS.....	1,380	1,380
EMERGENCY OFF-BASE WATER SUPPLY MAIN.....	---	750
FLOOD PROTECTION-SEWAGE TREATMENT PLANT.....	---	1,000
RELOCATE WATER WELLS.....	---	1,800
REPLACE DRAINAGE STRUCTURES.....	---	3,000
EL TORO MARINE CORPS AIR STATION		
MAINTENANCE HANGAR ADDITION.....	1,950	---
FALLBROOK NAVAL WEAPONS STATION ANNEX		
HARM MISSILE MAGAZINES - DBOF.....	4,630	4,630
LEMOORE NAVAL AIR STATION		
FIRE FIGHTING TRAINING FACILITY.....	1,930	1,930
SAN DIEGO FLEET AND INDUSTRIAL SUPPLY CENTER		
FIRE PROTECTION SYSTEMS - DBOF.....	2,270	2,270
SAN DIEGO MARINE CORPS RECRUIT DEPOT		
WAREHOUSE.....	1,130	1,130
SAN DIEGO NAVAL HOSPITAL		
CHILD DEVELOPMENT CENTER.....	2,700	2,700
SAN DIEGO NAVAL TRAINING CENTER		
FIRE PROTECTION SYSTEM.....	700	---

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
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TWENTYNINE PALMS MARCORP AIR-GRND COMB CTR		
ACADEMIC INSTRUCTION BUILDING ADDITION.....	600	600
ANTI-ARMOR TRACKING RANGE MODERNIZATION.....	3,940	3,940
WEAPONS STORAGE.....	3,360	3,360
AIR FORCE		
BEALE AFB		
EDUCATION CENTER/LIBRARY.....	---	3,100
EDWARDS AFB		
CHILD DEVELOPMENT CENTER.....	5,900	5,900
UNDERGROUND FUEL STORAGE TANKS.....	5,400	5,400
MCCLELLAN AFB		
FIRE PROTECTION ACFT FACILITIES - DBOF.....	1,900	1,900
CONVERT TO INTEGRATED MEDIA CENTER.....	---	1,600
REPAIR AIRCRAFT PARKING APRON.....	---	6,700
TRAVIS AFB		
ADD/ALTER DORMITORIES, PHASE VI.....	---	5,100
AIRCRAFT GENERAL PURPOSE MAINTENANCE SHOP.....	11,200	11,200
UNDERGROUND FUEL STORAGE TANKS - DBOF.....	2,840	2,840
VANDENBERG AFB		
HARDWARE STORAGE FACILITY.....	3,500	3,500
SLFI-TPQ-18 RADAR FACILITY.....	2,408	2,408
SLFI-UPGRADE FIRE PROTECTION SYSTEM.....	1,600	1,600
UNDERGROUND FUEL STORAGE TANKS.....	1,700	1,700
UPGRADE ELECTRICAL SYSTEM.....	11,520	11,520
DEFENSE-WIDE		
MARCH AFB		
DEFENSE REUTILIZATION/MARKETING OFFICE RELOCATION.	630	630
EDWARDS AIR FORCE BASE		
LIFE SAFETY UPGRADE.....	1,700	1,700
ARMY NATIONAL GUARD		
FORT FUNSTON/SAN FRANCISCO		
MILITARY VEHICLE STORAGE BUILDING.....	---	739
FORT IRWIN		
MAINTENANCE PAD COVERS.....	---	1,265
FRESNO/SHIELDS		
ARMORY AND ORGANIZATIONAL MAINTENANCE SHOP.....	---	8,147
VAN NUYS		
ARMORY ADDITION.....	---	6,518
BURBANK		
OMS MODIFICATION.....	---	905
AIR NATIONAL GUARD		
FRESNO ANGB		
REPLACE UNDERGROUND FUEL STORAGE TANKS.....	490	490
ONTARIO INTERNATIONAL AIRPORT (ANG)		
REPLACE UNDERGROUND FUEL STORAGE TANKS.....	310	310
NAVY RESERVE		
NAVAL STATION SAN DIEGO		
CONSTRUCTION BATTALION UNIT FACILITY.....	1,000	1,000
AIR FORCE RESERVE		
TRAVIS AFB		
AERIAL PORT TRAINING FACILITY.....	3,050	3,050
ALTER RESERVE OPERATIONS AND TRAINING FACILITY....	4,000	4,000
TOTAL, CALIFORNIA.....	<hr/> 116,628	<hr/> 149,902
COLORADO		
ARMY		
FITZSIMONS ARMY MEDICAL CENTER		
DIAL CENTRAL OFFICE FACILITY.....	---	4,400

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
COLORADO		
FORT CARSON		
RANGE CONTROL FACILITY.....	4,050	4,050
AIR FORCE		
BUCKLEY ANG BASE		
COMMUNICATION DATA PROCESSING FACILITY.....	39,000	39,000
CHEYENNE MT COMPLEX AFB		
UPGRADE ELECTRICAL SERVICE.....	4,450	4,450
PETERSON AFB		
ADD/ALTER INTEGRATION SUPPORT FACILITY.....	16,400	16,400
PRECISION MEASUREMENT EQUIPMENT LABORATORY.....	2,200	2,200
TEST AND EVALUATION SUPPORT FACILITY.....	2,430	2,430
US AIR FORCE ACADEMY		
ADD/ALTER WASTEWATER TREATMENT PLANT.....	7,100	7,100
ENHANCED FLIGHT SCREENER HANGARS.....	3,800	3,800
UNDERGROUND FUEL STORAGE TANKS.....	780	780
AIR NATIONAL GUARD		
BUCKLEY ANGB (AURORA)		
F-16 WEAPONS RELEASE SHOP.....	1,300	1,300
AIR FORCE RESERVE		
PETERSON AFB		
ORGANIZATIONAL MAINTENANCE SUPPORT FACILITY.....	1,200	1,200
TOTAL, COLORADO.....	82,710	87,110
CONNECTICUT		
NAVY		
NEW LONDON NAVAL SUBMARINE BASE		
BACHELOR ENLISTED QUARTERS MODERNIZATION.....	14,800	14,800
ELECTRICAL DISTRIBUTION IMPROVEMENTS.....	8,190	8,190
HAZARDOUS WASTE TRANSFER FACILITY.....	1,450	1,450
INDUSTRIAL WASTE TREATMENT FACILITY.....	5,700	5,700
PIER IMPROVEMENTS.....	---	4,200
STEAM TURBINE GENERATOR.....	6,600	6,600
ARMY NATIONAL GUARD		
BRADLEY FIELD		
AVIATION FACILITIES.....	---	6,000
AIR NATIONAL GUARD		
BRADLEY FIELD (GRAMBE)		
ADD/ALTER BASE CIVIL ENGINEER FACILITY.....	510	510
TOTAL, CONNECTICUT.....	37,250	47,450
DELAWARE		
AIR FORCE		
DOVER AFB		
ADD/ALTER DINING FACILITY - DBOF.....	2,500	2,500
DORMITORY - DBOF.....	3,200	4,400
INSTALL EMISSION CONTROL DEVICES.....	860	860
AIR NATIONAL GUARD		
GREATER WILMINGTON AIRPORT		
COMMUNICATIONS FACILITY.....	900	900
REPLACE UNDERGROUND FUEL STORAGE TANKS.....	890	890
TOTAL, DELAWARE.....	8,350	9,550
DISTRICT OF COLUMBIA		
NAVY		
WASHINGTON COMMANDANT NAVAL DISTRICT		
CHILD DEVELOPMENT CENTER.....	1,480	1,480
FIRE PROTECTION SYSTEM.....	1,630	1,630

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
WASHINGTON NAVAL RESEARCH LABORATORY		
NAVAL CENTER FOR SPACE TECHNOLOGY.....	1,980	1,980
SPECIAL PROJECTS BUILDING.....	400	400
AIR FORCE		
BOLLING AIR FORCE BASE		
ADD TO CHILD DEVELOPMENT CENTER.....	2,000	2,000
TOTAL, DISTRICT OF COLUMBIA.....		
	7,490	7,490
FLORIDA		
NAVY		
CECIL FIELD NAVAL AIR STATION		
SANITARY WASTEWATER SYSTEM UPGRADE.....	1,500	---
JACKSONVILLE NAVAL AIR STATION		
BACHELOR ENLISTED QUARTERS.....	13,800	13,800
HELICOPTER WASH AND RINSE FACILITY.....	620	620
MAYPORT NAVAL STATION		
AIR EMISSIONS CONTROL.....	3,260	3,260
PENSACOLA NAVAL AIR STATION		
RADAR AIR TRAFFIC CONTROL CENTER.....	1,880	1,880
WATER SURVIVAL TRAINING FACILITY.....	4,540	4,540
AIR FORCE		
CAPE CANAVERAL AFS		
SEWAGE TREATMENT PLANT.....	11,900	11,900
SLFI-BACKUP POWER.....	2,500	2,500
SLFI-BACKUP POWER.....	800	800
SLFI-UPGRADE WATER SUPPLY MAINS.....	1,200	1,200
UNDERGROUND FUEL STORAGE TANKS.....	400	400
UPGRADE FIRE SYSTEM.....	2,400	2,400
EGLIN AFB		
AIRCRAFT ENGINE TEST FACILITY.....	1,600	1,600
RENOVATE CLIMATIC TEST CHAMBER, PHASE II.....	57,000	37,000
REPLACE POL PIPELINE.....	3,300	3,300
UPGRADE HYDRANT FUELING SYSTEM.....	4,550	4,550
VEHICLE MAINTENANCE/WAREHOUSE FACILITIES.....	2,600	2,600
EGLIN AFB AUXILIARY FIELD 9		
ADD/ALTER DORMITORIES.....	4,479	4,479
UPGRADE SANITARY SEWAGE SYSTEMS.....	1,750	1,750
UPGRADE STORM SEWAGE SYSTEM.....	1,600	1,600
PATRICK AFB		
ALTER MAINTENANCE HANGAR.....	2,000	2,000
UNDERGROUND FUEL STORAGE TANKS.....	1,850	1,850
TYNDALL AFB		
ADD TO BASE SUPPLIES AND EQUIPMENT WAREHOUSE.....	---	3,200
BASE SUPPLY LOGISTICS CENTER.....	2,600	2,600
SECURITY POLICE OPERATIONS.....	---	2,400
DEFENSE-WIDE		
EGLIN AUX FIELD 9		
ADD TO SUPPLY WAREHOUSE/WRM STORAGE.....	1,502	1,502
ADD/ALTER AVIONICS SHOP.....	4,500	4,500
MH60G HELICOPTER HANGAR.....	5,700	5,700
MUNITIONS MAINTENANCE FACILITY.....	2,550	2,550
SQUADRON OPERATIONS FACILITY MC130.....	2,750	2,750
SQUADRON OPERATIONS FACILITY MH60G.....	2,250	2,250
ADD TO WEAPONS MAINTENANCE SHOP.....	330	580
ARMY NATIONAL GUARD		
EGLIN AFB		
RANGE, MULTIPURPOSE COMPLEX (MPRC).....	3,825	---
AIR NATIONAL GUARD		
JACKSONVILLE IAP		
REPLACE UNDERGROUND FUEL STORAGE TANKS.....	1,150	1,150

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
AIR FORCE RESERVE		
HOMESTEAD AFB MEDICAL TRAINING FACILITY.....	---	2,750
MACDILL AFB AEROMEDICAL EVACUATION FACILITY.....	750	750
TOTAL, FLORIDA.....	153,436	136,711
GEORGIA		
ARMY		
FORT BENNING		
BARRACKS MODERNIZATION.....	18,500	18,500
MULTIPURPOSE MACHINE GUN RANGE.....	1,650	1,650
WHOLE BARRACKS RENEWAL.....	17,500	17,500
FORT GILLEM		
PHYSICAL FITNESS CENTER.....	---	2,600
FT STEWART/HUNTER AAF		
CARGO HANDLING FACILITY.....	4,500	4,200
EXPAND AMMUNITION STORAGE AREA.....	3,600	3,600
HARDSTAND.....	8,700	9,400
RAILROAD TRACK IMPROVEMENT.....	2,000	3,100
NAVY		
ALBANY MARINE CORPS LOGISTICS BASE		
CHILD DEVELOPMENT CENTER.....	940	940
KINGS BAY NAVAL SUBMARINE BASE		
DIKES.....	3,730	3,730
UTILITIES AND SITE IMPROVEMENTS.....	7,190	7,190
KINGS BAY TRIDENT TRAINING FACILITY		
FIRE FIGHTING TRAINING FACILITY.....	3,870	3,870
AIR FORCE		
MOODY AFB		
AIRCRAFT PAVEMENTS.....	---	9,000
LARGE AIRCRAFT HANGAR.....	---	4,700
ROBINS AFB		
J-STARS ADD/ALTER MAINTENANCE COMPLEX.....	9,300	9,300
J-STARS ADD/ALTER OPERATIONS COMPLEX.....	4,100	4,100
J-STARS ADD/ALTER UTILITIES.....	3,500	3,500
J-STARS SQUADRON OPERATIONS/AIRCRAFT MAINT UNIT...	7,500	7,500
ADD/ALTER LOGISTICAL SYSTEMS OPERATIONS CENTER....	3,000	3,000
ADD/ALTER DORMITORIES - DBOF.....	4,300	4,300
AIRCRAFT SUPPORT EQUIPMENT PAINT FACILITY.....	970	970
UPGRADE INDSTR L WASTEWATER TRTMT AND DSPSL PLANT.	10,700	10,700
DEFENSE-WIDE		
ROBINS AFB		
LINWOOD ELEMENTARY SCHOOL ADDITION.....	1,580	1,580
ROBINS ELEMENTARY SCHOOL ADDITION.....	1,580	1,580
AIR NATIONAL GUARD		
ROBINS AFB		
SUPPORT AND HYDRANT SYSTEM.....	---	5,750
PETROLEUM OPERATIONS COMPLEX.....	600	600
REPLACE UNDERGROUND FUEL STORAGE TANKS.....	1,150	1,150
LEWIS B. WILSON AIRPORT (ANG) (MACON)		
REPLACE UNDERGROUND FUEL STORAGE TANKS.....	340	340
MCCOLLUM ANG STATION (KENNESAW)		
REPLACE UNDERGROUND FUEL STORAGE TANKS.....	315	315
SAVANNAH ANG COMMUNICATIONS STATION		
REPLACE UNDERGROUND FUEL STORAGE TANKS.....	330	330
SAVANNAH COMBAT READINESS TRAINING SITE		
FIRE DETECTION AND SUPPRESSION SYSTEMS.....	1,650	1,650
REPLACE UNDERGROUND FUEL STORAGE TANKS.....	315	315

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
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SAVANNAH MAP		
REFUELING VEHICLE PARKING AND OPS COMPLEX.....	990	990
ARMY RESERVE		
FORT MCPHERSON		
COMMAND HQ, PHASE I.....	---	15,000
AIR FORCE RESERVE		
DOBBINS AFB		
FIRING RANGE.....	---	1,900
FLIGHT SIMULATION CENTER.....	---	6,000
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TOTAL, GEORGIA.....	124,400	170,850
HAWAII		
ARMY		
SCHOFIELD BARRACKS		
MULTI-PURPOSE FAMILY SERVICE CENTER.....	16,000	16,000
OPERATIONS FACILITY.....	2,600	2,600
NAVY		
BARBERS POINT NAVAL AIR STATION		
CHILD DEVELOPMENT CENTER.....	2,700	2,700
FIRE FIGHTING TRAINING FACILITY.....	1,350	---
HONOLULU COMP&TELCOMM AREA MASTER STA EPAC		
BACHELOR ENLISTED QUARTERS MODERNIZATION.....	4,390	4,390
BACHELOR ENLISTED QUARTERS MODERNIZATION.....	4,730	4,730
PEARL HARBOR COM OCEANOGRAPHIC SYS PACIFIC		
BERTHING PIER.....	16,780	16,780
PEARL HARBOR NAV INACTIVE SHIP MAINT FAC		
INACTIVE SHIPS PIER.....	2,620	2,620
PEARL HARBOR NAVAL SUBMARINE BASE		
BACHELOR ENLISTED QUARTERS COMPLEX.....	25,500	25,500
ENLISTED MESS HALL MODERNIZATION.....	2,640	2,640
SUBMARINE BERTHING WHARF.....	26,000	26,000
PEARL HARBOR NAVY PUBLIC WORKS CENTER		
INDUSTRIAL WASTE TREATMENT PLANT - DBOF.....	18,560	18,560
WASTEWATER COLLECTION SYSTEM IMPROVEMENT - DBOF...	8,980	8,980
AIR FORCE		
HICKAM AFB		
DORMITORY.....	5,950	9,500
MILSTAR COMMUNICATIONS GROUND TERMINAL.....	2,200	2,200
UNDERGROUND FUEL STORAGE TANKS.....	2,100	2,100
KAENA POINT		
POWER PLANT.....	7,350	7,350
DEFENSE-WIDE		
DEFENSE FUEL SUPPORT POINT PEARL HARBOR		
POL LABORATORY FACILITY.....	2,250	2,250
ARMY NATIONAL GUARD		
MOLOKAI		
ARMORY.....	---	1,050
OAHU		
ARMORY.....	---	4,300
KAUAI		
RANGE, KNOWN DISTANCE UPGRADE.....	334	334
AIR NATIONAL GUARD		
HICKAM AFB		
FUEL SYSTEM MAINT AND CORROSION CONTROL FACILITY..	5,300	5,300
NAS BARKING SANDS		
FORWARD AIR CONTROL POINT FACILITY.....	---	8,500
HICKAM AFB		
CONSOLIDATED SUPPORT FACILITY.....	---	9,700

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
NAVY RESERVE		
NAVAL STATION PEARL HARBOR CONSTRUCTION BATTALION UNIT ADDITION.....	500	500
TOTAL, HAWAII.....	158,834	184,584
IDAHO		
ARMY NATIONAL GUARD		
GOWEN FIELD		
COMBAT VEHICLE TRANSITION COMPLEX.....	5,044	5,044
USPFO ADMIN OFFICE/WAREHOUSE ADDITION.....	1,391	1,391
HOMEDALE		
ARMORY.....	1,157	1,157
AIR NATIONAL GUARD		
BOISE AIRPORT		
FIRE STATION AND AGE FACILITY.....	1,750	1,750
GOWEN FIELD		
IDAHO TRAINING RANGE.....	---	6,700
TOTAL, IDAHO.....	9,342	16,042
ILLINOIS		
AIR FORCE		
SCOTT AFB		
INTEROPERABILITY TEST AND TRAINING FACILITY.....	5,000	5,000
MUNITIONS STORAGE FACILITY/LAND ACQUISITION - DBOF	2,450	2,450
ARMY NATIONAL GUARD		
ROCK ISLAND		
ARMORY.....	---	3,310
AIR NATIONAL GUARD		
CAPITAL MAP (SPRINGFIELD)		
ALTER STORM DRAINAGE DISPOSAL.....	500	500
UPGRADE RUNWAY.....	---	2,300
GREATER PEORIA AIRPORT		
ADD/ALTER F-16 AIRCRAFT AVIONICS SHOP.....	840	840
ARMY RESERVE		
ARGONNE		
USARC/OMS.....	10,381	10,381
TOTAL, ILLINOIS.....	19,171	24,781
INDIANA		
NAVY		
CRANE NSWCD		
ORDNANCE ENVIRONMENTAL TEST FACILITY.....	---	9,600
ARMY NATIONAL GUARD		
CAMP ATTERBURY		
STATE MILITARY FACILITY.....	---	5,400
TRAINING FACILITIES, PHASE VIB.....	---	7,545
RANGE, INF SQUAD BATTLE COURSE.....	1,156	1,156
RANGE, MOD RECORD FIRE UPGRADE.....	654	654
EVANSVILLE		
ARMORY AND ORGANIZATIONAL MAINTENANCE SHOP.....	---	6,050
LAFAYETTE		
ARMORY AND ORGANIZATIONAL MAINTENANCE SHOP.....	---	3,116
AIR NATIONAL GUARD		
HULMAN FIELD (TERRE HAUTE)		
DINING HALL AND MEDICAL TRAINING FACILITY.....	---	3,800
REPLACE UNDERGROUND FUEL STORAGE TANKS.....	950	950

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
FT WAYNE MAP REPLACE UNDERGROUND FUEL STORAGE TANKS.....	1,350	1,350
TOTAL, INDIANA.....	4,110	39,621
IOWA		
ARMY NATIONAL GUARD CAMP DODGE		
ARMORY.....	---	4,550
BATTALION COMPLEX, PHASE II.....	---	3,800
CONSOLIDATED PAINT FACILITY.....	---	1,500
AIR NATIONAL GUARD DES MOINES MAP		
ADD/ALTER DINING AND MEDICAL TRAINING FACILITY....	1,800	1,800
JET FUEL STORAGE COMPLEX.....	---	4,000
REPLACE UNDERGROUND FUEL STORAGE TANKS.....	880	880
SIOUX GATEWAY AIRPORT (SERGEANT BLUFF)		
BASE CIVIL ENGINEER MAINTENANCE COMPLEX.....	---	2,650
MUNITIONS MAINTENANCE AND STORAGE COMPLEX.....	---	2,850
TOTAL, IOWA.....	2,680	22,030
KANSAS		
ARMY		
FORT RILEY		
BARRACKS & ADMIN RENOVATION.....	---	9,900
BATTLE SIMULATION FACILITY.....	---	4,742
AIR FORCE		
MCCONNELL AFB		
CONTROL TOWER CAB.....	900	900
LAND RESTRICTIVE EASEMENT ACQUISITION.....	1,000	1,000
ARMY NATIONAL GUARD		
NICKELL BARRACKS (SALINA)		
TRAINING SITE COMPLEX, PHASE I.....	---	6,168
FORT RILEY		
MAINTENANCE AND TRAINING EQUIPMENT SITE WASH RACK.	---	3,398
AIR NATIONAL GUARD		
FORBES FIELD (FORBES)		
REPLACE UNDERGROUND FUEL STORAGE TANKS.....	1,400	1,400
MCCONNELL AFB (WITCHITA)		
ALTER MEDICAL TRAINING AND TELECOM.....	890	890
TOTAL, KANSAS.....	4,190	28,398
KENTUCKY		
ARMY		
FORT CAMPBELL		
AIRFIELD IMPROVEMENTS.....	3,950	3,950
DINING FACILITIES MODERNIZATION.....	3,500	3,500
MOBILIZATION WAREHOUSE.....	850	850
WHOLE BARRACKS RENEWAL.....	32,000	32,000
FORT KNOX		
MAINTENANCE FACILITY.....	12,200	12,200
MULTIPURPOSE TRAINING RANGE.....	4,150	4,150
WHOLE BARRACKS RENEWAL.....	25,000	25,000
DEFENSE-WIDE		
FORT CAMPBELL		
EXPAND AIRCRAFT RAMP, SOF.....	---	2,650
SOF BATTALION HEADQUARTERS BUILDINGS.....	4,300	4,300
ELEMENTARY SCHOOL.....	8,982	8,982

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
LINCOLN ELEMENTARY SCHOOL ADDITION.....	1,900	1,900
MAHAFFEY MIDDLE SCHOOL ADDITION.....	2,300	2,300
FORT KNOX		
KINGSOLVER/VAN VOORHIS ELEMENTARY SCHOOL.....	1,600	1,600
SIX GYMNASIUM ADDITIONS.....	6,107	6,107
ARMY NATIONAL GAURD		
FORT KNOX		
MAINTENANCE AND TRAINING EQUIPMENT SITE FACILITY..	---	10,000
AIR NATIONAL GUARD		
STANDIFORD (LOUISVILLE)		
RELOCATION FACILITIES, PHASE IV.....	---	5,000
TOTAL, KENTUCKY.....	106,839	124,489
LOUISIANA		
AIR FORCE		
BARKSDALE AFB		
UPGRADE BULK STORAGE BASINS.....	1,600	1,600
WEAPONS STORAGE AREA SECURITY.....	960	960
REPLACE APRON/FUEL HYDRANTS.....	---	10,000
APRON LIGHTING.....	---	1,300
DEFENSE-WIDE		
FORT POLK		
ELEMENTARY SCHOOL.....	---	4,950
AIR NATIONAL GUARD		
HAMMOND COMMUNICATION STATION		
REPLACE UNDERGROUND STORAGE TANKS.....	350	350
NEW ORLEANS NAS		
REPLACE UNDERGROUND FUEL STORAGE TANKS.....	350	350
ARMY RESERVE		
NEW ORLEANS		
LAND ACQUISITION.....	645	645
NAVY RESERVE		
NAVAL AIR STATION NEW ORLEANS		
ORDNANCE COMPLEX.....	1,900	1,900
NAVAL SUPPORT ACTIVITY NEW ORLEANS		
MARINE CORPS RESERVE FORCE HEADQUARTERS.....	---	8,700
AIR FORCE RESERVE		
BARKSDALE AFB		
WELDING AND MACHINE SHOP.....	600	600
TOTAL, LOUISIANA.....	6,405	31,355
MAINE		
NAVY		
KITTERY PORTSMOUTH NAVAL SHIPYARD		
HAZARDOUS WASTE STORAGE FACILITY - DBOF.....	4,780	4,780
ARMY NATIONAL GUARD		
NORWAY		
ARMORY EXPANSION/REHABILITATION.....	1,380	1,380
TOTAL, MAINE.....	6,160	6,160
MARYLAND		
ARMY		
ABERDEEN PROVING GROUND		
APPLIED INSTRUCTION FACILITY.....	14,000	14,000
TARGET ASSEMBLY AND STORAGE FACILITY.....	1,800	1,800
UPGRADE RANGE COMPLEX.....	4,450	4,450
EDGEWOOD ARSENAL		
CHILD DEVELOPMENT CENTER.....	---	1,450

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
NAVY		
ANNAPOLIS, NAVAL ACADEMY PHYSICAL THERAPY/TRAINING/MEETING CENTER.....	---	6,500
BETHESDA NATIONAL NAVAL MEDICAL CENTER CHILD DEVELOPMENT CENTER.....	3,090	3,090
INDIAN HEAD NSWC HAZARDOUS WASTE TREATMENT FACILITY.....	---	3,400
NAS PATUXENT RIVER SEWAGE TREATMENT PLANT.....	---	1,000
PATUXENT RIVER NAWC ADVANCE SYSTEM INTEGRATION FACILITY, PHASE II.....	---	10,000
HAZARDOUS MATERIAL STORAGE FACILITY.....	---	3,400
JET ENGINE TEST CELL.....	---	4,900
AIR FORCE		
ANDREWS AFB AIR FREIGHT TERMINAL - DBOF.....	4,400	4,400
FIRE TRAINING FACILITY - DBOF.....	1,000	1,000
UPGRADE COMPOSITE ADMIN FACILITY - DBOF.....	9,940	9,940
UPGRADE SANITARY SEWER SYSTEMS.....	2,650	2,650
FORT GEORGE MEADE ADD TO OPERATIONS FACILITY.....	1,450	1,450
DEFENSE-WIDE		
FORT DETRICK BIOLOGICAL INCINERATOR.....	4,300	4,300
FOREST GLEN (WRAIR) ARMY INSTITUTE OF RESEARCH, PHASE II.....	48,140	15,000
FORT MEADE OPS BLDG 1 ROADWAY STRUCTURAL ENHANCEMENT.....	5,910	5,910
SUPERCOMPUTER FACILITY, PHASE I.....	52,720	35,000
ARMY NATIONAL GUARD		
HAGERSTOWN ADD/ALTER ARMORY.....	---	1,776
TOWSON ADD/ALTER ARMORY.....	2,823	2,823
AIR NATIONAL GUARD		
ANDREWS AFB (CAMP SPRINGS) ADD/ALTER AVIONICS AND ECM POD FACILITY.....	1,100	1,100
REPLACE UNDERGROUND FUEL STORAGE TANKS.....	890	890
GLENN L MARTIN AIRPORT (BALTIMORE) REPLACE UNDERGROUND FUEL STORAGE TANKS.....	1,000	1,000
NAVY RESERVE		
NAF WASHINGTON EQUIPMENT OPERATIONS FACILITY.....	2,500	2,500
BALTIMORE MCRC IMPROVEMENTS.....	---	460
AIR FORCE RESERVE		
ANDREWS AFB CONSTRUCT AIRCRAFT PARKING APRON.....	8,000	8,000
REPLACE AIRCRAFT PARKING APRON.....	13,373	13,373
TOTAL, MARYLAND.....	183,536	165,562
MASSACHUSETTS		
ARMY NATIONAL GUARD		
AYER ADD/ALTER COMBINED SUPPORT MAINTENANCE SHOP.....	---	3,002
AIR FORCE RESERVE		
WESTOVER AFB MEDICAL TRAINING FACILITY.....	2,600	2,600

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
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AIR NATIONAL GUARD		
BARNES AIRPORT		
ALTER OPS/TRAINING FACILITY.....	---	600
OTIS ANGB		
COMMUNICATIONS/ELECTRONICS FACILITY.....	---	3,000
WORCESTER ANGB		
BASE SUPPLY WAREHOUSE.....	---	390
TOTAL, MASSACHUSETTS.....	2,600	9,592
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MICHIGAN		
AIR NATIONAL GUARD		
ALPENA COUNTY REGIONAL AIRPORT		
UPGRADE WATER DISTRIBUTION SYSTEM.....	1,400	1,400
SELFRIDGE ANGB (MT CLEMENS)		
REPLACE UNDERGROUND FUEL STORAGE TANKS.....	710	710
WK KELLOGG REGIONAL AIRPORT (KELLOGG)		
ADD/ALTER FUEL CELL AND CORROSION CONTROL FACILITY	1,100	1,100
NAVY RESERVE		
NRRC DETROIT		
RESERVE CENTER ADDITION.....	3,100	3,100
MCRC REPAIR/CONSTRUCTION.....	---	698
TOTAL, MICHIGAN.....	6,310	7,008
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MINNESOTA		
ARMY NATIONAL GUARD		
CAMP RIPLEY		
ORGANIZATIONAL MAINTENANCE SHOPS.....	2,625	2,625
RANGE, MULTI-PURPOSE (HEAVY).....	3,185	3,185
INVER GROVE HEIGHTS		
ARMORY AND ORGANIZATIONAL MAINTENANCE SHOP.....	---	4,571
VARIOUS LOCATIONS		
ADD/ALTER SEVEN ARMORIES.....	---	3,225
AIR NATIONAL GUARD		
DULUTH ANGB		
REPLACE UNDERGROUND FUEL STORAGE TANKS.....	1,000	1,000
TOTAL, MINNESOTA.....	6,810	14,606
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MISSISSIPPI		
NAVY		
CBC GULFPORT		
FAMILY SERVICE CENTER.....	---	2,000
CHILD DEVELOPMENT CENTER.....	---	2,400
AIR FORCE		
COLUMBUS AFB		
UPGRADE AIRFIELD LIGHTING.....	2,900	2,900
KEESLER AFB		
FIRE TRAINING FACILITY.....	690	690
UNDERGROUND FUEL STORAGE TANKS.....	600	600
UPGRADE SANITARY SEWER SYSTEM.....	2,920	2,920
UPGRADE STUDENT DORMITORY.....	4,500	4,500
ARMY NATIONAL GUARD		
CAMP SHELBY		
REGIONAL SCHOOL FACILITY, PHASE I.....	---	6,000
VEHICLE WASH FACILITY.....	---	5,000
CAMP MCCAIN		
RANGE AND TRAINING AREA IMPROVEMENTS.....	---	5,500
GREENVILLE		
ARMORY.....	---	2,230

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
JACKSON		
ARMORY.....	---	2,550
TUPELO		
ADD/ALTER ARMY AVIATION SUPPORT FACILITY.....	---	3,210
VARIOUS LOCATIONS		
ADD/ALTER SIX ARMORIES.....	---	5,204
AIR NATIONAL GUARD		
ALLEN C THOMPSON FIELD (JACKSON)		
REPLACE UNDERGROUND FUEL STORAGE TANKS.....	730	730
GULFPORT MPT		
REPLACE UNDERGROUND FUEL STORAGE TANKS.....	335	335
UPGRADE ELECTRICAL DISTRIBUTION SYSTEM.....	850	850
TOTAL, MISSISSIPPI.....	13,525	47,619
MISSOURI		
ARMY		
FORT LEONARD WOOD		
OPERATIONS FACILITY.....	1,000	1,000
AIR FORCE		
WHITEMAN AFB		
B-2 ADD/ALTER MUNITIONS STORAGE FACILITY.....	3,338	3,338
B-2 AIRCRAFT APRON/TAXIWAY UPGRADE.....	3,400	3,400
B-2 AIRCRAFT MAINTENANCE DOCK.....	14,500	14,500
B-2 DEFENSE ACCESS ROADS.....	7,150	7,150
B-2 HYDRANT FUELING SYSTEM LOOP, PHASE II.....	2,700	2,700
B-2 UPGRADE BASE ROADS.....	5,900	5,900
B-2 UTILITY UPGRADE / LAND ACQUISITION.....	4,850	4,850
B-2 VEHICLE MAINTENANCE FACILITY.....	1,700	1,700
ARMY NATIONAL GUARD		
FORT CROWDER		
TROOP MEDICAL TRAINING FACILITY.....	386	386
FORT LEONARD WOOD		
ARMORY/OMS.....	---	2,349
POPLAR BLUFF		
ARMORY AND ORGANIZATIONAL MAINTENANCE SHOP.....	---	2,842
AIR NATIONAL GUARD		
JEFFERSON BARRACKS ANG SITE (ST LOUIS)		
ALTER COMMUNICATIONS ELECTRONICS TRAINING FACILITY	2,800	2,800
UPGRADE DINING HALL.....	720	720
ROSECRANS MEMORIAL AIRPORT (ST JOSEPHS)		
REPLACE UNDERGROUND FUEL STORAGE TANKS.....	1,250	1,250
JET FUEL STORAGE.....	---	4,000
TOTAL, MISSOURI.....	49,694	58,885
MONTANA		
AIR FORCE		
MALMSTROM AFB		
BASE ENGINEERING COMPLEX - DBOF.....	6,200	6,200
UNDERGROUND FUEL STORAGE TANKS.....	1,500	1,500
ARMY NATIONAL GUARD		
FT WM HENRY HARRISON		
MEDICAL UNIT TRAINING FACILITY.....	501	501
AIR NATIONAL GUARD		
GREAT FALLS IAP		
MEDICAL TRAINING AND DINING HALL.....	2,900	2,900
REPLACE UNDERGROUND FUEL STORAGE TANKS.....	400	400
TOTAL, MONTANA.....	11,501	11,501

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

	INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
NEBRASKA			
AIR FORCE			
OFFUTT AFB			
ADD TO EMERGENCY BACK-UP POWER.....		2,300	2,300
REPAIR AIRFIELD PAVEMENTS AND LIGHTING.....		8,700	8,700
DEFENSE-WIDE			
OFFUTT AIR FORCE BASE			
LIFE SAFETY UPGRADE.....		1,100	1,100
AIR NATIONAL GUARD			
LINCOLN MAP			
ALTER MAINTENANCE HANGAR.....		---	7,300
REPLACE HEAT SYSTEM.....		---	1,500
FIRE STATION.....		1,850	1,850
TOTAL, NEBRASKA.....		13,950	22,750
NEVADA			
ARMY			
HAWTHORNE AAF			
CONTAINER HOLDING PADS.....		7,000	7,000
REHABILITATE RAIL LINE.....		---	4,700
NAVY			
FALLON NAVAL AIR STATION			
DIXIE VALLEY LAND ACQUISITION.....		---	1,600
AIR FORCE			
NELLIS AFB			
ADD/ALTER PHYSICAL FITNESS TRAINING FACILITY.....		---	4,350
BOMBER LIVE ORDNANCE LOADING APRON.....		---	4,100
UPGRADE POL TANKS.....		1,650	1,650
ARMY NATIONAL GUARD			
LAS VEGAS/CLARK COUNTY			
ARMORY, PHASE II.....		---	1,430
AIR NATIONAL GUARD			
RENO IAP			
AIRCRAFT ARRESTING SYSTEMS.....		1,830	---
FLIGHT SIMULATOR BUILDING.....		---	400
REPLACE UNDERGROUND FUEL STORAGE TANKS.....		460	460
TOTAL, NEVADA.....		10,940	25,690
NEW HAMPSHIRE			
AIR NATIONAL GUARD			
PEASE AFB			
UPGRADE KC-135 HYDRANT REFUELING SYSTEM.....		5,100	---
NEW JERSEY			
ARMY			
FORT MONMOUTH			
SATELLITE CONTROL SYSTEM.....		7,500	7,500
PICATINNY ARSENAL			
ADVANCED WARHEAD DEVELOPMENT FACILITY.....		---	4,400
EXPLOSIVES DEVELOPMENT FACILITY.....		---	6,100
NAVY			
EARLE NAVAL WEAPONS STATION			
EXPLOSIVES HOLDING YARD - DBOF.....		1,290	1,290
HAZARDOUS WASTE STORAGE FACILITY - DBOF.....		870	870
MATERIALS HNDLG EQUIP SERV CTR ALT - DBOF.....		420	420
AIR NATIONAL GUARD			
ATLANTIC CITY AIRPORT			
FIRE STATION.....		1,350	1,350
REPLACE UNDERGROUND FUEL STORAGE TANKS.....		1,900	1,900

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
NEW JERSEY		
ARMY RESERVE		
FORT DIX		
UPGRADE RANGE 65.....	---	2,700
NAVY RESERVE		
NRC KEARNY		
INSTALL AIR CONDITIONING.....	800	800
WEST TRENTON		
MCRC REPLACEMENT CONVERSION.....	---	264
TOTAL, NEW JERSEY.....	14,130	27,594
NEW MEXICO		
ARMY		
WHITE SANDS MISSILE RANGE		
CHILD DEVELOPMENT CENTER.....	---	3,300
TARGET TRACK.....	2,900	2,900
AIR FORCE		
CANNON AFB		
BASE CIVIL ENGINEERING COMPLEX.....	6,150	6,150
FIRE TRAINING FACILITY.....	1,000	1,000
RENOVATE AND EXPAND DORMITORY.....	---	3,100
SOUND SUPPRESSOR SUPPORT PAD.....	665	665
UNDERGROUND FUEL STORAGE TANKS.....	1,100	1,100
HOLLOMAN AFB		
ADD/ALTER DORMITORIES.....	6,400	6,400
SEWER EFFLUENT SYSTEM.....	1,800	1,800
FIGHTER MAINTENANCE FACILITY.....	---	1,900
UNDERGROUND FUEL STORAGE TANKS.....	1,000	1,000
KIRTLAND AFB		
AEROSPACE ENGINEERING FACILITY.....	3,167	3,167
ALTER DORMITORY.....	5,100	5,100
COMPOSITE MATERIALS LABORATORY.....	5,750	5,750
SPACE STRUCTURES LABORATORY.....	6,200	6,200
UPGRADE ELECTRICAL DISTRIBUTION SYSTEM.....	6,844	6,844
UPGRADE UTILITY SYSTEM.....	---	8,000
DEFENSE-WIDE		
CANNON AIR FORCE BASE		
ADD/ALTER HOSPITAL AND LIFE SAFETY/SEISMIC UPGRADE	13,600	13,600
ARMY NATIONAL GUARD		
WHITE SANDS		
OMS.....	---	2,940
TACTICAL SITE.....	---	1,995
MAINTENANCE AND TRAINING EQUIPMENT SITE FACILITY..	---	3,570
AIR NATIONAL GUARD		
KIRTLAND AFB (KIRTLAND)		
ALTER MAINTENANCE SHOPS.....	345	345
ALTER OPERATIONAL TRAINING FACILITY.....	390	390
POWER CHECK PAD WITH SOUND SUPPRESSOR.....	800	800
AIR FORCE RESERVE		
KIRTLAND AFB		
CIVIL ENGINEERING TRAINING FACILITY.....	900	900
TOTAL, NEW MEXICO.....	64,111	88,916
NEW YORK		
ARMY		
U S MILITARY ACADEMY		
WHOLE BARRACKS RENEWAL.....	13,800	13,800

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

	INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
AIR NATIONAL GUARD			
GABRESKI AIRPORT (WEST HAMPTON BEACH)			
	WASTE WATER TREATMENT PLANT.....	---	2,700
HANCOCK FIELD (SYRACUSE)			
	FIRE STATION.....	1,350	1,350
NIAGARA FALLS INTERNATIONAL AIRPORT			
	ALTER KC-135 OPERATIONS FACILITIES.....	1,650	1,650
SCHENECTADY AIRPORT			
	REPLACE UNDERGROUND FUEL STORAGE TANKS.....	1,050	1,050
STEWART AIRPORT (NEWBURGH)			
	INDUSTRIAL WASTE HOLDING POND.....	320	320
AIR FORCE RESERVE			
NIAGARA FALLS IAP			
	BASE COMMUNICATIONS CENTER.....	1,300	1,300
	CORROSION CONTROL FACILITY.....	---	800
TOTAL, NEW YORK.....		19,470	22,970
NORTH CAROLINA			
ARMY			
FORT BRAGG			
	OVERHILLS TRACT LAND ACQUISITION.....	---	15,000
	SEWAGE TREATMENT PLANT UPGRADE.....	540	540
	SIMMONS AIRFIELD LAND ACQUISITION.....	---	1,450
	TACTICAL EQUIPMENT SHOP.....	7,100	7,100
	TACTICAL EQUIPMENT SHOP.....	23,000	23,000
	WHOLE BRIGADE BARRACKS COMPLEX.....	71,600	71,600
	LIBRARY.....	---	5,500
NAVY			
CAMP LEJEUNE MARINE CORPS BASE			
	LANDFILL.....	7,690	7,690
	MULTI-PURPOSE TRAINING RANGE.....	5,300	5,300
	WASTEWATER TREATMENT PLANT, PHASE I.....	28,300	28,300
CAMP LEJEUNE NAVAL HOSPITAL			
	BACHELOR ENLISTED QUARTERS.....	2,370	2,370
CHERRY POINT MARINE CORPS AIR STATION			
	AIRCRAFT MAINTENANCE TRAINING FACILITY.....	4,040	4,040
	COMMUNICATIONS CENTER.....	3,460	3,460
AIR FORCE			
POPE AFB			
	ADD/ALTER DORMITORIES.....	4,300	4,300
	DINING FACILITY.....	4,300	4,300
SEYMOUR JOHNSON AFB			
	ADD/ALTER DORMITORIES.....	4,900	4,900
	MUNITIONS MAINTENANCE SUPPORT FACILITY.....	480	480
DEFENSE-WIDE			
FORT BRAGG			
	MEDICAL TRAINING FACILITY.....	18,450	18,450
	SOF BARRACKS COMPLEX.....	20,000	20,000
	FT BRAGG ELEMENTARY SCHOOL.....	8,838	8,838
	HOSPITAL REPLACEMENT, PHASE II.....	195,000	35,000
CAMP LEJEUNE MARINE CORPS BASE			
	AUDITORIUM/BAND ROOM, HIGH SCHOOL.....	1,465	1,465
	MULTI-PURPOSE ROOM, STONE STREET ELEMENTARY SCHOOL.....	328	328
ARMY NATIONAL GUARD			
FAYETTEVILLE			
	ORGANIZATIONAL MAINTENANCE SHOP.....	473	473
ARMY RESERVE			
MOREHEAD CITY			
	ADD/ALTER USARC/OMS/AREA MAINT SPT ACTIVITY.....	9,335	9,335
TOTAL, NORTH CAROLINA.....		421,269	283,219

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
NORTH DAKOTA		
AIR FORCE		
GRAND FORKS AFB		
HYDRANT FUEL SYSTEM.....	---	3,250
REPAIR AIRCRAFT PAVEMENTS.....	---	10,200
UNDERGROUND FUEL STORAGE TANKS.....	2,600	2,600
MINOT AFB		
REPAIR RUNWAY/TAXIWAY.....	---	8,500
UNDERGROUND FUEL STORAGE TANKS.....	2,000	2,000
DEFENSE-WIDE		
GRAND FORKS AIR FORCE BASE		
LIFE SAFETY UPGRADE.....	860	860
ARMY NATIONAL GUARD		
BISMARCK		
AVIATION C-12 HANGAR.....	1,297	1,300
CAMP GRAFTON (DEVILS LAKE)		
RANGE, MODIFIED RECORD FIRE.....	1,038	1,038
HEATING PLANT ADDITION.....	1,826	1,826
AIR NATIONAL GUARD		
HECTOR FIELD (FARGO)		
UPGRADE STORM DRAINAGE.....	400	400
TOTAL, NORTH DAKOTA.....	10,021	31,974
OHIO		
AIR FORCE		
WRIGHT-PATTERSON AFB		
ADD/ALTER ACQUISITION MANAGEMENT COMPLEX, PHASE II	12,850	12,850
ADD TO AVIONICS RESEARCH LAB, PHASE II.....	5,650	5,650
RENOVATE ELECTRIC SUBSTATIONS.....	4,450	4,450
SEAL FUEL CONTAINMENT DIKES.....	1,500	1,500
UNDERGROUND FUEL STORAGE TANKS.....	3,200	3,200
ACQUISITION MANAGEMENT COMPLEX.....	---	14,400
FIRE STATION.....	---	1,230
FIRE PROTECTION SYSTEM.....	---	1,400
DEFENSE-WIDE		
DEFENSE ELECTRONICS SUPPLY CENTER, DAYTON		
INSTALL GAS-FIRED BOILERS.....	6,000	---
DEFENSE CONSTRUCTION SUPPLY CENTER, COLUMBUS		
CHILD DEVELOPMENT CENTER.....	3,100	3,100
ARMY NATIONAL GUARD		
RICKENBACKER AIRPORT		
CONSOLIDATED DINING FACILITY.....	---	1,250
AIR NATIONAL GUARD		
MANSFIELD LAHM AIRPORT		
MEDICAL TRAINING AND DINING FACILITY.....	---	2,900
TOLEDO EXPRESS AIRPORT		
ADD/ALTER OPERATIONS AND TRAINING FACILITY.....	---	1,800
FIRE SUPPRESSION SYSTEMS.....	---	1,100
TAXIWAY AND ARM/DEARM PADS.....	---	1,950
ARMY RESERVE		
COLUMBUS		
USARC/OMS/AMSA/DS-GS SHOP.....	14,701	14,701
AIR FORCE RESERVE		
YOUNGSTOWN MAP		
SHORTFIELD LANDING ZONE.....	---	6,400
WIDEN AIRCRAFT PARKING APRON.....	1,450	1,450
TOTAL, OHIO.....	52,901	79,331

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
OKLAHOMA		
ARMY		
FORT SILL		
CENTRAL VEHICLE WASH FACILITY.....	---	7,600
ENVIRONMENTAL TRAINING CENTER.....	---	3,700
WHOLE BARRACKS RENEWAL.....	15,700	15,700
AIR FORCE		
ALTUS AFB		
C-17 ADD TO AIRCRAFT MAINTENANCE FACILITY - DBOF..	3,300	3,300
C-17 ADD TO FLIGHT SIMULATION TRNG FACILITY - DBOF	2,850	2,850
C-17 FIRE STATION - DBOF.....	780	780
DROP ZONE LAND ACQUISITION.....	---	780
TINKER AFB		
ALTER HYDRANT FUELING SYSTEM.....	4,129	4,129
ENGINEERING AND CONTRACT SUPPORT FACILITY.....	5,900	5,900
INDUSTRIAL WASTEWATER REGIONAL CONNECTION - DBOF..	5,400	5,400
MILSTAR COMMUNICATIONS GROUND TERMINAL.....	800	---
SEAL FUEL CONTAINMENT DIKES.....	620	620
UNDERGROUND FUEL STORAGE TANKS.....	4,700	4,700
VANCE AFB		
AIRFIELD PAVEMENTS, PHASE IV.....	---	5,000
T-1 SPECIALIZED UPT MAINTENANCE SUPPORT.....	2,700	2,700
UPGRADE AIRFIELD LIGHTING.....	3,300	3,300
ARMY NATIONAL GUARD		
FREDERICK		
ARMORY.....	---	1,200
AIR NATIONAL GUARD		
TULSA IAP		
ADD/ALTER FIRE STATION.....	460	460
WILL ROGERS WORLD AIRPORT (OKLAHOMA CITY)		
COMPOSITE SUPPORT FACILITY.....	3,900	3,900
MOBILITY EQUIPMENT STORAGE WAREHOUSE.....	950	950
TOTAL, OKLAHOMA.....	55,489	72,969
OREGON		
ARMY NATIONAL GUARD		
CAMP WITHYCOMBE		
SUPPORT MAINTENANCE SHOP.....	---	7,569
PENDLETON		
AVIATION SUPPORT FACILITY.....	---	3,515
AIR NATIONAL GUARD		
PORTLAND IAP		
ADD/ALTER FIRE STATION.....	500	500
DRAINAGE IMPROVEMENTS.....	600	950
KINGSLEY FIELD/KLAMATH FALLS		
REPAIR RUNWAY/TAXIWAY.....	---	8,500
TOTAL, OREGON.....	1,100	21,034
PENNSYLVANIA		
ARMY		
TOBYHANNA ARMY DEPOT		
WATER POLLUTION ABATEMENT.....	750	750
NAVY		
PHILADELPHIA NAV INACTIVE SHIP MAINT FAC		
BERTHING WHARF IMPROVEMENTS, PHASE II.....	8,660	8,660
PHILADELPHIA NAVY AVIATION SUPPLY OFFICE		
ELECTRICAL DISTRIB SYSTEM UPGRADE - DBOF.....	1,900	1,900
PHILADELPHIA NAVAL SHIPYARD		
ASBESTOS REMOVAL FACILITY.....	---	2,300
POWER PLANT MODERNIZATION.....	---	11,500

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT

DEFENSE-WIDE		
OLMSTEAD FIELD, HARRISBURG IAP		
SOF AVIONICS/ECM POD FACILITY.....	1,300	1,300
ARMY NATIONAL GUARD		
FORT INDIANTOWN GAP		
STATE MILITARY FACILITY.....	---	9,200
JOHNSTOWN		
ADDITION TO JOINT ARMED FORCES AVIATION FACILITY..	---	5,004
ARMORY EXPANSION.....	---	3,309
AIR NATIONAL GUARD		
FT INDIANTOWN GAP ANG COMMUNICATIONS SITE (LICKDALE)		
CIVIL ENGINEERING MAINTENANCE SHOPS.....	850	850
STATE COLLEGE		
COMMUNICATIONS ELECTRONICS TRAINING COMPLEX.....	---	9,700
AIR FORCE RESERVE		
GREATER PITTSBURGH IAP		
BASE CIVIL ENGINEERING COMPLEX.....	---	3,100
JET FUEL STORAGE COMPLEX.....	4,300	4,300
OFF BASE FIRING RANGE.....	1,300	1,300
	-----	-----
TOTAL, PENNSYLVANIA.....	19,060	63,173
RHODE ISLAND		
NAVY		
NEWPORT NAVAL EDUCATION AND TRAINING CENTER		
BACHELOR ENLISTED QUARTERS.....	7,500	7,500
ELECTRICAL DISTRIBUTION SYSTEM UPGRADE, PHASE II..	3,800	3,800
DEFENSE-WIDE		
NEWPORT NAVAL EDUCATION AND TRAINING CENTER		
MEDICAL CLINIC, PHASE II.....	---	4,000
AIR NATIONAL GUARD		
COVENTRY ANG		
REPLACE UNDERGROUND FUEL STORAGE TANKS.....	840	840
NORTH SMITHFIELD ANG (SLATERSVILLE)		
REPLACE UNDERGROUND FUEL STORAGE TANKS.....	550	550
QUONSET STATE AIRPORT (WARWICK)		
BASE ENGINEER MAINTENANCE FACILITY.....	2,750	2,750
REPLACE UNDERGROUND FUEL STORAGE TANKS.....	890	890
NAVY RESERVE		
NETC NEWPORT		
CONSTRUCTION BATTALION UNIT ADDITION.....	500	500
	-----	-----
TOTAL, RHODE ISLAND.....	16,830	20,830
SOUTH CAROLINA		
ARMY		
FORT JACKSON		
OPERATIONS FACILITY.....	1,100	1,100
RANGE UPGRADE.....	1,600	1,600
NAVY		
BEAUFORT MARINE CORPS AIR STATION		
BACHELOR ENLISTED QUARTERS, PHASE II.....	8,390	8,390
JET FUEL DELIVERY SYSTEM IMPROVEMENT.....	2,510	2,510
CHARLESTON NAVAL WEAPONS STATION		
FIRE PROTECTION PIPELINE - DBOF.....	580	580
AIR FORCE		
CHARLESTON AFB		
FIRE TRAINING FACILITY - DBOF.....	1,100	1,100
SHAW AFB		
CHILD DEVELOPMENT CENTER.....	2,650	2,650
CONTROL TOWER.....	2,700	2,700
UNDERGROUND FUEL STORAGE TANKS.....	520	520

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
ARMY NATIONAL GUARD		
COLUMBIA		
COMBINED SUPPORT/MAINTENANCE SHOP.....	---	8,616
LAND ACQUISITION.....	---	950
LEESBURG		
WASH RACK/FUEL FACILITY.....	---	1,009
SUMMERVILLE		
OMS.....	---	834
AIR NATIONAL GUARD		
MCENTIRE ANGB (EASTOVER)		
REPLACE UNDERGROUND FUEL STORAGE TANKS.....	1,750	1,750
UPGRADE AIRFIELD LIGHTING AND PAVEMENT.....	4,200	4,200
ARMY RESERVE		
FORT JACKSON		
USARC/OMS/DS SHOP.....	10,428	10,428
TOTAL, SOUTH CAROLINA.....		
	37,528	48,937
SOUTH DAKOTA		
AIR FORCE		
ELLSWORTH AFB		
CONSOLIDATED ADMIN CENTER, PHASE I.....	---	6,200
ALTER AIRCRAFT MAINTENANCE DOCK.....	630	630
DEFENSE-WIDE		
ELLSWORTH AIR FORCE BASE		
LIFE SAFETY UPGRADE.....	1,400	1,400
ARMY NATIONAL GUARD		
SIOUX FALLS (JOE FOSS FIELD)		
ARMORY ADDITION.....	---	3,700
MAINTENANCE SHOP.....	---	1,700
AIR NATIONAL GUARD		
JOE FOSS FIELD (SIOUX FALLS)		
ADD/ALTER FUEL SYSTEMS MAINTENANCE/CORROSION DOCK..	1,700	1,700
ALTER COMPOSITE OPERATIONS AND TRAINING FACILITY..	350	350
TOTAL, SOUTH DAKOTA.....		
	4,080	15,680
TENNESSEE		
NAVY		
MEMPHIS NAVAL AIR STATION		
FIRE ALARM SYSTEM IMPROVEMENTS.....	1,100	1,100
FUELS TRAINER FACILITY.....	600	---
POTABLE WATER SYSTEM IMPROVEMENTS.....	350	350
AIR FORCE		
ARNOLD ENGINEERING DEV CENTER		
UPGRADE SEWAGE TREATMENT PLANT.....	1,500	1,500
MEMPHIS NAVAL AIR STATION		
ADD/ALTER HIGH-BAY TECHNICAL TRAINING FACILITY....	3,000	---
ALTER TECHNICAL TRAINING FACILITY.....	2,000	---
RENOVATE DORMITORY.....	1,200	---
DEFENSE-WIDE		
MILLINGTON NAVAL AIR STATION		
HOSPITAL LIFE SAFETY/SEISMIC UPGRADE, PHASE II....	5,000	5,000
ARMY NATIONAL GUARD		
CAMDEN		
ARMORY ADDITION.....	---	714
ELIZABETHTON		
ARMORY STORAGE ADDITION.....	---	100
JEFFERSON CITY		
ARMORY.....	---	952
MILAN		
ARMORY.....	---	1,357

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
SEVIERVILLE		
ARMORY.....	---	1,352
SMYRNA		
ARMORY.....	---	3,934
WAREHOUSE.....	---	710
TIPTONVILLE		
ARMORY.....	---	1,157
WAVERLY		
ARMORY ADDITION.....	---	587
AIR NATIONAL GUARD		
ALCOA AIR NATIONAL GUARD STATION		
ADD/ALTER COMMUNICATIONS ELECTRONICS TRNG FACILITY	1,300	1,300
MCGHEE-TYSON AIRPORT (ALCOA)		
PMEC ADMINISTRATIVE SUPPORT FACILITY.....	2,200	2,200
REPLACE UNDERGROUND FUEL STORAGE TANKS.....	1,100	1,100
NASHVILLE MAP		
REPLACE UNDERGROUND FUEL STORAGE TANKS.....	1,000	1,000
NAVY RESERVE		
NMCRC CHATTANOOGA		
RESERVE CENTER REPLACEMENT.....	3,690	3,690
TOTAL, TENNESSEE.....	24,040	28,103
TEXAS		
ARMY		
FORT BLISS		
CONSOLIDATED MAINTENANCE FACILITY.....	14,000	14,000
TACTICAL EQUIPMENT SHOP.....	---	12,800
TACTICAL EQUIPMENT SHOP.....	---	2,800
FORT HOOD		
BATTALION COMMAND AND CONTROL BUILDING.....	---	5,600
CLOSE COMBAT TACTICAL TRAINER FACILITY.....	7,500	7,500
COLD/DRY STORAGE FACILITY.....	13,400	13,400
DEPLOYMENT STORAGE FACILITY.....	---	1,500
TACTICAL EQUIPMENT SHOP.....	5,300	5,300
TEST AND EVALUATION SUPPORT FACILITY.....	5,200	5,200
WHOLE BARRACKS RENEWAL.....	18,000	18,000
FORT SAM HOUSTON		
FIRE STATION.....	---	1,300
MULTI-PURPOSE FAMILY SERVICE CENTER.....	4,351	4,351
NAVY		
CORPUS CHRISTI NAVAL AIR STATION		
BACHELOR ENLISTED QUARTERS IMPROVEMENTS.....	1,670	1,670
AIR FORCE		
BROOKS AFB		
CENTER FOR ENVIRONMENTAL EXCELLENCE.....	---	8,400
DYESS AFB		
ADD/ALTER DORMITORIES.....	---	5,200
UPGRADE HYDRANT FUELING SYSTEM, PHASE II.....	9,500	9,500
WEAPONS STORAGE AREA SECURITY.....	890	890
GOODFELLOW AFB		
BASE CIVIL ENGINEERING COMPLEX.....	3,700	3,700
KELLY AFB		
ADD/ALTER DORMITORIES - DBOF.....	2,000	2,000
ALTER WEAPON SYSTEM SUPPORT CTR, PHASE II - DBOF..	7,800	7,800
C-17 ADD/ALTER NDI FACILITY - DBOF.....	4,900	4,900
C-17 ALTER DEPOT AVIONICS FACILITY - DBOF.....	731	731
C-17 ENGINEERING TEST LABORATORY.....	2,600	2,600
UPGRADE SANITARY SEWER MAINS.....	3,000	3,000
UPGRADE STORM DRAINAGE SYSTEM, PHASE I.....	2,900	2,900
UPGRADE TAXIWAY.....	3,550	3,550

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
LACKLAND AFB		
ALTER BASE SUPPORT FACILITY.....	5,400	5,400
BASE CONTRACTING CENTER.....	2,450	2,450
MISSION SUPPORT CENTER.....	7,543	7,543
TRAINING SERVICES FACILITIES.....	5,800	5,800
DORMITORY.....	8,900	8,900
LACKLAND TRAINING ANNEX		
VEHICLE MAINTENANCE FACILITY.....	1,200	---
LAUGHLIN AFB		
FIRE STATION.....	2,400	2,400
UPGRADE AIRFIELD LIGHTING.....	3,000	3,000
UPGRADE AIRFIELD PAVEMENT.....	3,250	3,250
RANDOLPH AFB		
CONTROL TOWER.....	2,800	2,800
UPGRADE ELECTRICAL DISTRIBUTION SYSTEM.....	2,500	2,500
REESE AFB		
UNDERGROUND FUEL STORAGE TANKS.....	900	900
SHEPPARD AFB		
ADD/ALTER CHILD DEVELOPMENT CENTER.....	780	780
ENJJPT ALTER FLIGHT TRAINING FACILITY.....	2,200	2,200
FIRE TRAINING FACILITY.....	850	850
DORMITORY.....	14,200	14,200
DEFENSE-WIDE		
FORT SAM HOUSTON		
COMBAT MEDIC TRAINING COMPLEX.....	1,400	1,400
HOSPITAL REPLACEMENT, PHASE VII.....	75,000	50,000
NCO ACADEMY-AMEDD CENTER AND SCHOOL.....	3,400	3,400
ARMY NATIONAL GUARD		
CORPUS CHRISTI		
ADD/ALTER ARMORY.....	---	2,719
ORGANIZATIONAL MAINTENANCE SHOP.....	---	991
LUBBOCK		
ORGANIZATIONAL MAINTENANCE SHOPS & AFRC, PHASE II.....	---	1,726
WESLACO		
ARMORY AND ORGANIZATIONAL MAINTENANCE SHOP.....	---	5,567
AIR NATIONAL GUARD		
ELLINGTON FIELD (HOUSTON)		
REPLACE UNDERGROUND FUEL STORAGE TANKS.....	1,600	1,600
KELLY AFB (SAN ANTONIO)		
BASE SUPPLY WAREHOUSE.....	---	4,300
REPLACE UNDERGROUND FUEL STORAGE TANKS.....	560	560
AIR FORCE RESERVE		
KELLY AFB		
RED HORSE STRUCTURAL/UTILITY FACILITY.....	2,300	2,300
TOTAL, TEXAS.....	259,425	286,128
UTAH		
ARMY		
DUGWAY PROVING GROUND		
LIFE SCIENCES TEST FACILITY.....	16,500	16,500
TOOELE ARMY DEPOT		
TREATY COMPLIANCE FACILITY.....	1,500	1,500
AIR FORCE		
HILL AFB		
FIRE TRAINING FACILITY - DBOF.....	880	880
UPGRADE INDUSTRIAL WASTEWATER COLLECTION SYSTEM...	---	6,200
UPGRADE INDUSTRIAL WASTEWATER TRTMNT PLANT - DBOF.....	5,100	5,100
UPGRADE WATER DISTRIBUTION SYSTEM.....	2,400	2,400
DEFENSE-WIDE		
DEFENSE REUTILIZATION AND MKTG OFC HILL AFB		
FIRE PROTECTION AND OPEN STORAGE.....	1,700	1,700

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
UTAH		
ARMY NATIONAL GUARD		
CAMP WILLIAMS		
RANGE, INFANTRY SQUAD BATTLE COURSE.....	1,066	1,066
RANGE, MOUT ASSAULT COURSE.....	850	850
AIR NATIONAL GUARD		
SALT LAKE CITY IAP		
ADD/ALTER COMMUNICATION AND ELECTRONICS FACILITY..	850	850
ALTER COMPOSITE SUPPORT FACILITY.....	950	950
SITE RESTORATION.....	2,000	2,000
TOTAL, UTAH.....	33,796	39,996
VERMONT		
ARMY NATIONAL GUARD		
CAMP JOHNSON		
ORGANIZATIONAL MAINTENANCE SHOP.....	1,002	1,002
JERICHO		
TRAINING SITE SUPPORT FACILITY.....	304	304
TRAINING FACILITY.....	---	3,200
AIR NATIONAL GUARD		
BURLINGTON IAP		
FIRE STATION.....	1,500	1,500
TOTAL, VERMONT.....	2,806	6,006
VIRGINIA		
ARMY		
FORT BELVOIR		
ELEMENTARY SCHOOL.....	---	8,000
OPERATIONS FACILITY.....	860	860
FORT LEE		
APPLIED INSTRUCTION FACILITY.....	12,600	12,600
WHOLE BARRACKS RENEWAL.....	20,000	20,000
FORT MYER		
WHOLE BARRACKS RENEWAL.....	6,800	6,800
NAVY		
CHESAPEAKE MARINE CORPS SEC FORCE BATTN NW		
ACADEMIC INSTRUCTION BUILDING.....	2,320	2,320
INDOOR RANGE COMPLEX.....	3,060	3,060
CRANEY ISLAND FLT AND INDUS SUPPLY CTR ANNEX		
WASTEWATER TREATMENT PLANT MODS - DBOF.....	11,740	11,740
NORFOLK CDR OPERATIONAL TEST AND EVAL FORCE		
OPERATIONS TEST AND EVALUATION MANAGEMENT CENTER..	8,100	8,100
NORFOLK NAVAL AIR STATION		
BACHELOR ENLISTED QUARTERS.....	12,270	12,270
NORFOLK NAVAL AVIATION DEPOT		
AIRCRAFT REWORK FACILITY - DBOF.....	17,800	---
NORFOLK NAVY PUBLIC WORKS CENTER		
TRASH RECYCLE FACILITY ADDITION - DBOF.....	5,330	5,330
OCEANA NAS		
REPLACE FUEL TANK FARM.....	---	1,800
PORTSMOUTH NORFOLK NAVAL SHIPYARD		
BACHELOR ENLISTED QUARTERS.....	13,420	13,420
QUANTICO MARINE CORPS COMBAT DEV COMMAND		
ANTI-ARMOR TRACKING AND LIVE FIRE RANGE.....	3,600	3,600
REHAB INSTRUCTIONAL SPACE.....	---	5,000
CHILD DEVELOPMENT CENTER.....	3,850	3,850
WALLOPS IS NAVAL SURFACE WEAPONS CTR DET		
SHIP SELF-DEFENSE ENGINEERING FACILITY.....	10,170	10,170

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
AIR FORCE		
LANGLEY AFB		
ADD/ALTER OPERATIONS FACILITY.....	5,373	---
BASE CIVIL ENGINEERING COMPLEX, PHASE I.....	4,000	5,300
FIRE STATION.....	3,850	3,850
RESTORE KING STREET BRIDGE.....	4,100	4,100
UNDERGROUND FUEL STORAGE TANKS.....	500	500
DEFENSE-WIDE		
FORT BELVOIR		
ADMINISTRATIVE BUILDING.....	5,200	5,200
DEFENSE GENERAL SUPPLY CENTER		
ALTER HAZARDOUS MATERIAL WAREHOUSE.....	2,900	2,900
HAZARDOUS MATERIAL PROCESSING FACILITY.....	4,600	4,600
SHEDS FOR OIL STORAGE.....	9,500	9,500
FORT EUSTIS		
LIFE SAFETY UPGRADE.....	3,650	3,650
NAVAL AMPHIBIOUS BASE, LITTLE CREEK		
SOF SPECBOATRON PATROL COASTAL SUPPORT.....	7,500	7,500
PORTSMOUTH NAVAL HOSPITAL		
HOSPITAL REPLACEMENT, PHASE V.....	211,900	20,000
QUANTICO MARINE CORPS COMBAT DEV COMMAND		
QUANTICO HIGH SCHOOL ADDITION.....	422	422
AIR NATIONAL GUARD		
CAMP PENDLETON ANGB (VIRGINIA BEACH)		
BASE CIVIL ENGINEER MAINTENANCE/STORAGE FACILITY..	1,150	1,150
RICHARD E BYRD IAP (SANDSTON)		
ADD/ALTER FUEL SYSTEMS MAINTENANCE DOCK.....	1,300	1,300
REPLACE UNDERGROUND FUEL STORAGE TANKS.....	1,100	1,100
NAVY RESERVE		
MCRC DAM NECK (CAMP PENDLETON)		
ELECTRONICS MAINTENANCE SHOP.....	1,000	1,000
TOTAL, VIRGINIA.....	399,965	200,992
WASHINGTON		
ARMY		
FORT LEWIS		
INCINERATOR BUILDING COMPLETION.....	14,200	14,200
NAVY		
BANGOR NAVAL SUBMARINE BASE		
MESS HALL ADDITION.....	1,720	1,720
OILY WASTE TREATMENT FACILITY.....	1,380	1,380
EVERETT NAVAL STATION		
BREAKWATER.....	22,200	22,200
STEAM PLANT.....	11,800	11,800
KEYPORT NAVAL UNDERSEA WARFARE CENTER DIV		
HAZARDOUS WASTE STORAGE FACILITY - DBOF.....	8,980	8,980
AIR FORCE		
FAIRCHILD AFB		
INTELLIGENCE TECHNICAL TRAINING FACILITY.....	3,500	3,500
MCCHORD AFB		
ADD/ALTER DORMITORIES - DBOF.....	6,500	6,500
CHILD DEVELOPMENT CENTER COMPLEX - DBOF.....	4,400	4,400
DEFENSE-WIDE		
FAIRCHILD AIR FORCE BASE		
UTILITY/LIFE SAFETY UPGRADE.....	8,250	8,250
ARMY NATIONAL GUARD		
YAKIMA TRAINING CENTER (YAKIMA)		
RANGE, MACHINE GUN MODIFICATION.....	1,527	1,527

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
WASHINGTON		
AIR NATIONAL GUARD		
BELLINGHAM MUNICIPAL AIRPORT ANG		
REPLACE UNDERGROUND FUEL STORAGE TANKS.....	420	420
CAMP MURRAY ANG (TACOMA)		
REPLACE UNDERGROUND FUEL STORAGE TANKS.....	380	380
FOUR LAKES COMMUNICATIONS STATION (CHENEY)		
REPLACE UNDERGROUND FUEL STORAGE TANKS.....	360	360
PAINE FIELD ANG STATION (EVERETT)		
REPLACE UNDERGROUND FUEL STORAGE TANKS.....	320	320
SEATTLE AIR NATIONAL GUARD BASE		
REPLACE UNDERGROUND FUEL STORAGE TANKS.....	320	320
ARMY RESERVE		
FORT LEWIS		
USARC/OMS/AMSA/ECS/WAREHOUSE.....	14,703	14,703
NAVY RESERVE		
JOINT TRAINING CENTER EVERETT		
RESERVE CENTER REPLACEMENT.....	2,550	2,550
BANGOR		
RESERVE CENTER.....	---	3,000
TOTAL, WASHINGTON.....	103,510	106,510
WEST VIRGINIA		
AIR NATIONAL GUARD		
E WV REGIONAL APT (MARTINSBURG)		
ADD TO AERIAL PORT TRAINING FACILITY.....	390	390
YEAGER AIRPORT (CHARLESTON)		
REPLACE UNDERGROUND FUEL STORAGE TANKS.....	370	370
TOTAL, WEST VIRGINIA.....	760	760
WISCONSIN		
ARMY NATIONAL GUARD		
CAMP WILLIAMS		
COMBINED MAINTENANCE FACILITY.....	---	11,900
AIR NATIONAL GUARD		
BILLY MITCHELL FIELD (MILWAUKEE)		
REPLACE UNDERGROUND FUEL STORAGE TANKS.....	600	600
TRUAX FIELD (MADISON)		
FIRE STATION.....	1,400	1,400
VOLK FIELD (CAMP DOUGLAS)		
REPLACE UNDERGROUND FUEL STORAGE TANKS.....	510	510
NAVY RESERVE		
NMCRG GREEN BAY		
RESERVE CENTER ADDITION.....	650	650
AIR FORCE RESERVE		
BILLY MITCHELL FIELD		
ADD FIRE PROTECTION TO AIRCRAFT HANGARS.....	1,500	1,500
UPGRADE BASE FUELS COMPLEX.....	1,800	1,800
TOTAL, WISCONSIN.....	6,460	18,360
WYOMING		
AIR FORCE		
F E WARREN AFB		
REMOTE MISSILE CREW FACILITIES.....	3,800	3,800
RENOVATE SECURITY POLICE OPERATIONS.....	6,000	6,000
UNDERGROUND FUEL STORAGE TANKS.....	2,200	2,200
WEAPONS STORAGE AREA SECURITY.....	640	640

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
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ARMY NATIONAL GUARD		
CAMP GUERNSEY		
BARRACKS RENOVATION.....	---	3,338
TOTAL, WYOMING.....	12,640	15,978
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CONUS CLASSIFIED		
ARMY		
CLASSIFIED LOCATIONS		
CLASSIFIED PROJECTS.....	3,000	1,852
AIR FORCE		
CLASSIFIED LOCATION		
OMEGA FACILITIES.....	2,600	2,600
SPECIAL TACTICAL UNIT DETACHMENT FACILITY.....	5,540	5,540
DEFENSE-WIDE		
CLASSIFIED LOCATION		
SITE IMPROVEMENTS.....	5,600	5,600
TOTAL, CONUS CLASSIFIED.....	16,740	15,592
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CONUS VARIOUS		
NAVY		
CONUS VARIOUS		
WASTEWATER COLLECTION & TREATMENT SYSTEM.....	3,260	3,260
<hr/>		
ANTIGUA		
AIR FORCE		
ANTIGUA ISLAND		
SLFI-UPGRADE BACKUP GENERATOR.....	1,000	1,000
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ASCENSION ISLAND		
AIR FORCE		
ASCENSION ISLAND		
SLFI-WASTEWATER TREATMENT PLANT.....	3,400	3,400
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DIEGO GARCIA		
AIR FORCE		
DIEGO GARCIA		
GPS INSTRUMENTATION FACILITY.....	1,700	1,700
SATELLITE TRACKING STORAGE FACILITY.....	560	560
DEFENSE-WIDE		
DIEGO GARCIA		
FUEL TANKAGE.....	9,558	9,558
TOTAL, DIEGO GARCIA.....	11,818	11,818
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GERMANY		
AIR FORCE		
RAMSTEIN AB		
CHILD DEVELOPMENT CENTER.....	3,100	3,100
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GREENLAND		
AIR FORCE		
THULE AB		
WASTEWATER TREATMENT PLANT.....	5,492	5,492
TOTAL, GREENLAND.....	5,492	5,492

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

	INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
GUAM			
NAVY			
ANDERSON AIR FORCE BASE NAVAL AIR FACILITY			
BACHELOR ENLISTED QUARTERS RENOVATION.....		3,560	3,560
BACHELOR OFFICER QUARTERS MODERNIZATION.....		3,750	3,750
FLEET AND INDUSTRIAL SUPPLY CENTER			
GAS BOTTLE STORAGE FACILITY - DBOF.....		1,240	---
INTEGRATED STORAGE HANDLING FACILITY - DBOF.....		21,200	21,200
MILITARY SEALIFT COMMAND OFFICE			
MILITARY SEALIFT COMMAND OPERATIONS BLDG.....		2,170	---
NAVAL HOSPITAL			
CHILD DEVELOPMENT CENTER.....		2,460	2,460
NAVAL MAGAZINE			
INERT STOREHOUSES.....		3,750	---
NAVAL OCEANOGRAPHY COMMAND CENTER			
OCEANOGRAPHY BUILDING ALTERATIONS.....		690	---
NAVAL STATION			
CHILD DEVELOPMENT CENTER ADDITION.....		2,020	2,020
EXPLOSIVE ORDNANCE DISPOSAL OPERATIONS FACILITY...		12,500	12,500
NAVY PUBLIC WORKS CENTER			
SEWERAGE TREATMENT PLANT - DBOF.....		7,230	7,230
TRANSPORTATION PARTS STORAGE FACILITY - DBOF.....		1,610	---
WATERFRONT UTILITIES - DBOF.....		11,840	---
AIR FORCE			
ANDERSEN AFB			
UNDERGROUND FUEL STORAGE TANKS.....		4,100	---
ARMY NATIONAL GUARD			
BARRIGADA			
U.S. PROPERTY/FISCAL OFFICE/WAREHOUSE, PHASE II...		---	1,573
AIR NATIONAL GUARD			
ANDERSON AFB			
BASE SUPPLIES AND EQUIPMENT WAREHOUSE.....		400	400
		78,520	54,693
ITALY			
NAVY			
NAPLES NAVAL SUPPORT ACTIVITY			
QUALITY OF LIFE FACILITIES, PHASE I.....		11,740	11,740
SIGONELLA NAVAL AIR STATION			
CHILD DEVELOPMENT CENTER.....		3,460	3,460
		15,200	15,200
KWAJALEIN			
ARMY			
KWAJALEIN			
SEWAGE TREATMENT FACILITY.....		11,200	11,200
UNACCOMPANIED PERSONNEL HOUSING.....		10,000	10,000
		21,200	21,200
OMAN			
AIR FORCE			
THUMRAIT AB			
WAR READINESS MATERIEL COVERED STORAGE FACILITY...		1,800	---
PUERTO RICO			
DEFENSE-WIDE			
DEFENSE FUEL SUPPORT POINT ROOSEVELT ROADS			
FUEL TANKAGE.....		5,800	---

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT

AIR NATIONAL GUARD		
PUERTO RICO IAP		
ADD/ALTER F-16 AVIONICS SHOP.....	320	320
ALTER FUEL SYSTEMS MAINTENANCE FACILITY.....	750	750
UPGRADE F-16 AIRCRAFT PARKING RAMP SECURITY SYSTEM	2,000	2,000
	-----	-----
TOTAL, PUERTO RICO.....	8,870	3,070
QATAR		
AIR FORCE		
DOHA		
WAR READINESS MATERIEL WAREHOUSE.....	5,500	---
SPAIN		
NAVY		
ROTA NAVAL STATION		
CHILD DEVELOPMENT CENTER.....	2,670	2,670
TURKEY		
AIR FORCE		
INCIRLIK AB		
ADD/ALTER DORMITORIES.....	2,400	2,400
UNITED KINGDOM		
AIR FORCE		
RAF MILDENHALL		
C-130 PHASE MAINTENANCE HANGAR.....	4,800	4,800
OVERSEAS CLASSIFIED		
ARMY		
OVERSEAS CLASSIFIED		
COMMUNICATIONS MAINTENANCE FACILITY.....	3,600	---
DEFENSE-WIDE		
OVERSEAS CLASSIFIED		
POWERHOUSE.....	10,755	10,755
	-----	-----
TOTAL, OVERSEAS CLASSIFIED.....	14,355	10,755
NATO		
NATO INFRASTRUCTURE.....	240,000	140,000
WORLDWIDE UNSPECIFIED		
ARMY		
UNSPECIFIED WORLDWIDE LOCATIONS		
HOST NATION SUPPORT.....	25,000	25,000
PLANNING AND DESIGN.....	84,441	84,441
UNSPECIFIED MINOR CONSTRUCTION.....	12,000	12,000
NAVY		
UNSPECIFIED WORLDWIDE LOCATIONS		
PLANNING AND DESIGN.....	64,373	64,373
UNSPECIFIED MINOR CONSTRUCTION.....	5,500	5,500
AIR FORCE		
UNSPECIFIED WORLDWIDE LOCATIONS		
GENERAL REDUCTION.....	---	-6,700
PLANNING AND DESIGN.....	63,180	63,882
UNSPECIFIED MINOR CONSTRUCTION.....	6,844	6,844
DEFENSE-WIDE		
UNSPECIFIED WORLDWIDE LOCATIONS		
CONTINGENCY CONSTRUCTION.....	12,200	12,200
ENERGY CONSERVATION IMPROVEMENT PROGRAM.....	50,000	50,000

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
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PLANNING AND DESIGN		
SPECIAL OPERATIONS COMMAND.....	5,700	7,700
STRATEGIC DEFENSE INITIATIVE ORGANIZATION.....	535	535
DEFENSE LEVEL ACTIVITIES.....	10,305	10,305
DEFENSE MEDICAL SUPPORT ACTIVITY.....	25,865	25,865
	<hr/>	<hr/>
SUBTOTAL, PLANNING AND DESIGN.....	42,405	44,405
UNSPECIFIED MINOR CONSTRUCTION		
ON-SITE INSPECTION AGENCY.....	812	812
SPECIAL OPERATIONS COMMAND.....	2,922	4,922
STRATEGIC DEFENSE INITIATIVE ORGANIZATION.....	2,192	2,192
DEFENSE LEVEL ACTIVITIES.....	2,000	2,000
JOINT CHIEFS OF STAFF.....	5,975	5,975
DOD DEPENDENT SCHOOLS.....	4,000	4,000
DEFENSE MEDICAL SUPPORT ACTIVITY.....	3,757	3,757
	<hr/>	<hr/>
SUBTOTAL, UNSPECIFIED MINOR CONSTRUCTION.....	21,658	23,658
ARMY NATIONAL GUARD		
UNSPECIFIED WORLDWIDE LOCATIONS		
PLANNING AND DESIGN.....	522	10,271
UNSPECIFIED MINOR CONSTRUCTION.....	5,000	5,000
AIR NATIONAL GUARD		
UNSPECIFIED WORLDWIDE LOCATIONS		
GENERAL REDUCTION.....	---	-5,740
PLANNING AND DESIGN.....	9,900	10,868
UNSPECIFIED MINOR CONSTRUCTION.....	4,000	4,000
ARMY RESERVE		
UNSPECIFIED WORLDWIDE LOCATIONS		
PLANNING AND DESIGN.....	4,897	7,004
UNSPECIFIED MINOR CONSTRUCTION.....	2,100	2,100
NAVY RESERVE		
UNSPECIFIED WORLDWIDE LOCATIONS		
GENERAL REDUCTION.....	---	-9,140
PLANNING AND DESIGN.....	1,359	1,815
UNSPECIFIED MINOR CONSTRUCTION.....	1,042	1,042
AIR FORCE RESERVE		
UNSPECIFIED WORLDWIDE LOCATIONS		
GENERAL REDUCTION.....	---	-2,780
PLANNING AND DESIGN.....	3,400	3,989
UNSPECIFIED MINOR CONSTRUCTION.....	3,904	3,904
	<hr/>	<hr/>
TOTAL, WORLDWIDE UNSPECIFIED.....	423,725	417,936
WORLDWIDE VARIOUS		
ARMY		
VARIOUS LOCATIONS		
RESCISSION, FISCAL YEAR 1992.....	---	-4,700
RESCISSION, FISCAL YEAR 1993.....	---	-9,200
NAVY		
LAND ACQUISITION		
LAND ACQUISITION.....	1,340	1,340
VARIOUS LOCATIONS		
HOST NATION INFRASTRUCTURE SUPPORT.....	2,960	2,960
RESCISSION, FISCAL YEAR 1990.....	---	-7,662
RESCISSION, FISCAL YEAR 1991.....	---	-14,406
RESCISSION, FISCAL YEAR 1992.....	---	-62,899
RESCISSION, FISCAL YEAR 1993.....	---	-37,660

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
AIR FORCE		
VARIOUS LOCATIONS		
RESCISSION, FISCAL YEAR 1990.....	---	-8,315
RESCISSION, FISCAL YEAR 1991.....	---	-6,550
RESCISSION, FISCAL YEAR 1992.....	---	-12,980
RESCISSION, FISCAL YEAR 1993.....	---	-2,250
DEFENSE-WIDE		
VARIOUS LOCATIONS		
RESCISSION, FISCAL YEAR 1992.....	---	-15,500
ARMY NATIONAL GUARD		
UNSPECIFIED LOCATIONS		
INDOOR RANGE MODERNIZATION.....	637	637
VARIOUS LOCATIONS		
ARMORY UNIT STORAGE BUILDINGS.....	750	750
TOTAL, WORLDWIDE VARIOUS.....	5,687	-176,435
FAMILY HOUSING, ARMY		
CALIFORNIA		
FORT IRWIN (220 UNITS).....	25,000	25,000
HAWAII		
SCHOFIELD BARRACKS (260 UNITS).....	39,000	39,000
SCHOFIELD BARRACKS (88 UNITS).....	13,000	13,000
MARYLAND		
FORT MEADE (275 UNITS).....	26,000	26,000
NEVADA		
HAWTHORNE AAP		
DEMOLISH ABANDONED HOUSING UNITS.....	---	500
NEW YORK		
U.S. MILITARY ACADEMY (100 UNITS).....	15,000	15,000
NORTH CAROLINA		
FORT BRAGG (224 UNITS).....	18,000	18,000
WISCONSIN		
FORT MCCOY (16 UNITS).....	2,950	2,950
CONSTRUCTION IMPROVEMENTS.....	67,530	77,630
PLANNING.....	11,805	11,805
SUBTOTAL, CONSTRUCTION.....	218,285	228,885
OPERATION AND MAINTENANCE		
FURNISHINGS ACCOUNT.....	41,707	41,707
MANAGEMENT ACCOUNT.....	81,163	81,163
MISCELLANEOUS ACCOUNT.....	1,840	1,840
SERVICES ACCOUNT.....	62,447	62,447
UTILITIES ACCOUNT.....	281,348	281,348
LEASING.....	268,139	268,139
MAINTENANCE OF REAL PROPERTY.....	388,528	388,528
INTEREST PAYMENTS.....	17	17
GENERAL REDUCTION.....	---	-56,000
SUBTOTAL, OPERATION AND MAINTENANCE.....	1,125,189	1,069,189
PLUS APPROPRIATION FOR DEBT REDUCTION.....	412	412
TOTAL, FAMILY HOUSING, ARMY.....	1,343,886	1,298,486

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
FAMILY HOUSING, NAVY		
CALIFORNIA		
PUBLIC WORKS CENTER SAN DIEGO (318 UNITS).....	36,571	36,571
DISTRICT OF COLUMBIA		
PUBLIC WORKS CENTER WASHINGTON DC (188 UNITS).....	21,556	21,556
FLORIDA		
PUBLIC WORKS CENTER PENSACOLA (SELF-HELP CENTER/ WAREHOUSE).....	300	300
GEORGIA		
NAVAL SUBMARINE SUPPORT BASE KINGS BAY (FAMILY HOUSING OFFICE/SELF-HELP CENTER/WAREHOUSE).....	790	790
MAINE		
NAS BRUNSWICK (20 MOBILE HOME SPACES).....	490	490
VIRGINIA		
NAVAL AIR STATION OCEANA (COMMUNITY CENTER).....	860	860
NAVAL COMPLEX NORFOLK (392 UNITS).....	50,674	50,674
WASHINGTON		
NAVAL SUBMARINE BASE BANGOR (290 UNITS).....	27,438	27,438
NAS WHIDBEY ISLAND (106 UNITS).....	---	10,000
SCOTLAND		
NAVAL SECURITY GROUP ACTIVITY EDZELL (40 UNITS).....	6,000	---
UNITED KINGDOM		
NAVAL ACTIVITIES LONDON (PURCHASE 81 LEASED UNITS)..	15,470	15,470
VARIOUS LOCATIONS		
RESCISSION, FISCAL YEAR 1990.....	---	-14,100
RESCISSION, FISCAL YEAR 1991.....	---	-25,018
RESCISSION, FISCAL YEAR 1993.....	---	-1,253
CONSTRUCTION IMPROVEMENTS.....	190,696	183,135
PLANNING.....	22,924	22,924
SUBTOTAL, CONSTRUCTION.....	373,769	329,837
OPERATION AND MAINTENANCE		
FURNISHINGS ACCOUNT.....	36,904	36,904
MANAGEMENT ACCOUNT.....	87,769	87,769
MISCELLANEOUS ACCOUNT.....	1,133	1,133
SERVICES ACCOUNT.....	45,347	45,347
UTILITIES ACCOUNT.....	194,952	194,952
LEASING.....	113,308	113,308
MAINTENANCE OF REAL PROPERTY.....	355,554	355,554
MORTGAGE INSURANCE PREMIUMS.....	88	88
GENERAL REDUCTION.....	---	-63,000
SUBTOTAL, OPERATION AND MAINTENANCE.....	835,055	772,055
TOTAL, FAMILY HOUSING, NAVY.....	1,208,824	1,101,892
FAMILY HOUSING, AIR FORCE		
ALABAMA		
MAXWELL AFB (55 UNITS).....	4,080	4,080
ARKANSAS		
LITTLE ROCK AFB (HOUSING OFFICE/MAINT FACILITY).....	980	980
CALIFORNIA		
VANDENBERG AFB (166 UNITS).....	21,907	21,907
FLORIDA		
PATRICK AFB (155 UNITS).....	15,388	15,388
TYNDALL AFB (INFRASTRUCTURE FOR FUTURE 450 UNITS)...	5,732	5,732
GEORGIA		
ROBINS AFB (118 UNITS).....	7,424	7,424

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
ILLINOIS		
SCOTT AFB HOUSING RELOCATION, PHASE II.....	---	10,000
LOUISIANA		
BARKSDALE AFB (118 UNITS).....	8,578	8,578
MASSACHUSETTS		
HANSCOM AFB (48 UNITS).....	5,135	5,135
MONTANA		
MALMSTROM AFB (HOUSING OFFICE).....	581	581
TEXAS		
DYESS AFB (MAINTENANCE FACILITY).....	281	281
LACKLAND AFB (111 UNITS).....	8,770	8,770
VIRGINIA		
LANGLEY AFB (HOUSING OFFICE).....	452	452
WASHINGTON		
FAIRCHILD AFB (1 UNIT).....	184	184
WYOMING		
F E WARREN AFB (104 UNITS).....	10,572	10,572
ITALY		
COMISO AB (PURCHASE 460 LEASED UNITS).....	20,200	---
VARIOUS LOCATIONS		
RESCISSION, FISCAL YEAR 1992.....	---	-6,400
RESCISSION, FISCAL YEAR 1993.....	---	-48,702
CONSTRUCTION IMPROVEMENTS.....	53,070	75,070
PLANNING.....	9,901	11,901
SUBTOTAL, CONSTRUCTION.....	173,235	131,933
OPERATION AND MAINTENANCE		
FURNISHINGS ACCOUNT.....	43,543	43,543
MANAGEMENT ACCOUNT.....	44,282	44,282
MISCELLANEOUS ACCOUNT.....	4,639	4,639
SERVICES ACCOUNT.....	28,183	28,183
UTILITIES ACCOUNT.....	211,036	211,036
LEASING.....	118,266	118,266
MAINTENANCE OF REAL PROPERTY.....	403,942	403,942
MORTGAGE INSURANCE PREMIUMS.....	21	21
GENERAL REDUCTION.....	---	-63,000
SUBTOTAL, OPERATION AND MAINTENANCE.....	853,912	790,912
TOTAL, FAMILY HOUSING, AIR FORCE.....	1,027,147	922,845
FAMILY HOUSING, DEFENSE-WIDE		
CONSTRUCTION IMPROVEMENTS.....	159	159
OPERATION AND MAINTENANCE		
FURNISHINGS ACCOUNT.....	1,977	1,977
MANAGEMENT ACCOUNT.....	220	220
MISCELLANEOUS ACCOUNT.....	26	26
SERVICES ACCOUNT.....	416	416
UTILITIES ACCOUNT.....	898	898

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
LEASING.....	22,882	22,882
MAINTENANCE OF REAL PROPERTY.....	918	918
GENERAL REDUCTION.....	---	-1,000
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SUBTOTAL, OPERATION AND MAINTENANCE.....	27,337	26,337
<hr/>		<hr/>
TOTAL, FAMILY HOUSING, DEFENSE AGENCIES.....	27,496	26,496
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HOMEOWNERS ASSISTANCE FUND		
OPERATING EXPENSES.....	151,400	151,400
BASE REALIGNMENT AND CLOSURE ACCOUNT, PART I		
BASE REALIGNMENT AND CLOSURE ACCOUNT, PART I.....	27,870	12,830
BASE REALIGNMENT AND CLOSURE ACCOUNT, PART II		
BASE REALIGNMENT AND CLOSURE ACCOUNT, PART II.....	1,800,500	1,526,310
BASE REALIGNMENT AND CLOSURE ACCOUNT, PART III		
BASE REALIGNMENT AND CLOSURE ACCOUNT, PART III.....	1,200,000	1,144,000
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TOTAL, BASE REALIGNMENT AND CLOSURE ACCOUNTS....	3,028,370	2,683,140
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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	\$8,396,345,000
Budget estimates of new (obligational) authority, fiscal year 1994	10,794,341,000
House bill, fiscal year 1994	10,273,731,000
Senate bill, fiscal year 1994	9,753,477,000
Conference agreement, fiscal year 1994	10,065,114,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1993	+1,668,769,000
Budget estimates of new (obligational) authority, fiscal year 1994	-729,227,000
House bill, fiscal year 1994	-208,617,000
Senate bill, fiscal year 1994	+311,637,000

W.G. (BILL) HEFNER,
THOMAS M. FOGLIETTA,
CARRIE P. MEEK,
NORMAN D. DICKS,
JULIAN C. DIXON,
VIC FAZIO,
STENY H. HOYER,
RONALD D. COLEMAN,
WILLIAM H. NATCHER,
BARBARA F. VUCANOVICH,
SONNY CALLAHAN,
HELEN DELICH BENTLEY,
DAVID L. HOBSON,
JOSEPH MCDADE,

Managers on the Part of the House.

JIM SASSER,
DANIEL K. INOUE,
HARRY REID,
HERB KOHL,
ROBERT C. BYRD,
SLADE GORTON,
TED STEVENS,
MITCH MCCONNELL,
MARK O. HATFIELD,

Managers on the Part of the Senate.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. McNULTY (at the request of Mr. GEPHARDT), for today after 2 p.m., on account of personal business.

Mr. ACKERMAN (at the request of Mr. GEPHARDT), for today, on account of official business.

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. GOODLATTE) to revise and extend their remarks and include extraneous material:)

Mrs. BENTLEY, for 60 minutes, on November 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 15, 16, 17, 18, and 19.

Mr. LIVINGSTON, for 5 minutes, today.
Mr. DORNAN, for 60 minutes, today and on November 1, 2, 3, 4, 5, 8, 9, 10, 11, and 12.

(The following Members (at the request of Mr. OBERSTAR) to revise and extend their remarks and include extraneous material:)

Mrs. MINK, for 5 minutes, today.
Ms. NORTON, for 60 minutes, today.

(The following Member (at the request of Mr. DREIER) to revise and extend his remarks and include extraneous material:)

Mr. LEACH, for 60 minutes, today.
(The following Member (at the request of Mr. DORNAN) to revise and extend his remarks and include extraneous material:)

Mr. TUCKER, for 60 minutes, on October 13.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. GOODLATTE) and to include extraneous matter:)

Mr. ZELIFF in two instances.
Mr. DUNCAN.
Mr. KING.
Mr. GILMAN.
Mr. HUNTER.
Ms. SNOWE.
Mr. GEKAS.
Mr. FAWELL.
Mr. SUNDQUIST.
Mr. MOORHEAD.
Mr. OXLEY.
Mr. SKEEN.
Mr. REGULA.
Mr. RAMSTAD.
Mr. CRANE.
Mr. EVERETT in two instances.
Mrs. BENTLEY in three instances.
Mr. CASTLE.

(The following Members (at the request of Mr. OBERSTAR) and to include extraneous matter:)

Mr. SAWYER.
Mr. CLAY.
Mr. MARTINEZ.
Mr. NADLER.
Mr. HOYER.
Mr. DELLUMS.
Mr. MILLER of California.
Mr. COLEMAN.
Mr. HOCHBRUECKNER in two instances.
Mr. HOAGLAND.
Mr. CONDIT.
Mr. KILDEE.
Mr. BREWSTER.
Mr. BEILENSEN.
Mr. KREIDLER.
(The following Members (at the request of Mr. DORNAN) and to include extraneous matter:)

Mr. SERRANO.
Mr. TRAFICANT.
Ms. ESHOO.
Mr. LAZIO.
Mr. KLEIN.
Mr. THOMAS of California.

Mr. PALLONE.
Mr. BLACKWELL.
Mr. BROWN of California.
Mrs. BENTLEY.
Mr. LIPINSKI.
Ms. LONG.
Ms. KAPTUR.
Mrs. COLLINS of Illinois.
Mr. BARCIA of Michigan.

ENROLLED BILLS SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 2685. An act to amend title 5, United States Code, to extend the Federal Physicians Comparability Allowance Act of 1978, and for other purposes.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1508. An act to amend the definition of a rural community for eligibility for economic recovery funds, and for other purposes.

ADJOURNMENT TO TUESDAY,
OCTOBER 12, 1993

Mr. DORNAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. Pursuant to the provisions of House Concurrent Resolution 161, of the 103d Congress, the House stands adjourned until 12 noon, Tuesday, October 12, 1993.

Thereupon (at 8 o'clock and 40 minutes p.m.), pursuant to House Concurrent Resolution 161, the House adjourned until Tuesday, October 12, 1993, at 12 noon.

EXECUTIVE COMMUNICATIONS,
ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1997. A letter from the Resolution Trust Corporation, transmitting the Corporation's statements of financial position for the 6-month period ending June 30, 1993; to the Committee on Banking, Finance and Urban Affairs.

1998. A letter from the Secretary of Energy, transmitting notification that the Department's report on "Federal Government's Energy Management and Conservation Program." will be delayed; to the Committee on Energy and Commerce.

1999. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of the Secretary's determination and justification to exercise the authority granted him under section 451 of the Foreign Assistance Act of 1961, as amended, authorizing funds for a voluntary contribution to the United Nations Transition Authority in Cambodia, pursuant to 22

U.S.C. 2261; to the Committee on Foreign Affairs.

2000. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of defense equipment sold commercially to Egypt (Transmittal No. OTC-37-93), pursuant to 22 U.S.C. 2776(d); to the Committee on Foreign Affairs.

2001. A letter from the Director, Office of Management and Budget, transmitting his certification that the amounts appropriated for the Board for International Broadcasting for grants to Radio Free Europe/Radio Liberty, Inc., are less than the amount necessary to maintain the budgeted level of operation because of exchange rate losses in the third quarter of fiscal year 1993, pursuant to 22 U.S.C. 2877(a)(2); to the Committee on Foreign Affairs.

20020. A letter from the Director, Office of Personnel Management, transmitting a draft of proposed legislation entitled "Federal Workforce Restructuring Act of 1993"; to the Committee on Post Office and Civil Service.

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. HEFNER: Committee of Conference. Conference report on H.R. 2446. A bill making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1994, and for other purposes (Rept. 103-278). Ordered to be printed.

Mr. ROSTENKOWSKI: Committee on Ways and Means. House Joint Resolution 228. Resolution to approve the extension of non-discriminatory treatment with respect to the products of Romania (Rept. 103-279). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROSTENKOWSKI: Committee on Ways and Means. House Concurrent Resolution 113. Resolution relating to the Asia Pacific economic cooperation organization (Rept. 103-280 Pt. 1). 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. GONZALEZ (for himself and Mr. NEAL of North Carolina):

H.R. 3235. A bill to amend subchapter II of chapter 53 of title 31, United States Code, to improve enforcement of antimoney laundering laws, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. BEILENSON:

H.R. 3236. A bill to amend title 23, United States Code, to authorize a State to include in highway construction contracts a guaranty or warranty clause for materials and workmanship; to the Committee on Public Works and Transportation.

By Mr. BONILLA (for himself, Mr. HALL of Texas, Mr. LIVINGSTON, Mr. MCCOLLUM, Mr. BARTON of Texas, Mr. POMBO, and Ms. DUNN):

H.R. 3237. A bill to amend the Internal Revenue Code of 1986 to increase the expense treatment under section 179 of such Code for the first 3 years a business is in existence

and to allow an income tax credit for one-half of an individual's self-employment taxes; to the Committee on Ways and Means.

By Mr. BREWSTER (for himself, Mr. JEFFERSON, and Mr. CAMP):

H.R. 3238. A bill to clarify the tax treatment of certain environmental cleanup costs; to the Committee on Ways and Means.

By Ms. BYRNE:

H.R. 3239. A bill to amend the Internal Revenue Code of 1986 to deny any deduction for certain oil cleanup costs, and for other purposes; to the Committee on Ways and Means.

By Mr. EVANS:

H.R. 3240. A bill to amend title 38, United States Code, to eliminate the terms for appointment for members of the Board of Veterans' Appeals and to ensure pay equity between those members and administrative law judges; to the Committee on Veterans' Affairs.

By Mr. MCCREERY:

H.R. 3241. A bill to assure that advertisements by States for participation in their lotteries are subject to regulation by the Federal Trade Commission; to the Committee on Energy and Commerce.

By Mr. MILLER of California (for himself, Mr. FOGLIETTA, Mr. LIPINSKI, and Mr. WYNN):

H.R. 3242. A bill to prohibit for a 5-year period the award of contracts for the procurement of milk products for schools and military bases to companies convicted of violating any of the antitrust laws in connection with a contract with the Department of Defense or with any school or other institution eligible for payments under the Child Nutrition Act of 1966 or the National School Lunch Act; jointly, to the Committees on Education and Labor and Armed Services.

By Mr. PRICE of North Carolina (for himself, Mr. HOAGLAND, Mr. LANCASTER, and Mr. VALENTINE):

H.R. 3243. A bill to suspend temporarily the duties on sumatriptan succinate (bulk and dosage forms); to the Committee on Ways and Means.

By Mr. REYNOLDS:

H.R. 3244. A bill relating to the discount factors applicable to medical malpractice companies under section 846 of the Internal Revenue Code of 1986; to the Committee on Ways and Means.

H.R. 3245. A bill to amend the Internal Revenue Code of 1986 to increase the tax on firearms; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. SAWYER (for himself, Mr. MYERS of Indiana, and Mr. PETRI):

H.R. 3246. A bill to provide that the provisions of chapters 83 and 84 of title 5, United States Code, relating to reemployed annuitants shall not apply with respect to postal retirees who are reemployed, on a temporary basis, to serve as rural letter carriers or rural postmasters; to the Committee on Post Office and Civil Service.

By Mrs. SCHROEDER (for herself and Miss COLLINS of Michigan):

H.R. 3247. A bill to amend title 18, United States Code, to carry out certain obligations of the United States under the International Covenant on Civil and Political Rights by prohibiting the practice of female circumcision, and for other purposes; jointly, to the Committees on the Judiciary and Energy and Commerce.

By Mr. SCHUMER (for himself, Mr. LEACH, and Mr. STARK):

H.R. 3248. A bill to provide for fair trade in financial services; jointly, to the Committees on Banking, Finance and Urban Affairs, Energy and Commerce, and Ways and Means.

By Mr. SMITH of Iowa:

H.R. 3249. A bill to amend the Public Health Service Act to provide grants for the development of rural telemedicine, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SMITH of Texas (for himself, Mr. HALL of Texas, and Mr. INGLIS of South Carolina):

H.R. 3250. A bill to repeal the retroactive application of the income, estate, and gift tax rates made by the budget reconciliation act and reduce administrative expenses for agencies by \$3 billion for each of the fiscal years 1994, 1995, and 1996; jointly, to the Committees on Ways and Means and Government Operations.

By Mr. TORKILDSEN (for himself, Mr. MEEHAN, Mr. CANADY, Mr. COPPERSMITH, Mr. FRANK of Massachusetts, Mr. BLUTE, Mr. KLUG, Mr. ZIMMER, Mr. GOSS, Mr. LEVY, and Mrs. THURMAN):

H.R. 3251. A bill to amend title II of the Social Security Act to extend the provisions which currently suspend payment of old-age, survivors, and disability insurance benefits to individuals imprisoned upon conviction of a felony so as to apply to all individuals imprisoned throughout at least 1 month upon conviction of any criminal offense, and to amend title XVI of such act to suspend a payment of supplemental security income benefits to such individuals; to the Committee on Ways and Means.

By Mr. VENTO:

H.R. 3252. A bill to provide for the conservation, management, or study of certain rivers, parks, trails, and historic sites, and for other purposes; to the Committee on Natural Resources.

By Ms. LONG:

H.R. 3253. A bill to rename Huntington Lake, IN, the "J. Edward Roush Lake"; to the Committee on Public Works and Transportation.

By Mr. ROTH:

H.J. Res. 275. Joint resolution to require the withdrawal of American forces from Somalia; to the Committee on Foreign Affairs.

By Mr. STUDDS:

H. Con. Res. 161. Concurrent resolution providing for an adjournment of the House from Thursday, October 7, 1993, or Friday, October 8, 1993, to Tuesday, October 12, 1993, and adjournment or recess of the Senate from Thursday, October 7, 1993, to Wednesday, October 13, 1993; considered and agreed to.

By Mr. DEFAZIO (for himself, Mr. ANDREWS of Maine, Mr. LIPINSKI, Mr. LAROCCO, and Mr. SANDERS):

H. Con. Res. 162. Concurrent resolution expressing the sense of the Congress that the President should report to Congress pursuant to section 4(a)(1) of the War Powers Resolution as it applies to the use of United States Armed Forces in Somalia; to the Committee on Foreign Affairs.

By Mr. CAMP:

H. Con. Res. 163. Concurrent resolution concerning the release of the American hostages in Somalia and United States Armed Forces withdrawal; to the Committee on Foreign Affairs.

By Mr. WALKER:

H. Res. 272. Resolution amending the Rules of the House of Representatives to create the Committee on the Investigation of Corrupt Practices; to the Committee on Rules.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 28: Mr. BROWN of Ohio.
 H.R. 50: Mr. RUSH, Mr. OLVER, and Mr. YATES.
 H.R. 322: Mrs. MORELLA and Mr. LIPINSKI.
 H.R. 393: Mr. HUGHES.
 H.R. 429: Mr. MCCRERY.
 H.R. 466: Mr. LEWIS of Georgia, Mr. HANCOCK, Mr. McDERMOTT, and Mrs. CLAYTON.
 H.R. 546: Mr. COLEMAN, Mr. EDWARDS of Texas, and Mr. GENE GREEN of Texas.
 H.R. 654: Mr. BATEMAN, Mr. SHAYS, Mr. STUMP, Mr. WOLF, Mr. FILNER, Mr. YOUNG of Alaska, Mr. FORD of Michigan, Mr. ALLARD, Mr. JEFFERSON, Mr. CONYERS, Mr. REYNOLDS, Mr. MCHUGH, Mr. HOUGHTON, Mr. BACCHUS of Florida, Mr. SERRANO, Ms. KAPTUR, Mr. FALOMAVAEGA, Mr. PETERSON of Minnesota, and Mr. McDADE.
 H.R. 760: Mr. FIELDS of Texas.
 H.R. 830: Mr. GENE GREEN of Texas, Mr. GRAMS, and Mr. CUNNINGHAM.
 H.R. 886: Mr. KINGSTON and Mr. GEKAS.
 H.R. 944: Mr. ROYCE.
 H.R. 957: Mr. ANDREWS of Maine, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. PELOSI, and Ms. NORTON.
 H.R. 1048: Mr. COPPERSMITH, Mrs. JOHNSON of Connecticut, and Mr. HOAGLAND.
 H.R. 1172: Mr. FARR.
 H.R. 1276: Mr. MACHTLEY.
 H.R. 1302: Mr. GENE GREEN of Texas.
 H.R. 1322: Mr. WYNN, Mr. MYERS of Indiana, Mr. HUTCHINSON, Mr. SMITH of Iowa, Mr. CALVERT, Mr. STUDDS, Mr. HANSEN, Mr. FRANK of Massachusetts, Mr. HORN, Mr. PAYNE of New Jersey, Mr. ROBERTS, Mr. TOWNS, Mr. STEARNS, Mr. BONILLA, and Mr. LEVY.
 H.R. 1362: Mr. BARLOW and Mr. WYNN.
 H.R. 1399: Mr. ROYCE.
 H.R. 1423: Mr. PETERSON of Florida, Mr. GINGRICH, Ms. SHEPHERD, and Ms. WATERS.
 H.R. 1457: Mr. STRICKLAND and Mr. WASHINGTON.
 H.R. 1470: Mr. RIDGE and Mr. SANTORUM.
 H.R. 1493: Mr. GENE GREEN of Texas.
 H.R. 1552: Mr. GEJDENSON and Mr. GOODLATTE.
 H.R. 1627: Mr. ARCHER.
 H.R. 1786: Mr. WYNN.
 H.R. 1886: Mr. TORKILDSEN.
 H.R. 1933: Mr. SANDERS.
 H.R. 2152: Mr. ENGEL.
 H.R. 2171: Mr. BARCA of Wisconsin, Mr. JOHNSTON of Florida, and Mr. SUNDQUIST.
 H.R. 2173: Mr. MANTON.
 H.R. 2211: Mr. DOOLITTLE and Mr. LEWIS of California.
 H.R. 2292: Mr. ENGEL.
 H.R. 2319: Mr. DEAL, Mr. DELLUMS, Mr. McCLOSKEY, Ms. PELOSI, and Mr. WYNN.
 H.R. 2394: Mr. MORAN.
 H.R. 2395: Mr. MORAN.
 H.R. 2476: Mr. KOPETSKI.
 H.R. 2484: Mr. WYNN.
 H.R. 2547: Mr. SISISKY.
 H.R. 2623: Mr. CALLAHAN, Ms. FURSE, and Mr. LAUGHLIN.
 H.R. 2663: Mr. QUILLEN.
 H.R. 2721: Ms. FURSE and Mr. WYNN.
 H.R. 2788: Mr. ROMERO-BARCELO.
 H.R. 2834: Mr. SCHIFF, Ms. FURSE, and Mr. JOHNSTON of Florida.
 H.R. 2835: Mr. SCHIFF, Ms. FURSE, and Mr. JOHNSTON of Florida.
 H.R. 2847: Mr. PORTER.
 H.R. 2873: Mr. HASTINGS, Mr. MILLER of Florida, Mr. TAYLOR of North Carolina, Mr. HOBSON, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. LAUGHLIN.
 H.R. 2896: Mr. GENE GREEN of Texas, Mr. ZELIFF, and Mr. LIPINSKI.
 H.R. 2959: Mr. DOOLITTLE, Mr. GRAMS, Mr. MOORHEAD, Mr. MCHUGH, Mr. GOSS, Mr.

FRANKS of New Jersey, Mr. BATEMAN, Mr. HANCOCK, and Mr. GALLO.
 H.R. 2971: Mr. KOPETSKI, Mr. BISHOP, and Mr. WYNN.
 H.R. 3039: Mr. COBLE.
 H.R. 3041: Mr. FRANK of Massachusetts.
 H.R. 3078: Ms. LONG.
 H.R. 3080: Mr. PORTER.
 H.R. 3087: Mr. TAUZIN, Mr. FAWELL, Mr. KING, Mr. TANNER, and Mr. GOODLATTE.
 H.R. 3102: Mr. DEUTSCH, Mr. WISE, Mr. TRAFICANT, Mr. RAHALL, Mr. CALLAHAN, Mr. PETRI, Mr. THOMAS of Wyoming, Mr. DARDEN, Mr. GILLMOR, Mr. BLILEY, Mr. QUILLEN, Mr. ROBERTS, and Mr. COPPERSMITH.
 H.R. 3125: Mr. GENE GREEN of Texas.
 H.R. 3132: Mr. FORD of Tennessee and Mr. MILLER of California.
 H.R. 3136: Mr. GORDON.
 H.R. 3182: Mr. BONIOR.
 H.R. 3208: Mr. BONIOR.
 H.R. 3212: Mr. MACHTLEY, Mr. GOSS, Mr. PACKARD, Mr. SAM JOHNSON, Mr. KIM, Mrs. VUCANOVICH, and Mr. HASTERT.
 H.R. 3213: Mr. HANSEN and Mr. PICKETT.
 H.R. 3222: Mr. SABO.
 H.J. Res. 1: Mr. BECERRA and Mr. STUDDS.
 H.J. Res. 113: Mr. TEJEDA.
 H.J. Res. 131: Mr. JOHNSON of South Dakota, Mr. GILMAN, Mr. SUNDQUIST, Mr. CALVERT, Mr. PRICE of North Carolina, Mr. GUNDERSON, Mr. MOORHEAD, Mr. FORD of Michigan, Mr. VALENTINE, and Mr. BROWDER.
 H.J. Res. 178: Mr. STARK, Mr. LAZIO, Mr. SPRATT, Mr. REED, Mrs. FOWLER, Mr. CALLAHAN, Mr. HYDE, Mr. PETE GEREN of Texas, and Mr. GLICKMAN.
 H.J. Res. 188: Mr. COPPERSMITH, Mr. GLICKMAN, Mr. KLECZKA, Mr. TAYLOR of North Carolina, Mr. DEUTSCH, Mr. HILLIARD, Mr. MINGE, and Ms. WATERS.
 H.J. Res. 194: Mr. BURTON of Indiana.
 H.J. Res. 216: Mr. SCHAEFER, Mr. PARKER, Mr. KOPETSKI, Mr. HILLIARD, Mr. TAYLOR of North Carolina, Mr. ROYCE, Mr. DUNCAN, Mr. EWING, Mr. HERGER, Mr. HOUGHTON, Mr. LANTOS, Mr. BUNNING, Mr. PRICE of North Carolina, Mr. BARTLETT of Maryland, Mr. MCCOLLUM, Mr. FIELDS of Texas, Mr. NEAL of Massachusetts, Mr. RAVENEL, Mr. SPENCE, Mr. TANNER, Mr. YOUNG of Alaska, Mr. GILMAN, Mr. HOCHBRUECKNER, Mr. RAMSTAD, Mr. NATCHER, Mr. STUMP, Mr. ZELIFF, Mr. CHAPMAN, and Mr. KILDEE.
 H.J. Res. 218: Mr. BAKER of California, Mr. BUNNING, Mr. DOOLITTLE, Mr. BURTON of Indiana, Mr. CLEMENT, Mr. FIELDS of Louisiana, Mr. CLINGER, Mr. MARTINEZ, Mr. TOWNS, Mr. HALL of Texas, Mr. TORRICELLI, Mr. McDADE, Mr. LEWIS of California, Mr. WASHINGTON, Mr. SMITH of Michigan, Mr. HAMILTON, Mr. SHAW, Mr. WYNN, Mr. REED, Mr. HALL of Ohio, Mr. McNULTY, and Mr. LEVIN.
 H.J. Res. 234: Mr. BURTON of Indiana, Mrs. LLOYD, Mr. DIXON, Mr. EVANS, Mr. FARR, Ms. SLAUGHTER, Mrs. MORELLA, and Mr. NADLER.
 H. Con. Res. 3: Mr. SKEEN, Mr. THOMAS of Wyoming, and Mr. MACHTLEY.
 H. Con. Res. 14: Mr. INSLEE, Mr. BLACKWELL, Mr. SMITH of New Jersey, Mr. BARCA of Wisconsin, Mr. KLINK, Mr. MILLER of Florida, Mr. BARRETT of Nebraska, Mr. REGULA, Mr. EMERSON, Mr. HERGER, Mr. DIXON, Mr. GUTIERREZ, Mr. MEEHAN, Mr. MOLLOHAN, Mr. MINGE, Mr. NUSSLE, Mr. ENGEL, Mr. KYL, Mr. DIAZ-BALART, Mr. RUSH, Mr. CLAY, Mr. BROWN of Ohio, Mr. SPRATT, Mrs. MALONEY, Mr. ROEMER, Mr. APPELEGATE, Mr. CANADY, Ms. DELAURO, Ms. LOWEY, and Mr. STRICKLAND.
 H. Con. Res. 56: Mr. WYNN.
 H. Con. Res. 84: Mr. MARTINEZ and Ms. NORTON.

H. Con. Res. 135: Mr. PICKETT, Mr. KINGSTON, and Mr. ACKERMAN.
 H. Con. Res. 147: Mr. SHAYS.
 H. Res. 38: Mr. TORRES and Mr. FILNER.
 H. Res. 148: Mr. STRICKLAND.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 44: Mr. ENGLISH of Oklahoma.
 H.R. 2872: Mr. PORTER.

DISCHARGE PETITIONS

Under clause 3, rule XXVII the following discharge petitions were filed:

Petition 6, October 7, 1993, by Mr. SENBRENNER on H.R. 1025 has been signed by the following Members: F. James Sensenbrenner, Jr., John Edward Porter, Marjorie Margolies-Mezvinsky, Henry J. Hyde, and Porter J. Goss.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 1 by Mr. SOLOMON on H.R. 493: Bill Emerson, Craig Thomas, F. James Sensenbrenner, Jr., Dave Camp, Dick Swett, and Bob Franks.

Petition 3 by Mr. MCCOLLUM on House Joint Resolution 38: Jon Kyl, Dave Camp, and Dick Swett.

Petition 4 by Mr. HOEKSTRA on House Joint Resolution 9: Craig Thomas, Stephen Horn, Mel Hancock, John J. Duncan, Jr., Tom Lewis, F. James Sensenbrenner, Jr., Peter Blute, Dave Camp, Richard H. Baker, Dan Miller, Rod Grams, Ernest J. Istook, Jr., Barbara F. Vucanovich, and Gary A. Franks.

Petition 5 by Mr. STEARNS on House Joint Resolution 156: Mel Hancock, Jack Quinn, Peter Blute, and Rod Grams.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2739

By Ms. DANNER:

—Page 12, before line 8, insert the following:
SEC. 203. PROCESSING FEES.

Section 313(f) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1354(f)) is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and
 (2) by inserting after paragraph (2) the following:

“(3) FOREIGN REPAIR STATION CERTIFICATION AND INSPECTION FEES.—The Administrator shall establish and collect fees for certification and inspection of repair stations outside of the United States equivalent to the costs of providing the certification and inspection services.”

Redesignate subsequent sections of title II of the bill accordingly.

EXTENSION OF REMARKS

THREE OUTSTANDING WOMEN TO
RECEIVE CONGRESSWOMAN
MARY T. NORTON AWARD AT
58TH UNITED WAY LUNCHEON

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1993

Mr. MENENDEZ. Mr. Speaker, on Tuesday, October 12, 1993, the 58th annual kickoff luncheon will be hosted by the United Way of Hudson County at the Meadowlands Hilton in Secaucus, NJ. William E. Martin, president of the United Way of Hudson County for 37 years, reports that this campaign kickoff will feature presentations of the prestigious Congresswoman Mary T. Norton Award for outstanding community service, and keynote remarks by Richard A. Kraft, president and chief operating officer of Matsushita Electric Corp. of America. The company and its employees, under the leadership of Mr. Kraft, has been a model of corporate involvement in Hudson County. Company officials and employees have joined heart and hand in conducting a clothing drive for the homeless, provided microwaves to enhance food pantries to feed the hungry, and conducted an excellent all-around United Way campaign.

Since 1935 the United Way of Hudson County has met human service needs through its 33 agencies, voluntary organization presidents, professional personnel, and approximately 1,100 corporate, labor, government and civic leaders who volunteer their services. A mighty army has been available to help those in need.

This thank you luncheon will kickoff with a film salute to the National Football League, celebrating 20 years of NFL/UW TV productions, which enables the United Way message to reach an estimated 80 million viewers weekly during the football season, and provides community service opportunities and recognition for the National Football League family. NFL Commissioner Paul Tagliabue, a native of Jersey City, is providing the film presentation, showing that this is truly a partnership in caring.

Three years ago, the United Way of Hudson County created the Congresswoman Mary T. Norton Award, so named because of the Congresswoman's deep commitment to human service needs. The award recognizes women who have made outstanding contributions to the success of United Way programs both in our community and throughout the Nation. It symbolizes the spirit of the United Way—to increase the organized capacity of people to care for one another.

Former Congressman Frank J. Guarini, who served as a Member of Congress for the 14th District of New Jersey, was instrumental in the establishment of this award. Today I join with the United Way in expressing appreciation to

former Congressman Guarini for his annual interest in reporting these awards in the CONGRESSIONAL RECORD. I am proud to continue this tradition. We also wish to express our appreciation for his support of the American Way Program, established in 1990, to aid newcomers from the Asian Pacific countries to learn the American way and the importance of mutual cooperation. This program, coordinated by Conrad J. Vuocolo, is the only one of its type in the Nation.

The recipients of the award for 1993 are:

Jean McFaddin, group vice president of R.H. Macy & Co., and the producer of Macy's Emmy Award-winning Thanksgiving Day Parade. As group vice president and executive director of public relations and promotions, Ms. McFaddin is responsible for developing merchandising programs and production of premiere celebrations for Macy's stores nationwide. She created "The 50th Anniversary Celebration of the Wizard of Oz," featuring giant inflatables of Dorothy and her friends on Macy's famed marquee. Jean won Emmys for the 1979, 1982, 1983, 1986, and 1987 parades. We are proud that many of the figures used in the parade are made and stored in Hoboken, NJ. She also directed New York City's July 4th Land Festival in 1977. Jean has been named a "Quintessential New Yorker" by Town & Country magazine and has received the Humanitarian Award of New York's Community of Mayors Association.

A member of the New York Board of Directors for the Cystic Fibrosis Foundation for 10 years, she received their 1990 Outstanding Service Award. Jean is also on the national board of directors of Race Against Time, a nonprofit foundation committed to creating educational films on genetic therapy and other medical advances.

Ms. McFaddin holds a master's degree from the University of Texas in theatrical production, and has received undergraduate degrees at Stephen's College, Columbia, MO, and the University of Texas, her native State.

Zulima V. Farber, appointed by Gov. James J. Florio, and sworn in on August 18, 1992, as New Jersey's Public Advocate and Public Defender, is the first Hispanic woman to serve in a New Jersey cabinet post. A native of Cuba, she became involved in law and public service when she learned that her 13-year-old brother had been arrested for carrying anti-Castro literature in Santiago, Cuba. Fearing further retribution against the family, her parents sent her to live with relatives in West New York, NJ. A graduate of Memorial High School, she worked as a secretary to a Union City attorney, and with the help of a small scholarship enrolled in Montclair State College. She worked for 2 years as an instructor in Spanish while studying for a doctorate in Spanish literature at the City University of New York. Encouraged by her husband, Eugene Farber, a law student, she enrolled in Rutgers School of Law.

She served as a legal specialist with the Newark Department of Health and Welfare in 1974; as assistant counsel to the Governor in 1978; a member for 10 years of the Jersey City Medical Center Board of Directors; chairperson of the New Jersey Advisory Committee to the U.S. Commission on Civil Rights; on the Hudson County Improvement Authority; and in other capacities.

Ms. Farber is a member of the American Bar Association and several State professional organizations. Described as a "woman on the move and one willing to take personal risks for just causes," Ms. Farber resides in North Bergen, NJ.

Denis Arthur has a long history of community service. As a member of the board of directors of the Hudson County Chamber of Commerce and Industry, she spearheaded the school mentor program, which has over 130 mentors from the business community working with 6th and 7th graders in the Jersey City Public Schools. She also helps to keep Girl Scouting in the forefront with the business community through the Annual Business Luncheon.

A graduate of Trenton State College, she has taught school in Livingston and Newark and worked as an executive with the National Personnel Service, in corporate planning and as director. Ms. Arthur founded Ready Personnel Services and Ready Temps, helping shape the future of young people in the marketplace. She has been involved in the Hudson County business community for over 20 years, and is a member of the National Association of Personnel Consultants, the board of directors of the New Jersey Association of Personnel Consultants, and of the Jersey City Rotary Club. She operates her personnel service organization at the Jersey City waterfront and resides in Berkeley Heights with her daughter, Tracey.

Congresswoman Mary T. Norton, in 1925, was one of the first women elected to the U.S. House of Representatives. She was elected to represent Jersey City and Bayonne, 12th district, as the first woman from the Democratic party and the first woman from an eastern State elected to the House in her own right. More than 40 years ago, Congresswoman Norton was a champion of child care, women's rights, labor safety standards, and education. She was also instrumental in the inclusion of women in high levels of government service. She served 13 terms, retiring in 1950.

Also at this luncheon, the second annual Louis T. Scialli Memorial Award will be presented to Thomas Favia, president of the Jersey City Education Association. Mr. Favia was selected unanimously by the board of directors of the United Way of Hudson County to receive this award.

The United Way of Hudson County initiated the Louis T. Scialli Memorial Award as a tribute to the accomplishments of the membership of the Jersey City Education Association. Mr. Scialli served as president of the JCEA

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

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

from 1969 until his passing in 1990. He developed strong programs, making the Hudson County Human Services Network perhaps one of the most effective in the entire Nation. JCEA members have served magnificently under the late Lou Scialli. It is for this reason that the United Way of Hudson County announced the initiation of the Louis Scialli Memorial Award.

Last year Joseph McLaughlin, president of the International Brotherhood of Electrical Workers, Local 827, working with the New Jersey Bell Telephone Co., received the first award.

Thomas Favia, who worked many years shoulder to shoulder with the late Mr. Scialli, is president of the JCEA and is involved in skillful negotiations and representation for Jersey City's teachers, and also maintains other employees who have recently become affiliated with the Jersey City union.

I am pleased to report that the per capita giving by the Jersey City teachers, with the assistance of the JCEA, is the largest in the entire State of New Jersey.

Despite problems the United Way is encountering at the national level, with the assistance of individual donors and corporations the United Way hopes to meet the Hudson County quota for this year. Board chairman Burton Trebour, vice president of APA Transport Co.; Robert Smith, chairman of the finance committee; past presidents David Leff; Frank Nilan and LeRoy Lenahan will lead the dedicated staff and volunteers in reaching the goal.

Cuts forecast in human services mean local communities will receive less Federal and State assistance. It is therefore important that the entire community, its corporate leaders and elected officials, work with the thousands of donors to help deliver the financial assistance necessary to continue services in our area.

When we realize that the United Way agencies respond to more than 165,000 service requests each year, we come to understand the importance of their work. The approximately \$2 million distributed each year by the United Way of Hudson County transforms into \$34 million of additional funds through foundations and other areas. We know of the great work being done through the North Hudson Community Action Corp. and 30 other service agencies, serving elders, children, and entire families.

Since last year's redistricting, Hudson County has three Members in the House of Representatives. Both Congressmen DONALD PAYNE and ROBERT TORRICELLI join with me in this message. We invite all of our colleagues in the House of Representatives to extend their congratulations and best wishes to the United Way of Hudson County and all present at this kickoff luncheon.

GOLDEN ANNIVERSARY TRIBUTE TO LEIGH AND FRANCES JOY

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1993

Mr. HOCHBRUECKNER. Mr. Speaker, I rise to pay tribute to Thomas Leigh and Frances

Joy, a very special couple who are celebrating their 50th wedding anniversary.

Leigh and Frances Joy are both natives of Washington, DC. The youngest of the three children of Frank and Helen Joy, Leigh attended Roosevelt High School, where he was a star baseball pitcher. Frances, the daughter of Charles and Louise Huntington, attended Holy Cross High School. Soon after graduating from their respective high schools Leigh and Frances married, on October 12, 1943.

Shortly after the Joy's wedding, Leigh joined the Navy and shipped off for active duty in World War II. After transferring to the Marine Corps as pharmacist's mate, Leigh was awarded the Silver Star and Purple Heart for valor in the battle of Pelliu in the South Pacific.

At the age of 30, Leigh became president of the B. Frank Joy Co., a business his father started in 1917 that is still successfully operating in the Washington area today. While running this company, Leigh coached baseball and softball teams for which his son and daughters played.

Frances was very active in raising the Joy's three children—Ken born in 1946, Gail born in 1949, and Mary Susan born in 1960—transporting them to their many athletic and social events. Frances was also very active in their community church.

Leigh and Frances are now retired and spending much of their time on the golf course. They still look after their three children, as well as their nine grandchildren.

Mr. Speaker, I ask that the Congress pay tribute to Leigh and Frances Joy, a proud American family enjoying each other and the entire Joy family on their golden anniversary. My wife Carol Ann and I are happy to be part of their extended family and proud to call them our friends. We wish them a happy and healthy future.

AMERICA CAN PUT AMERICANS BACK TO WORK

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1993

Mr. CRANE. Mr. Speaker, free-spending proponents of big Government believe that the only way to solve our social ills is through the creation of Government programs. Liberal idealists reject the idea that private organizations might better serve the needy. I have always believed these conclusions to be false. It is not in spite of, but because of private industry's self-interest that it is able to operate more efficiently than publicly funded programs.

The following article by Sol Stern, published in the September 7, 1993 edition of the Wall Street Journal, chronicles the success enjoyed by one private firm which is serving not only its own needs, but also the needs of the unemployed. This company, called America Works, is turning a profit and serving the public good, training and placing the unemployed in stable jobs. In the process, they build tax rolls, decrease the burden of social services, and even manage to turn a profit.

As Congress and the administration debate the reinvention of Government, we might all

keep the example of America Works in mind. I believe that Government needs to be redefined, not reinvented. As all those who read this article will quickly see, private industry has a much more compelling desire to see individuals succeed. That desire may not be entirely altruistic, but it is all the more successful because of the self-interest which motivates it.

Too often, Government does not have an interest in the needs of its citizens. Private industry has just such an interest. Too often, Government jobs programs do not lead to more employment. Private industry does.

I recommend this article to all my colleagues and to all those who wish to reinvent, redefine, or otherwise reform Government.

[From the Wall Street Journal, Sept. 7, 1993]

BACK TO WORK

(By Sol Stern)

With the Labor Day holiday over, and summer unofficially at a close, most Americans return to their jobs today. But what of long-term welfare recipients? How exactly, can government prod these people, almost all of whom are women with children, back into the labor market?

Back in the 1992 campaign, Bill Clinton promised to "end the welfare system as we know it." And now his administration must wrestle with the high expectations created by that pledge. The president's welfare-reform planners might find a few hints to solving the riddle at a small, private-sector employment agency called America Works, located in lower Manhattan.

For the past five years, America Works has placed thousands of welfare clients in New York and Connecticut, with an average of between five and six years on the rolls, in private-sector jobs with an average starting salary of \$15,000 plus benefits. Employers have been overwhelmingly satisfied. America Works has a long list of companies that keep coming back, asking for more referrals from the welfare rolls.

America Works has staked its survival as a profitable business on the proposition that welfare clients, properly motivated and helped with a limited amount of technical assistance, can be successful at getting and holding jobs.

Consider the case of 35-year-old Lenore Green. Other than having two short-term jobs, she has been on public assistance all her adult life. Ms. Green had a disappointing experience with New York City's Human Resources Administration. "They basically give you the Yellow Pages and tell you to start calling to find a job," she says.

WORTH THE TRIP

When Ms. Green heard about America Works, she asked her caseworker to refer her to the firm, even though its offices are in lower Manhattan and she lives in the Bronx. When she made the trip, she found a businesslike facility, in contrast with the grim welfare offices she was used to visiting. A polite receptionist directed clients and visitors to the business lab, the preemployment classroom, a small meeting room and staff offices. America Works was humming with activity, and no one was waiting in line.

Ms. Green signed up, and after a week of pre-employment screening and "job readiness" training, she landed a two week data-entry job. Immediately thereafter she was sent on two interviews, each of which led to a job offer. She currently works in the claims department of Amalgamated Life Insurance Co.

America Works functions as a kind of "old girls' network." (Most of its clients are

women.) Staff members build relationships with employers and provide the connections to the job market that women on welfare usually lack. "After screening to make sure there's a fit with what the employer is looking for, they go out and represent you to the employer," Ms. Green says. "They help you get that interview."

America Works makes its money by contracting with state welfare agencies to place clients in jobs. The contract is performance-based: The company is paid (about \$4,000 a client in Connecticut and \$5,300 in New York) only after the client has completed a four-month probationary period with an employer. The state comes out ahead as well. For its fee of \$5,300, America Works estimates that it saves taxpayers \$22,000 a year, the cost of keeping a mother and two children on the welfare rolls in New York.

America Works is the brainchild of a husband-and-wife team, Peter Cove and Lee Bowes. Mr. Cove is a community activist, a veteran of the 1960s War on Poverty and various nonprofit employment training projects; Ms. Bowes is a sociologist. They launched America Works in the mid-1980's with \$1 million in start-up capital and the belief, based on their own experiences in the job-training field, that the primary obstacles preventing welfare clients from finding and retaining jobs are a lack of connections and gaps in interpersonal skills. Extended education and training programs are unnecessary, time-consuming diversions, Mr. Cove and Ms. Bowes argue. Further, they contend, clients with shaky self-confidence are best served by an early success in getting a job, not by long periods of preparation.

America Works' week-long training sessions are narrowly focused on the skills needed to land an entry-level job. A counselor works with clients on such basics as maintaining a businesslike personal appearance, speaking properly, preparing a resume, showing up on time and arranging child care. Attendance is strictly enforced: If a client is late to class, even by five minutes, she is dropped from the program, though she may enroll again at a later date. After completing the class, clients spend half their day in the company's business lab, working on typing, word processing, and other office skills while they wait for job interviews. During the remainder of their day, they can seek employment on their own.

Paula Phillips, an energetic former school-teacher who leads the training sessions, stresses that clients' success depends on their own motivation and effort. "There are no guarantees," she tells her class of 46 women. "If you want something to happen, you've got to make it happen."

Nevertheless, she continues, "if we don't find people a job, we can't stay in business. We want to find jobs for as many people as possible."

The company's entrepreneurial ethos is catching. We spoke with numerous women and men in America Works classes who defied the stereotypes of long-term welfare clients steeped in a permanent culture of dependency. After waiting several months to be admitted to the program, they understood that they had to compete for jobs, were working very hard at improving their skills in the business lab, and were confident that they would succeed.

Employers are impressed with the workers' enthusiasm. "Their candidates really want to work," says the personnel director of a catalog company who, since 1989, has relied exclusively on America Works for filling entry-level positions. "They have people who

have been out of work and so they're willing to stay with a job for quite some time," says the manager of a law office. "They're willing to stay longer than other people who haven't been on public assistance. We're willing to take a chance on them; we get a dedicated and loyal employee. It's a win-win situation."

During the four-month probationary period, the employer pays an agreed-upon wage to America Works, which pays the employee minimum wage. (Employee's welfare grants are gradually reduced during their transition to permanent work.) The trial period allows the employer to evaluate the new employee's work habits and adaptability to the company culture.

CONFOUNDING PESSIMISM

At the same time, America Works offers the employee services to ease the transition from dependency to the job market. America Works job counselors visit the worker on the job every week and meet with the employee's supervisor every other week to "troubleshoot." If there are problems with punctuality or attendance, or if the client needs help with child care or housing, the counselor will intervene.

After the probationary period, the employee is paid a standard wage. The support America Works provides during the transition period is clearly effective; an estimated 85% to 90% of its clients are still in their jobs at the end of the first year.

America Works confounds the shared pessimism of both liberals and conservatives about the possibility of getting welfare recipients into jobs quickly. It points beyond the familiar "won't work" vs. "can't work" argument, toward pragmatic, intermediate solutions. There are thousands of welfare recipients who deserve a better chance than the one the welfare bureaucracy now affords.

HOPE FOR CONTINUING GOOD RELATIONS BETWEEN THE UNITED STATES AND GREECE

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1993

Mrs. BENTLEY. Mr. Speaker, as a Member of Congress and a friend of Greece, I have followed with keen interest developments in that country and the current electoral campaign for the election of a new parliament and cabinet.

Certainly, neither I, nor any Member of Congress that I am aware of, wishes to interject himself/herself in another country's internal affairs. But all of us hope that the excellent relations between Athens and Washington, fostered by Prime Minister Constantine Mitsotakis, will continue after the October 10 elections.

I have been impressed with the economic stabilization and growth that has been achieved in the past 3½ years and the ambitious program of infrastructure building now in progress in Greece. Moreover, I also applaud the statesmanship displayed by Prime Minister Mitsotakis in his sincere efforts to bring about peace in the Balkans.

Ultimately, the decision as to who shall govern Greece after October 10 belongs to the Greek people, as it should be in the oldest de-

mocracy in the world. But as a Member of Congress with a large ethnic Greek constituency, I certainly hope that the excellent state of United States-Greek relations will continue, irrespective of the outcome of the October 10 contest.

TRIBUTE TO MINORITY LEADER ROBERT MICHEL

HON. TERRY EVERETT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1993

Mr. EVERETT. Mr. Speaker, I rise today to pay tribute to a great statesman and outstanding American, our leader Congressman ROBERT MICHEL. On October 4, BOB announced his retirement from the U.S. House of Representatives.

BOB MICHEL exemplifies all that is America. He is the son of a French immigrant and was wounded while defending freedom in World War II. His bravery earned him two Bronze Stars, a Purple Heart, and four battle stars.

In 1957, BOB MICHEL carried his pride and patriotism to the U.S. House of Representatives where he has labored continuously for the people of Illinois' 18th Congressional District.

Since 1981, BOB's colleagues have voted him Republican leader seven consecutive times. He was elected to his first leadership position as chairman of the Republican Congressional Campaign Committee in 1972, chosen as Republican whip in 1974, and became leader in 1980. He also served as permanent chairman of the 1984, 1988, and 1992 Republican national conventions.

In addition to his distinguished leadership record, BOB MICHEL has been personally honored by everyone from President Ronald Reagan to the Reserve Officer Association to the U.S. Chamber of Commerce for his exemplary civic service.

Today, I would like to offer my heartfelt congratulations to BOB and his family on a job well done. I wish him a happy and leisurely retirement and the knowledge that this House is better for his 38 years service.

ANTHONY MANSOUR

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1993

Mr. KILDEE. Mr. Speaker, I rise today to honor an outstanding member of the community, Anthony J. Mansour. Mr. Mansour is being presented with the Golden Door Award by the International Institute of Flint, MI on Tuesday, October 12.

The International Institute annually presents the Golden Door Award to individuals who have through their civic and voluntary involvement made a positive impact on the Flint community and the International Institute. The award recipients are persons who have adopted the United States as their home. They come from divergent parts of the world but are

unity in their commitment to serving the community. They exemplify the best our foreign born citizens have given to the United States.

Anthony "Tony" Mansour continues that tradition of service. I have counted Tony among my closest friends for many years. He has been a powerful advocate for the rights of the Palestinian people. He is a respected leader in the Arab American community of Genesee County. He is a founding member of the American Arab Heritage Council, an active member of the American Arab Anti-Discrimination Committee, the Arab American Leadership Council, the Arab American Institute, the Arab American Bar Association, the Arab Community Center for Economic and Social Services, the Palestine Aid Society, and the American Near East Refugee Aid Initiative.

In addition to this he was elected to the Circuit Court for the Seventh Judicial Circuit and served from 1966 through 1973. At that time he returned to a thriving law practice. He has made significant contributions to the education field. He has promoted legal education in this community and been a lecturer and instructor with Mott Adult High School, and Baker College. Through his participation with the Curriculum Advisory Committee at Mott Community College he has established legal education programs for legal secretaries and paralegal assistants. He is a fellow of the American Bar Association, a prestigious group of the top 2 percent of attorneys throughout the country. He is a member of the Genesee County Bar Association and the State Bar of Michigan. Tony has held numerous posts with each organization including the judicial qualifications screening committee.

Tony came to this country from Nazareth, Palestine when he was 18-months-old. He and his wife, Muriel, have six children and several grandchildren. I commend the International Institute for recognizing the achievements of this great man and ask the House of Representatives to join me in congratulating Anthony Mansour as he is presented with this well-deserved award.

H.R. 2445, THE ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT FOR FISCAL YEAR 1994, TO TERMINATE THE SUPERCONDUCTING SUPER COLLIDER

HON. PETER HOAGLAND

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1993

Mr. HOAGLAND. Mr. Speaker, earlier this summer, the House voted to cut spending by terminating several programs whose costs far outweigh any merits the programs may have. The programs we voted to cut include the superconducting super collider, the advanced solid rocket motor, the advanced liquid metal reactor, and the SP-100 space reactor. Now each of these projects are coming before the House again, because the Senate and the Appropriations conferees were not willing to make the tough choices on these programs. I urge my colleagues here in the House who are serious about cutting spending to stick to your guns and insist on these cuts.

Last year, we voted to cut the superconducting super collider and the advanced solid rocket motor, but these programs are still eating up taxpayer dollars. The American people are sick and tired of seeing their money go to these multibillion dollar programs as we slide deeper and deeper into debt—and I'm sick of it as well.

I am pleased that the House rejected the rule to consider the conference report that would have continued to fund the Advanced Solid Rocket Motor Program. That is the kind of resolve we need to show on upcoming votes on each of the programs I mentioned.

The time has come to pull the plug on the superconducting super collider. We must be prepared to reject any conference report that continues to fund it. I was disappointed that not a single House conferee was appointed that agreed with the majority of the House on this issue. We must also insist that the other programs the House voted to eliminate, such as the advanced liquid metal reactor and the SP-100 space reactor, are eliminated once and for all in the conference report.

The American people are clearly ready to make the tough choices and cut Government spending. The House took the first step by voting to cut these programs when these bills were first considered. Now, as these bills come back to us for final consideration, we must finish the job the American people sent us here to do.

IN CELEBRATION OF THE 25TH ANNIVERSARY OF ASPIRA, INC. OF NEW JERSEY

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1993

Mr. MENENDEZ. Mr. Speaker, I rise today in celebration of the 25th anniversary of ASPIRA, Inc. of New Jersey, a nonprofit organization providing counseling and leadership development programs to Hispanic and other minority youth. This Friday, October 8, 1993, ASPIRA celebrates this milestone with an anniversary gala in East Brunswick, NJ. David Diaz of WCBS news will act as master of ceremonies, and the celebrants will be addressed by keynote speaker Antonia Pantoja, founder of the ASPIRA movement in this country.

I have long recognized the vital importance of the services which ASPIRA provides, and I have taken the floor of the house in the past to recognize its work. Today I rise once again to reconfirm my belief in ASPIRA's mission, and to thank the dedicated group of professional educators and counselors who make the movement possible.

ASPIRA was founded by a group of Hispanic leaders and educators recognizing the need to ameliorate the alarming dropout rate among Puerto Rican youth in New Jersey. Its mission became the strengthening of the Hispanic community's economic base by promoting education among its youth—thus crating the community's future leaders.

ASPIRA's mission of "Leadership through Education" reinforces a value for education;

community awareness and participation; a positive self-identity; the development of leadership skills; and parental awareness of educational programs and policies that affect their children.

ASPIRA's mission is symbolized by the pitirre, a small, fragile tropical bird found on the island of Puerto Rico. It is known for its agility and rapid flight and for its ability to outsmart, tire, and defeat much larger birds. The pitirre represents ASPIRA and is symbolic of the youth who aspire to acquire knowledge and develop into the leaders of the future. The ASPIRANTE, like the pitirre, will overcome the seemingly overwhelming odds against them throughout life. It is through their struggle that they will gain the skills necessary to return and struggle for the betterment of their communities. I know my colleagues in the House join me in saluting ASPIRA.

CONGRATULATIONS TO COMPETITION WINNERS FROM SHOREHAM, LONG ISLAND

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1993

Mr. HOCHBRUECKNER. Mr. Speaker, I am pleased to acknowledge the achievements of four outstanding young constituents from the First Congressional District of New York: Sean Burrows, Keith Chan, Robert Nelson, and Rebecca Siddons, all from the Shoreham-Wading River High School. These Long Island students were recently recognized as 4 of the 12 New York State winners of the Foundation for a Creative America's Young Inventors' and Creators' competition. Two of the four students, Sean Burrows and Rebecca Siddons, are also national winners and will be in Washington, DC, on October 30, 1993, for an awards ceremony.

The young inventors' and creators' competition is designed to educate students about our Nation's patent and copyright systems while challenging them to create unique and original projects. Included among the Shoreham students' winning creations is a smoke detector for the hearing impaired and a wet floor sign with an alarm that is activated when someone walks onto the slippery area.

This year's competition marks the 100th anniversary of American film. Like many American businesses, the motion picture industry originated with the help of innovative and original thinkers such as Thomas Alva Edison and Mary Pickford. With continued hard work and a little luck, perhaps this year's contestants will enjoy similar success with their inventions and creations.

Mr. Speaker, it gives me great pleasure to congratulate these four young men and women from Long Island, NY, for their exceptional performances. I would also like to commend their instructors, John Holzapfel, Mary Loesing, Florence Mondry, and Karen Peterson, for their efforts in leading these students to success. The Shoreham-Wading River community is very proud of their outstanding work.

FIFTH ANNIVERSARY OF THE COMMISSIONING OF THE *PRIDE OF BALTIMORE II* TO BE CELEBRATED ON OCTOBER 22, 1993

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1993

Mrs. BENTLEY. Mr. Speaker, I rise today to recognize the 5th anniversary of the *Pride of Baltimore II* which will be celebrated on October 22, 1993.

That day, I will have the pleasure of attending a celebration honoring the *Pride of Baltimore II*. The *Pride of Baltimore II*, a topsail schooner built along the lines of a 19th century Baltimore clipper, symbolizes the rebirth and the character of the city of Baltimore.

Through the able leadership of Captains Jan Miles and Robert C. Glover and the 11 other crewman who maintain the complex rig and abundant brightwork, the *Pride II* has embarked on voyages to ports in many foreign cities, including Rio de Janeiro, Buenos Aires, La Guaira and Panama. Wherever the *Pride II* may travel, it carries with her the enterprising spirit of all the citizens of Baltimore and its predecessor, the *Pride of Baltimore*, which was lost at sea in May, 1986, after sailing more than 150,000 miles in 9 years.

For the last 5 years, it has served as a world class ambassador of economic development and goodwill for the State of Maryland and the Port of Baltimore. In the course of its mission, the *Pride* has promoted stronger commercial and cultural links between Maryland and her international trading partners.

With her unlimited international sailing capacity, the *Pride* has evolved into a valuable educational resource. The Student with Pride program links Maryland students with their counterparts from all over the globe. Together, the students study a curriculum of geography, math, science, and history based on the *Pride's* voyages. The crew stays in touch with the students via the latest in satellite and facsimile technology.

Mr. Speaker, it is with great pleasure that I commemorate the 5th anniversary of the commissioning of the *Pride of Baltimore II*.

MISGUIDED POLICY IN SOMALIA

HON. TERRY EVERETT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1993

Mr. EVERETT. Mr. Speaker, the Clinton administration's policy regarding Somalia has become a complete failure in my mind. The United States forces operating in Somalia are now in the untenable situation of trying to carry out a botched and unguided mission that encompasses humanitarian, peacekeeping, peace-making, and nation-building efforts. The command and control arrangement that was originally set up when the United States first handed over the humanitarian mission to the United Nations has since become confused and ineffective—this must be addressed immediately before any more American lives are

needlessly lost. Operation Restore Hope has turned into Operation Quagmire.

The policy initiated by the Bush administration to provide humanitarian assistance to the starving people of Somalia has been successfully fulfilled. Since the Clinton administration has taken over, the nature of the policy shifted to economics and nation-building that is being loosely coordinated with the United Nations. In a recent speech to the Center for Strategic and International Studies, Secretary of Defense Les Aspin went so far as to say "our overall criteria for success should include progress in economic, political, and security elements of the Somali problem." This speech is a perfect illustration of why the administration's foreign policy has gone bad. In this time of severe reductions to our national defense budget, we have no business launching a political and economic exercise half way around the world; especially when the people we are trying to help are shooting at us.

On May 25, the House voted to approve H.J. Res. 45, a joint resolution authorizing the use of United States Armed Forces in Somalia for up to an additional 12 months; it was adopted on a vote of 243 to 179. I voted against this measure because we had since achieved our objective of making the food supply accessible to all Somalians.

When we launched Operation Restore Hope last December, we really didn't have any vital interests in Somalia; our involvement was primarily humanitarian in nature. We continue to not have interests in Somalia that would warrant the further use of the United States military. The United Nations peacekeeping force must assume the broader role of peace "maker" until General Aideed's forces are neutralized.

Yesterday, my Republican colleagues and I sent a letter to President Clinton requesting that he bring the United States military operation in Somalia to a close, and shift the responsibility of this mission back to the United Nations. Moreover, we stressed the fact that we have successfully completed the humanitarian mission of food distribution in Somalia; the mission has now changed to nation-building, which is the role of the United Nations. I hope the President takes heed in this letter and listens to the American people; it's time to bring our troops home from Somalia.

HEALTH PROFESSIONS EDUCATION AVAILABILITY ACT

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1993

Mr. TRAFICANT. Mr. Speaker, it's a well-known fact that shifting the emphasis in the physician work force from specialists to generalists will improve access to health care and cut costs. In fact, the Council on Graduate Medical Education [COGME] under the Department of Health and Human Services has issued an extensive report supporting this fact called, "Improving Access to Health Care Through Physician Workforce Reform: Directions for the 21st Century." America is in need of more primary care physicians. As a result,

I have introduced H.R. 3220, the Health Professions Education Availability Act of 1993, to emphasize training in primary care education and to encourage students to enter a field in primary care.

At this time, I would like to summarize COGME's findings on this issue. First, the growing shortage of practicing generalists—i.e., family physicians, general internists, and general pediatricians—will be greatly aggravated by the growing percentage of medical school graduates who plan to subspecialize. The expansion of managed care and provision of universal care will only further increase the demand for generalist physicians. Second, increasing subspecialization in U.S. health care escalates health care costs, results in fragmentation of services, and increases the discrepancy between numbers of rural and urban physicians. Third, a rational health care system must be based upon an infrastructure consisting of a majority of generalist physicians trained to provide quality primary care and an appropriate mix of other specialists to meet health care needs. Today, other specialists and subspecialists provide a significant amount of primary care. However, physicians who are trained, practice, and receive continuing education in the generalist disciplines provide more cost-effective care than nonprimary care specialists and subspecialists.

In its first report 1988, COGME recommended increased numbers of physicians in family practice and general internal medicine to assist in meeting problems of access to primary care services. However, interest by medical school graduates is rapidly increasing in procedurally oriented subspecialties, and similarly, interest in primary care is declining dramatically among U.S. medical students. Should these current trends continue we can conclude that primary care services will increasingly be provided by subspecialists who have had little or no education for primary care. Moreover, primary care provided by subspecialists can be expected to cost more. And finally while an overall increase in the total physician-to-population ratio would further hinder efforts to reduce costs, an oversupply of subspecialists would be more costly than would an oversupply of generalists.

The truth is, the medical education system must respond today, to the Nation's health care and physician work force needs in the 21st century. These include the need for more minority and generalist physicians, more primary care research, and increased access to primary care, particularly in underserved rural and urban communities. Changes in the institutional mission, goals, admissions policies, and curriculum are necessary to respond to these needs. My bill, H.R. 3220, does not increase the overall medical student population, rather, it directs health professions schools to respond to the need for more minority and generalist physicians by shifting the current trends in the physician work force.

Specifically, under H.R. 3220, the Secretary of Education may make an award of a grant or contract to a health professions school only if the school agrees to emphasize training in primary health care and encourage the students of the school to enter a field of primary health care as a career choice.

Furthermore, foreign students are often accepted over American and legal alien students. As a result, America is exporting one of our greatest national resources—education—and taking away opportunities from qualified minority students. Under H.R. 3220, the Secretary of Education may make an award of a grant or contract to a health professions school only if the school agrees that, in considering applications for admission to the programs of health professions education operated by the school, the school will admit an individual who is not a citizen or permanent resident alien of the United States only if no qualified applicant who is such a citizen or alien is seeking admission.

The final vote on health care reform legislation will usher a new era of health care for all Americans. It's time to prepare our physician work force for the 21st century, improve access, and cut costs. I urge Members to co-sponsor H.R. 3220, the Health Professions Education Availability Act of 1993.

TRIBUTE TO THE MORRISANIA DIAGNOSTIC AND TREATMENT CENTER ON ITS 20TH ANNIVERSARY

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1993

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute to the Morrisania Diagnostic and Treatment Center, which on October 15 will celebrate its 20th year of service to the Morrisania, Highbridge, and Concourse communities of the South Bronx. I would also like to take this opportunity to recognize Dr. James Dumpson, chairman of the board of directors of the New York City Health & Hospitals Corp., and Dr. Antonia Novello, our former Surgeon General both of whom will be honored on October 15 for their contributions to the health of our communities.

In 1971 New York City Mayor John V. Lindsay broke ground on a new facility designed to provide comprehensive primary health care to approximately 55,000 area families. A pioneer of the team concept of health care management, this newest member of the New York City Health & Hospitals Corp. system organized its staff into cohesive units consisting of adult and pediatric physicians; registered head and staff nurses; community health nurses, nurses' aides, and ambulatory care technicians; social workers and caseworkers; and module clerks. Over the past 20 years these units have worked as teams to bring continuity of care to each registered household's entire family.

The Morrisania Diagnostic and Treatment Center also delivers primary pediatric care at four elementary schools, performs health care screenings at the 151st Street Shelter/Emergency Assistance Unit, operates the Highbridge Family Practice Clinic in the Bronx, and provides a full range of mental health services, including child psychiatry, support family therapy groups, a Center for Learning Disabilities, and a psychiatric Day Hospital, which serves as a much-needed alternative to institutionalization.

Mr. Speaker, in his address last month to a joint session of Congress, President Clinton emphasized that the prompt provision of preventive medical services is essential to the health security of our Nation. For 20 years the Morrisania Diagnostic and Treatment Center has made the maintenance of good health the watchword of its practice. Under the able leadership of Executive Director Angel M. Laporte, Jr., who has implemented the Communicare/Managed Care programs and is committed to the philosophies of total quality management and continuous quality improvement, the Morrisania Diagnostic and Treatment Center is certain to be even more successful in securing the health of the Morrisania, Highbridge, and Concourse communities.

I hope my colleagues will join me in honoring the physicians, nurses, caseworkers, administrators, clerical workers, and all of the other caregivers and support staff of the Morrisania Diagnostic and Treatment Center for their outstanding efforts at this important milestone.

A TRIBUTE TO HON. ROBERT MICHEL

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1993

Mr. GILMAN. Mr. Speaker, I had planned to participate in the tribute to the gentleman from Illinois [Mr. MICHEL] which many of our colleagues had arranged at the opening of today's session. However, the lengthy conference at the White House on the Somalia crisis prevented my returning to the House Chamber in a timely fashion. Accordingly, I wish to express my sentiments now, and assure my colleagues that they are just as sincere and heartfelt as those delivered earlier today.

Mr. Speaker, the announcement earlier this week stunned and saddened many of us. BOB MICHEL's decision not to seek reelection to Congress is not simply the well earned retirement of a hard-working and dedicated colleague, it is the departure of a dear and valued friend.

BOB MICHEL was first elected by the people of Illinois to Congress in 1956. today, he is the only Republican Member of this Chamber who remembers service under President Eisenhower. He is one of only three Republican Members who had the experience of service under President Kennedy.

Throughout all these years of congressional service, BOB MICHEL deservedly earned a reputation for integrity, for expertise, and for having an open mind as well as a warm heart. The logical choice for Republican leader in 1981, his over one dozen years in that position were golden years for BOB MICHEL and his party. An articulate spokesperson, a skilled leader, a respected adviser, he was extremely effective in advancing the programs of Presidents Reagan and Bush. It is well known that his door has been open for both sides of the aisle at all times.

BOB MICHEL will long be remembered as a friend of Congress: as a man who defended

this institution at a time when its detractors had the rapt attention of the sensationalist media. BOB never hesitated to point out our achievements, and the fact that for over 200 years we have functioned as the greatest and most effective legislative body the world has ever seen.

This Chamber—indeed, American politics—will be a sadder place without BOB MICHEL's presence. He will be sorely missed by all of us, on both sides of the aisle, and by his constituents from the Peoria area of Illinois who had come to trust in his leadership throughout the past 37 years.

A TRIBUTE TO THE LAKE HURON AREA COUNCIL, BOY SCOUTS OF AMERICA

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1993

Mr. BARCIA of Michigan. Mr. Speaker, I rise today to pay tribute to the Lake Huron Area Council, Boy Scouts of America on the occasion of their annual fall jamboree. I have been invited to attend this event at Camp Rotary in Clare, MI. Through this statement, I wish to express my sentiment about this wonderful jamboree.

Mr. Speaker, as we all well know, the Boy Scouts of America provides an opportunity for the young men of our Nation to participate in an organization which fosters important values, and passes on essential elements of our Nation's heritage. These values provide a foundation upon which our young men can build strong character, and virtue, to last a lifetime. The Boy Scouts have been involved in the development of our young men for close to a century now. By providing instruction in outdoorsman skills, intellectual pursuits, citizenship, and many, many other activities the Boy Scouts help to develop an individual's mind, body and spirit.

Not only does this organization promote respect for our land, its conservation and wise use, it also equips our young men with a desire to become leaders, in their communities, and even on the national level. Many of my colleagues here in Congress have been Boy Scouts, and in the future I am certain that additional scouts will come to this House and make their mark as distinguished public servants.

I would also like to congratulate the fine individuals involved in organizing, and truly giving life, to the many troops throughout my district. Much of the time expended in these activities is only compensated by the satisfaction gained through the knowledge that they have contributed something to the development of our greatest resource, our youth.

Thomas Jefferson once wrote, "I know no safe depository of the ultimate power of the society but the people themselves; and if we think them not enlightened enough to exercise their control with a wholesome discretion, the remedy is not to take it from them, but to inform their discretion." I submit that this is exactly what the Boy Scouts of America does.

Through its merit badges, especially Citizenship in the Community and Citizenship in the

Nation, the Boy Scouts inform our young men about the ideals, structures, and practical aspects of the political system of which they are a part. Through community activities and the concepts that underlay the Scout Oath, such as selfless service and assistance to their fellow man, the Boy Scouts build a resolve in our young men to take their place as concerned citizens and participants in a great democracy.

Mr. Speaker, I have devoted a great portion of my life to public service, with the hope that I could make some contribution. I am certain that there are scouts at this fall's jamboree with similar hopes and aspirations. I invite them to take the chance, so that they may contribute a passage to our history.

TRIBUTE TO THE MEN OF THE
U.S.S. "RIXEY"

HON. HERB KLEIN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1993

Mr. KLEIN. Mr. Speaker, I rise today to pay tribute to the valiant troops of the U.S.S. *Rixey*. The brave fighting men and medical staff are a tribute to the spirit of this Nation.

During the 27 months of its maiden voyage throughout the Pacific, the *Rixey* served as both a combat ship, painted in the gray color of an armed vessel, and a medical facility, carrying over 70 medical personnel. In this 2-year period the *Rixey* covered the equivalent of approximately six trips around the globe, averaging a continuous speed of 7 knots.

Under the command of such men as Capt. A.H. Pierson (MC) USNR, of Portland, OR, and Comdr. A.F. DePalma (MC) USNR, of Newark, NJ, the *Rixey* participated in four invasions. In this capacity she carried 46,318 troops and 16,324 patients. The remarkable aspect of this service is that she never reported a mechanical failure, under the watchful eye of Lt. G.S. Gunderson, ENS, USNR, the ship's engineering officer.

Mr. Speaker, I would like to commend the heroic efforts of these men and their crew in their fearless service to the people of this country.

A GOLDEN ANNIVERSARY TRIBUTE TO HAYWARD AND BERNICE ABNEY

HON. LUCIEN E. BLACKWELL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1993

Mr. BLACKWELL. Mr. Speaker, I rise today to bring to the attention of my colleagues and the entire Nation, a most special occasion which will soon take place in the great City of Philadelphia. Fifty years ago, Hayward and Bernice Abney exchanged their glorious vows of holy matrimony, and today, their love for each other is stronger than ever.

As the proud parents of four sons and six daughters, Hayward and Bernice have always sought to impart their strong commitment to excellence in every aspect of life to their chil-

dren. Hayward served our great Nation with honor and distinction in the U.S. Army during the Second World War. All four of his sons followed in their father's footsteps of military service by joining the U.S. Air Force. Following his tenure in the Army, Hayward became a respected and admired employee at the world-renowned Philadelphia Electric Company. His years of dedicated service and hard work were celebrated upon Hayward's retirement, and as a testament to this remarkable work ethic, several of Hayward's relatives are still employed at Philadelphia Electric.

Mr. Speaker, in my entire congressional district, I can hardly think of a more inspirational woman than Bernice Abney. Indeed, raising 10 children is alone a remarkable feat. Bernice, however has always had time to dedicate her boundless energy to the community. From her work at her church, to the making of her famous apple and sweet potato pies, Mrs. Abney has always been there for others, even during her intensive kidney dialysis treatments. To those who know and love her, she is a pillar of strength, and a woman who can always be counted upon.

At this time, I would like to ask my colleagues to rise and join me in paying tribute to Hayward and Bernice Abney. On behalf of the entire U.S. Congress, I would like to offer my warmest congratulations on the occasion of their glorious golden anniversary. In addition, I would like to extend our salutations to their 10 children, 13 grandchildren, and one great grandchild. May God continue to bless this beautiful union which should serve as an example to the entire Nation what the power of love and commitment can accomplish.

DEDICATION OF THE DUNDALK-PATAPSCO NECK HISTORICAL SOCIETY MUSEUM

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1993

Mrs. BENTLEY. Mr. Speaker, my fellow colleagues, when Americans think of historic preservation, they often picture places like the Smithsonian Museums, the Walters Art Gallery, and the B&O Railroad Museum. These large institutions, while respectable in their own right, often overlook the smaller accomplishments of everyday people. While the Smithsonian may run an exhibit on the Dead Sea Scrolls, they probably will never display something that impacts the daily events of our lives. Oftentimes we fail to venerate those people and events who make the difference in local communities.

This is why it is important that communities like the Dundalk area support the preservation of local history and pride. With this community spirit in mind, I will have the honor of attending the dedication of the Dundalk-Patapsco Neck Historical Society's new museum on October 10, 1993.

This new historical museum will make available many educational and cultural programs for children and adults. And once completed, it is sure to bring more people into the revitalization area and will enhance the economic

growth of the community. It will benefit both the citizens and the business community.

The center room will be a meeting place used by community groups holding meetings. Displays featuring early settlers of the area and prominent citizens will be on exhibit. Another room will feature businesses of the area and historical events such as wars, aviation, and fairs. Two prominent displays will offer members of the community and local artists the opportunity to display their hobbies, crafts, photography, and art. A minitheater for the many educational slide shows and video tapes can be used for research projects.

The zoo, the science center, the aquarium and the Peabody Institute are just a few of the many organizations participating in traveling programs which will bring exhibits to the center.

For the adults, quiltmaking classes, genealogy classes, and various seminars will be available. The new museum will have its first chance to display the society's commitment to education on October 21, 1993, when it will be hosting 150 students from the Holabird Middle School. Members will be assisting the teachers with tours of various locations of the museum area and showing slide shows to each group. A different slide show will be shown to each of the six groups and will focus on the topics they are studying at the time, such as local history and the War of 1812.

Since its founding in 1970, the Dundalk-Patapsco Neck Historical Society has provided a valuable service to the community, helping to revive the character and flavor of historic Dundalk. They have collected information and artifacts on the history of the Dundalk-Patapsco area, helped citizens research town history, designated Dundalk as a National Register Historic District, participated in the Dundalk Heritage Festivals and Defenders' Day, and most significantly, will celebrate the dedication of its museum. The Dundalk-Patapsco Neck Historical Society had the vision, courage, and fortitude to convince Baltimore County of the need and importance of having a museum to house the collection of information and artifacts and pay tribute to the many dedicated community volunteers who worked so hard to make this dedication possible.

Mr. Speaker, my colleagues, I am pleased to congratulate the Dundalk-Patapsco Neck Historical Society on this momentous occasion.

TRIBUTE TO THE FREE POLISH
KRAKUSY SOCIETY

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1993

Mr. TRAFICANT. Mr. Speaker, I rise in honor of the Free Polish Krakusy Society in my 17th Congressional District of Ohio. Their work on behalf of both the Polish community, and the community as a whole, has been exemplary.

Mr. Speaker, the society celebrated its 90 year anniversary on September 1, 1993. On that date in 1903, Jacob Kardyszewski invited to his home in Youngstown, OH, 12 Polish fellowmen for the purpose of establishing a new

organization named "The Society of the Free Polish Krakusy under the name of Tadeusz Kosciuszko." The group was founded with the goal of joining all Polish fellowmen into one great organization that promoted self-reliance and continued love for Poland and its language. Four years later, the organization realized the need for insurance protection for its members and applied to the Polish National Alliance for the protection. The society was designated as Lodge 827.

Since its inception, the society has been successful in realizing its original goals. Its facility on South Avenue is now recognized as a center for educational, cultural, and social pursuits for not only those with Polish heritage, but all backgrounds. Its generous contribution to various patriotic, humanitarian, and charitable causes is evidence of the society's immeasurable involvement in the community. Its activities include Christmas parties for children, aid to widows and orphans of deceased members, appealing for ambulatory buses for handicapped children in Poland, and volunteering at the Red Cross and local hospitals.

While serving the community, members of the society have risen to the top of their respective vocations. Outstanding leaders of government, industry, professions, and business have emerged from the ranks of the society. Current leaders of the society are performing wonderfully, and I would like to congratulate the 1993 officers for their efforts: Julian Fryda, president; Kazimierz Mazur, vice president and recording secretary; Tadeusz Lyda, financial secretary; Charles Kish, treasurer; Joseph Magielski and Joseph Sikora, trustees; Kazimierz Ochocinski and Andrzej Modelski, sick committee; Frank Garchak and Michal Labedz, finance committee; Walter Lipinski and Stanislaw Jankiewicz, color bearers; Felix Lipinski, sergeant-at-arms; Charles Kish, Jr., doorkeeper; and Joseph Sikora, accountant.

Mr. Speaker, I join the citizens of my district in saluting this excellent organization on their 90th anniversary. The society has much to be proud of as it heads toward its centennial.

THE SYRIAN BOYCOTT OF ISRAEL

HON. RICK LAZIO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1993

Mr. LAZIO. Mr. Speaker, the world rejoiced when Prime Minister Yitzhak Rabin and PLO Chairman Yasser Arafat shook hands on the South Lawn September 13, demonstrating to all that after 40 years of bloodshed and unrest in the Middle East, peace is just possibly at hand. That is why I was both saddened and incensed when I read in the September 27 New York Times that the Syrian Government has called for tightening the Arab States' 40 year-old economic boycott of Israel.

This is not the first action on the part of the Syrian Government to try to disrupt the peace process. Syria's President, Hafez Assad, refuses to sanction the new Israel-PLO pact, charging that the Palestine Liberation Organization negotiated separately and secretly with

Israel. Syrian obstinacy has stalled Israel's peace talks with Lebanon. Without the willing participation of Syria, the Middle East peace process will remain incomplete and may even fall apart.

Syria must abandon its longstanding attempts to sabotage what so many have worked so hard and so long to achieve. The United States, and all nations of good will, should pressure Syria to forswear its hostile policies and join the civilized and peace-loving community of nations in this historic effort to make a permanent peace in the Middle East.

HONORING CONNIE YOUNG YU ON RECEIVING THE FREEDOM AWARD

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1993

Ms. ESHOO. Mr. Speaker, I rise today to honor Connie Young Yu on the occasion of her receiving the Freedom Award at the Asian-Americans for Community Involvement 20th Anniversary banquet.

Connie Young Yu has a distinguished record of community service with two mighty weapons—quite literally, the pen and the sword.

Ms. Yu is a renowned author of adult and children books, as well as articles on the history of Chinese people in America. She has educated people on the Chinese community and their heritage, highlighting little known information, the immigrant experience, and problems of discrimination.

Ms. Yu was also a founding member of Asian-Americans for Community Involvement in 1973, a role conducive to her political activism. As part of the Media Committee, she has led letter writing campaigns to major corporations, created public service announcements, and filed complaints to protest racial stereotyping of Asian-Americans in the media.

She was later appointed to serve on the Legal Compliance Committee for Textbook Adoption of the California State Board of Education. In addition, Ms. Yu has worked on projects for radio, was the first Asian-American Trustee of Mills College, her alma mater, and was a founding member of the Angel Island Immigration Station Historical Advisory Committee which led to the restoration of the immigration barracks on Angel Island.

Besides writing, Ms. Yu fences competitively and was a finalist at the 1992 Pacific Coast Fencing Championship. Today, she teaches fencing at the Palo Alto Jewish Community Center to youngsters and volunteers her time as director of the San Jose Fencing Center.

Mr. Speaker, I am proud to honor Connie Young Yu and pleased to congratulate her on her receiving this prestigious award.

TRIBUTE TO BOB MICHEL

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1993

Mr. THOMAS of California. Mr. Speaker, when I was elected to Congress in 1978, my

constituents sent me here to try and cut spending, provide the basic services that the Nation depends on the Federal Government for and protect the individual liberties of each citizen. It was with great comfort and sense of confidence that I cast my vote for a Republican leader in 1980 who had been fighting for the same agenda for over 20 years—BOB MICHEL. And since then he has never let up in pursuing those goals.

Over the course of the next 15 months, there will be many tributes to BOB MICHEL citing his outstanding service to country, loyalty to the Republican Party and great abilities as a Member of Congress and Republican leader. All of these true.

But I think the highest tribute to BOB MICHEL is to remember what kind of a man he is—a good and decent man who was willing to fight hard for his and his party's principles, but who was also strong enough to know when it was time to stop the fight and do what had to be done for the sake of the country. This takes a special kind of strength of character and sense of duty to country.

For this I salute BOB MICHEL. This body will miss him when he is gone. But I am confident that the country has not seen the last of BOB MICHEL'S service to this country.

SHORTENED LIST OF RELIANCE

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1993

Mr. DUNCAN. Mr. Speaker, I would like to call to the attention of my colleagues and other readers of the RECORD an editorial written by Mike Royko that appeared in the Washington Times on September 30.

Mr. Royko wisely points out that, before we invest the federal government with vast new powers in the health care arena, we should consider its track record in the other areas in which it has intervened. If the list of things that the federal government does better than the private sector is indeed so limited, we must think twice before giving it control over one-seventh of our national economy.

In addition, I share Mr. Royko's reservations about completely overhauling a health care system that currently provides coverage for 86 percent of Americans just to ensure that the remaining 14 percent are covered as well. I certainly recognize that our present system needs some reform. However, I wonder whether President Clinton's so-called cure will be worth its price to the majority of the American people.

SHORTENED LIST OF RELIANCE

I swerved slightly to go around the lean young man who was furiously pedaling his expensive bike. He glanced at me, expecting the glare bicyclists often get from car drivers.

Instead, I smiled and gave him a friendly thumbs-up gesture. He waved back. What a fine young fellow, I thought.

A few minutes later, I was cruising through Lincoln Park, Chicago's yuppie haven, and there was the usual parade of health-conscious young joggers, out for their morning cardiovascular fix.

I beeped my horn smiled and gave them the thumbs-up gesture, too.

Such admirable lads, and lassies, fine-tuning their bodies. I could imagine them eating a bowl of bran for breakfast, a bit of skinless chicken for lunch and maybe having a mild wine spritzer after work. Unless they were going to run another five miles at dusk.

And it made me feel good. Why? Because while shaving that morning—which is the most strenuous exercise I engage in—I had my radio on and an economist was talking about the Clinton's revolutionary health care proposals.

The economist wasn't very enthusiastic. That's because he is a fairly young, healthy economist.

And the way he saw it, healthy, gainfully employed young people—such as himself and the lad on the bike and the joggers in the park—would wind up picking up an unfair piece of the tab for maintaining deteriorating bods such as mine.

Because they are young and healthy, they seldom need the services of a doc, unlike a wreck such as myself who is constantly being poked, prodded and prescribed.

But whether they like it or not, need it or not, they will be in the health program and will pay in one way or another.

After hearing that, how could I not feel warmth and affection for those who will be helping pay my way through the frequent aches and pains of my twilight years? Bless their Nike-clad feet.

The economist was also concerned about small businesses—the beauty parlor with two or three workers; the small diner with the same; the tavern with a couple of bartenders and a floor man; the countless small businesses that will have to start paying medical insurance.

Even the working mother, who hires someone to take care of her kids.

But I'm not a working mother, a beautician, a saloonkeeper, or a hamburger flipper, so that lets me off the hook.

And by the time I finished shaving, the radio economist had completely changed my views on a national medical program.

Until he made me realize that I was going to get something for nothing. I had nothing but distrust for the Clinton plan.

My lack of trust is based on a list I once made of things the federal government really does well.

Here is that list:

(1) Fight wars.

(2) ?

As you can see, it is a short list.

In recent years, we have learned that the federal government isn't very good at watching lending institutions, which is why the S&L scandal is the biggest financial mess in our history.

We also know the federal government can't protect our borders which is why we had to finally throw up our hands and tell millions of illegal aliens: "OK, you're here, and there's nothing we can do about it, so just stop by the office and we'll make you legal."

It's not good at preventing tons of dope from flowing into this country to scramble the brains of hundreds of thousands of junkies, who then go on to steal, maim or murder to support their habit.

And it is of little, or no help in protecting the victims of the crimes brought on by the drug flow, ghetto life, fatherless little gunmen and other urban frights.

It's absolutely awful at handling money. Even a Skid Row wino maintains a more efficient budget than does the Congress of the United States. And the Skid Row panhandler

probably puts in a harder day's work than the average federal bureaucrat.

Most businessmen will tell you that all the federal government does for them is take a piece of the profit while loading them down with more paperwork.

So I was suspicious about the federal government taking over all medical care.

Especially when I did some reverse math. The White House kept telling us about the 37 million Americans who are without some form of health coverage. (Many of them by choice, which was never mentioned.) The 37 million became a mantra.

Yes, that's a lot of people. But you can look at it another way. About 220 million Americans have some coverage.

So, in my simpleminded way, I figured that if the vast majority of Americans have some form of health coverage, leave them alone and find a way to take care of the minority who don't. Why throw everything up for grabs and create another army of bureaucrats?

But that was before I learned that I will be one of those who stands to get something for nothing. So from now on, I'm a health-reform cheerleader.

Something for nothing. So what's wrong with that? It's become part of the American Dream.

LET STATES DEMAND GUARANTEES FROM HIGHWAY CONTRACTORS

HON. ANTHONY C. BEILENSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1993

Mr. BEILENSON. Mr. Speaker, 2 years ago, the vast majority of the House joined me in passing an amendment to the Intermodal Surface Transportation Efficiency Act of 1991 [ISTEA] that would have made a long overdue correction in our highway construction programs by permitting States to include contractor guarantees in their Federal aid highway contracts. Such guarantees would save tens of billions of dollars over a few years' time. The amendment passed by a vote of 400 to 26 but, unfortunately, was dropped from the final bill by House and Senate conferees at the insistence of special interests. Today I am introducing legislation identical to that amendment, which I invite my colleagues to cosponsor.

Because Federal highway dollars have traditionally been reserved for construction, rather than maintenance, the Federal Highway Administration has prohibited States from requiring any warranties from contractors when awarding federally funded contracts, because warranties might cause bidders to raise the initial price of a project. The effect of this policy is that we reward the use of the cheapest, lowest quality materials in highway construction, and prevent States from building quality performance standards into their construction contracts.

Transportation officials in the Bush administration supported changing this outdated policy, believing that the introduction of contractor guarantees into the bidding process might spur innovation, superior quality, and the use of the kind of advanced technology other countries are already aggressively taking advantage of.

Evidence of the potential benefits of such a policy is overwhelming. In Europe, where highway contracts are awarded on the basis of a combination of cost, quality, and a contractor's 3 to 5 year full replacement guarantee, roads cost an average of 30 percent more to construct, but they last twice as long as they do here. Sounder sub-bases, thicker pavements, advanced polymer additives, and stronger asphalts produce highways that are smoother and quieter, and are stubbornly resistant to ruts, cracks, and potholes. European roads even handle heavier loads than are permitted on our highways.

Meanwhile, our own strict "low-bid" system gives contractors no incentive at all to consider long-term performance when preparing their bids. We literally reward the use of the cheapest, lowest quality materials, and the least expensive labor; we actually penalize any effort to improve road quality or offer superior workmanship. It is an inflexible, unwise, and short-sighted policy that costs taxpayers billions of dollars in unnecessary highway repair bills and results in intolerable and costly traffic delays.

It is no surprise that while total Government expenditures for roads have doubled over the past decade, half of all roads in America are rated in fair to poor condition. A 1991 report by the Office of Technology Assessment on the quality of our public works infrastructure found that "when construction quality is poor and repairs are needed constantly . . . the costs of providing alternative service or of traffic diversion and delay can equal the capital cost, doubling the total expense of a given project."

A few weeks ago, Vice President GORE's National Performance Review recommended that the Federal Government encourage "best value procurement" by recognizing "other factors besides price" in making purchases. As we embark on a multibillion dollar investment in the restoration of the Nation's infrastructure, I believe we owe it to the taxpayers to do everything we can to adopt reforms that will save us money, help make the road construction industry more competitive, stimulate investment, and make our transportation infrastructure more durable and efficient.

I invite my colleagues to join me in this effort by cosponsoring my bill.

H.R.—

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. GUARANTY AND WARRANTY CLAUSES.

Section 114 of title 23, United States Code, is amended by adding at the end the following:

"(e) GUARANTY AND WARRANTY CLAUSES.—A State highway department may, in accordance with standards developed by the Secretary, include a clause in a contract for the construction of a Federal-aid highway which requires the contractor to guarantee or warrant materials and workmanship. Any such clause shall apply to a specific construction product or feature and may not provide for routine maintenance."

EDWARD ROUSH HONORED

HON. JILL L. LONG

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1993

Ms. LONG. Mr. Speaker, I rise to introduce legislation which would redesignate the Huntington Lake, located in Huntington and Wells Counties, IN, as the "J. Edward Roush Lake."

Elected to the House of Representatives in 1958, Edward Roush represented Indiana's Fourth Congressional District until 1977, not including a two-year term from 1969-1970. During his tenure in the House, Mr. Roush served on the Committees on Science and Astronautics Technology and Government Operations, completing his service as a distinguished Member of the Appropriations Committee. Mr. Roush concentrated his efforts primarily in the environmental pollution control area, as well as technology utilization, industrial standards, and research distribution.

Prior to his coming to Congress, Mr. Roush represented his home of Huntington as a Member of the Indiana General Assembly, followed by his service as Huntington County's Prosecuting Attorney. Mr. Roush also served in the Army from 1942-1952 with honor, was decorated with four medals for his service in Korea, and currently holds a rank of Major, Retired Reserve.

Since his departure from Congress, Mr. Roush has continued to demonstrate his dedication and commitment to civic endeavors, and has contributed substantially toward further improving his local community, the State of Indiana, and his nation. Mr. Roush currently serves as a member of the Board of Trustees of his alma mater, Huntington College, and was elected as Chairman of the Board in 1981. Also, Mr. Roush served the U.S. Environmental Protection Agency (EPA) as Director of the Office of Regional and Intergovernmental Operations from 1977-79, accepting the task of coordinating the EPA's ten regional districts' agency headquarters.

With regard to Huntington Lake, the lake project was authorized in the Flood Control Act of 1958 (P.L. 85-500) prior to Mr. Roush's election to Congress. However, Mr. Roush played an important role in seeing the project progress from its authorization stage to its initial operation in October of 1968. The Huntington Lake project has since proven to be a success in providing the area residents with additional flood abatement, a water supply, a source for recreation, and a resource for fish and wildlife conservation.

For these reasons, underscoring his efforts in environmental conservation and protection, I believe it would be a worthy gesture to honor Mr. Roush by renaming the Huntington Lake the "J. Edward Roush Lake" as a sign of our appreciation for his past public service and lasting commitment to his community and country.

USTR REFUSES TO ENFORCE UNITED STATES TRADE LAW AND REJECTS MEXICO GSP WORKER RIGHTS PETITION

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1993

Mr. BROWN of California. Mr. Speaker, yesterday U.S. Trade Representative Mickey Kantor announced his decision to dismiss out of hand a detailed, 43-page petition urging that Mexico be excluded from the Generalized System of Preferences [GSP] program because of widespread and systematic worker rights violations.

I am deeply disappointed by this cynical decision which, left unchallenged, absolves U.S.T.R. from having to investigate this searing indictment of complicity between the Government of Mexico and the government-controlled, officially approved labor federation [CTM] to systematically and ruthlessly deny Mexican workers their freedom and basic rights. Acceptance of this petition would have given many Mexican workers who want to join free and independent trade unions their first opportunity to describe how their rights are trampled. At the same time, it would have extended to the Mexican Government an opportunity to answer these very serious allegations on the public record.

Why is the Mexican Government afraid to defend its enforcement of its own labor laws? Why, too, is U.S.T.R. willing to cover up and contrive legalistic excuses so that the Mexican Government can evade compliance with our existing GSP law?

This U.S.T.R. action makes a mockery of the Clinton Administration's commitment to press the Mexican Government to enforce its own labor laws.

What good is to come from the much ballyhooed NAFTA supplemental agreement on worker rights when U.S.T.R. shows its true colors and exempts the Mexican Government from existing worker rights protection in the U.S. GSP trade law?

Turning a deaf ear to this petition sends exactly the wrong message to the Mexican Government about its systematic labor repression. It is flatly inexcusable to the Congress and American people who want immediate and effective action to extend basic freedom to the Mexican workers.

SUPPORT FOR THE NATIONAL ENDOWMENT FOR THE ARTS**HON. MIKE KREIDLER**

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1993

Mr. KREIDLER. Mr. Speaker, this week the House will consider H.R. 2351, the Arts, Humanities, and Museums Amendments of 1993, which includes a reauthorization for the National Endowment for the Arts [NEA].

The NEA has a long tradition of vital support for the arts in our country. In my community we have a number of outstanding groups such

as the Broadway Center for the Performing Arts, Tacoma Symphony, Tacoma Opera, and Tacoma Actor's Guild in Tacoma, the Washington Commission for the Humanities in Seattle, and KCTS Public Television in Seattle. Each of these organizations receives funding from various Government sources, including the NEA.

NEA grants have contributed significantly to the revitalization and rejuvenation of the arts in downtown Tacoma. For example, a challenge grant of \$420,000 provided construction funds for expanding the Broadway Center for the Performing Arts, which serves local arts groups and touring artists. This grant, along with matching funds from the State and community, has made a big difference for Tacoma—not only by improving the quality of life and cultural awareness of citizens in the area, but by contributing to the city's economic development.

I understand the decision of the Committee on Education and Labor to exercise fiscal restraint and decrease some of the authorization levels for the NEA. These are tough times and everyone must share in the burden of deficit reduction.

However, I am concerned about efforts to abolish the NEA altogether. In their zeal to eliminate funding for projects they don't like, they are often distorting the truth. The fact is, the NEA has funded thousands of projects over the years, and only a handful have been controversial. The fact is, grant applications must go through a rigorous peer review process and meet court-determined obscenity guidelines. And the fact is, Congress made substantial changes in the operations of the NEA in 1990, including procedural changes on reviewing grant applications, which were designed to deal with the complaints of critics of the agency.

I think that under the leadership of the new chairperson, Jane Alexander, the NEA will implement the new procedures fully and effectively. The enduring benefits that the NEA provides to our Nation's citizens are well worth the 70 cents per person per year it costs. I urge my colleagues to support continued funding for the NEA and to reject any moves to limit further its role in our society or, worse, abolish it altogether.

ENVIRONMENTAL REMEDIATION EXPENDITURES**HON. BILL K. BREWSTER**

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1993

Mr. BREWSTER. Mr. Speaker, along with two colleagues from the House Ways and Means Committee, Congressmen JEFFERSON and CAMP, I am introducing legislation to restate existing practice with respect to the deductibility under U.S. income tax law of business expenditures to clean up petroleum contaminated soil and groundwater.

Over the last 10 years, legislation and regulations requiring identification and cleanup of leaking underground petroleum storage tanks has added substantial new costs to the business of marketing petroleum products. The intent and the effect of the new layer of law and

regulation will be positive over the next 10 to 20 years period. We will all receive the benefit of the expenditures that petroleum marketers are required to make. Yet, the cost of new environmental compliance is substantial. The Environmental Protection Agency estimates that 53 percent of the approximately 80,000 rural gas stations and 25 percent of the 200,000 stations nationwide will close by the end of 1998 as a result of new RCRA-related regulations affecting underground storage tanks.

Petroleum marketers who must replace existing petroleum storage tanks with new upgraded tanks are faced with a cost of \$15,000 to \$20,000 per 12,000 gallon storage tank. In some cases, a low level petroleum leak is discovered when older tanks are replaced. This unhappy situation is then exacerbated when marketers attempt to obtain bank financing for the cleanup, which typically costs in the range of \$100,000 per service station outlet. Lender liability exposure under Superfund and RCRA makes banks and financial institutions extremely wary in extending credit to marketers for such government mandated environmental expenditures.

The legislation I am introducing today will continue current law tax treatment of these expenditures for soil and ground water cleanup, that is to say that these expenses will continue to be deductible against income in the year in which they are incurred. This legislation is prompted by a recent Internal Revenue Service Technical Advisory Memorandum, #9315004, which calls into question the deductibility of such expenditures. While the Internal Revenue Service has not taken a formal position that environmental remediation is a capital expenditure, I feel that it is important to clear the air on this question by restating the current practice that treats soil and ground-water cleanups as deductible business expenses.

On its face, it seems clear to me that the cost of remediating soil and ground water do not add value to the property in question. At the best, all that is done is to restore soil and groundwater to its original state before the contamination occurred. No marketer would make these sorts of expenditures unless they were required by law or good business practices. In no sense can these expenditures be properly viewed as increasing the value of a business asset. The cost of cleaning up soil and groundwater is something that must continue to be viewed as a deductible expense.

I would like to make it clear to my colleagues that this bill does not expand existing law tax treatment with respect to other petroleum related infrastructure. The expenditures marketers make on new underground storage tanks, associated piping and other business assets will continue to be treated as investments in capital goods and depreciable under existing tax schedules. This bill relates only to the cleanup of soil, ground water and associated environmental studies or assessments.

To the extent that we have environmental cleanups that need to be made, we should encourage private parties to spend the money necessary to clean up the problem. We must never let a situation develop where cleanup costs are viewed as capital in nature under the Internal Revenue Code. If this happens a situation will develop where many small busi-

nesses could not afford to spend the money to clean up contaminated sites. Ultimately the effects of such behavior would fall on public taxpayers and State-sponsored underground storage tank funds. This is not a desirable result, and this legislation will ensure that, so far as our income tax laws are concerned, these cleanup costs will continue to be viewed as fully deductible. It is also my hope that the lender liability issue will be addressed by the Congress as well. I will, however, defer to my colleagues on the House Energy and Commerce Committee in dealing with this question as it relates more particularly to matters within their jurisdiction.

CUB SCOUT LEADERS RESCUE
DROWNING GIRL

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1993

Mrs. BENTLEY. Mr. Speaker, my fellow colleagues, I rise today to recognize the valiant efforts of two Cub Scout leaders from my district.

On Saturday, July 17, 1993, assistant Cubmaster officer John Sherwood and den leader Keith Vaughn were with their Cub Scout pack and family members on an outing at Gunpowder Falls State Park in Harford County, MD. It was during this outing that a young girl dove into the frigid waters of a stream there and went into immediate shock.

Through their quick thinking, courage, and Scout training, the two men were able to pull the girl from the stream. If it weren't for the gallant efforts of officer John Sherwood and Keith Vaughn, the current would have surely carried this girl away and she would have drowned.

During times such as these when young people are subject to so many negative influences, volunteer adult Scout leaders, such as Mr. Vaughn, officer Sherwood, and Cubmaster Maurice Irvine, provide sorely needed positive role models.

Mr. Speaker, my colleagues, it is with pleasure that I commend these two brave men on this heroic act.

TRIBUTE TO JOSEPH AND
LORETTA CROYLE

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1993

Mr. TRAFICANT. Mr. Speaker, it brings me great pleasure to rise in honor of Joseph and Loretta Croyle, a loving couple from my 17th Congressional District in Ohio.

Mr. Speaker, the Croyles will celebrate 50 years of marriage on November 15, 1993, with their five children, five granddaughters, and one grandson. They were married in Nectarine, PA, in the Church of God of Prophecy by the Reverent Paul Ian.

Mr. Croyle not only has a dedication to his wife but to the community as well. After retir-

ing from General Motors in Lordstown, he served as chairman of the Retirees Union at the automaker. He and Mrs. Croyle have enjoyed camping and raising their exemplary children in their 50 years together.

Mr. Speaker, I join the citizens of my district in honoring Mr. and Mrs. Croyle on their golden anniversary. Their milestone speaks to the character of the people in my district and their devotion to family. May God be with Mr. and Mrs. Croyle as they begin another 50 years with one another.

TRIBUTE TO THE CHARTER TOWNSHIP OF HAMPTON—THE OCCASION OF ITS SESQUICENTENNIAL CELEBRATION

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1993

Mr. BARCIA of Michigan. Mr. Speaker, I rise today to pay tribute to the Charter Township of Hampton, the place of my birth, which is celebrating its sesquicentennial Friday, October 8, 1993. The history of Hampton Township, the first organized township in Michigan north of Saginaw, is part of the early history of Bay City, Bay County, and the northern part of the Lower Peninsula of Michigan from 1843 to 1857 when Bay County was organized. Hampton during its first years, comprised more territory than many famed Kingdoms of the Old World. When Hampton Township was first established in 1843 its territory covered from Saginaw County to the Straits of Mackinac, almost half of the very new State of Michigan.

Hampton Township was in an excellent position, with its crossroads and beltline railroads, which made this township unrivalled for shipping facilities from Bay City ports. The land was low and water filled. In fact on some 19th century maps, Hampton was called Swampland. Through hard work, systematic draining, and dyking in the lowest places, Hampton is a fertile and productive farming community. Sugar beets, potatoes, tomatoes, melons, berries grow there in sweet abundance.

The first meeting for the Township of Hampton took place in the year 1843, and was held at the house of Sidney Campbell, in the Globe Hotel. The election was for supervisor. There were two candidates, James Birney and S.S. Campbell: the latter of which won with seven votes. One account of this election reads:

William McCormick's hat was the ballot box and it was a standing joke of the old settlers ever after that he wore a hat large enough to hold all the votes between here and Mackinac.

Mr. Campbell was declared the winner and his duty was to attend meetings of the county board of supervisors. The meetings were held in Saginaw, and Mr. Campbell was expected to paddle his canoe to and from the meetings.

Mr. Speaker, Hampton Township has grown and prospered in many ways since these early days. Today, I would like to ask my colleagues to join me in recognizing Hampton Township as a model American township and to congratulate its residents during this time of celebrating their sesquicentennial. I would especially like to pay tribute to the elected officials

of Hampton Township who have had the foresight to implement policies that have led to a very progressive local government with a focus on increasing business investment and enhancing economic opportunity for its citizens.

It is with gratitude and pride that I reflect on the courage and strength it must have required to build Hampton Township, and today I would like to recognize all of the people who have chosen to live in this area and who are the ones responsible for making this such a wonderful, family-oriented, and successful community.

**TRIBUTE TO THE CLEAR RIDGE
BABE RUTH BASEBALL TEAM**

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1993

Mr. LIPINSKI. Mr. Speaker, it is with great pleasure that I rise to congratulate the fine young men of the Clear Ridge, IL, Babe Ruth youth baseball team. This team joins Chicago's own White Sox in winning a baseball championship for the fine people of Illinois. Under the able direction of Coach Bob Jirik, these boys compiled a 14-3 record in winning the local Babe Ruth League title. The team then seized the district championship by a score of 4-0 and the Illinois State Championship 5-1. This successful season ended with second place honors in the Ohio Valley Regional Championship.

My congratulations to Buddy Carey, Joe Deskovich, Tony Jirik, Jim Juchinski, Roger McGuire, Matt McHugh, Vince Liberto, Mike Orszula, Joe Poluszny, Norm Pacyga, Mark Pavelka, Mike Tribe, Tom Vaughan, and Brian Wilken. With the numerous obstacles facing our young people today, I am heartened by the accomplishments of the Clear Ridge baseball club. As the Chicago White Sox fight to return the American League Pennant to America, let us all remember the value of our national pastime to our Nation's youth. I commend these boys for their teamwork, dedication, and athletic prowess, and I hope they will continue to bring honor to the people of Illinois and this country in their future endeavors.

**INTRODUCTION OF THE MILK
DEBARMENT BILL**

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1993

Mr. MILLER of California. Mr. Speaker, Federal and State investigators have found evidence in at least 20 States that executives at our largest dairy companies—including Borden, Pet, and Dean Foods—have conspired to rig bids on milk products sold to schools and military bases. As a result, taxpayers, who subsidize meals for students and military personnel, have been overcharged for milk and ice cream, while dairy companies have received millions of dollars in overinflated profits.

To date, 48 people and 43 companies have been convicted or have plead guilty to Federal criminal charges of price fixing and bid rigging. Two dozen individuals have been sentenced to prison, and \$91.4 million in criminal fines and civil damages have been handed down by the courts.

It is outrageous that despite such convictions, these companies remain eligible to receive Federal contracts for the procurement of milk products.

Today, I and several colleagues are introducing legislation to debar dairy companies convicted of these antitrust violations from contracting with schools under the Child Nutrition Act of 1966 and the National School Lunch Act, and the Department of Defense for the procurement of milk and milk products for a 5-year period.

Debarment of such companies has been recommended by the General Accounting Office. It is time that we put a stop to this outrageous conduct by these dairy companies.

**IMPROVING OPERATIONS OF THE
UNITED STATES POSTAL SERVICE**

HON. THOMAS C. SAWYER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1993

Mr. SAWYER. Mr. Speaker, today I am introducing legislation that will help the U.S. Postal Service meet temporary personnel needs in rural areas. I am honored to be joined in this effort by Congressman JOHN MYERS, ranking minority member of the Committee on Post Office and Civil Service, and Congressman TOM PETRI, ranking minority member of the Subcommittee on Census, Statistics and Postal Personnel, which I chair.

Over the years, the Postal Service has identified a need to hire individuals on a temporary basis. This is particularly true in rural areas. In some rural communities, where unemployment is low and the workload is heavy, the Postal Service often has trouble attracting temporary letter carriers to fill in on the regular letter carrier's day off.

There are far fewer postal employees working in rural areas than in larger metropolitan communities. Therefore, those areas have more trouble hiring trained temporary employees for extended period of time. When career postal employees in rural areas are sick, on vacation, on detail or otherwise off from work, there often aren't trained employees who are familiar with the route and understand the customer's needs to take their place temporarily.

An example of this situation occurs when a postmaster of a rural post office is on annual leave. Because there are far fewer postal employees in rural post offices than in larger facilities, there are no supervisory or management employees to serve as acting postmaster. As a consequence, the Postal Service often will hire an untrained local resident to fill in for the postmaster. Wouldn't a better alternative be to hire—on a temporary basis—a retired postmaster who may be living in the community, who does not need training, and who understands postal regulations and procedures?

Another concern is that temporary employees in rural areas might stay in their position for only a short period of time. They are likely to accept a temporary position only until they find permanent employment, and then they move on. A high turnover rate among temporary postal employees in some rural areas does not promote efficient service.

The Postal Service's primary goal is to move the mail in a timely and efficient manner. Even when a rural postmaster or rural letter carrier is not scheduled to work, on vacation, or sick, the Postal Service must continue to meet the needs of its customers.

Therefore, it is clearly in our best interests to ensure that the Postal Service can attract applicants for temporary assignments from a skilled labor pool. I believe that we can assist the agency by making postal employment attractive to retired postal employees. These retirees are likely to have free time, to be willing to work part time, and to understand the importance of serving the customer. Equally important, they are familiar with postal procedures and regulations.

Unfortunately, provisions of title 5, United States Code, relating to reemployed Federal annuitants, all but prevent postal retirees from considering reemployment with the Postal Service. Sections 8331 and 8401 provide that reemployed postal annuitants must forfeit an amount equal to their annuity if they become reemployed by the agency. In other words, it doesn't pay to go back to work for the Postal Service once you've retired.

My legislation provides for an exemption from the offset provisions contained in title 5 for retired postal employees who become reemployed by the Postal Service in temporary positions. Under the bill, postal annuitants could be reemployed by the Postal Service for 90-days in a calendar year without having their annuity offset. Further, the measure provides for a 180-day lifetime limit eligibility for this exemption.

The reason for the time limits are clear. It is not our intention to have postal retirees take away opportunities from individuals seeking career appointments with the Postal Service.

Enactment of this measure will have no impact on the Federal budget. In fact, operational costs incurred by the Postal Service are borne solely by the Agency because it is not funded with taxpayer dollars. The bill does not require the Postal Service to hire its retirees. It simply gives the Agency flexibility to turn to a pool of trained and experienced individuals when no one else is available to fill a position temporarily in a rural area.

I believe that at a time when the Postal Service is facing rising operational expenses, passage of this legislation would be the fiscally smart thing to do. I urge my colleagues to support this legislation and I welcome their cosponsorship.

**KEVORK HOVNANIAN: A BUILDER
OF DREAMS**

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1993

Mr. PALLONE. Mr. Speaker, I rise today to pay tribute to a man who has helped thousands of people realize one of the keys to the American Dream: to own a home of their own. Kevork Hovnanian, the founder, chairman and chief executive officer of Hovnanian Enterprises, Inc., has been building moderately-priced housing from New Jersey to Florida for the past 34 years.

The personal history of Mr. Hovnanian, who recently celebrated his 70th birthday, is itself a powerful evocation of the American dream. For it is the story of an immigrant to this country who, through honest hard work, has risen to the top of his field. Mr. Hovnanian got his start in the building industry in Baghdad, Iraq. The son of Armenian immigrants, he began working for his father's general contracting business at the age of 14. He would go on to become the major road builder in Baghdad, until the revolution in the late 1950's ruined his business and forced him to seek refuge in the United States, where his three brothers had come to study.

The Hovnanian brothers managed to scrape up about \$4,000 to start a construction business. Given the abundant open space and the ever-growing demand for quality, affordable housing for growing baby boomer families, the Hovnanians found a perfect niche in the market and made brilliant use of their opportunity. The brothers went their separate ways in the late 1960's, but all of them are still in the housing industry. Kevork Hovnanian's company, Hovnanian Enterprises, Inc., is the tenth largest homebuilder in the nation. Ara Hovnanian, Kevork's son, he also has four daughters, is now president of the company, having earned his MBA from the University of Pennsylvania's Wharton School of Business. The company builds about 4,000 homes per year, mostly in the mid-level price range. But Hovnanian Enterprises also builds everything from luxury homes on the Jersey Shore to much-needed affordable housing in urban areas, such as the Central Ward section of Newark, NJ.

Now, Mr. Hovnanian is seeking to bring the American dream of owning a new home to a part of the world where this ideal seemed impossible just a few years ago: the newly independent nations of the former Soviet Union. Mr. Hovnanian has set up a branch office in Moscow to coordinate efforts. Although Hovnanian Enterprises has not yet been able to begin construction, Mr. Hovnanian remains confident that once the political and economic situation stabilizes, the former USSR will provide the largest market for new housing in the world.

Mr. Hovnanian's involvement with the former Soviet Union began in the aftermath of the 1988 earthquake in Armenia. Mr. Hovnanian built 92 condominiums in the Armenian city of Stepanavan, with all of the materials shipped from the U.S. The building of the homes in Stepanavan is just one example of the long-

standing devotion that Kevork Hovnanian has maintained to his Armenian heritage. He serves as the chairman of the Committee of the Diocese of the Armenian Church of the United States and has been deeply involved in efforts to provide assistance to Armenia, in the form of food, medicine and other essential items, as requested by the President of Armenia and the Catholicos of the Church of Armenia.

Mr. Speaker, these initiatives, as well as his many other endeavors, truly show what makes Kevork Hovnanian a unique and special businessman: combining a hard-headed business sense to get in on the ground floor of a growing market with a willingness to take a major risk in an enterprise that offers the potential to offer people their first opportunity to experience the pride and the joy of home ownership. I am proud to pay tribute to this fine businessman and community leader. As a recent profile of Kevork Hovnanian in the Newark Star-Ledger put it, he is truly "a builder of dreams."

**CONGRESS AGAIN ON RECORD IN
SUPPORT OF LONG ISLAND
BREAST CANCER STUDY**

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1993

Mr. KING. Mr. Speaker, I rise to thank the members of the conference committee on the Labor/HHS appropriations bill (H.R. 2518) for recognizing the need for a Federal study of the environmental causes of breast cancer in Nassau and Suffolk Counties on Long Island.

In recent days, Senator D'AMATO, Senator MOYNIHAN, and I spared no effort to personally contact each conferee to relay the urgency, cite the alarming statistics and explain our concerns about the toll of breast cancer on Long Island. I am gratified that language in support of the Long Island breast cancer study has been included in the final conference report on H.R. 2518.

Earlier this year, Congress approved and the President signed legislation directing the National Cancer Institute to study the possible environmental causes of the unusually high rate of breast cancer on Long Island (Public Law 103-43). In approving H.R. 2518 today, Congress has again spoken loudly to urge that this study be conducted and completed without delay.

On September 20, I sponsored a special public forum on breast cancer which was held in Oceanside, NY, a community in my district. More than 200 concerned people attended to receive a legislative update from Representative SUSAN MOLINARI and me, hear a panel of Federal health experts discuss research, prevention and treatment and pick-up information pamphlets and other materials.

From the accounts I heard at the forum and from traveling extensively around my district, I know that there is great concern among women on Long Island about breast cancer—and for good reason. A recent study indicated that the breast cancer mortality rate for certain women in Nassau County was 16 percent higher than that of New York State and 36

percent higher than that of the Nation. In addition, I have seen estimates indicating that 80 percent of the women who are diagnosed with breast cancer fall into no known high risk category.

We must find out more about this disease and find a safe, effective and proven cure. The National Cancer Institute investigation of the environmental causes on Long Island is an important step in this process. That is why I made it a top priority during my first months as a Member of Congress and why I am gratified that it has again received such overwhelming, bipartisan support.

It has been a great pleasure to work so closely on this important issue with Senator AL D'AMATO, Senator PAT MOYNIHAN, Congresswoman SUSAN MOLINARI as well as my fellow members on the Long Island congressional delegation. I am very pleased that our efforts to get congressional approval for the study have proven to be successful at every step of the legislative process.

Mr. Speaker, on behalf of my constituents, I want to thank the Members of this institution for again going on record and recognizing the unacceptably high toll of breast cancer on Long Island. I look forward to working with my colleagues to ensure that the will of Congress to promptly conduct and complete this investigation is followed.

HONORING NORMAN Y. MINETA

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1993

Ms. ESHOO. Mr. Speaker, as Members of the House, we have the privilege of being able to come to the floor and speak about a constituent who deserves to be recognized, or for a particular event in our district that deserves to be brought to the attention of our House.

It is rare that we do this and at the same time get the privilege of honoring one of our colleagues, however that is what I get to do this evening.

Mr. Speaker, tomorrow night the Asian-Americans for Community Development is going to honor our colleague, NORM MINETA. It is an honor that all of the South Bay Area joins in giving Rep. MINETA.

When you think of what AACI stands for—Asian-Americans for Community Involvement—the very name seems to define NORM MINETA. As an American of Asian ancestry there is no one else in this Nation who has done more for Americans of Asian ancestry than NORM MINETA. Whether it is in civil rights, fighting hate crimes, breaking glass ceilings, mentoring young leaders, or simply serving as an example to other Asian-Americans about how someone can serve his or her country—NORM MINETA is there.

Mr. Speaker, I have the privilege that perhaps only our distinguished dean of the California delegation, DON EDWARDS shares with me. While we are in Washington, we see Rep. MINETA as an outstanding representative who is the chairman of a major committee, a leading authority on transportation policy, and a national leader for Americans of Asian ancestry.

Back in the Santa Clara County, we get to see NORM MINETA, again an outstanding representative who is accessible and accountable to his constituents but also someone who has a long history of community involvement, especially at the personal level. People in Santa Clara County love NORM MINETA and ACCI has made a superb choice in honoring him.

Mr. Speaker, Asian-Americans for Community Involvement is an outstanding organization which has done tremendous work in our community under the leadership of another fine community leader, Dr. Allen Seid.

ACCI's choice of our colleague from California is truly a great selection. Mr. Speaker, I know that you and the House of Representatives will join me in the rare instance of honoring one of our own colleagues for distinguished community service—our good friend, Rep. NORM MINETA.

And I know that every Member of the House will join me in saying to him, "Thanks a million, NORM."

OAK ELEMENTARY SALUTED

HON. DON SUNDQUIST

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1993

Mr. SUNDQUIST. Mr. Speaker, I am proud to point out to my colleagues that a school in my district, Oak Elementary in Bartlett, TN, is 1 of 59 schools nationally which have been honored for their efforts to keep drugs away from youngsters.

Oak Elementary was honored by the U.S. Department of Education under its Safe, Disciplined and Drug Free Schools Recognition Program. I am sure that colleagues will join me in commending the faculty and staff at Oak Elementary for this achievement, and I hope they will permit me a moment to talk about what Oak Elementary Schools' program accomplished. After all, we honor these schools and these programs because they serve as a model others may follow. There is much in the Oak Elementary School Program that is worth copying.

For example; they used an assertive discipline approach which involved students and parents and which stressed prevention; they targeted at-risk youngsters for special attention; they sought and received extensive support from parents and the Bartlett Community, a fact noted in Redbook magazine; they involved the local police department in a comprehensive drug awareness/self-concept program; started a "Just Say No Moms" organization to support classroom activities; and made a strong commitment to student participation in extra-curricular activities.

I think the program at Oak Elementary is exceptional. I am proud of the educators, administrators, parents and community leaders who implemented it, and of the boys and girls who participated in the programs and who have learned a valuable lesson about living a drug-free lifestyle.

TRIBUTE TO RAYMON ROEBUCK

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1993

Mr. CLAY. Mr. Speaker, it is an honor to pay tribute today to one of the finest distinguished gentlemen in our midst—the most gracious manager of the Democratic Cloakroom snack bar, Mr. Raymon Roebuck.

I am saddened to know that today Raymon Roebuck will retire from his post. He has provided nourishment and inspiration, strength and motivation to the Democratic Members of this body for more than three decades. Ray has labored with diligence and dedication and heart and has been the source of comfort for countless Members and pages over the years. I am personally grateful to Ray for all of his thoughtfulness and assistance.

Raymon Roebuck is one of our Nation's secret treasures. He will be greatly missed, but never forgotten, by his many friends in Congress. I wish Ray every happiness in his new future. May he share many years of health and happiness with his numerous friends and family members.

IN THE AFTERMATH OF RUSSIA'S CRISIS

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1993

Mr. HOYER. Mr. Speaker, today is a day of mourning in Russia, by President Yeltsin's order. As he said, everyone who was killed in last weekend's violence, regardless of where they stood on the barricades, was a child of Russia.

I share Boris Yeltsin's deep regret over the bloody confrontation between supporters of the now-defunct parliament and the military. But as President Clinton and many Members of this body have said, Yeltsin had no choice. Nor did we, in choosing to endorse his resort to violence against forces seeking to overthrow through armed rebellion a legitimately elected president. And any state that experienced an attempted coup d'etat would introduce extraordinary measures to ensure the maintenance of order.

Still, I am disturbed about the imposition of media censorship, and the banning of political parties and newspapers. I am pleased that President Yeltsin, in his address to the people of Russia yesterday, announced the lifting of censorship and confirmed his intention to proceed with parliamentary elections in December. But candidates representing a broad spectrum of views must have the right to participate in that vote. And they must also be able to campaign on an equal basis with candidates espousing views held by President Yeltsin.

Also very disturbing are reports that the security forces have severely beaten people not involved in the violence, including members of the Moscow City Council. One of them, Boris Kagarlitsky, was a human rights activist during

the communist era. Yesterday's Financial Times quoted him as saying that police had beaten confessions out of demonstrators and bystanders. Kagarlitsky said: "I was a dissident under Brezhnev and jailed for 13 months then. But I was never beaten like that."

Mr. Speaker, given Russia's history of centralized and often brutal authoritarian power, loosing the security forces upon political opponents—as opposed to armed rebels—is very dangerous. With no tradition of democracy, due process, or an independent judiciary, the lack of restraint on police can gain an unhealthy momentum of its own. President Yeltsin must act now to rein them in, and demonstrate to his own people and to the world that "order" does not mean "repression." Until last weekend, his actions were careful and measured. We will be carefully watching to see that extraordinary repressive measures introduced in the immediate aftermath of an attempted coup do not become ordinary—for it was this, after all, that was the essence of Bolshevism.

During every period of mourning, it is natural to look ahead to the future. Along with the people of Russia, I do so today. I remain confident about the prospects for establishing democracy in Russia. But as Thomas Jefferson said, "eternal vigilance is the price of liberty." It is also the prerequisite to liberty. This is a conviction I am happy to share with the newspaper editors and television broadcasters of Russia, who, after protesting the temporary imposition of censorship, can today once again criticize Boris Yeltsin and his policies. They must staunchly defend their right to do so, and we must support their efforts.

TWO MILLION MORE WITHOUT HEALTH INSURANCE

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1993

Mrs. COLLINS of Illinois. Mr. Speaker, last week the Census Bureau reported that 2 million more working Americans were without health insurance at the end of 1992 than were without insurance at the end of 1991.

Two million more people had to delay going to the doctor for routine treatment and instead wait until their conditions were advanced and even more expensive to treat.

Two million more Americans were not able to pay their hospital bills thus causing the hospital to shift its cost to paying patients.

Two million more parents face financial ruin if they or their children become ill.

Two million more mothers do not seek prenatal care when they are pregnant resulting in many more low birth weight babies.

Mr. Speaker, the naysayers would have you believe that health care reform is too expensive. The fact is, the real expense comes from delaying reform. We cannot afford 2 million more health insurance victims of our current system. The need for reform is clear and grows clearer as the days pass and the number of uninsured grows. Let's fix the system now.

TRIBUTE TO CHILD DEVELOPMENT
CENTERS IN FORT BLISS, TX

HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1993

Mr. COLEMAN. Mr. Speaker, I rise today to recognize the outstanding efforts of the Child Development Centers in Fort Bliss, Texas. The Child Development Centers are among the first to be accredited by the National Academy of Early Childhood Programs. They have shown a superlative effort in taking care of the children of the men and women of the Fort Bliss Army Base.

This effort is even more extraordinary because out of the hundreds of child care centers in this country, only four have been granted this prestigious accreditation, and out of these four, three are in Fort Bliss.

Mr. Speaker, the Fort Bliss Child Development Services provide full-day, part-day and hourly care for children ages 6 weeks to 6 years of age including kindergarten. The Main Center is located at Building 1730 Haan Road, Fort Bliss, serving 375 children daily. Its director is Virgetta Johnson. The Lower Beaumont Center is located in Building 7113 and serves 120 children daily. Its director is Teresa Tafoya. The Junior Enlisted Child Development Center is located in Building 51, with a capacity of 86. Its director is Jennifer Symes. In addition to the three accredited centers, the Child Development Centers offer School-Age Programs at Bliss Elementary School and 55 Family Child Care Homes. All total, the Fort Bliss Child Development Centers serve 2200 children.

The accreditation standards developed by the National Academy of Childhood Programs take into account much more than the minimum standards required by State licensing. The standards go above and beyond the industry norm. These standards were developed over a three-year period with input from approximately 200 educators and administrators from around this country. They include: a well-qualified and trained staff, an adequate number of staff for the number of children, the meeting of stringent health and safety standards, and the opportunity for parental involvement at every level. Finally, the accreditation process includes an on-site study of the program and review by a three-member national commission.

So in closing, Mr. Speaker, I commend the exemplary efforts of the Fort Bliss Child Development Centers. May they continue to do the outstanding work that they are doing. Because of their great work, tomorrow's children are much the better for it.

**\$250,000 PRIZE TO SPACE PIONEER
DR. WILLIAM H. PICKERING**

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1993

Mr. MOORHEAD. Mr. Speaker, it's a pleasure for me to announce to my colleagues in

EXTENSIONS OF REMARKS

the United States House of Representatives that Dr. William H. Pickering is the first recipient of the \$250,000 Francois-Xavier Bagnoud Aerospace Prize.

The Prize, awarded on October 7 by the University of Michigan, is being offered in recognition of outstanding accomplishments in the aerospace field, with primary consideration being given to innovative achievement in aerospace engineering, science and medicine that have resulted in important benefits and significant advancements to the well-being of humanity.

As the Director of the Jet Propulsion Laboratory from 1954 to 1976, Dr. Pickering was the central figure in the rapid and successful U.S. response to the surprise Soviet launch of Sputnik in 1958 with the launching of Explorer I.

At the time, Dr. Pickering and JPL were working on the development of satellites and ballistic missiles. He, Gen. John Medaris who was in charge of the Army's space efforts, and Dr. Werner von Braun, the director of the Army's ballistic missile agency, were asked to accelerate their efforts.

Dr. Pickering and his colleagues succeeded splendidly when just 83 days after the launch of Sputnik, Explorer I became America's first satellite.

Under Dr. Pickering's direction, JPL developed the basic concept and design of the altitude-stabilized, automated spacecraft for remote investigations of other bodies of the solar system. Spacecraft developed by JPL—Ranger, Surveyor, Mariner, Viking, and Voyager, have flown to the Moon, Mercury, Venus, Mars, Jupiter, and Saturn.

On a broader scale, Dr. Pickering is being honored for a lifetime of achievement. He is Professor Emeritus of Electrical Engineering at the California Institute of Technology and president of his own firm doing work in satellite applications.

He has been awarded honorary doctorate degrees from Clark University, Occidental College and the University of Bologna, Italy. He has received many honors and awards, nationally and internationally, including the Edison Medal, the Spirit of St. Louis Medal, the Columbus Gold Medal, and the Robert H. Goddard Memorial Trophy.

Dr. Pickering has been made an Honorary Knight Commander of the British Empire by order of Her Majesty, Queen Elizabeth. In 1975, President Ford presented him with the nation's highest scientific award, The National Medal of Science.

It is easy to see that as the first recipient of the Francois-Xavier Bagnoud Aerospace Prize, Dr. Pickering is a wonderful selection. His biography, his list of achievements, is of such stellar proportions that it is clear that he will bring as much honor to the Bagnoud Prize as the Prize will bring to him.

Mr. Speaker, I congratulate Dr. Pickering who is a long time friend and constituent for this singular honor and I congratulate the Francois-Xavier Bagnoud Aerospace Prize Board for selecting a great man for its first honoree.

October 7, 1993

TRIBUTE TO BOB MICHEL

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1993

Ms. SNOWE. Mr. Speaker, like so many of my colleagues, I was saddened to hear of BOB MICHEL's decision to retire at the end of the 103d Congress. BOB MICHEL has been a bold, capable, courageous, and energetic leader in Congress ever since he was elected in 1956.

BOB MICHEL's distinguished record of public service spanning almost 40 years is an inspiration to so many of us in Congress on both sides of the aisle. The legacy he leaves behind will be a memorable one. He steered the party forward when we faced difficulties, and he was quick to give others the credit when our party basked in the glow of success. Americans all over the Nation could depend on his loyalty, his public service, and his commitment to just causes. He will be sorely missed by all, but remembered in so many ways.

I would like to wish BOB, his lovely wife Corinne, and their four children the very best in the future.

H. RES. 134

HON. MIKE SYNAR

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1993

Mr. SYNAR. Mr. Speaker, much has been made of H. Res. 134, Congressman INHOFE'S proposal to change the rules governing discharge petitions. Certainly, more than this issue warranted. This resolution sought only to change a single rule of a seldom used procedure.

As my colleagues know, a discharge petition is used to force the committee of jurisdiction to discharge bills that have been referred to it for consideration. House rules dictate that a bill will be immediately discharged from committee and scheduled for consideration by the full House when a discharge petition for the bill is signed by 218 Members. Under prior House rules the names of the 218 signatories were only unveiled after the 218th signature was obtained. Under Mr. INHOFE'S resolution the name of each signer of discharge petition is immediately disclosed upon signing. It is a change that sounds innocuous and probably would have quietly passed, had it not been for the publicity generated about this proposal.

Early last week I voted with 383 of my House colleagues to adopt H. Res. 134. While I ultimately supported the Inhofe resolution, my decision was not an easy one. I have some serious concerns about the impact of this resolution on the legislative process and about the tone of the debate surrounding the House's consideration of the resolution.

Proponents of the Inhofe proposal alleged its consideration was being hindered by the heavy-handed tactics of House leaders who sought to retain a policy of secrecy and dishonest representation. Such a charge, needless to say, focused attention on his proposal.

However, the issue was not one of maintaining a dishonest status quo. What was at issue was whether or not this body would pass a bill that could open it up to coercion.

Proponents also claimed that passing this legislation would bring sunshine to government. All that Congressman INHOFE'S resolution does is change the timing of when signatures on discharge petitions are released. Not whether they are, but when.

In addition, Mr. INHOFE and others argued that not releasing the names of signers before the petition receives a majority allows Members to deceive their constituents about their support for a bill. Members may say they support legislation, may even cosponsor it, but stop short of taking the final step that will bring it to the floor for a vote. This lack of action, Mr. INHOFE contends, is indicative of deception on the part of Members.

I disagree. Refusal to sign a discharge petition does not mean a Member is not supportive of legislation. Even if a Member supports legislation, he or she may be reluctant to bring it to the floor outside the proper process. A discharge petition precludes process.

The discharge petition was originally brought into being as a means to circumvent the committee process by a determined majority of the House. It was intended as a procedure of last resort. A procedure to be used only when normal channels failed. As such, it is a necessary safeguard to our democratic process. A life preserver, if you will, to be used to keep the process afloat when it has been tossed overboard. You do not use a life preserver unless you're in danger of drowning: a discharge petition is much the same.

By discharging a committee of legislation, an opportunity for public input and involvement is lost. Hearings, wherein information is made available to Members by proponents of different sides of the issue are foregone.

Congressman INHOFE suggests that by changing the timing of when the names on the petitions are released, Members will be forced to be more candid in their statements of support for legislation. If this is the case, then releasing the names earlier may indeed be beneficial. However, this benefit is of limited application as only 31 discharge petitions have been entered in the last 57 years.

Furthermore, releasing the names of signers before a majority is garnered may have serious drawbacks that could outweigh that single benefit. Rather than benefiting the public, the Inhofe proposal may instead bolster groups with narrow interests who would use the disclosed names of discharge petition signers as a lobbying tool.

Special interests are even now plotting ways to use the discharge procedure to promote their agendas. They see it as a way to circumvent committees where they do not have "friends." I cannot emphasize enough how unwise the increased use of this procedure would be as it undermines the committee process the House relies on to consider complex policy issues.

That said, in the end, I still found myself supporting this measure during the House's vote.

What the whole debate boils down to is this: substantively, Does the Inhofe proposal make a difference in the discharge procedure? The

answer is no. After studying the issue for some time, I realized that while there is potential for good and bad to result from this change, it is not innately one or the other. By its existence, this bill will not make individual Members do other than what is within them to do. In the past, the discharge petition has been used by Members only as a last resort. I have faith that each of my colleagues will continue to act within the bounds of his or her own conscience.

Some may wonder, then why vote for it? The primary reason is this: this whole debate has enhanced the perception of secrecy that surrounds the Congress. I believe that the previous rule entailed no real secrecy. In terms of the damage this issue has wrought, however, it may as well have been the most secret rule in existence.

Despite the fact that this is probably the most open Congress in the history of the body, the institution is plagued by a perception of secrecy. In this case, that perception is more important than the realities surrounding this issue. It distracts the Congress from tackling the many substantive issues that face us today. It enforces the perception shared by many of the American people that they are not participants in the process. That no matter what they do, or how they vote, or what they say, the power structure of Washington will do as it will.

Democracy is not a spectator sport. It is important that people participate in the process. If in passing this bill, we in some measure reassured the American people that this is a responsive body, then we did right in passing it.

TRIBUTE TO RALPH ROSS BELLITO "BOOTS BELL"

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1993

Mr. TRAFICANT. Mr. Speaker, I rise here to pay tribute to Boots Bell, a radio personality from my 17th Congressional District who recently passed away. In the words of some of his colleagues, Boots Bell was a legend and his passing marks the end of an era.

Mr. Speaker, Boots Bell started as a disc jockey in 1959 on WHOT in Youngstown. Boots had a powerfully deep voice, one that instantly grabbed hold of you like a strong fist. He was most popular with the younger set, we call them Baby Boomer's today, because he was so different, like their music. Boots wore a goatee and flashy suits. In those days, men did not wear beards, let alone goatees. The look, the voice, the clothes, and the music were very cool to all the young teenage sock hoppers.

Mr. Speaker, Boots worked radio in Youngstown until the day he died. He did stints on four different radio stations in the Mahoning Valley. Before that he served a 3-year tour of duty in Korea where he was wounded several times. His numerous medals include the Purple Heart and five bronze stars. He received a bayonet wound through the knee, and as a result he walked with a cane. He was a true American hero.

Mr. Speaker, Boots Bell was an icon in the Mahoning Valley. Everyone recognized Boots, his voice and his style. His loss creates a void that can never be filled. He will be sadly missed. I know I join his family and friends in passing on condolences. May God bless him.

A SALUTE TO HEARTS & VOICES

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1993

Mr. NADLER. Mr. Speaker, I rise today to pay tribute to an organization of performers in my district called Hearts & Voices. This fine organization brings music, care, and comfort to people hospitalized with AIDS. On Sunday, October 3, 1993, Hearts & Voices gave their 1,000th show.

The isolation experienced during hospitalization by many people with AIDS when they are away from their homes, and far from their emotional support systems, is tremendous. Hearts & Voices adds care, concern, and entertainment to the lives of people with AIDS, through their weekly, high quality, polished performances.

Patients in seven different New York hospitals have been entertained by over 600 volunteer performers from Broadway, off-Broadway, cabaret, piano bars, opera, television, even the circus. I am proud of their dedication, and proud to represent a community of artists that has responded to the AIDS epidemic with such energy, compassion, and creativity.

Please join me in applauding the talented volunteers of Hearts & Voices and their supporters for their exemplary work and their care and kindness in reaching out to people hospitalized with AIDS.

TRIBUTE TO RAYMON ROEBUCK

HON. MATTHEW G. MARTINEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1993

Mr. MARTINEZ. Mr. Speaker, as we all know, when Ray Roebuck retires, gone will be a piece of House history. Many Members came and went, yet Ray remained. He was a bastion of familiarity and friendliness for all those who were weary eyed from a nearby floor fight or hungry from an arm twisting session on a close vote.

Ray always managed to have a smile on his face and a hot cup of coffee in his hand—no matter how early in the morning or how late in the day he was at his post. His service and camaraderie over the years will not be forgotten any time soon by those of us who were fortunate enough to have benefitted from his dedication.

I feel both sadness and elation at this time of Mr. Roebuck's retirement. My sadness comes from the fact that we have lost a person who truly loved and cared about his job. But elation stems from my heart, as I know Ray will enjoy the extra time he is now afforded to pursue his longstanding relationships

with his family, church, and community here in Washington.

Good luck in your retirement and may God bless you.

TRIBUTE TO THE EMPLOYEES OF
CHEM-TRONICS

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1993

Mr. HUNTER. Mr. Speaker, I rise today to congratulate the employees of Chem-tronics in El Cajon, CA, as they celebrate the company's 40th anniversary this month. Established by Bernard Gross, Daniel Brimm, and James Lowrie, the company has been an important part of the San Diego area economy since its founding in 1953.

Chem-tronics was one of the pioneers in instituting a unique process known as chemical-milling—the production of aerospace components. This method of production has proven advantageous in the construction of aircraft as components could be made lighter, resulting in better flight performance.

Throughout the years, Chem-tronics has embarked on a number of successful endeavors. Its aviation repair division, formed in the early 1970's, performs repair and reformation of fan blades for jet engines. An in-house metallurgical laboratory enables the company to perform analysis of various materials. Computer-aided design and manufacturing has allowed Chem-tronics to stay at the forefront of aerospace technology.

But it is the dedication of the Chem-tronics staff that has ensured 40 years of prosperity. I'm sure the entire Chamber joins me in wishing the employees of Chem-tronics congratulations on this anniversary and success in their next 40 years.

TRIBUTE TO CATHERINE PRICE

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1993

Mr. GEKAS. Mr. Speaker, it is with great pride that I rise to pay tribute to a woman who personifies the words dedication and responsibility, Catherine Price, Executive Director of the United Church of Christ Homes in Hummelstown, PA. This year, Ms. Price will be completing her two year term as elected chair of the board of directors of the American Association of Homes for the Aging [AAHA].

Ms. Price has been an active member of the AAHA governance since 1978 when she served on the Association's House of Delegates. Ms. Price has also served on sixteen of the Association's Committees, nine of which she has Chaired. It goes without saying that Ms. Price has been relentless in her pursuit of helping to shape the direction and growth of AAHA, and for that, the Association has certainly benefitted.

Ms. Price has been a very visible Chair for AAHA having visited nearly every state affiliate

during the last two years. During her tenure as Chair of the Board of the American Association of Homes for the Aging, the membership has grown from approximately 3,000 to over 4,500 members. Additionally, under her tenure AAHA was successful in adding another State Association to its 38 existing state affiliates.

Ms. Price has demonstrated a strong sense of social responsibility which has always been a value she has vehemently promoted. Under her guidance, the Association developed a social accountability guide in cooperation with the Catholic Health Association. The guide has been valuable in assisting long term care housing and health providers to identify benevolent and charitable services they provide in their communities. Ms. Price has always been proud of her formal training as a nurse, and I believe that this is where her strong sense of social responsibility was born.

This sense of dedication and responsibility can also be seen in the development of the Association's vision statement, a task initiated by Ms. Price. The vision statement of AAHA clearly identifies and reaffirms the Association's commitment to providing high-quality and affordable health, housing and community services to elderly individuals.

During her tenure as chair, Kay has made significant contributions toward helping to chart the course of the Association on public policy concerns. She oversaw the development of AAHA's long term care reform position. I would note that many of the components of this plan have been included in the President's health care reform proposal. Additionally, her leadership has helped enlighten policy makers about the importance of merging housing and support services in the continuum of care.

Finally, and certainly not the least of her wonderful efforts, is her continued dedication and devotion to the community of elderly persons served by United Church of Christ Homes (UCCH). While Ms. Price was assuming the demanding task of serving as AAHA's chair, she did not forget her responsibilities as Executive Director of the UCCH. Under her leadership, the organization nearly doubled the number of persons it serves during the last three years. Her community is vibrant, caring and typifies the best in service to our older citizens.

One of the remarks she consistently makes during her many speeches as AAHA's chair has been "we can't provide care to the elderly on the backs of the caregivers." This statement reflects her understanding and appreciation of the employees of homes and services for the aging. And because of that understanding and appreciation, she is admired by those who have had the privilege of working with her. In fact, when you ask her employees what word comes to mind to describe her as a boss, they use the words like warm and compassionate.

Mr. Speaker, Ms. Price's record illustrates her dedication and sense of responsibility in improving the lives of the elderly and the quality of AAHA as an Association.

I congratulate Kay for all she has accomplished and all she will continue to accomplish, to improve the lives of older people in this nation. Her efforts have touched many individuals in a special way.

NAFTA TO BENEFIT FARMERS

HON. WILLIAM H. ZELIFF, JR.

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1993

Mr. ZELIFF. Mr. Speaker, I would like to bring to the attention of my colleagues the attached article, which notes the benefits that NAFTA will bring to New Hampshire farmers, as a result of the lowering of trade restrictions with Mexico.

NAFTA WILL BENEFIT NH FARMS

(By Stacey W. Cole)

Laying politics aside, I believe that the North American Free Trade Agreement will benefit New Hampshire's 2,900 farms and the business communities that rely on agriculture to produce income and jobs. And our nation's environment as well.

Mexico is the third largest market for United States farm and food products. With agricultural exports to Mexico having risen by \$2.6 billion over the last six years and another \$500 million increase being projected for 1993, Mexico has become the largest growth market of the U.S. During those last six years Mexico has unilaterally liberalized its economic and trade policies. And United States agricultural exports have climbed an impressive 248 percent during that same time frame.

Currently it is estimated that 97,000 U.S. jobs are attributable to agriculture and food industry trade with Mexico. The U.S. Department of Agriculture (USDA) expects that the NAFTA agreement would add 54,000 more new jobs to this total.

The USDA predicts that, under NAFTA, producers of dairy products, greenhouse and nursery products, apples, cattle, hay, hogs, eggs and poultry—crops that generate a major percentage of New Hampshire farm receipts—will enjoy increased exports and revenues over what would occur without NAFTA.

Let's take a look at how USDA believes NAFTA would affect five of New Hampshire's important farm commodities.

Dairy products: They are one of the largest generators of farm cash receipts. Under NAFTA, Mexico, by eliminating restrictive import licenses on milk powder, will provide immediate duty-free access for 40,000 tons. Since most New Hampshire dairymen are paid the blended price for milk, increased exports without tariffs should affect dairy income favorably.

It is true that U.S. exports above the quota initially will face a high tariff, but this tariff will be phased out over 15 years.

Greenhouse and nursery products: Under NAFTA, Mexico's 10 percent tariff on imports of many nursery products and 20 percent tariff on most cut flowers, foliage, branches and plant parts will be eliminated immediately. While Mexico has the potential to increase exports to the U.S., NAFTA merely restores Mexico's competitive position relative to its South American competitors whose products now enter the U.S. duty-free.

Apples: They are another large generator of farm cash receipts in New Hampshire. Mexico now imposes a 20 percent tariff on fresh apple imports. Under NAFTA, this tariff would be phased out over 10 years.

Cattle and Calves: Under NAFTA, Mexico will immediately eliminate its current duties on live cattle, chilled frozen beef of 15, 20, and 25 percent respectively. The USDA predicts that at the end of 10 years, U.S. beef exports to Mexico will almost triple the quantity exported in 1992.

Hay and forage crops: They are also a strong income producer for New Hampshire farmers. Currently hay exports to Mexico face a 10-15 percent tariff while imports from Mexico are duty-free. Under NAFTA, Mexico's 10 percent tariff on alfalfa and 15 percent

